

**U.S. District Court
DISTRICT OF ARIZONA (Tucson Division)
CIVIL DOCKET FOR CASE #: 4:21-cv-00411-RM-DTF**

Center for Biological Diversity et al v. U.S. Bureau of Land
Management et al
Assigned to: Judge Rosemary Marquez
Referred to: Magistrate Judge D Thomas Ferraro
Cause: 05:552 Freedom of Information Act

Date Filed: 10/07/2021
Date Terminated: 09/12/2022
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Center for Biological Diversity

represented by **Brian Segee**
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Plaintiff

Maricopa Audubon Society

represented by **Brian Segee**
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V.

Defendant

**United States Bureau of Land
Management**

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Defendant

United States Fish and Wildlife Service

represented by **Melissa Marcus Kroeger**
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Nicole Marie Smith
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V.

Intervenor Defendant

Menges Ranches LLC

represented by **Norman D James**
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Intervenor Defendant

Arizona Cattle Growers Association

represented by **Norman D James**
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Date Filed	#	Docket Text
10/07/2021	<u>1</u>	COMPLAINT. Filing fee received: \$ 402.00, receipt number 0970-19944187 filed by Maricopa Audubon Society, Center for Biological Diversity. (Fink, Marc) (Attachments: # <u>1</u> Civil Cover Sheet)(SCA) (Entered: 10/07/2021)
10/07/2021	<u>2</u>	Corporate Disclosure Statement by Center for Biological Diversity. (Fink, Marc) (SCA) (Entered: 10/07/2021)
10/07/2021	<u>3</u>	Corporate Disclosure Statement by Maricopa Audubon Society. (Fink, Marc) (SCA) (Entered: 10/07/2021)
10/07/2021	<u>4</u>	SUMMONS Submitted by Center for Biological Diversity, Maricopa Audubon Society. (Fink, Marc) (Attachments: # <u>1</u> Summons)(SCA) (Entered: 10/07/2021)
10/07/2021	<u>5</u>	Filing fee paid, receipt number 0970-19944187. This case has been assigned to the Honorable D. Thomas Ferrero. All future pleadings or documents should bear the correct case number: CV-21-00411-TUC-DTF. Magistrate Election form attached. (SCA) (Entered: 10/07/2021)
10/07/2021	<u>6</u>	Summons Issued as to U.S. Bureau of Land Management, U.S. Fish and Wildlife Service. (Attachments: # <u>1</u> Summons)(SCA). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 10/07/2021)

10/08/2021		Remark: Pro hac vice motion(s) granted for Marc D Fink on behalf of Plaintiffs Center for Biological Diversity, Maricopa Audubon Society. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 10/08/2021)
10/13/2021		Remark: Pro hac vice motion(s) granted for Brian Segee on behalf of Plaintiffs Center for Biological Diversity, Maricopa Audubon Society. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 10/13/2021)
10/13/2021	8	Agreement to Magistrate Judge Jurisdiction. Party agrees to Magistrate Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (DLC) (Entered: 10/14/2021)
10/27/2021	9	NOTICE of Filing Amended Pleading pursuant to LRCiv 15.1(b) by Center for Biological Diversity, Maricopa Audubon Society . (Attachments: # <u>1</u> Attachment)(Fink, Marc) (Entered: 10/27/2021)
10/27/2021	<u>10</u>	AMENDED COMPLAINT against United States Bureau of Land Management, United States Fish and Wildlife Service filed by Maricopa Audubon Society, Center for Biological Diversity.(Fink, Marc) (Entered: 10/27/2021)
11/19/2021	<u>11</u>	VACATED BY ORDER DOC. <u>13</u> ---SCHEDULING ORDER: It is ordered that defendant shall serve an answer or otherwise plead within thirty (30) days after service, unless the Court otherwise directs for good cause shown. It is further ordered that the deadline for filing dispositive motions is six (6) months from the date the case is filed. Failure to file such a motion shall result in dismissal for lack of prosecution. It is further ordered that Plaintiff shall serve Defendant with a copy of this Order. Signed by Magistrate Judge D Thomas Ferraro on 11/18/2021. (ARC) Modified on 12/3/2021 (JAM). (Entered: 11/19/2021)
12/02/2021	<u>12</u>	*First MOTION to Vacate <u>11</u> Scheduling Order <i>and Extend Deadline to Respond to Plaintiffs' Amended Complaint (Unopposed)</i> by United States Bureau of Land Management, United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Kroeger, Melissa). * Modified to add MOTION for Extension of Time to File Answer on 12/3/2021 (JAM). (Entered: 12/02/2021)
12/03/2021	<u>13</u>	ORDER that Defendants' unopposed motion (Doc. <u>12</u>) is GRANTED. It is further ORDERED that the Court's November 19, 2021, scheduling order (Doc. <u>11</u>) is VACATED. Defendants shall have until on or before January 12, 2022, to file their responsive pleading(s).. Signed by Magistrate Judge D Thomas Ferraro on 12/2/21. (JAM) (Entered: 12/03/2021)
12/03/2021	<u>14</u>	Magistrate Election Form Deadline. (DLC) (Entered: 12/03/2021)
12/03/2021	15	*Entry made in incorrect case; all associated text has been removed on 12/3/2021 (DLC). (Entered: 12/03/2021)
12/06/2021	<u>16</u>	MOTION to Intervene <i>as defendants with respect to Plaintiffs' First Claim for Relief</i> by Menges Ranches LLC, Arizona Cattle Growers Association. (Attachments: # <u>1</u> Exhibit Declaration of Jeffrey Menges, # <u>2</u> Proposed Order Order)(James, Norman) (Entered: 12/06/2021)
12/06/2021	<u>17</u>	FILED AT DOCS. <u>26</u> and <u>27</u> PURSUANT TO ORDER DOC. <u>25</u> ---LODGED Proposed Document Intervenors-Defendants' ANSWER to <u>10</u> Amended Complaint by Arizona Cattle Growers Association, Menges Ranches LLC. (Attachments: # <u>1</u> Attachment Corporate Disclosure Statement)(James, Norman) *Modified to add Lodged Proposed Document on 1/12/2022 (JAM). Modified on 1/12/2022 (JAM). (Entered: 12/06/2021)
12/22/2021	<u>18</u>	Magistrate Election form resent and deadline reset (x2). (DLC) (Entered: 12/22/2021)
12/22/2021	<u>19</u>	Magistrate Election Form Deadline. (DLC) (Entered: 12/22/2021)
01/06/2022	<u>20</u>	Magistrate Election Form resent and deadline reset (x3). (DLC) (Entered: 01/06/2022)
01/06/2022	<u>21</u>	Magistrate Election Form resent and deadline reset (x2). (DLC) (Entered: 01/06/2022)
01/11/2022	<u>22</u>	*Second MOTION for Extension of Time to File Answer re: <u>10</u> Amended Complaint (<i>Unopposed</i>) by United States Bureau of Land Management, United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Kroeger, Melissa) *Modified to

		correct linkage on 1/12/2022 (JAM). (Entered: 01/11/2022)
01/11/2022	<u>23</u>	ORDER granting <u>22</u> Motion for Extension of Time to Answer. Defendants shall file their responsive pleading on or before 3/14/22, and shall return the Magistrate Consent Form at least 2 days prior to any stipulation or responsive pleading. Signed by Magistrate Judge D Thomas Ferraro on 1/11/22. (JAM) (Entered: 01/11/2022)
01/12/2022	<u>24</u>	REQUEST re: on Motion to Intervene <i>and Proposed Order</i> by Intervenor Defendants Arizona Cattle Growers Association, Menges Ranches LLC. (Attachments: # <u>1</u> Proposed Order Exhibit A)(James, Norman) (Entered: 01/12/2022)
01/12/2022	<u>25</u>	ORDER granting <u>16</u> Motion to Intervene as Defendants. The Clerk's Office is hereby DIRECTED to docket the lodged proposed Intervenor-Defendants' Answer to Amended Complaint (Doc. <u>17</u>). Signed by Magistrate Judge D Thomas Ferraro on 1/12/22. (See attached Order for complete details) (JAM) (Entered: 01/12/2022)
01/12/2022	<u>26</u>	ANSWER to <u>10</u> Amended Complaint by Arizona Cattle Growers Association, Menges Ranches LLC. (JAM) (Entered: 01/12/2022)
01/12/2022	<u>27</u>	Corporate Disclosure Statement by Arizona Cattle Growers Association, Menges Ranches LLC. (JAM) (Entered: 01/12/2022)
01/12/2022	<u>29</u>	Agreement to Magistrate Judge Jurisdiction. Party agrees to Magistrate Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (DLC) (Entered: 01/13/2022)
01/24/2022	<u>30</u>	ORDER TO SHOW CAUSE for failure to comply with LRCiv 3.7(b). Show Cause Hearing set for 3/1/2022 at 11:30 AM before Senior Judge Raner C Collins. (Attachments: # <u>1</u> Consent)(DLC) (Entered: 01/24/2022)
01/31/2022	<u>31</u>	SERVICE EXECUTED filed by Center for Biological Diversity, Maricopa Audubon Society: Proof of Service re: Complaint, Summons, Civil Cover Sheet, Corporate Disclosure Statements, Court Consent to Magistrate Judge Form upon Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Attorney General, and U.S. Attorney's Office on October 15, 2021. (Fink, Marc) (Entered: 01/31/2022)
02/25/2022	<u>33</u>	Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (DLC) (Entered: 02/28/2022)
02/28/2022	<u>34</u>	MINUTE ORDER: Pursuant to Local Rule 3.7(b), a request has been received for a random reassignment of this case to a District Judge. IT IS ORDERED this case is reassigned by random draw to District Judge Rosemary Marquez. All further pleadings/papers should now list the following COMPLETE case number: CV-21-411-TUC-RM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (DLC) (Entered: 02/28/2022)
02/28/2022	<u>35</u>	IT IS ORDERED Pursuant to the parties compliance with Local Rule 3.7(b); IT IS ORDERED the Show Cause Hearing, presently set for 3/1/22 at 11:30 a.m. before Judge Collins is VACATED. Ordered by Senior Judge Raner C Collins. (ABU)(This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry.) (Entered: 02/28/2022)
03/01/2022	<u>36</u>	ORDER REFERRING CASE to Magistrate Judge D. Thomas Ferraro for all pretrial proceedings and report and recommendation, in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv. 72.1 and 72.2. All future filings in this case shall be designated: CV-21-00411-TUC-RM (DTF). Signed by Judge Rosemary Marquez on 2/28/22. (JAM) (Entered: 03/01/2022)
03/14/2022	<u>37</u>	Third MOTION for Extension of Time to File Answer by United States Bureau of Land Management, United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Kroeger, Melissa) (Entered: 03/14/2022)
03/15/2022	<u>38</u>	ORDERED that Defendants' motion (Doc. <u>37</u>) is GRANTED. Accordingly, Defendants shall file their responsive pleading on or before May 13, 2022. Signed by Magistrate Judge D Thomas Ferraro on 3/14/2022. (ARC) (Entered: 03/15/2022)

05/03/2022	<u>39</u>	NOTICE of Appearance by Nicole Marie Smith on behalf of United States Bureau of Land Management, United States Fish and Wildlife Service. (Smith, Nicole) (Entered: 05/03/2022)
05/03/2022	<u>40</u>	Fourth MOTION for Extension of Time to File Answer re: <u>10</u> Amended Complaint by United States Bureau of Land Management, United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Smith, Nicole) (Entered: 05/03/2022)
05/04/2022	<u>41</u>	ORDER: IT IS HEREBY ORDERED that Defendants' motion (Doc. <u>40</u>) is GRANTED. Accordingly, Defendants shall file their responsive pleading on or before July 12, 2022.Signed by Magistrate Judge D Thomas Ferraro on 05/03/2022. (SCA) (Entered: 05/04/2022)
07/06/2022	<u>42</u>	Fifth MOTION for Extension of Time to File Answer re: <u>10</u> Amended Complaint by United States Bureau of Land Management, United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Smith, Nicole) (Entered: 07/06/2022)
07/11/2022	<u>43</u>	ORDERED that the Federal Defendants' Motion (Doc. <u>42</u>) is GRANTED and the deadline to respond to Plaintiffs' Amended Complaint is extended to Thursday, August 11, 2022. Signed by Magistrate Judge D Thomas Ferraro on 7/11/2022. (ARC) (Entered: 07/11/2022)
08/11/2022	<u>44</u>	Joint MOTION Enter Stipulated Settlement Agreement and to Dismiss re: <u>10</u> Amended Complaint by United States Bureau of Land Management, United States Fish and Wildlife Service. (Attachments: # <u>1</u> Attachment Stipulated Settlement Agreement, # <u>2</u> Proposed Order)(Smith, Nicole) (Entered: 08/11/2022)
09/12/2022	<u>45</u>	ORDER granting <u>44</u> Joint Motion to Enter Stipulated Settlement Agreement and to Dismiss. This action is dismissed without prejudice pursuant to the terms of the parties' Stipulated Settlement Agreement. The Clerk of Court is directed to close this case. The terms of the Settlement Agreement are incorporated herein. Signed by Judge Rosemary Marquez on 9/9/22. (See attached Order for complete details) (JAM) (Entered: 09/12/2022)