

**U.S. District Court**  
**United States District Court – District of New Mexico (Albuquerque)**  
**CIVIL DOCKET FOR CASE #: 1:23-cv-00396-JFR-SCY**

New Mexico Cattle Growers Association v. United States  
 Department of Agriculture et al  
 Assigned to: Magistrate Judge John F. Robbenhaar  
 Referred to: Magistrate Judge Steven C. Yarbrough  
 Cause: 05:552 Freedom of Information Act

Date Filed: 05/08/2023  
 Date Terminated: 12/05/2023  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**New Mexico Cattle Growers  
 Association**

represented by **Karen Budd-Falen**  
 Budd Falen & Associates  
 PO Box 346  
 Cheyenne, WY 82003  
 (307) 632-5105  
 Email: [karen@buddfalen.com](mailto:karen@buddfalen.com)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Brandon L. Jensen**  
 Budd-Falen Law Offices, LLC  
 300 E. 18th Street  
 P.O. Box 346  
 Cheyenne, WY 82003  
 307-632-5105  
 Fax: 307-637-3891  
 Email: [brandon@buddfalen.com](mailto:brandon@buddfalen.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**United States Department of  
 Agriculture**

represented by **Manuel Lucero**  
 US Attorney's Office  
 District of New Mexico  
 PO Box 607  
 Albuquerque, NM 87103  
 (505) 346-7274  
 Email: [manny.lucero@usdoj.gov](mailto:manny.lucero@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**United States Forest Service**

represented by **Manuel Lucero**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**United States Animal and Plant Health  
 Inspection Service**

represented by **Manuel Lucero**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
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05/08/2023	<u>1</u>	COMPLAINT against All Defendants ( Filing Fee – Online Payment), filed by New Mexico Cattle Growers Association. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Attachment 1)(Jensen, Brandon) (Entered: 05/08/2023)
05/08/2023		Filing and Administrative Fees Received: \$ 402 receipt number ANMDC–8814510 re <u>1</u> Complaint filed by New Mexico Cattle Growers Association (Payment made via Pay.gov)(Jensen, Brandon) (Entered: 05/08/2023)
05/08/2023		United States Magistrate Judge John F. Robbenhaar and United States Magistrate Judge Steven C. Yarbrough assigned. (bc) Modified on 5/9/2023 (bc). (Entered: 05/08/2023)
05/08/2023	<u>2</u>	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge John F. Robbenhaar to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. <b>It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint.</b> <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference.</i> For e–filers, visit our Web site at <a href="http://www.nmd.uscourts.gov">www.nmd.uscourts.gov</a> for more information and instructions. <a href="#">[THIS IS A TEXT–ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (bc) (Entered: 05/08/2023)
05/08/2023	<u>3</u>	ASSOCIATION of Attorney Licensed Outside the District for Plaintiff New Mexico Cattle Growers Association by Brandon L. Jensen on behalf of: Karen Budd–Falen Budd Falen Law Offices 300 East 18th Street Cheyenne, WY 82003 3076325105 karen@buddfalen.com (Association Dues – Online Payment) (Jensen, Brandon) <a href="#">[THIS IS A TEXT–ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (Entered: 05/08/2023)
05/08/2023		Association Dues Received: \$ 100 receipt number ANMDC–8814609 re: # <u>3</u> Association of Attorney Licensed Outside the District, filed by New Mexico Cattle Growers Association (Payment made via Pay.gov)(Jensen, Brandon) (Entered: 05/08/2023)
05/08/2023	<u>4</u>	NOTICE by New Mexico Cattle Growers Association re <u>3</u> Association of Attorney Licensed Outside the District, (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit) (Jensen, Brandon) (Entered: 05/08/2023)
05/09/2023		Summons Issued as to United States Animal and Plant Health Inspection Service, United States Department of Agriculture, United States Forest Service, U.S. Attorney and U.S. Attorney General (bc) (Entered: 05/09/2023)
05/19/2023		Summons Issued as to U.S. Attorney (jg) (Entered: 05/19/2023)
05/19/2023		Summons Issued as to U.S. Attorney General (jg) (Entered: 05/19/2023)
05/31/2023	<u>5</u>	<b>**FILED IN ERROR**</b> SUMMONS Returned Executed by New Mexico Cattle Growers Association. United States Animal and Plant Health Inspection Service served on 5/15/2023, answer due 6/5/2023. (Budd–Falen, Karen) Modified on 5/31/2023–Filed in Error per K.Budd–Falen (cmm). (Entered: 05/31/2023)
05/31/2023	<u>6</u>	SUMMONS Returned Executed by New Mexico Cattle Growers Association. United States Animal and Plant Health Inspection Service served on 5/15/2023, answer due 7/14/2023. (Budd–Falen, Karen) (Entered: 05/31/2023)
05/31/2023	<u>7</u>	SUMMONS Returned Executed by New Mexico Cattle Growers Association. United States Department of Agriculture served on 5/16/2023, answer due 7/17/2023. (Budd–Falen, Karen) (Entered: 05/31/2023)

05/31/2023	<u>8</u>	ACKNOWLEDGEMENT OF SERVICE Executed 5/24/2023 Acknowledgement filed by New Mexico Cattle Growers Association. (Budd-Falen, Karen) (Entered: 05/31/2023)
05/31/2023	<u>9</u>	NOTICE of Appearance by Manuel Lucero on behalf of United States Animal and Plant Health Inspection Service, United States Department of Agriculture, United States Forest Service (Lucero, Manuel) (Entered: 05/31/2023)
05/31/2023	<u>10</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by United States Animal and Plant Health Inspection Service, United States Department of Agriculture, United States Forest Service. (Lucero, Manuel) (Entered: 05/31/2023)
05/31/2023	<u>11</u>	ORDER by Magistrate Judge Steven C. Yarbrough granting <u>10</u> Motion for Extension of Time to Answer. Defendants' answer due 7/14/2023. (kfo) (Entered: 05/31/2023)
07/07/2023	<u>12</u>	ACKNOWLEDGEMENT OF SERVICE Executed as to <u>1</u> Complaint, Summons Issued as to USA Acknowledgement filed by New Mexico Cattle Growers Association. (Budd-Falen, Karen) (Entered: 07/07/2023)
07/14/2023	<u>13</u>	ANSWER to <u>1</u> Complaint by United States Animal and Plant Health Inspection Service, United States Department of Agriculture, United States Forest Service. Related document: <u>1</u> Complaint filed by New Mexico Cattle Growers Association.(Lucero, Manuel) (Entered: 07/14/2023)
07/17/2023	<u>14</u>	INITIAL SCHEDULING ORDER: by Magistrate Judge Steven C. Yarbrough. Joint Status Report due by 8/18/2023. Telephonic Scheduling Conference set for 8/29/2023 at 11:30 AM before Magistrate Judge Steven C. Yarbrough. Unless otherwise notified by the Clerk or the Court a notice of consent or non-consent for this case to proceed before the trial Magistrate Judge should be submitted by each party no later than 8/7/2023. (kfo) (Entered: 07/17/2023)
07/26/2023	15	REMINDER OF CONSENT SUBMISSION DEADLINE: Pursuant to Fed. R. Civ. P. 73(b)(2), the parties are reminded that a magistrate judge was assigned as the trial judge in this matter under 28 U.S.C. 636(c). The parties are advised that the Clerk will reassign this matter to a district judge as the trial judge no later than <b>12 days</b> from the entry of this notice unless consents from all parties have been filed. The parties are free to withhold consent. <i>If you have already entered your consent, you need not resubmit.</i> (ajp) <a href="#">[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (Entered: 07/26/2023)
07/27/2023	16	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), United States Animal and Plant Health Inspection Service, United States Department of Agriculture, United States Forest Service voluntarily consent(s) to have United States Magistrate Judge John F. Robbenhaar conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Lucero, Manuel) <a href="#">[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (Entered: 07/27/2023)
07/27/2023	17	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), New Mexico Cattle Growers Association voluntarily consent(s) to have United States Magistrate Judge John F. Robbenhaar conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Budd-Falen, Karen) <a href="#">[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (Entered: 07/27/2023)
07/28/2023	18	NOTICE OF RULE 73 CONSENT Received by All Parties. Related documents: 16 Consent to Proceed Before a U.S. Magistrate Judge,, filed by United States Animal and Plant Health Inspection Service, United States Forest Service, United States Department of Agriculture, 17 Consent to Proceed Before a U.S. Magistrate Judge, filed by New Mexico Cattle Growers Association. <a href="#">[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (dr) (Entered: 07/28/2023)
08/08/2023	<u>19</u>	Joint Status Report by United States Animal and Plant Health Inspection Service, United States Department of Agriculture, United States Forest Service (Lucero,

		Manuel) (Entered: 08/08/2023)
08/29/2023	<u>20</u>	ORDER by Magistrate Judge Steven C. Yarbrough. Telephonic Status Conference set for 10/5/2023 at 03:00 PM before Magistrate Judge Steven C. Yarbrough. The parties shall call the AT&T Conference line at (888) 398-2342 [Access Code 2418431] to connect to the proceedings. (kfo) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 08/29/2023)
08/29/2023	<u>21</u>	Clerk's Minutes for proceedings held before Magistrate Judge Steven C. Yarbrough: Scheduling Conference held on 8/29/2023. (kfo) (Entered: 08/29/2023)
09/30/2023	<u>22</u>	STIPULATION of fees and cost settlement agreement by United States Animal and Plant Health Inspection Service, United States Department of Agriculture, United States Forest Service (Lucero, Manuel) (Entered: 09/30/2023)
09/30/2023	<u>23</u>	STIPULATION of Settlement by United States Animal and Plant Health Inspection Service, United States Department of Agriculture, United States Forest Service (Lucero, Manuel) (Entered: 09/30/2023)
10/02/2023	<u>24</u>	ORDER by Magistrate Judge Steven C. Yarbrough. Given the parties' settlement agreement, the Court VACATES the Telephonic Status Conference set for 10/5/2023 at 03:00 PM. The parties shall submit Closing Documents by November 1, 2023, absent a request showing good cause for an extension. (kfo) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 10/02/2023)
12/04/2023		ORDER by Magistrate Judge Steven C. Yarbrough. Telephonic Status Conference set for 12/14/2023 at 09:30 AM before Magistrate Judge Steven C. Yarbrough. The purpose of this conference is to discuss the status of closing documents. If the parties submit closing documents prior to the status conference, the Court will vacate the conference. The parties shall call the AT&T Conference line at (888) 398-2342 [Access Code 2418431] to connect to the proceedings. (kfo) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 12/04/2023)
12/05/2023	<u>25</u>	NOTICE of Voluntary Dismissal of Case by All Defendants (Lucero, Manuel) (Entered: 12/05/2023)
12/05/2023	<u>26</u>	ORDER by Magistrate Judge Steven C. Yarbrough VACATING the Telephonic Status Conference set for 12/14/2023 at 09:30 AM before Magistrate Judge Steven C. Yarbrough. (kfo) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 12/05/2023)