

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-00681-CJN**

CENTER FOR BIOLOGICAL DIVERSITY v.
ENVIRONMENTAL PROTECTION AGENCY
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 03/15/2021
Date Terminated: 11/16/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY**
A California non-profit organization

represented by **Stephanie M. Parent**
CENTER FOR BIOLOGICAL
DIVERSITY
225 N. Killingsworth Ave.
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PRO HAC VICE
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY**

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/15/2021	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 402 receipt number ADCDC-8302903) filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Evans, Jonathan) (Entered: 03/15/2021)
03/15/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR BIOLOGICAL DIVERSITY (Evans, Jonathan) (Entered: 03/15/2021)
03/15/2021		Case Assigned to Judge Carl J. Nichols. (adh,) (Entered: 03/15/2021)

03/15/2021	<u>3</u>	SUMMONS (1) Issued Electronically as to ENVIRONMENTAL PROTECTION AGENCY. (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 03/15/2021)
04/21/2021	<u>4</u>	ANSWER to Complaint by ENVIRONMENTAL PROTECTION AGENCY.(Moustakas, John) (Entered: 04/21/2021)
05/10/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ENVIRONMENTAL PROTECTION AGENCY served on 3/22/2021 (Evans, Jonathan) (Entered: 05/10/2021)
05/10/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/22/2021. (Evans, Jonathan) (Entered: 05/10/2021)
05/10/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/22/2021. Answer due for ALL FEDERAL DEFENDANTS by 4/21/2021. (Evans, Jonathan) (Entered: 05/10/2021)
09/23/2021		MINUTE ORDER. Before the Court in this Freedom of Information Act case are a Complaint and an Answer. According to Local Civil Rule 16.3, the requirements of Federal Rule of Civil Procedure 26(f) are inapplicable. It is hereby ORDERED that the Parties shall confer and file a Joint Status Report on or before October 14, 2021. The Joint Status Report shall address: (1) the status of Plaintiffs FOIA request; (2) the anticipated number of documents responsive to Plaintiffs FOIA request; (3) the anticipated dates for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); (5) the possibility of prioritizing documents responsive to Plaintiffs requests and any discussions regarding whether Plaintiffs requests can be narrowed; and (6) whether the Parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on September 23, 2021. (lccjn1) (Entered: 09/23/2021)
09/23/2021		Set/Reset Deadlines: Joint Status Report due by 10/14/2021. (zcal) (Entered: 09/24/2021)
10/14/2021	<u>8</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Evans, Jonathan) (Entered: 10/14/2021)
10/18/2021		MINUTE ORDER. Upon review of the Parties' <u>8</u> Joint Status Report, it is ORDERED that the Parties file an additional Status Report on or before April 12, 2022. It is further ORDERED that Parties shall file an additional joint status report within 30 days of any uncured breach of the production schedule described in the <u>8</u> Joint Status Report. Signed by Judge Carl J. Nichols on October 18, 2021. (lccjn1) (Entered: 10/18/2021)
10/18/2021		Set/Reset Deadlines: Joint Status Report due by 4/12/2022. (zcal) (Entered: 10/18/2021)
04/12/2022	<u>9</u>	Joint STATUS REPORT by ENVIRONMENTAL PROTECTION AGENCY. (Moustakas, John) (Entered: 04/12/2022)
04/13/2022	<u>10</u>	ERRATA by ENVIRONMENTAL PROTECTION AGENCY re <u>9</u> Status Report filed by ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Exhibit Corrected JSR (to replace ECF No. 9))(Moustakas, John) (Entered: 04/13/2022)
04/15/2022		MINUTE ORDER. Upon review of the Parties' [10-1] Corrected Joint Status Report, it is ORDERED that the Parties file an additional status report, including a proposal for further proceedings, by October 12, 2022 and every six months thereafter until the termination of this litigation or further order of the Court. It is further ORDERED that the Parties shall file an additional joint status report within 30 days of any uncured breach of the production schedule. Signed by Judge Carl J. Nichols on April 15, 2022. (lccjn1) (Entered: 04/15/2022)
10/12/2022	<u>11</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Evans, Jonathan) (Entered: 10/12/2022)
04/12/2023	<u>12</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Evans, Jonathan) (Entered: 04/12/2023)

04/12/2023	<u>13</u>	ENTERED IN ERROR.....Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Moustakas, John) Modified on 4/13/2023. Counsel has refiled in DE <u>14</u> (zed). (Entered: 04/12/2023)
04/13/2023	<u>14</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Moustakas, John) (Entered: 04/13/2023)
04/13/2023		<p>RESOLVED...NOTICE of Provisional/Government Not Certified Status re <u>12</u> Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Evans, Jonathan).</p> <p>Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Civil Rule 83.9, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-renewal.</p> <p>Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 4/20/2023. (zbaj) Modified on 4/21/2023 (zbaj). (Entered: 04/13/2023)</p>
10/11/2023	<u>15</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Evans, Jonathan) (Entered: 10/11/2023)
10/13/2023		MINUTE ORDER. Upon consideration of the <u>15</u> Joint Status Report, it is hereby ORDERED that the Parties shall file, by April 12, 2024, an additional joint status report, including a proposal for further proceedings. So ORDERED by Judge Carl J. Nichols on October 13, 2023. (lccjn1) (Entered: 10/13/2023)
11/15/2023	<u>16</u>	NOTICE of Voluntary Dismissal by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Moustakas, John) (Entered: 11/15/2023)
11/29/2023		MINUTE ORDER. The Court interprets the <u>16</u> Stipulation of Dismissal as conditioned on the Court's retention of jurisdiction over the Parties' settlement agreement. The Court declines to retain jurisdiction at this time because it has not had a chance to review the settlement agreement. If the Parties would like the Court to retain jurisdiction, they must provide it with a copy of their agreement. Alternatively, if they would like to dismiss the case without the Court retaining jurisdiction over their settlement agreement, they may file a new stipulation of dismissal pursuant to Rule 41(a)(1) that is not conditioned on the Court's retention of jurisdiction. So ORDERED by Judge Carl J. Nichols on November 29, 2023. (lccjn1) (Entered: 11/29/2023)