

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-00244-DLF**

NATIONAL WILDLIFE FEDERATION v. U.S. ARMY
CORPS OF ENGINEERS
Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 01/27/2021
Date Terminated: 08/25/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**NATIONAL WILDLIFE
FEDERATION**

represented by **Kenneth Rumelt**
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V.

Defendant

U.S. ARMY CORPS OF ENGINEERS

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Movant

**RANKIN-HINDS PEARL RIVER
FLOOD AND DRAINAGE CONTROL**

represented by **Mark Wendell DeLaquil**
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Date Filed	#	Docket Text
01/27/2021	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ADCDC-8129822) filed by NATIONAL WILDLIFE FEDERATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons)(Rumelt, Kenneth) (Entered: 01/27/2021)
01/28/2021		Case Assigned to Judge Dabney L. Friedrich. (adh,) (Entered: 01/28/2021)
01/28/2021	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. ARMY CORPS OF ENGINEERS, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 01/28/2021)
01/29/2021	<u>3</u>	STANDARD ORDER for civil cases. See text for details. Signed by Judge Dabney L. Friedrich on January 29, 2021. (lcldf3) (Entered: 01/29/2021)
03/15/2021	<u>4</u>	NOTICE of Appearance by Sean Patrick Mahard on behalf of U.S. ARMY CORPS OF ENGINEERS (Mahard, Sean) (Entered: 03/15/2021)
03/15/2021	<u>5</u>	ANSWER to Complaint by U.S. ARMY CORPS OF ENGINEERS.(Mahard, Sean) (Entered: 03/15/2021)
03/15/2021		MINUTE ORDER requiring the parties to meet and confer and file a joint status report proposing a schedule for further proceedings. The report should address the status of the plaintiff's FOIA request, including the anticipated number of documents responsive to the request and the anticipated date(s) for release of the requested documents. The parties shall file the joint status report on or before March 29, 2021. So ordered by Judge Dabney L. Friedrich on March 15, 2021. (lcldf3) (Entered: 03/15/2021)
03/15/2021		Set/Reset Deadlines: Status Report due by 3/29/2021 (zjch) (Entered: 03/16/2021)
03/29/2021	<u>6</u>	Joint STATUS REPORT by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Mahard, Sean) (Entered: 03/29/2021)
03/30/2021		MINUTE ORDER. Upon consideration of the parties' <u>6</u> Joint Status Report, the following schedule shall govern further proceedings: the defendant's Motion for Summary Judgment shall be due on or before July 9, 2021; the plaintiff's Cross-Motion for Summary Judgment and Opposition shall be due on or before July 30, 2021; the defendant's Opposition and Reply shall be due on or before August 20, 2021; and the plaintiff's Reply shall be due on or before September 10, 2021. So ordered by Judge Dabney L. Friedrich on March 30, 2021. (lcldf3) (Entered: 03/30/2021)
03/30/2021		Set/Reset Deadlines: Cross Motions due by 7/30/2021. Response to Cross Motions due by 8/20/2021. Reply to Cross Motions due by 9/10/2021. Summary Judgment motions due by 7/9/2021. Response to Motion for Summary Judgment due by 7/30/2021. Reply to Motion for Summary Judgment due by 8/20/2021. (zjch) (Entered: 03/31/2021)

06/11/2021	<u>7</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jessica B. Colsia on behalf of U.S. ARMY CORPS OF ENGINEERS Substituting for attorney Sean Mahard (Colsia, Jessica) (Entered: 06/11/2021)
07/07/2021	<u>8</u>	Unopposed MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Colsia, Jessica) (Entered: 07/07/2021)
07/07/2021		MINUTE ORDER Upon consideration of defendant's unopposed <u>8</u> Motion for Extension of Time to File Motion for Summary Judgment, the motion is GRANTED. The defendant shall file its motion for summary judgment on or before August 16, 2021; the plaintiff shall file its cross-motion for summary judgment and opposition on or before September 6, 2021; the defendant shall file its combined opposition and reply on or before September 27; and the plaintiff shall file its reply on or before October 18, 2021. So Ordered by Judge Dabney L. Friedrich on July 7, 2021. (lcldf3) (Entered: 07/07/2021)
07/07/2021		Set/Reset Deadlines: Cross Motions due by 9/6/2021. Response to Cross Motions due by 9/27/2021. Reply to Cross Motions due by 10/18/2021. Summary Judgment motions due by 8/16/2021. Response to Motion for Summary Judgment due by 9/6/2021. Reply to Motion for Summary Judgment due by 9/27/2021. (zjch) (Entered: 07/07/2021)
08/16/2021	<u>9</u>	MOTION for Summary Judgment by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Statement of Facts, # <u>3</u> Memorandum in Support, # <u>4</u> Exhibit 1 – MOA, # <u>5</u> Exhibit 2 – Support Agreement 2, # <u>6</u> Exhibit 3 – Support Agreement 3, # <u>7</u> Exhibit 4 – Rhoads Declaration, # <u>8</u> Exhibit 5 – Thaut Declaration, # <u>9</u> Exhibit 6 – Regulation)(Colsia, Jessica) (Entered: 08/16/2021)
08/23/2021	<u>10</u>	NOTICE of Appearance by Sean Sandoloski on behalf of Rankin–Hinds Pearl River Flood and Drainage Control District (Sandoloski, Sean) (Entered: 08/23/2021)
08/23/2021	<u>11</u>	MOTION for Leave to File <i>Amicus Curiae Brief in Support of U.S. Army Corps of Engineers</i> by Rankin–Hinds Pearl River Flood and Drainage Control District. (Attachments: # <u>1</u> Proposed Amicus Brief, # <u>2</u> Proposed Order)(Sandoloski, Sean) (Entered: 08/23/2021)
08/23/2021		MINUTE ORDER. Upon consideration of Rankin–Hinds Pearl River Flood and Drainage Control District's <u>11</u> Motion for Leave to File Amicus Curiae Brief, it is ORDERED that the motion is GRANTED. So Ordered by Judge Dabney L. Friedrich on August 23, 2021. (lcldf3) (Entered: 08/23/2021)
09/02/2021	<u>12</u>	Joint MOTION for Extension of Time to File Response/Reply by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Colsia, Jessica) (Entered: 09/02/2021)
09/03/2021		MINUTE ORDER. Upon consideration of parties' <u>12</u> Joint Motion for Extension of Time, the motion is GRANTED. The plaintiff shall file its cross-motion for summary judgment and opposition on or before September 20, 2021; the defendant shall file its combined opposition and reply on or before October 11; and the plaintiff shall file its reply on or before November 1, 2021. So Ordered by Judge Dabney L. Friedrich on September 3, 2021. (lcldf3) (Entered: 09/03/2021)
09/17/2021	<u>13</u>	Joint MOTION for Extension of Time to File Response/Reply to <i>Defendants' Motion for Summary Judgment</i> by NATIONAL WILDLIFE FEDERATION. (Attachments: # <u>1</u> Text of Proposed Order)(Rumelt, Kenneth) (Entered: 09/17/2021)
09/17/2021		MINUTE ORDER. Upon consideration of parties' <u>13</u> Joint Motion for Extension of Time, the motion is GRANTED. The plaintiff shall file its cross-motion for summary judgment and opposition on or before September 27, 2021; the defendant shall file its combined opposition and reply on or before October 18; and the plaintiff shall file its reply on or before November 8, 2021. So Ordered by Judge Dabney L. Friedrich on September 17, 2021. (lcldf3) (Entered: 09/17/2021)
09/17/2021		Set/Reset Deadlines: Cross Motions due by 9/27/2021. Response to Cross Motions due by 10/18/2021. Reply to Cross Motions due by 11/8/2021. Response to Motion for Summary Judgment due by 9/27/2021. Reply to Motion for Summary Judgment due by 10/18/2021. (zjch) (Entered: 09/17/2021)

09/27/2021	<u>14</u>	Memorandum in opposition to re <u>9</u> MOTION for Summary Judgment <i>and Cross Motion for Summary Judgment</i> filed by NATIONAL WILDLIFE FEDERATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Rumelt, Kenneth) (Entered: 09/27/2021)
09/27/2021	<u>15</u>	Cross-MOTION for Summary Judgment by NATIONAL WILDLIFE FEDERATION. (See Docket Entry <u>14</u> to view document). (eg) (Entered: 09/29/2021)
10/18/2021	<u>16</u>	REPLY to opposition to motion re <u>9</u> MOTION for Summary Judgment filed by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Colsia, Jessica) Modified link on 10/25/2021 (znmw). (Entered: 10/18/2021)
10/18/2021	<u>17</u>	Memorandum in opposition to re <u>15</u> MOTION for Summary Judgment filed by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Colsia, Jessica) (Entered: 10/18/2021)
11/08/2021	<u>18</u>	REPLY to opposition to motion re <u>9</u> MOTION for Summary Judgment filed by NATIONAL WILDLIFE FEDERATION. (Rumelt, Kenneth) (Entered: 11/08/2021)
03/24/2022	<u>19</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Mark Wendell DeLaquil on behalf of RANKIN-HINDS PEARL RIVER FLOOD AND DRAINAGE CONTROL DISTRICT Substituting for attorney Sean Sandoloski (DeLaquil, Mark) (Entered: 03/24/2022)
03/31/2022	<u>20</u>	ORDER denying defendant's <u>9</u> Motion for Summary Judgment and granting in part and denying in part plaintiff's <u>15</u> Cross-Motion for Summary Judgment. See text for details. Signed by Judge Dabney L. Friedrich on March 31, 2022. (Entered: 03/31/2022)
03/31/2022	<u>21</u>	MEMORANDUM OPINION regarding defendant's <u>9</u> Motion for Summary Judgment and plaintiff's <u>15</u> Cross-Motion for Summary Judgment. See text for details. Signed by Judge Dabney L. Friedrich on March 31, 2022. (lcldf3) (Entered: 03/31/2022)
04/13/2022	<u>22</u>	NOTICE of Appearance by John Haberland on behalf of U.S. ARMY CORPS OF ENGINEERS (Haberland, John) (Entered: 04/13/2022)
04/13/2022	<u>23</u>	DECLARATION by U.S. ARMY CORPS OF ENGINEERS re <u>21</u> Memorandum & Opinion, Terminate Deadlines. (Attachments: # <u>1</u> Declaration)(Haberland, John) (Entered: 04/13/2022)
04/19/2022	<u>24</u>	PROPOSED BRIEFING SCHEDULE re <u>20</u> Order on Motion for Summary Judgment,, Set/Reset Deadlines by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Haberland, John) (Entered: 04/19/2022)
04/21/2022		MINUTE ORDER. Upon consideration of the parties' <u>24</u> Proposed Briefing Schedule, the following schedule shall govern further proceedings: the defendant's Motion for Summary Judgment shall be due on or before May 24, 2022; the plaintiff's Cross-Motion for Summary Judgment and Opposition shall be due on or before June 21, 2022; the defendant's Opposition and Reply shall be due on or before July 12, 2022; and the plaintiff's Reply shall be due on or before July 26, 2022. So Ordered by Judge Dabney L. Friedrich on April 21, 2022. (lcldf3) (Entered: 04/21/2022)
05/12/2022	<u>25</u>	Consent MOTION for Extension of Time to <i>file motion for summary judgment</i> by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Haberland, John) (Entered: 05/12/2022)
05/12/2022		VACATED PURSUANT TO ORDER FILED 6/15/2022.....MINUTE ORDER. Upon consideration of the parties' <u>25</u> Consent Motion for Extension of Time, it is hereby ORDERED that the motion is GRANTED. Accordingly, the following schedule shall govern further proceedings: the defendant's Motion for Summary Judgment shall be due on or before June 24, 2022; the plaintiff's Cross-Motion for Summary Judgment and Opposition shall be due on or before July 21, 2022; the defendant's Opposition and Reply shall be due on or before August 12, 2022; and the plaintiff's Reply shall be due on or before August 26, 2022. So Ordered by Judge Dabney L. Friedrich on May 12, 2022. (lcldf3) Modified on 6/16/2022 (zjch,). (Entered: 05/12/2022)
06/15/2022	<u>26</u>	Consent MOTION for Extension of Time to <i>file MSJ</i> by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Haberland, John) (Entered: 06/15/2022)

06/15/2022		MINUTE ORDER. Upon consideration of the defendant's <u>26</u> Consent Motion for Extension of Time, it is hereby ORDERED that it is GRANTED IN PART. Accordingly, the current briefing schedule is hereby VACATED. The parties are directed to file a joint status report on or before August 12, 2022, informing the Court whether they are able to resolve the issues of fees and costs themselves or instead proposing a fees motion briefing schedule, if a joint stipulation of voluntary dismissal is not filed before then. So Ordered by Judge Dabney L. Friedrich on June 15, 2022. (lcldf3) (Entered: 06/15/2022)
08/11/2022	<u>27</u>	Joint STATUS REPORT by U.S. ARMY CORPS OF ENGINEERS. (Attachments: # <u>1</u> Text of Proposed Order)(Haberland, John) (Entered: 08/11/2022)
08/12/2022		MINUTE ORDER. Upon consideration of the parties' <u>27</u> Joint Status Report, the parties are directed to file another joint status report on or before August 26, 2022, unless a stipulation of dismissal is filed before then. So Ordered by Judge Dabney L. Friedrich on August 12, 2022. (lcldf3) (Entered: 08/12/2022)
08/25/2022	<u>28</u>	NOTICE of Voluntary Dismissal by U.S. ARMY CORPS OF ENGINEERS (Haberland, John) (Entered: 08/25/2022)
08/25/2022		MINUTE ORDER dismissing this case with prejudice in light of the <u>28</u> Notice of Voluntary Dismissal. See Fed. R. Civ. P. 41(a). The Clerk of Court is directed to close this case. So Ordered by Judge Dabney L. Friedrich on August 25, 2022. (lcldf3) (Entered: 08/25/2022)