

U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:21-cv-01909-RM-STV

TransWest Express LLC v. Natural Resources Conservation Service
Assigned to: Judge Raymond P. Moore
Referred to: Magistrate Judge Scott T. Varholak
Cause: 05:552 Freedom of Information Act

Date Filed: 07/14/2021
Date Terminated: 04/08/2022
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act of 1974
Jurisdiction: U.S. Government Defendant

Plaintiff

TransWest Express LLC
a Delaware limited liability company

represented by **John Frederic Shepherd**
Holland & Hart LLP–Denver
P. O. Box 8749
555 17th Street
Suite 3200
Denver, CO 80201–8749
303–295–8000
Fax: 303–295–8261
Email: jshepherd@hollandhart.com
ATTORNEY TO BE NOTICED

V.

Defendant

Natural Resources Conservation Service
an agency of the United States
Department of Agriculture

represented by **Nicholas Albert Deuschle**
U.S. Attorney's Office–Denver
District of Colorado
1801 California Street
Suite 1600
Denver, CO 80202
303–454–0128
Email: Nick.Deuschle@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/14/2021	<u>1</u>	COMPLAINT against Natural Resources Conservation Service (Filing fee \$ 402, Receipt Number 1082–7959200) Attorney John Frederic Shepherd added to party TransWest Express LLC(pty:pla), filed by TransWest Express LLC. (Attachments: # <u>1</u> Exhibit A – 5/7/21 FOIA Request, # <u>2</u> Exhibit B – Email Response to Update of FOIA Request, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons for NRCS, # <u>5</u> Summons for Attorney General of the United States, # <u>6</u> Summons for Acting U.S. Attorney for the District of Colorado)(Shepherd, John) (Entered: 07/14/2021)
07/14/2021	2	Case assigned to Judge Raymond P. Moore and drawn to Magistrate Judge Scott T. Varholak. Text Only Entry (cpomm,) (Entered: 07/14/2021)
07/14/2021	<u>3</u>	SUMMONS issued by Clerk. (Attachments: # <u>1</u> Magistrate Judge Consent Form) (cpomm,) (Entered: 07/14/2021)
07/16/2021	4	ORDER REFERRING CASE to Magistrate Judge Scott T. Varholak. Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non–dispositive motions, (4) conduct a pretrial conference and enter a pretrial order, and (5) conduct hearings, including evidentiary hearings, and submit proposed findings of fact and recommendations for rulings on dispositive motions. Court sponsored alternative dispute resolution is governed by

		D.C.COLO.LCivR 16.6. On the recommendation or informal request of the magistrate judge or on the request of the parties by motion, this court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. By Judge Raymond P. Moore on 7/16/2021. (Text Only Entry) (rmsec) (Entered: 07/16/2021)
07/16/2021	5	MINUTE ORDER: With the assignment of this matter, the parties are advised that throughout this case they are expected to be familiar and comply with not only the Local Rules of this District, but also Judge Raymond P. Moore's Civil Practice Standards, which may be found at: http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonRaymondPMoore.aspx . SO ORDERED by Judge Raymond P. Moore on 7/16/2021. (Text Only Entry) (rmsec) (Entered: 07/16/2021)
07/16/2021	<u>6</u>	ORDER Setting Scheduling Conference for 8/16/2021 11:00 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. Proposed Scheduling Order due 9/9/2021, by Magistrate Judge Scott T. Varholak on 7/16/2021. (jgonz,) (Entered: 07/19/2021)
07/21/2021	<u>7</u>	CORPORATE DISCLOSURE STATEMENT identifying Corporate Parent The Anschutz Corporation for TransWest Express LLC. (Shepherd, John) (Entered: 07/21/2021)
08/05/2021	8	MINUTE ORDER It has come to the Court's attention that the date of the Scheduling Conference in the text entry for <u>6</u> Order is different than the date set in the document order attached to <u>6</u> . Accordingly, the Court provides this clarification: The Scheduling Conference for this matter is set for September 16, 2021 at 11:00 am in Courtroom A-402 before Magistrate Judge Scott T. Varholak. The Proposed Scheduling Order is due September 9, 2021. SO ORDERED, by Magistrate Judge Scott T. Varholak on 8/5/2021. Text Only Entry (stvlc2,) (Entered: 08/05/2021)
08/11/2021	<u>9</u>	SUMMONS Returned Executed upon defendant(s) Natural Resources Conservation Service served on 7/24/2021, answer due 9/22/2021. (Attachments: # <u>1</u> Continuation of Main Document Proof of Service on Matthew T. Kirsch, Acting U.S. Attorney for District of Colorado, # <u>2</u> Continuation of Main Document Proof of Service on Merrick Garland, Attorney General of the United States)(Shepherd, John) (Entered: 08/11/2021)
08/18/2021	<u>10</u>	NOTICE of Entry of Appearance by Nicholas Albert Deuschle on behalf of Natural Resources Conservation ServiceAttorney Nicholas Albert Deuschle added to party Natural Resources Conservation Service(pty:dft) (Deuschle, Nicholas) (Entered: 08/18/2021)
08/18/2021	<u>11</u>	STIPULATION for Extension of Time to Answer or Respond to the Complaint by Defendant Natural Resources Conservation Service. Natural Resources Conservation Service answer due 9/20/2021. (Deuschle, Nicholas) (Entered: 08/18/2021)
08/18/2021	<u>12</u>	Unopposed MOTION to Vacate <u>6</u> Order <i>Setting Scheduling Conference</i> by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 08/18/2021)
08/19/2021	13	MEMORANDUM regarding <u>12</u> Unopposed MOTION to Vacate <u>6</u> Order <i>Setting Scheduling Conference</i> filed by Natural Resources Conservation Service. Motion referred to Magistrate Judge Scott T. Varholak. By Judge Raymond P. Moore on 8/19/2021. (Text Only Entry) (rmsec) (Entered: 08/19/2021)
08/20/2021	14	ORDER granting <u>12</u> Motion to Vacate. The Scheduling Conference set for 9/16/2021 and all associated deadlines are VACATED. The parties shall jointly file a status report regarding settlement and the need for a scheduling conference on or before 9/16/2021. SO ORDERED, by Magistrate Judge Scott T. Varholak on 8/20/2021. Text Only Entry(stvlc2,) (Entered: 08/20/2021)
09/16/2021	<u>15</u>	Joint STATUS REPORT by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 09/16/2021)
09/16/2021	<u>16</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint,, by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 09/16/2021)
09/16/2021	17	MEMORANDUM regarding <u>16</u> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint,, filed by Natural Resources Conservation Service. Motion referred to Magistrate Judge Scott T. Varholak. By Judge Raymond P. Moore on 9/16/2021. (Text Only Entry) (rmsec) (Entered: 09/16/2021)
09/16/2021	18	ORDER granting <u>16</u> Motion for Extension of Time to Answer or Otherwise Respond. Defendant Natural Resources Conservation Service answer due 10/20/2021. The parties shall file a status

		report regarding settlement and scheduling on or before 10/15/2021. SO ORDERED, by Magistrate Judge Scott T. Varholak on 9/16/2021. Text Only Entry(stvlc2,) (Entered: 09/16/2021)
10/15/2021	<u>19</u>	Joint STATUS REPORT by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 10/15/2021)
10/18/2021	20	MINUTE ORDER In light of <u>19</u> Status Report, the parties shall file a further status report regarding settlement and scheduling on or before 11/15/2021. Defendant shall file any Motion for Extension of Time to Answer on or before 10/19/2021. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/18/2021. Text Only Entry (stvlc2,) (Entered: 10/18/2021)
10/19/2021	<u>21</u>	Joint MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint,, by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 10/19/2021)
10/20/2021	22	MEMORANDUM regarding <u>21</u> Joint MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint,, filed by Natural Resources Conservation Service. Motion referred to Magistrate Judge Scott T. Varholak. By Judge Raymond P. Moore on 10/19/2021. (Text Only Entry) (rmsec) (Entered: 10/20/2021)
10/20/2021	23	ORDER granting <u>21</u> Motion for Extension of Time to Answer or Otherwise Respond. Defendant Natural Resources Conservation Service answer due 12/20/2021. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/20/2021. Text Only Entry(stvlc2,) (Entered: 10/20/2021)
11/15/2021	<u>24</u>	Joint STATUS REPORT by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 11/15/2021)
11/15/2021	25	MINUTE ORDER In light of <u>24</u> Status Report, the parties shall file a further status report on or before 12/15/2021. SO ORDERED, by Magistrate Judge Scott T. Varholak on 11/15/2021. Text Only Entry (stvlc2,) (Entered: 11/15/2021)
12/15/2021	<u>26</u>	Joint STATUS REPORT by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 12/15/2021)
12/17/2021	27	MINUTE ORDER In light of <u>26</u> Status Report, the parties shall file a further status report on or before 1/15/2022. SO ORDERED, by Magistrate Judge Scott T. Varholak on 12/17/2021. Text Only Entry (stvlc2,) (Entered: 12/17/2021)
12/20/2021	<u>28</u>	Joint MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint,, by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 12/20/2021)
12/20/2021	29	MEMORANDUM regarding <u>28</u> Joint MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint, filed by Natural Resources Conservation Service. Motion referred to Magistrate Judge Scott T. Varholak. By Judge Raymond P. Moore on 12/20/2021. (Text Only Entry) (rmsec) (Entered: 12/20/2021)
12/20/2021	30	ORDER granting <u>28</u> Motion for Extension of Time to Answer or Otherwise Respond. Defendant Natural Resources Conservation Service answer due 2/18/2022. SO ORDERED, by Magistrate Judge Scott T. Varholak on 12/20/2021. Text Only Entry(stvlc2,) (Entered: 12/20/2021)
01/14/2022	<u>31</u>	Joint STATUS REPORT by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 01/14/2022)
01/14/2022	32	MINUTE ORDER Further status report due on or before 2/18/2022. SO ORDERED, by Magistrate Judge Scott T. Varholak on 1/14/2022. Text Only Entry (stvlc2,) (Entered: 01/14/2022)
02/18/2022	<u>33</u>	Joint STATUS REPORT by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 02/18/2022)
02/18/2022	<u>34</u>	Joint MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint,, by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 02/18/2022)
02/22/2022	35	MEMORANDUM regarding <u>34</u> Joint MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint,, filed by Natural Resources Conservation Service. Motion referred to Magistrate Judge Scott T. Varholak. By Judge Raymond P. Moore on 2/22/2022. (Text Only Entry) (rmsec) (Entered: 02/22/2022)

02/22/2022	36	ORDER granting <u>34</u> Motion for Extension of Time to Answer or Otherwise Respond. Defendant Natural Resources Conservation Service answer due 4/19/2022. The parties shall, further, file a status report on or before 4/19/2022. SO ORDERED, by Magistrate Judge Scott T. Varholak on 2/22/2022. Text Only Entry(stvlc2,) (Entered: 02/22/2022)
04/08/2022	<u>37</u>	STIPULATION of Dismissal of Case by Defendant Natural Resources Conservation Service. (Deuschle, Nicholas) (Entered: 04/08/2022)
04/08/2022	38	Civil Case Terminated pursuant to <u>37</u> STIPULATION of Dismissal filed in this case on 4/8/2022. Text Only Entry (angar,) (Entered: 04/08/2022)