

U.S. District Court
United States District Court – District of New Mexico (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:23-cv-00343-WJ-LF

US Right to Know v. National Nuclear Security Administration Date Filed: 04/24/2023
Assigned to: Chief District Judge William P. Johnson Date Terminated: 02/29/2024
Referred to: Magistrate Judge Laura Fashing Jury Demand: None
Cause: 05:552 Freedom of Information Act Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**US Right to Know**

represented by **Matthew Hardin**
Hardin Law Office
1725 I Street NW
Suite 300
Washington, DC 20006
202-802-1948
Email: matthewdhardin@gmail.com
ATTORNEY TO BE NOTICED

V.

Defendant**National Nuclear Security Administration**

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
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. Department of Energy**

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

Date Filed	#	Docket Text
04/24/2023	<u>1</u>	COMPLAINT against National Nuclear Security Administration (Filing Fee – Online Payment), filed by US Right to Know. (Attachments: # <u>1</u> Exhibit A (FOIA Request), # <u>2</u> Exhibit B (Dept. of Energy Correspondence), # <u>3</u> Exhibit C (NNSA Correspondence), # <u>4</u> Supplement FOIA (30-day) Summonses Requested, # <u>5</u> Civil Cover Sheet)(Hardin, Matthew) (Entered: 04/24/2023)
04/24/2023		United States Magistrate Judge Kirtan Khalsa and United States Magistrate Judge Laura Fashing assigned. (jg) (Entered: 04/24/2023)
04/24/2023	2	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Kirtan Khalsa 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. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. <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

		www.nmd.uscourts.gov for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (jg) (Entered: 04/24/2023)
04/24/2023	3	Filing fee: \$ 402, receipt number ANMDC-8790446 re <u>1</u> COMPLAINT against National Nuclear Security Administration (Filing Fee – Online Payment), filed by US Right to Know. (Attachments: # <u>1</u> Exhibit A (FOIA Request), # <u>2</u> Exhibit B (Dept. of Energy Correspondence), # <u>3</u> Exhibit C (NNSA Correspondence), # <u>4</u> Supplement FOIA (30-day) Summonses Requested, # <u>5</u> Civil Cover Sheet)(Hardin, Matthew) filed by US Right to Know (cmm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 04/25/2023)
04/27/2023	4	MOTION for Issuance of <i>30 Day (FOIA) Summonses</i> by US Right to Know. (Attachments: # <u>1</u> Supplement Proposed Summons to NNSA, # <u>2</u> Supplement Proposed Summons to US Dept. of Energy, # <u>3</u> Supplement Proposed Summons to Attorney General, # <u>4</u> Supplement Proposed Summons to US Attorney, # <u>5</u> Supplement Correspondence with Clerk's Office) (Hardin, Matthew) (Entered: 04/27/2023)
05/25/2023	5	ORDER by Magistrate Judge Laura Fashing granting <u>4</u> Motion for Issuance of 30-Day Summonses. The Clerk of the Court is hereby directed to issue the summonses attached to plaintiff's motion.[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (lj) (Entered: 05/25/2023)
05/26/2023		Summons Issued as to National Nuclear Security Administration, U.S. Department of Energy, U.S. Attorney and U.S. Attorney General (jg) (Entered: 05/26/2023)
06/09/2023	<u>6</u>	NOTICE of Appearance by Manuel Lucero on behalf of National Nuclear Security Administration, U.S. Department of Energy (Lucero, Manuel) (Entered: 06/09/2023)
06/09/2023	<u>7</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by National Nuclear Security Administration, U.S. Department of Energy. (Lucero, Manuel) (Entered: 06/09/2023)
06/09/2023	<u>8</u>	ORDER by Magistrate Judge Laura Fashing granting <u>7</u> Motion for Extension of Time to Answer. National Nuclear Security Administration answer due 6/20/2023; U.S. Department of Energy answer due 6/20/2023. (lj) (Entered: 06/09/2023)
06/20/2023	<u>9</u>	ANSWER to <u>1</u> Complaint, by National Nuclear Security Administration, U.S. Department of Energy. Related document: <u>1</u> Complaint, filed by US Right to Know.(Lucero, Manuel) (Entered: 06/20/2023)
06/21/2023	<u>10</u>	INITIAL SCHEDULING ORDER by Magistrate Judge Laura Fashing. Rule 16 Initial Scheduling Conference set for 8/2/2023 at 02:00 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Laura Fashing. Joint Status Report and Provisional Discovery Plan due by 7/26/2023. 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 7/12/2023. (lj) (Entered: 06/21/2023)
06/26/2023	12	PLEASE TAKE NOTICE that this case has been reassigned to Chief United States District Judge William P. Johnson as the trial judge. Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges. <i>Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document.</i> Kindly reflect this change in your filings. United States Magistrate Judge Kirtan Khalsa no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (jg) (Entered: 06/26/2023)
06/28/2023	13	NOTICE REGARDING DOCUMENT ENTRIES: Because this case has been reassigned to a district judge, please be advised that any documents filed by the parties

		under Rule 73(b) have been permanently removed from the docket. Document(s) removed: No. 11. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (kg) (Entered: 06/28/2023)
07/31/2023	<u>14</u>	Joint Status Report by National Nuclear Security Administration, U.S. Department of Energy (Lucero, Manuel) (Entered: 07/31/2023)
08/02/2023	<u>15</u>	Clerk's Minutes for proceedings held before Magistrate Judge Laura Fashing: Scheduling Conference held on 8/2/2023. (lj) (Entered: 08/02/2023)
08/02/2023	<u>16</u>	SCHEDULING ORDER by Magistrate Judge Laura Fashing. Amended Pleadings due by 10/13/2023. 60-day joint status report due by 10/2/23. (lj) (Entered: 08/02/2023)
10/02/2023	<u>17</u>	MOTION for Extension of Time to File <i>Joint Status Report</i> by US Right to Know. (Hardin, Matthew) (Entered: 10/02/2023)
10/10/2023	<u>18</u>	Second MOTION for Extension of Time to File <i>Joint Status Report</i> by US Right to Know. (Hardin, Matthew) (Entered: 10/10/2023)
10/17/2023	<u>19</u>	Joint Status Report <i>and proposed briefing schedule</i> by National Nuclear Security Administration, U.S. Department of Energy (Lucero, Manuel) (Entered: 10/17/2023)
10/19/2023	<u>20</u>	ORDER by Magistrate Judge Laura Fashing SETTING STATUS CONFERENCE AND FINDING MOTIONS AS MOOT. Status Conference set for 11/16/2023 at 02:00 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Laura Fashing. Because the parties have filed their Joint Status Report, plaintiff's <u>17</u> <u>18</u> motions for extension are moot and hereby terminated. (lj) (Entered: 10/19/2023)
11/16/2023	<u>21</u>	Clerk's Minutes for proceedings held before Magistrate Judge Laura Fashing: Status Conference held on 11/16/2023. (lj) (Entered: 11/16/2023)
11/16/2023	<u>22</u>	ORDER Setting Briefing Schedule by Magistrate Judge Laura Fashing. Defendants shall file their motion for summary judgment by January 19, 2024. Plaintiff shall respond and, optionally, file their cross-motion by February 8, 2024. Defendants shall reply by February 22, 2024. If plaintiff files a cross-motion, defendants shall respond by February 22, 2024 and plaintiffs shall reply by March 1, 2024. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (lj) (Entered: 11/16/2023)
01/19/2024	<u>23</u>	MOTION for Summary Judgment by National Nuclear Security Administration, U.S. Department of Energy. (Attachments: # <u>1</u> Affidavit Declaration of search conducted, # <u>2</u> Exhibit A: Original FOIA request, # <u>3</u> Exhibit B: Agency Acknowledgement letter of receipt of FOIA request, # <u>4</u> Exhibit C: Final agency letter with results of search and documents) (Lucero, Manuel) (Entered: 01/19/2024)
02/08/2024	<u>24</u>	MEMORANDUM in Opposition re <u>23</u> MOTION for Summary Judgment filed by US Right to Know. (Attachments: # <u>1</u> Affidavit of Counsel, # <u>2</u> Exhibit Correspondence re: Search) (Hardin, Matthew) (Entered: 02/08/2024)
02/22/2024	<u>25</u>	REPLY to Response to Motion re <u>23</u> MOTION for Summary Judgment filed by National Nuclear Security Administration, U.S. Department of Energy. (Lucero, Manuel) (Entered: 02/22/2024)
02/22/2024	<u>26</u>	NOTICE of Briefing Complete by National Nuclear Security Administration, U.S. Department of Energy re <u>23</u> MOTION for Summary Judgment filed by U.S. Department of Energy, National Nuclear Security Administration (Lucero, Manuel) (Entered: 02/22/2024)
02/29/2024	<u>27</u>	MEMORANDUM OPINION AND ORDER by Chief District Judge William P. Johnson GRANTING <u>23</u> MOTION for Summary Judgment . (fs) (Entered: 02/29/2024)
02/29/2024	<u>28</u>	FINAL JUDGMENT by Chief District Judge William P. Johnson. (fs) (Entered: 02/29/2024)