

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:22-cv-01173-TNM**

PUBLIC EMPLOYEES FOR ENVIRONMENTAL
 RESPONSIBILITY v. ENVIRONMENTAL PROTECTION
 AGENCY

Assigned to: Judge Trevor N. McFadden
 Cause: 05:552 Freedom of Information Act

Date Filed: 04/28/2022
 Date Terminated: 11/29/2023
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

**PUBLIC EMPLOYEES FOR
 ENVIRONMENTAL
 RESPONSIBILITY**

represented by **Colleen Elizabeth Teubner**
 PUBLIC EMPLOYEES FOR
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LEAD ATTORNEY
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Hudson Blake Kingston
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TERMINATED: 07/11/2023
LEAD ATTORNEY

V.

Defendant

**UNITED STATES
 ENVIRONMENTAL PROTECTION
 AGENCY**

represented by **Jeremy S. Simon**
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 Patrick Henry Building
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Date Filed	#	Docket Text
04/28/2022	<u>1</u>	COMPLAINT against ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 402 receipt number ADCDC-9201115) filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons Summons for EPA, # <u>3</u> Summons Summons for US AG, # <u>4</u> Summons Summons for US Att DC)(Kingston, Hudson) (Entered: 04/28/2022)
04/28/2022	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Kingston, Hudson) (Entered: 04/28/2022)

04/28/2022		Case Assigned to Judge Trevor N. McFadden. (znmg) (Entered: 04/28/2022)
04/28/2022	<u>3</u>	SUMMONS (3) Issued Electronically as to ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(znmg) (Entered: 04/28/2022)
04/28/2022	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 4/28/2022. (lctnm1) (Entered: 04/28/2022)
05/31/2022	<u>5</u>	ANSWER to Complaint by ENVIRONMENTAL PROTECTION AGENCY.(Simon, Jeremy) (Entered: 05/31/2022)
06/02/2022		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceedings in this matter. The report should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the report on or before July 8, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/2/2022. (lctnm1) (Entered: 06/02/2022)
06/03/2022		Set/Reset Deadlines: Joint Status Report due by 7/8/2022. (hmc) (Entered: 06/03/2022)
07/08/2022	<u>6</u>	Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Kingston, Hudson) (Entered: 07/08/2022)
07/11/2022		MINUTE ORDER: Upon consideration of the <u>6</u> Joint Status Report, the parties are hereby ORDERED to file another status report on or before September 8, 2022, with a proposed summary judgment briefing schedule. Alternatively, the parties may file a stipulation of dismissal before that date. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/11/2022. (lctnm1) (Entered: 07/11/2022)
07/11/2022		Set/Reset Deadlines: Joint Status Report due by 9/8/2022. (hmc) (Entered: 07/11/2022)
09/07/2022	<u>7</u>	Joint STATUS REPORT by ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 09/07/2022)
09/07/2022		MINUTE ORDER: Upon consideration of the <u>7</u> Joint Status Report, the parties are ORDERED to file another status report on or before November 9, 2022. Alternatively, the parties may file a stipulation of dismissal before that date. If the parties do not file a stipulation of dismissal the Court will set a dispositive motions briefing schedule after the November 9th status report. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/7/2022. (lctnm1) (Entered: 09/07/2022)
09/08/2022		Set/Reset Deadlines: Joint Status Report due by 11/9/2022. (ztg) (Entered: 09/08/2022)
11/09/2022	<u>8</u>	Joint STATUS REPORT by ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 11/09/2022)
11/09/2022		MINUTE ORDER: The parties are ORDERED to file another status report by January 9, 2023. Alternatively, the parties may file a stipulation of dismissal before that date. If the parties do not file a stipulation of dismissal the Court will set a dispositive motions briefing schedule after the January 9th status report. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/9/2022. (lctnm1) (Entered: 11/09/2022)
11/10/2022		Set/Reset Deadlines: Joint Status Report due by 1/9/2023. (hmc) (Entered: 11/10/2022)
01/09/2023	<u>9</u>	Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Kingston, Hudson) (Entered: 01/09/2023)
01/09/2023		MINUTE ORDER: After considering the parties' <u>9</u> Joint Status Report, the Court hereby sets the following briefing schedule: Defendant's Motion for Summary Judgment is due by March 15, 2023. Plaintiff's combined Cross Motion for Summary Judgment and Opposition is due by April 14, 2023. Defendant's combined Opposition and Reply is due by May 5, 2023. Plaintiff's Reply is due by May 19, 2023. SO

		ORDERED. Signed by Judge Trevor N. McFadden on 1/9/2023. (lctnm1) (Entered: 01/09/2023)
01/10/2023		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by March 15, 2023. Plaintiff's combined Cross Motion for Summary Judgment and Opposition due by April 14, 2023. Defendant's combined Opposition and Reply due by May 5, 2023. Plaintiff's Reply due by May 19, 2023. (hmc) (Entered: 01/10/2023)
03/10/2023	<u>10</u>	MOTION for Extension of Time to <i>File Motion for Summary Judgment and for Adjustment of Remaining Deadlines in Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 03/10/2023)
03/10/2023		MINUTE ORDER: The Defendant's <u>10</u> Motion for Extension of Time is granted. There is "good cause" for an extension because of the medical emergency noted in Defendant's motion. Fed. R. Civ. P. 6(b)(1). Defendant's Motion for Summary Judgment is due by May 16, 2023. Plaintiff's combined Cross Motion for Summary Judgment and Opposition is due by June 16, 2023. Defendant's combined Opposition and Reply is due by July 7, 2023. Plaintiff's Reply is due by July 21, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/10/2023. (lctnm1) (Entered: 03/10/2023)
03/13/2023		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by May 16, 2023. Plaintiff's combined Cross Motion for Summary Judgment and Opposition due by June 16, 2023. Defendant's combined Opposition and Reply due by July 7, 2023. Plaintiff's Reply due by July 21, 2023. (hmc) (Entered: 03/13/2023)
05/11/2023	<u>11</u>	Joint MOTION for Extension of Time to <i>File Summary Judgment Motions (Joint Motion for Extension of Summary Judgment Briefing Deadlines)</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 05/11/2023)
05/11/2023		MINUTE ORDER: The parties' Joint Motion for Extension of Time is granted. Defendant's Motion for Summary Judgment is due by July 17, 2023. Plaintiff's combined Cross Motion for Summary Judgment and Opposition is due by August 16, 2023. Defendant's combined Opposition and Reply is due by September 7, 2023. Plaintiff's Reply is due by September 21, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/11/2023. (lctnm1) Modified on 5/11/2023 to edit deadline dates (hmc). (Entered: 05/11/2023)
05/11/2023		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by July 17, 2023. Plaintiff's combined Cross Motion for Summary Judgment and Opposition due by August 16, 2023. Defendant's combined Opposition and Reply due by September 7, 2023. Plaintiff's Reply due by September 21, 2023. (hmc) (Entered: 05/11/2023)
07/11/2023	<u>12</u>	NOTICE of Appearance by Colleen Elizabeth Teubner on behalf of PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Teubner, Colleen) (Entered: 07/11/2023)
07/11/2023	<u>13</u>	Joint MOTION for Extension of Time to <i>File Summary Judgment Motion (Joint Motion for Extension of Summary Judgment Briefing Deadlines)</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 07/11/2023)
07/11/2023	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Colleen Elizabeth Teubner on behalf of PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY Substituting for attorney Hudson B. Kingston (Teubner, Colleen) (Entered: 07/11/2023)
07/13/2023		MINUTE ORDER: The parties' <u>13</u> Joint Motion for Extension of Time is granted. Defendant's Motion for Summary Judgment is due by August 31, 2023. Plaintiff's combined Cross Motion for Summary Judgment and Opposition is due by September 29, 2023. Defendant's combined Opposition and Reply is due by October 19, 2023. And Plaintiff's Reply is due by November 3, 2023. Future extension requests will be disfavored. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/13/2023. (lctnm1) (Entered: 07/13/2023)

07/14/2023		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by August 31, 2023. Plaintiff's combined Cross Motion for Summary Judgment and Opposition due by September 29, 2023. Defendant's combined Opposition and Reply due by October 19, 2023. Plaintiff's Reply due by November 3, 2023. (hmc) (Entered: 07/14/2023)
08/24/2023	<u>15</u>	Joint MOTION to Vacate <i>Summary Judgment Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 08/24/2023)
08/24/2023		MINUTE ORDER: The Court hereby vacates all summary judgment briefing deadlines. The parties shall submit a Joint Status Report by September 29, 2023, unless they submit a stipulation of dismissal before then. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/24/2023. (lctnm1) (Entered: 08/24/2023)
08/24/2023		Status Report due by 9/29/2023. (Entered: 08/24/2023)
09/29/2023	<u>16</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 09/29/2023)
10/01/2023		MINUTE ORDER: The parties shall submit a Joint Status Report by November 16, 2023, unless they submit a stipulation of dismissal before then. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/01/2023. (lctnm1) (Entered: 10/01/2023)
11/16/2023	<u>17</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 11/16/2023)
11/16/2023		MINUTE ORDER: The parties shall submit a Joint Status Report by December 16, 2023. If the parties have not reached a resolution on the issue of fees and costs by then, they should propose a briefing schedule in that Joint Status Report. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/16/2023. (lctnm1) (Entered: 11/16/2023)
11/28/2023	<u>18</u>	NOTICE of Acceptance with Offer of Judgment by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Simon, Jeremy) (Entered: 11/28/2023)
11/28/2023	<u>19</u>	STIPULATION of Dismissal by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 11/28/2023)
11/28/2023		MINUTE ORDER: Having considered the parties' <u>19</u> Joint Stipulation of Dismissal, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Court ORDERS that this matter is DISMISSED WITH PREJUDICE. All outstanding deadlines are hereby VACATED. The Clerk of Court is requested to close the case. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/28/2023. (lctnm1) (Entered: 11/28/2023)