

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-03054-CKK**

CENTER FOR BIOLOGICAL DIVERSITY v. U.S.
DEPARTMENT OF AGRICULTURE RURAL UTILITIES
SERVICE
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 11/18/2021
Date Terminated: 07/05/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY**

represented by **Lauren Parker**
CENTER FOR BIOLOGICAL
DIVERSITY
3713 Aynor Drive
Bowie, MD 20721
202-868-1008
Email: lparker@biologicaldiversity.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Howard M. Crystal
CENTER FOR BIOLOGICAL
DIVERSITY
1411 K Street, NW
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ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
AGRICULTURE RURAL UTILITIES
SERVICE**

represented by **Patricia K. McBride**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7123
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LEAD ATTORNEY
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V.

Intervenor Defendant

**ARIZONA ELECTRIC POWER
COOPERATIVE, INC.**

represented by **Robert David Rosenberg , I.**
SLOVER & LOFTUS LLP
1224 Seventeenth Street, N.W.
Washington, DC 20036-3081
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LEAD ATTORNEY
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Date Filed	#	Docket Text
11/18/2021	<u>1</u>	COMPLAINT against CENTER FOR BIOLOGICAL DIVERSITY (Filing fee \$ 402 receipt number ADCDC-8875021) filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Summons to USDA, # <u>3</u> Summons Summons to US Atty, # <u>4</u> Summons Summons to USAG)(Crystal, Howard) (Entered: 11/18/2021)
11/18/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR BIOLOGICAL DIVERSITY (Crystal, Howard) (Entered: 11/18/2021)
11/18/2021	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Lauren A. Parker, Filing fee \$ 100, receipt number ADCDC-8875193. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Declaraton of Lauren Parker, # <u>2</u> Text of Proposed Order)(Crystal, Howard) (Entered: 11/18/2021)
11/18/2021		Case Assigned to Judge Colleen Kollar-Kotelly. (znmg) (Entered: 11/18/2021)
11/18/2021		NOTICE OF ERROR re <u>3</u> Motion for Leave to Appear Pro Hac Vice; emailed to hcrystal@biologicaldiversity.org, cc'd 2 associated attorneys -- The PDF file you docketed contained errors: 1. The Declaration is missing an original signature. Please file the signed document (Declaration) using the event Errata., 2. COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied. (znmg,) (Entered: 11/18/2021)
11/18/2021	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF AGRICULTURE RURAL UTILITIES SERVICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(znmg) (Entered: 11/18/2021)
11/18/2021	<u>5</u>	ERRATA <i>Corrected Declaration of Lauren A. Parker</i> by CENTER FOR BIOLOGICAL DIVERSITY re <u>3</u> MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Lauren A. Parker, Filing fee \$ 100, receipt number ADCDC-8875193. Fee Status: Fee Paid. filed by CENTER FOR BIOLOGICAL DIVERSITY. (Crystal, Howard) (Entered: 11/18/2021)
11/19/2021		MINUTE ORDER granting <u>3</u> Motion for Leave to Appear Pro Hac Vice Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions. Signed by Judge Colleen Kollar-Kotelly on 11/19/21. (lcckk1) (Entered: 11/19/2021)
11/23/2021	<u>6</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 11/23/2021. (DM) (Entered: 11/23/2021)
12/14/2021	<u>7</u>	AMENDED COMPLAINT against U.S. DEPARTMENT OF AGRICULTURE RURAL UTILITIES SERVICE filed by CENTER FOR BIOLOGICAL DIVERSITY.(Crystal, Howard) (Entered: 12/14/2021)
12/21/2021	<u>8</u>	NOTICE of Appearance by Patricia K. McBride on behalf of All Defendants (McBride, Patricia) (Entered: 12/21/2021)
12/22/2021	<u>9</u>	Unopposed MOTION for Extension of Time to File Answer by U.S. DEPARTMENT OF AGRICULTURE RURAL UTILITIES SERVICE. (McBride, Patricia) (Entered: 12/22/2021)
12/27/2021		MINUTE ORDER: Before the Court is Defendant's <u>9</u> Unopposed Motion for Enlargement of Time. Defendant seeks a thirty-day extension, to February 3, 2022, to answer Plaintiff's complaint. The <u>9</u> Motion states that "[u]ndersigned counsel was recently assigned to this matter... and will be out of the office from December 23, 2021 to January 3, 2022. In order to prepare an appropriate response[,],... [the] undersigned needs additional time to confer with agency counsel." Plaintiff does not oppose the motion, and this is Defendant's first such request. Accordingly, and upon good cause shown, it is hereby ORDERED that Defendant's <u>9</u> Unopposed Motion for Enlargement of Time is GRANTED . It is further ORDERED that Defendant shall answer or otherwise respond to Plaintiff's complaint on or before February 3, 2022 . Signed by Judge Colleen Kollar-Kotelly on December 27, 2021. (lcckk1) (Entered: 12/27/2021)

		12/27/2021)
12/27/2021		Set/Reset Deadlines: Answer due by 2/3/2022. (kt) (Entered: 12/27/2021)
12/28/2021	<u>10</u>	NOTICE of Appearance by Lauren Parker on behalf of CENTER FOR BIOLOGICAL DIVERSITY (Parker, Lauren) (Entered: 12/28/2021)
02/01/2022	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/1/2021. Answer due for ALL FEDERAL DEFENDANTS by 12/31/2021. (Attachments: # <u>1</u> Exhibit USPS Tracking Numbers)(Parker, Lauren) (Entered: 02/01/2022)
02/01/2022	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/1/2022., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF AGRICULTURE RURAL UTILITIES SERVICE served on 11/30/2021. (See Docket Entry <u>11</u> to view document). (znmw) (Entered: 02/02/2022)
02/07/2022	<u>13</u>	Unopposed MOTION for Leave to File by U.S. DEPARTMENT OF AGRICULTURE RURAL UTILITIES SERVICE. (Attachments: # <u>1</u> Exhibit Answer)(McBride, Patricia) (Entered: 02/07/2022)
02/07/2022		MINUTE ORDER: Before the Court is Defendant's <u>13</u> Unopposed Motion for Leave to File Its Answer to Plaintiffs Amended Complaint. On December 27, 2021, the Court order Defendant to answer or otherwise respond to Plaintiff's <u>1</u> Complaint on or before February 3, 2022. Counsel for Defendant states that "she inadvertently failed to file the answer prior to its due date" and "sincerely apologies to the Court and Plaintiff for any inconvenience or confusion." Defendant asks for leave to file the attached answer. As Plaintiff consents and Defendant has otherwise acted in good faith, see In re Vitamins Antitrust Class Actions, 327 F.3d 1207 (D.C. Cir. 2003), Defendant's <u>13</u> Motion is GRANTED . Defendant's attached answer, ECF No. 13-1, shall be docketed <i>nunc pro tunc</i> to February 3, 2022. Signed by Judge Colleen Kollar-Kotelly on February 7, 2022. (lcckk1) (Entered: 02/07/2022)
02/07/2022	<u>14</u>	SCHEDULING ORDER. The parties shall file a Joint Status Report as outlined herein. Signed by Judge Colleen Kollar-Kotelly on February 7, 2022. (lcckk1) (Entered: 02/07/2022)
02/07/2022		Set/Reset Deadlines: Joint Meet & Confer Statement due by 3/7/2022. (dot) (Entered: 02/08/2022)
02/07/2022	<u>15</u>	ANSWER to <u>7</u> Amended Complaint by U.S. DEPARTMENT OF AGRICULTURE RURAL UTILITIES SERVICE.(znmw) (Entered: 02/08/2022)
02/25/2022	<u>16</u>	MOTION to Intervene by ARIZONA ELECTRIC POWER COOPERATIVE, INC.. (Attachments: # <u>1</u> Exhibit Proposed Answer, # <u>2</u> Exhibit Corporate Disclosure Statement, # <u>3</u> Exhibit Proposed Order)(Rosenberg, Robert) (Entered: 02/25/2022)
02/28/2022		MINUTE ORDER: The Court is in receipt of Arizona Electric Power Cooperative, Inc.'s <u>16</u> Motion to Intervene. The Motion indicates that Plaintiff "takes no position on [the] Motion at this time." On or before March 4, 2022, Plaintiff shall file a notice indicating whether it supports or opposes the Motion. Signed by Judge Colleen Kollar-Kotelly on February 28, 2022. (lcckk1) (Entered: 02/28/2022)
03/04/2022	<u>17</u>	RESPONSE TO ORDER OF THE COURT re Order, filed by CENTER FOR BIOLOGICAL DIVERSITY. (Parker, Lauren) (Entered: 03/04/2022)
03/07/2022	<u>18</u>	RESPONSE TO ORDER OF THE COURT re <u>14</u> Order filed by CENTER FOR BIOLOGICAL DIVERSITY. (Parker, Lauren) (Entered: 03/07/2022)
03/09/2022	<u>19</u>	REPLY to opposition to motion re <u>16</u> MOTION to Intervene filed by ARIZONA ELECTRIC POWER COOPERATIVE, INC.. (Rosenberg, Robert) (Entered: 03/09/2022)
05/09/2022	<u>20</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Proposed Order)(Parker, Lauren) (Entered: 05/09/2022)

05/16/2022		MINUTE ORDER: The Court is in receipt of the parties' <u>20</u> Joint Status Report. The parties shall submit another joint status report on or before July 8, 2022, and every sixty days thereafter, until further order of the Court. Signed by Judge Colleen Kollar-Kotelly on May 16, 2022. (lcckk1) (Entered: 05/16/2022)
05/16/2022	<u>21</u>	ORDER granting <u>16</u> Motion to Intervene. See Order for details. Signed by Judge Colleen Kollar-Kotelly on May 16, 2022. (lcckk1) (Entered: 05/16/2022)
05/16/2022		Set/Reset Deadlines: Joint Status Report due by 7/8/2022. (dot) (Entered: 05/18/2022)
05/16/2022	<u>22</u>	ANSWER to <u>7</u> Amended Complaint by ARIZONA ELECTRIC POWER COOPERATIVE, INC..(znmw) (Entered: 05/19/2022)
05/16/2022	<u>23</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ARIZONA ELECTRIC POWER COOPERATIVE, INC. (znmw) (Entered: 05/19/2022)
07/05/2022	<u>24</u>	STIPULATION of Dismissal by CENTER FOR BIOLOGICAL DIVERSITY. (Parker, Lauren) (Entered: 07/05/2022)