

**U.S. District Court  
 District of Columbia (Washington, DC)  
 CIVIL DOCKET FOR CASE #: 1:19-cv-00980-BAH**

ECOLOGICAL RIGHTS FOUNDATION v. UNITED STATES Date Filed: 04/08/2019  
 ENVIRONMENTAL PROTECTION AGENCY Date Terminated: 02/16/2022  
 Assigned to: Chief Judge Beryl A. Howell Jury Demand: None  
 Cause: 05:552 Freedom of Information Act Nature of Suit: 895 Freedom of Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ECOLOGICAL RIGHTS  
 FOUNDATION**

represented by **Stuart Wilcox**  
 ENVIRONMENTAL ADVOCATES  
 5135 Anza Street  
 94121  
 San Francisco, CA 94121  
 720-331-0385  
 Email: [wilcox@enviroadvocates.com](mailto:wilcox@enviroadvocates.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**UNITED STATES  
 ENVIRONMENTAL PROTECTION  
 AGENCY**

represented by **Daniel Patrick Schaefer**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2531  
 Fax: (202) 252-2599  
 Email: [Daniel.Schaefer@usdoj.gov](mailto:Daniel.Schaefer@usdoj.gov)  
*LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED*

**Derek S. Hammond**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2511  
 Fax: (202) 252-2599  
 Email: [derek.hammond@usdoj.gov](mailto:derek.hammond@usdoj.gov)  
*TERMINATED: 07/22/2020*

**Kathleene A. Molen**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 4th Street NW  
 Washington, DC 20530  
 (202) 803-1572  
 Email: [Kathleene.Molen@usdoj.gov](mailto:Kathleene.Molen@usdoj.gov)  
*TERMINATED: 11/08/2021*

Date Filed	#	Docket Text
04/08/2019	<u>1</u>	COMPLAINT against ENVIRONMENTAL PROTECTION AGENCY ( Filing fee \$ 400 receipt number 0090-6047629) filed by ECOLOGICAL RIGHTS FOUNDATION. (Attachments: # <u>1</u> Exhibit FOIA Request, # <u>2</u> Exhibit Civil Cover Sheet, # <u>3</u> Summons Attorney General Summons, # <u>4</u> Summons Civil Process Clerk

		Summons, # <u>5</u> Summons Environmental Protection Agency Summons)(Wilcox, Stuart) (Entered: 04/08/2019)
04/08/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ECOLOGICAL RIGHTS FOUNDATION. (zef, ) (Entered: 04/09/2019)
04/09/2019	<u>3</u>	ENTERED IN ERROR.....CIVIL COVER SHEET by ECOLOGICAL RIGHTS FOUNDATION re <u>1</u> Complaint, filed by ECOLOGICAL RIGHTS FOUNDATION. Related document: <u>1</u> Complaint, filed by ECOLOGICAL RIGHTS FOUNDATION.(Wilcox, Stuart) Modified on 4/12/2019; entered in error and refiled as <u>4</u> . (znmw). (Entered: 04/09/2019)
04/10/2019	<u>4</u>	CIVIL COVER SHEET by ECOLOGICAL RIGHTS FOUNDATION re <u>1</u> Complaint, filed by ECOLOGICAL RIGHTS FOUNDATION. Related document: <u>1</u> Complaint, filed by ECOLOGICAL RIGHTS FOUNDATION.(Wilcox, Stuart) (Entered: 04/10/2019)
04/11/2019		Case Assigned to Chief Judge Beryl A. Howell. (zef, ) (Entered: 04/11/2019)
04/11/2019	<u>5</u>	SUMMONS (3) Issued Electronically as to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 04/11/2019)
04/11/2019	<u>6</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on April 11, 2019.(lcbah3) (Entered: 04/11/2019)
04/15/2019	<u>7</u>	AMENDED COMPLAINT against UNITED STATES ENVIRONMENTAL PROTECTION AGENCY filed by ECOLOGICAL RIGHTS FOUNDATION.(Wilcox, Stuart) (Entered: 04/15/2019)
04/22/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/22/2019. , RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 4/22/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/22/2019. Answer due for ALL FEDERAL DEFENDANTS by 5/22/2019. (Attachments: # <u>1</u> Certificate of Service)(Wilcox, Stuart) Modified on 4/22/2019 to add service dates (zrdj). (Entered: 04/22/2019)
05/22/2019	<u>9</u>	NOTICE of Appearance by Derek S. Hammond on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Hammond, Derek) (Entered: 05/22/2019)
05/22/2019	<u>10</u>	ANSWER to <u>7</u> Amended Complaint by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Hammond, Derek) (Entered: 05/22/2019)
06/05/2019	<u>11</u>	MEET AND CONFER STATEMENT. (Hammond, Derek) (Entered: 06/05/2019)
06/07/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>11</u> Joint Meet and Confer Report, that, by July 15, 2019, (1) EPA shall "produce to Plaintiff an interim production of non-exempt, responsive records"; and (2) the parties shall submit a joint status report "explaining the status of EPA's searches and production to date" and proposing a schedule to govern further proceedings, including dates for "a final determination, production schedule, and dispositive motions, if any," see <u>11</u> Joint Meet and Confer Report &#182 4. Signed by Chief Judge Beryl A. Howell on June 7, 2019. (lcbah3) (Entered: 06/07/2019)
06/07/2019		Set/Reset Deadlines: EPA's production to plaintiff an interim production of non-exempt, responsive records due by 7/15/2019; Joint Status Report due by 7/15/2019. (tg) (Entered: 06/07/2019)
07/15/2019	<u>12</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Hammond, Derek) (Entered: 07/15/2019)
07/17/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>12</u> Joint Status Report, the parties to file, by August 14, 2019, a joint status report advising the Court whether any disputes remain between the parties and, if so, a proposed schedule to govern further proceedings. Signed by Chief Judge Beryl A.

		Howell on July 17, 2019. (lcbah3) (Entered: 07/17/2019)
07/17/2019		Set/Reset Deadlines: Joint Status Report due by 8/14/2019. (tg) (Entered: 07/17/2019)
08/14/2019	<u>13</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Hammond, Derek) (Entered: 08/14/2019)
08/15/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>13</u> Joint Status Report, the parties to file, by April 27, 2020, a joint status report advising the Court whether any disputes remain between the parties, and if so, a proposed schedule to govern further proceedings. Signed by Chief Judge Beryl A. Howell on August 15, 2019. (lcbah3) (Entered: 08/15/2019)
08/15/2019		Set/Reset Deadlines: Joint Status Report due by 4/27/2020. (tg) (Entered: 08/15/2019)
04/27/2020	<u>14</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Hammond, Derek) (Entered: 04/27/2020)
04/30/2020		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>14</u> Joint Status Report, the parties to submit, by June 11, 2020, a joint status report regarding whether any resolution has been reached concerning the defendant's final records production, and, if not, ISSUING the following Scheduling Order to govern the timing of further proceedings in this matter: (1) by July 1, 2020, the defendant shall file its motion for summary judgment and <i>Vaughn</i> index; (2) by July 22, 2020, the plaintiff shall file its combined opposition and cross-motion for summary judgment; (3) by August 12, 2020, the defendant shall file its combined opposition and reply; and (4) by August 26, 2020, the plaintiff shall file its reply. Signed by Chief Judge Beryl A. Howell on April 30, 2020. (lcbah3) (Entered: 04/30/2020)
04/30/2020		Set/Reset Deadlines: Joint status report due by 6/11/2020; defendant's summary judgment motion and Vaughn Index due by 7/1/2020; plaintiff's cross-motion and opposition to motion for summary judgment due by 7/22/2020; defendant's opposition to cross-motion and reply to opposition to motion for summary judgment due by 8/12/2020; plaintiff's reply to opposition to cross-motion due by 8/26/2020. (tg) (Entered: 04/30/2020)
06/11/2020	<u>15</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Hammond, Derek) (Entered: 06/11/2020)
06/22/2020	<u>16</u>	Unopposed MOTION to Modify <i>Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 06/22/2020)
06/23/2020		MINUTE ORDER (paperless) GRANTING the defendant's <u>16</u> Unopposed Motion to Modify Briefing Schedule, and MODIFYING the Scheduling Order in this case, <i>see</i> Min. Order (Apr. 30, 2020) as follows: (1) by July 10, 2020, the defendant shall produce Administrator Wheeler's responsive, non-exempt calendar attachments; (2) by August 3, 2020, the defendant shall file its motion for summary judgment and <i>Vaughn</i> index; (3) by August 24, 2020, the plaintiff shall file its combined opposition and cross-motion for summary judgment; (4) by September 14, 2020, the defendant shall file its combined opposition and reply; and (5) by October 5, 2020, the plaintiff shall file its reply. Signed by Chief Judge Beryl A. Howell on June 23, 2020. (lcbah3) (Entered: 06/23/2020)
06/24/2020		Set/Reset Deadlines: Defendant's production of Administrator Wheeler's responsive, non-exempt calendar attachments due by 7/10/2020; defendant's Vaughn Index and motion for summary judgment due by 8/3/2020; plaintiff's cross-motion and opposition to defendant's motion for summary judgment due by 8/24/2020; defendant's opposition to cross-motion and reply to opposition to motion for summary judgment due by 9/14/2020; reply to opposition to cross-motion due by 10/5/2020. (ztg) (Entered: 06/24/2020)
07/22/2020	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kathleene A. Molen on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Derek S. Hammond (Molen, Kathleene) (Entered: 07/22/2020)
07/27/2020	<u>18</u>	Unopposed MOTION to Modify <i>Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed

		Order)(Molen, Kathleene) (Entered: 07/27/2020)
07/28/2020		MINUTE ORDER (paperless) GRANTING the defendant's <u>18</u> Unopposed Motion to Modify Briefing Schedule, and MODIFYING the Scheduling Order in this case, <i>see</i> Min. Order (Apr. 30, 2020), as follows: (1) by August 17, 2020, the defendant shall file its motion for summary judgment and <i>Vaughn</i> index; (2) by September 7, 2020, the plaintiff shall file its combined opposition and cross-motion for summary judgment; (3) by September 28, 2020, the defendant shall file its combined opposition and reply; and (4) by October 19, 2020, the plaintiff shall file its reply. Signed by Chief Judge Beryl A. Howell on July 28, 2020. (lcbah3) (Entered: 07/28/2020)
07/29/2020		Set/Reset Deadlines: Defendant's motion for summary judgment and Vaughn Index due by 8/17/2020. Plaintiff's combined opposition and cross-motion for summary judgment due by 9/7/2020. Defendant's combined opposition and reply due by 9/28/2020. Plaintiff's reply due by 10/19/2020. (hmc) (Entered: 07/29/2020)
08/17/2020	<u>19</u>	MOTION for Summary Judgment by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Elizabeth White, # <u>4</u> Vaughn Index, # <u>5</u> Text of Proposed Order, # <u>6</u> Exhibit A, # <u>7</u> Exhibit B, # <u>8</u> Exhibit D, # <u>9</u> Exhibit E, # <u>10</u> Exhibit F, # <u>11</u> Exhibit G, # <u>12</u> Exhibit H, # <u>13</u> Exhibit I, # <u>14</u> Exhibit J, # <u>15</u> Exhibit K, # <u>16</u> Exhibit L, # <u>17</u> Exhibit M, # <u>18</u> Exhibit N, # <u>19</u> Exhibit O, # <u>20</u> Exhibit P, # <u>21</u> Exhibit Q, # <u>22</u> Exhibit R, # <u>23</u> Exhibit S, # <u>24</u> Exhibit T)(Molen, Kathleene) (Entered: 08/17/2020)
09/07/2020	<u>20</u>	Cross MOTION for Summary Judgment by ECOLOGICAL RIGHTS FOUNDATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Statement of Facts, # <u>4</u> Declaration of Stuart Wilcox, # <u>5</u> Exhibit 1, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> Exhibit 4, # <u>9</u> Exhibit 5, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9, # <u>14</u> Exhibit 10, # <u>15</u> Exhibit 11, # <u>16</u> Exhibit 12, # <u>17</u> Exhibit 13, # <u>18</u> Exhibit 14, # <u>19</u> Exhibit 15, # <u>20</u> Exhibit 16, # <u>21</u> Exhibit 17, # <u>22</u> Exhibit 18, # <u>23</u> Exhibit 19, # <u>24</u> Exhibit 20, # <u>25</u> Exhibit 21, # <u>26</u> Exhibit 22, # <u>27</u> Exhibit 23, # <u>28</u> Exhibit 24, # <u>29</u> Exhibit 25, # <u>30</u> Exhibit 26, # <u>31</u> Exhibit 27, # <u>32</u> Exhibit 28, # <u>33</u> Exhibit 29, # <u>34</u> Exhibit 30, # <u>35</u> Exhibit 31, # <u>36</u> Exhibit 32, # <u>37</u> Exhibit 33, # <u>38</u> Exhibit 34, # <u>39</u> Exhibit 35, # <u>40</u> Exhibit 36, # <u>41</u> Exhibit 37, # <u>42</u> Exhibit 38, # <u>43</u> Exhibit 39, # <u>44</u> Exhibit 40, # <u>45</u> Exhibit 41, # <u>46</u> Exhibit 42, # <u>47</u> Exhibit 43, # <u>48</u> Exhibit 44, # <u>49</u> Exhibit 45, # <u>50</u> Exhibit 46, # <u>51</u> Exhibit 47, # <u>52</u> Exhibit 48, # <u>53</u> Exhibit 49, # <u>54</u> Exhibit 50, # <u>55</u> Exhibit 51)(Wilcox, Stuart) (Entered: 09/07/2020)
09/07/2020	<u>21</u>	Memorandum in opposition to re <u>19</u> MOTION for Summary Judgment filed by ECOLOGICAL RIGHTS FOUNDATION. (Attachments: # <u>1</u> Statement of Facts Statement of Genuine Issues, # <u>2</u> Declaration of Stuart Wilcox, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14, # <u>17</u> Exhibit 15, # <u>18</u> Exhibit 16, # <u>19</u> Exhibit 17, # <u>20</u> Exhibit 18, # <u>21</u> Exhibit 19, # <u>22</u> Exhibit 20, # <u>23</u> Exhibit 21, # <u>24</u> Exhibit 22, # <u>25</u> Exhibit 23, # <u>26</u> Exhibit 24, # <u>27</u> Exhibit 25, # <u>28</u> Exhibit 26, # <u>29</u> Exhibit 27, # <u>30</u> Exhibit 28, # <u>31</u> Exhibit 29, # <u>32</u> Exhibit 30, # <u>33</u> Exhibit 31, # <u>34</u> Exhibit 32, # <u>35</u> Exhibit 33, # <u>36</u> Exhibit 34, # <u>37</u> Exhibit 35, # <u>38</u> Exhibit 36, # <u>39</u> Exhibit 37, # <u>40</u> Exhibit 38, # <u>41</u> Exhibit 39, # <u>42</u> Exhibit 40, # <u>43</u> Exhibit 41, # <u>44</u> Exhibit 42, # <u>45</u> Exhibit 43, # <u>46</u> Exhibit 44, # <u>47</u> Exhibit 45, # <u>48</u> Exhibit 46, # <u>49</u> Exhibit 47, # <u>50</u> Exhibit 48, # <u>51</u> Exhibit 49, # <u>52</u> Exhibit 50, # <u>53</u> Exhibit 51)(Wilcox, Stuart) (Entered: 09/07/2020)
09/23/2020	<u>22</u>	Unopposed MOTION to Modify <i>Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 09/23/2020)
09/23/2020		MINUTE ORDER (paperless) GRANTING defendant's <u>22</u> Unopposed Motion to Modify Briefing Schedule and MODIFYING the Scheduling Order in this case, <i>see</i> Min. Order (July 28, 2020), as follows: (1) by October 5, 2020, the defendant shall file its combined opposition and reply; and (2) by October 26, 2020, the plaintiff shall file its reply. Signed by Chief Judge Beryl A. Howell on September 23, 2020. (lcbah3) (Entered: 09/23/2020)

09/24/2020		Set/Reset Deadlines: Defendant's combined opposition and reply due by 10/5/2020; plaintiff's reply due by 10/26/2020. (ztg) (Entered: 09/24/2020)
10/05/2020	<u>23</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Claude Walker, # <u>3</u> Declaration Supplemental Elizabeth White, # <u>4</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 10/05/2020)
10/05/2020	<u>24</u>	Memorandum in opposition to re <u>20</u> Cross MOTION for Summary Judgment filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Claude Walker, # <u>3</u> Declaration Supplemental Elizabeth White, # <u>4</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 10/05/2020)
10/26/2020	<u>25</u>	REPLY to opposition to motion re <u>20</u> Cross MOTION for Summary Judgment filed by ECOLOGICAL RIGHTS FOUNDATION. (Attachments: # <u>1</u> Declaration Supplemental Declaration of Stuart Wilcox, # <u>2</u> Exhibit 52, # <u>3</u> Exhibit 53, # <u>4</u> Exhibit 54, # <u>5</u> Exhibit 55, # <u>6</u> Exhibit 56, # <u>7</u> Exhibit 57, # <u>8</u> Exhibit 58, # <u>9</u> Exhibit 59, # <u>10</u> Exhibit 60, # <u>11</u> Exhibit 61, # <u>12</u> Exhibit 62)(Wilcox, Stuart) (Attachment 3 replaced on 1/11/2021) (zeg). (Entered: 10/26/2020)
12/14/2020	<u>26</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by ECOLOGICAL RIGHTS FOUNDATION (Attachments: # <u>1</u> Exhibit – supplemental authority)(Wilcox, Stuart) (Entered: 12/14/2020)
12/21/2020	<u>27</u>	RESPONSE re <u>26</u> NOTICE OF SUPPLEMENTAL AUTHORITY filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Molen, Kathleene) (Entered: 12/21/2020)
01/19/2021		MINUTE ORDER (paperless) DIRECTING plaintiff to submit, by January 22, 2021, clarification of the claims in its <u>7</u> Amended Complaint for which it seeks summary judgment since the Amended Complaint pleads only four claims for relief, <i>see id.</i> ¶¶ 55–70, but also states that "EcoRights hereby amends its <u>1</u> Complaint to add a sixth claim for relief," ¶ 7; and FURTHER DIRECTING, upon consideration of the parties' <u>19</u> <u>20</u> cross–motions for summary judgment, the parties to submit (1) by January 22, 2021, supplemental briefing identifying where in their original briefing Counts I and IV of the Amended Complaint are discussed and whether, in light of the parties' failure to present any argument on these claims, those claims should be dismissed, and (2) by January 25, 2021, any responses to opposing parties' supplemental briefing. Signed by Chief Judge Beryl A. Howell on January 19, 2021. (lcbah3) (Entered: 01/19/2021)
01/19/2021		Set/Reset Deadlines: Plaintiff's response to Order of the Court due by 1/22/2021; parties' supplemental briefing due by 1/22/2021; response to opposing parties' supplemental briefing due by 1/25/2021. (ztg) (Entered: 01/19/2021)
01/22/2021	<u>28</u>	STIPULATION re <u>7</u> Amended Complaint <i>TO VOLUNTARILY DISMISS WITHOUT PREJUDICE COUNTS I AND IV OF PLAINTIFF'S AMENDED COMPLAINT AND JOINT MOTION TO VACATE SUPPLEMENTAL BRIEFING DEADLINES</i> by ECOLOGICAL RIGHTS FOUNDATION. (Wilcox, Stuart) (Entered: 01/22/2021)
01/22/2021		MINUTE ORDER (paperless) DISMISSING without prejudice Counts I and IV of plaintiff's <u>7</u> Amended Complaint, in light of the parties' <u>28</u> Stipulation to Voluntarily Dismiss Without Prejudice Counts I and IV of Plaintiff's Amended Complaint, GRANTING the parties' <u>28</u> Joint Motion to Vacate Supplemental Briefing Deadlines, and VACATING all deadlines for the filing of supplemental briefs, <i>see</i> Min. Order (Jan. 19, 2021). Signed by Chief Judge Beryl A. Howell on January 22, 2021. (lcbah3) (Entered: 01/22/2021)
02/13/2021	<u>29</u>	ORDER GRANTING IN PART AND DENYING IN PART the defendant's <u>19</u> Motion for Summary Judgment and GRANTING IN PART AND DENYING IN PART the plaintiff's <u>20</u> Cross–Motion for Summary Judgment. See Order for further details. Signed by Chief Judge Beryl A. Howell on February 13, 2021. (lcbah3) (Entered: 02/13/2021)
02/13/2021	<u>30</u>	MEMORANDUM OPINION regarding the defendant's <u>19</u> Motion for Summary Judgment and the plaintiff's <u>20</u> Cross–Motion for Summary Judgment. Signed by Chief Judge Beryl A. Howell on February 13, 2021. (lcbah3) (Entered: 02/13/2021)

03/12/2021	<u>31</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Molen, Kathleene) (Entered: 03/12/2021)
03/12/2021	<u>32</u>	MOTION to Alter Judgment <i>or Amend</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Claude Walker, # <u>3</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 03/12/2021)
03/15/2021		MINUTE ORDER (paperless) DIRECTING, in light of the parties' <u>31</u> Joint Status Report, the parties to submit, by April 12, 2021, a joint status report indicating whether the government has decided to pursue an appeal of the <u>29</u> Order and <u>30</u> Memorandum Opinion issued in this case and proposing a schedule to govern further proceedings. Signed by Chief Judge Beryl A. Howell on March 15, 2021. (lcbah3) (Entered: 03/15/2021)
03/15/2021		Set/Reset Deadlines: Status Report due by 4/12/2021. (ztg) (Entered: 03/15/2021)
03/26/2021	<u>33</u>	RESPONSE re <u>32</u> MOTION to Alter Judgment <i>or Amend</i> filed by ECOLOGICAL RIGHTS FOUNDATION. (Wilcox, Stuart) (Entered: 03/26/2021)
03/27/2021	<u>34</u>	MOTION to Strike <u>32</u> MOTION to Alter Judgment <i>or Amend and Supplemental Declaration of Claude Walker</i> by ECOLOGICAL RIGHTS FOUNDATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Wilcox, Stuart) (Entered: 03/27/2021)
03/30/2021	<u>35</u>	MOTION to Modify <i>Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 03/30/2021)
03/30/2021		MINUTE ORDER (paperless) GRANTING defendant's <u>35</u> Motion to Modify Briefing Schedule and DIRECTING defendant to file its combined opposition to plaintiff's <u>34</u> Motion to Strike and reply in support of its <u>32</u> Motion to Alter or Amend Judgment by April 12, 2021. Signed by Chief Judge Beryl A. Howell on March 30, 2021. (lcbah3) (Entered: 03/30/2021)
03/31/2021		Set/Reset Deadlines: Defendant's combined opposition to plaintiff's <u>34</u> Motion to Strike and reply in support of its <u>32</u> Motion to Alter or Amend Judgment due by 4/12/2021. (ztg) (Entered: 03/31/2021)
04/12/2021	<u>36</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Molen, Kathleene) (Entered: 04/12/2021)
04/12/2021	<u>37</u>	Memorandum in opposition to re <u>34</u> MOTION to Strike <u>32</u> MOTION to Alter Judgment <i>or Amend and Supplemental Declaration of Claude Walker</i> filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 04/12/2021)
04/12/2021	<u>38</u>	REPLY to opposition to motion re <u>32</u> MOTION to Alter Judgment <i>or Amend</i> filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 04/12/2021)
04/19/2021	<u>39</u>	REPLY to opposition to motion re <u>34</u> MOTION to Strike <u>32</u> MOTION to Alter Judgment <i>or Amend and Supplemental Declaration of Claude Walker</i> filed by ECOLOGICAL RIGHTS FOUNDATION. (Wilcox, Stuart) (Entered: 04/19/2021)
06/01/2021	<u>40</u>	ORDER GRANTING the defendant's <u>32</u> Motion to Alter or Amend Judgment and DENYING the plaintiff's <u>34</u> Motion to Strike. See Order for further details. Signed by Chief Judge Beryl A. Howell on June 1, 2021. (lcbah3) (Entered: 06/01/2021)
06/01/2021	<u>41</u>	MEMORANDUM OPINION regarding the defendant's <u>32</u> Motion to Alter or Amend Judgment and the plaintiff's <u>34</u> Motion to Strike. Signed by Chief Judge Beryl A. Howell on June 1, 2021. (lcbah3) (Entered: 06/01/2021)
06/02/2021		MINUTE ORDER (paperless) DIRECTING, in light of the parties' <u>36</u> Joint Status Report, the parties to submit, by July 2, 2021, a joint status report advising the Court whether any disputes remain between the parties and, if so, a proposed schedule to govern further proceedings. Signed by Chief Judge Beryl A. Howell on June 2, 2021. (lcbah3) (Entered: 06/02/2021)

06/02/2021		Set/Reset Deadlines: Joint Status Report due by 7/2/2021. (ztg) (Entered: 06/02/2021)
07/02/2021	<u>42</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 07/02/2021)
07/06/2021		MINUTE ORDER (paperless), upon consideration of the parties' <u>42</u> Joint Status Report, DIRECTING the parties to submit, by August 20, 2021, a joint status report advising the Court whether any disputes remain between the parties and, if so, proposing a schedule for briefing on plaintiff's anticipated motion for attorney's fees and costs and EXTENDING the deadline for plaintiff to file a motion for attorney's fees and costs until September 30, 2021. Signed by Chief Judge Beryl A. Howell on July 6, 2021. (lcbah3) (Entered: 07/06/2021)
07/07/2021		Set/Reset Deadlines: Joint Status Report due by 8/20/2021; motion for attorney's fees and costs due by 9/30/2021. (ztg) (Entered: 07/07/2021)
08/20/2021	<u>43</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 08/20/2021)
08/23/2021		MINUTE ORDER (paperless) ISSUING, in light of the parties' <u>43</u> Joint Status Report, the following SCHEDULING ORDER to govern the timing of further proceedings in this matter: (1) by September 30, 2021, plaintiff shall submit its motion for attorney's fees and costs; (2) by October 29, 2021, defendant shall submit its opposition to plaintiff's motion; and (3) by November 23, 2021, plaintiff shall submit its reply in support of its motion. Signed by Chief Judge Beryl A. Howell on August 23, 2021. (lcbah3) (Entered: 08/23/2021)
08/23/2021		Set/Reset Deadlines: Motion for attorney's fees and costs due by 9/30/2021; opposition due by 10/29/2021; reply due by 11/23/2021. (ztg) (Entered: 08/23/2021)
09/30/2021	<u>44</u>	MOTION for Attorney Fees by ECOLOGICAL RIGHTS FOUNDATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Stuart Wilcox, # <u>4</u> Exhibit 1 to Declaration of Stuart Wilcox, # <u>5</u> Exhibit 2 to Declaration of Stuart Wilcox, # <u>6</u> Exhibit 3 to Declaration of Stuart Wilcox, # <u>7</u> Exhibit 4 to Declaration of Stuart Wilcox, # <u>8</u> Exhibit 5 to Declaration of Stuart Wilcox, # <u>9</u> Exhibit 6 to Declaration of Stuart Wilcox, # <u>10</u> Exhibit 7 to Declaration of Stuart Wilcox, # <u>11</u> Exhibit 8 to Declaration of Stuart Wilcox, # <u>12</u> Exhibit 9 to Declaration of Stuart Wilcox, # <u>13</u> Exhibit 10 to Declaration of Stuart Wilcox, # <u>14</u> Exhibit 11 to Declaration of Stuart Wilcox, # <u>15</u> Exhibit 12 to Declaration of Stuart Wilcox, # <u>16</u> Exhibit 13 to Declaration of Stuart Wilcox, # <u>17</u> Exhibit 14 to Declaration of Stuart Wilcox, # <u>18</u> Exhibit 15 to Declaration of Stuart Wilcox, # <u>19</u> Exhibit 16 to Declaration of Stuart Wilcox, # <u>20</u> Exhibit 17 to Declaration of Stuart Wilcox, # <u>21</u> Exhibit 18 to Declaration of Stuart Wilcox, # <u>22</u> Exhibit 19 to Declaration of Stuart Wilcox, # <u>23</u> Exhibit 20 to Declaration of Stuart Wilcox, # <u>24</u> Exhibit 21 to Declaration of Stuart Wilcox, # <u>25</u> Exhibit 22 to Declaration of Stuart Wilcox, # <u>26</u> Exhibit 23 to Declaration of Stuart Wilcox, # <u>27</u> Exhibit 24 to Declaration of Stuart Wilcox, # <u>28</u> Exhibit 25 to Declaration of Stuart Wilcox, # <u>29</u> Exhibit 27 to Declaration of Stuart Wilcox, # <u>30</u> Exhibit 28 to Declaration of Stuart Wilcox, # <u>31</u> Exhibit 29 to Declaration of Stuart Wilcox, # <u>32</u> Exhibit 30 to Declaration of Stuart Wilcox, # <u>33</u> Exhibit 31 to Declaration of Stuart Wilcox, # <u>34</u> Exhibit 32 to Declaration of Stuart Wilcox, # <u>35</u> Exhibit 33 to Declaration of Stuart Wilcox, # <u>36</u> Declaration of Christopher Sproul, # <u>37</u> Exhibit 1 to Declaration of Christopher Sproul, # <u>38</u> Exhibit 2 to Declaration of Christopher Sproul, # <u>39</u> Exhibit 3 to Declaration of Christopher Sproul)(Wilcox, Stuart) (Attachment 7 replaced on 10/1/2021) (rj). (Attachment 8 replaced on 10/1/2021) (rj). Modified on 10/1/2021 to flatten pdf (rj). (Entered: 09/30/2021)
10/25/2021	<u>45</u>	Unopposed MOTION to Modify <i>Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Molen, Kathleene) (Entered: 10/25/2021)
10/26/2021		MINUTE ORDER (paperless) GRANTING defendant's <u>45</u> Unopposed Motion to Modify Briefing Schedule; and MODIFYING the SCHEDULING ORDER previously issued in this case, see Min. Order (Aug. 23, 2021), as follows: (1) by December 13, 2021, defendant shall submit its opposition to plaintiff's <u>44</u> Motion for Attorneys' Fees

		and Costs; and (2) by February 3, 2022, plaintiff shall submit its reply in support of its motion. Signed by Chief Judge Beryl A. Howell on October 26, 2021. (lcbah3) (Entered: 10/26/2021)
10/27/2021		Set/Reset Deadlines: Defendant's opposition to plaintiff's <u>44</u> Motion for Attorneys' Fees and Costs due by 12/13/2021; reply due by 2/3/2022. (ztg) (Entered: 10/27/2021)
11/08/2021	<u>46</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Daniel Patrick Schaefer on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Kathleene A. Molen (Schaefer, Daniel) (Entered: 11/08/2021)
12/03/2021	<u>47</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>44</u> MOTION for Attorney Fees by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 12/03/2021)
12/06/2021		MINUTE ORDER (paperless) GRANTING <u>47</u> Defendant's Consent Motion for Extension of Time, and MODIFYING the SCHEDULING ORDER previously entered in this matter, <i>see</i> Min. Order (Aug. 23, 2021), as follows, unless a stipulation of dismissal is filed before then: (1) by January 12, 2022, defendant shall submit its opposition to plaintiff's <u>44</u> Motion for Attorneys' Fees and Costs; and (2) by March 11, 2022, plaintiff shall submit its reply in support of its motion. Signed by Chief Judge Beryl A. Howell on December 6, 2021. (lcbah3) (Entered: 12/06/2021)
12/06/2021		Set/Reset Deadlines: Opposition to plaintiff's <u>44</u> Motion for Attorneys' Fees and Costs due by 1/12/2022; reply due by 3/11/2022. (ztg) (Entered: 12/06/2021)
01/11/2022	<u>48</u>	Joint MOTION to Vacate <i>Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 01/11/2022)
01/12/2022		MINUTE ORDER (paperless) GRANTING IN PART and DENYING IN PART the parties <u>48</u> Joint Motion to Vacate Briefing Schedule; STAYING the briefing deadlines previously set concerning plaintiff's <u>44</u> Motion for Attorneys' Fees and Costs, <i>see</i> Min. Order (Aug. 23, 2021), until further order of the Court; and DIRECTING the parties to submit, by March 14, 2022, a joint status report advising the Court whether any disputes remain between the parties and, if so, proposing a schedule for further proceedings. Given that <u>44</u> plaintiff's motion remains pending, a stay of the briefing schedule is more appropriate than vacatur since, absent an ordered briefing schedule, the default deadlines for briefing set forth in LCvR 7(b) & 7(d) would apply, and such deadlines have lapsed. Signed by Chief Judge Beryl A. Howell on January 12, 2022. (lcbah3) (Entered: 01/12/2022)
01/12/2022		Set/Reset Deadlines: Joint Status Report due by 3/14/2022. (ztg) (Entered: 01/12/2022)
02/12/2022	<u>49</u>	STIPULATION of Dismissal by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Schaefer, Daniel) (Entered: 02/12/2022)
02/15/2022		MINUTE ORDER (paperless) DISMISSING this matter, with prejudice, upon consideration of the parties' joint <u>49</u> Stipulation of Dismissal. <i>See</i> Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of Court is directed to close this case. Signed by Chief Judge Beryl A. Howell on February 15, 2022. (lcbah3) (Entered: 02/15/2022)