

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-02079-CJN**

WEST VIRGINIA HIGHLANDS CONSERVANCY v.
UNITED STATES FOREST SERVICE
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 08/03/2021
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

**WEST VIRGINIA HIGHLANDS
CONSERVANCY**

represented by **Evan Dimond Johns**
APPALACHIAN MOUNTAIN
ADVOCATES, INC.
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Pittsburgh, PA 15206
434-738-1863
Fax: 304-645-9008
Email: ejohns@appalmad.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. FOREST SERVICE

represented by **Erika Kirstie Oblea**
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TERMINATED: 09/08/2022
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Date Filed	#	Docket Text
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08/03/2021	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief against UNITED STATES FOREST SERVICE (Filing fee \$ 402 receipt number ADCDC-8642701) filed by WEST VIRGINIA HIGHLANDS CONSERVANCY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Johns, Evan) (Entered: 08/03/2021)
08/03/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by WEST VIRGINIA HIGHLANDS CONSERVANCY (Johns, Evan) (Entered: 08/03/2021)
08/03/2021		Case Assigned to Judge Carl J. Nichols. (zsb) (Entered: 08/04/2021)
08/04/2021	<u>3</u>	SUMMONS (1) Issued Electronically as to UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 08/04/2021)
08/25/2021	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/9/2021. Answer due for ALL FEDERAL DEFENDANTS by 9/8/2021. (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Johns, Evan) (Entered: 08/25/2021)
08/25/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/9/21. (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Johns, Evan) (Entered: 08/25/2021)
08/25/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES FOREST SERVICE served on 8/11/2021 (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Johns, Evan) (Entered: 08/25/2021)
09/08/2021	<u>7</u>	NOTICE of Appearance by Michael A. Tilghman on behalf of UNITED STATES FOREST SERVICE (Tilghman, Michael) (Entered: 09/08/2021)
09/08/2021	<u>8</u>	MOTION to Dismiss by UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 09/08/2021)
09/16/2021	<u>9</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>8</u> MOTION to Dismiss by WEST VIRGINIA HIGHLANDS CONSERVANCY. (Attachments: # <u>1</u> Text of Proposed Order)(Johns, Evan) (Entered: 09/16/2021)
09/21/2021		MINUTE ORDER. Upon consideration of Plaintiff's unopposed <u>9</u> Motion for Extension of Time, it is hereby ordered that the motion is GRANTED. Plaintiff shall file a reply to Defendant's Motion to Dismiss by October 6, 2021. Signed by Judge Carl J. Nichols on September 21, 2021. (lccjn3) (Entered: 09/21/2021)
09/21/2021		Set/Reset Deadlines: Reply due by 10/6/2021. (zcal) (Entered: 09/22/2021)
10/06/2021	<u>10</u>	Memorandum in opposition to re <u>8</u> MOTION to Dismiss filed by WEST VIRGINIA HIGHLANDS CONSERVANCY. (Attachments: # <u>1</u> Exhibit A: E-Mail Message Thread)(Johns, Evan) Modified docket event/text on 10/7/2021 (zeg). (Entered: 10/06/2021)
10/07/2021	<u>11</u>	Consent MOTION for Extension of Time to <i>File Defendant's Reply Brief</i> by UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 10/07/2021)
10/13/2021		MINUTE ORDER. Upon consideration of the Defendant's <u>11</u> Consent Motion for Extension of Time, it is ORDERED that the Motion is GRANTED. Defendant shall file its reply brief by October 22, 2021. Signed by Judge Carl J. Nichols on October 13, 2021. (lccjn3) (Entered: 10/13/2021)
10/22/2021	<u>12</u>	REPLY to opposition to motion re <u>8</u> MOTION to Dismiss filed by UNITED STATES FOREST SERVICE. (Tilghman, Michael) (Entered: 10/22/2021)
09/01/2022	<u>13</u>	MEMORANDUM OPINION. Signed by Judge Carl J. Nichols on September 1, 2022. (lccjn3) (Entered: 09/01/2022)
09/01/2022	<u>14</u>	ORDER. Signed by Judge Carl J. Nichols on September 1, 2022. (lccjn3) (Entered: 09/01/2022)

09/06/2022	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Erika Kirstie Oblea on behalf of UNITED STATES FOREST SERVICE Substituting for attorney Michael A. Tilghman II (Oblea, Erika) (Entered: 09/06/2022)
09/08/2022	<u>16</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Thomas Duffey on behalf of UNITED STATES FOREST SERVICE Substituting for attorney Erika Oblea (Duffey, Thomas) (Entered: 09/08/2022)
02/05/2023	<u>17</u>	ANSWER to Complaint by U.S. FOREST SERVICE.(Duffey, Thomas) (Entered: 02/05/2023)
05/03/2023		MINUTE ORDER. Before the Court in this Freedom of Information Act case are a Complaint and an Answer. Pursuant 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 May 22, 2023. The Joint Status Report shall address: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated dates for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); (5) the possibility of prioritizing documents responsive to Plaintiff's request and any discussions regarding whether Plaintiff's request 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 May 3, 2023. (lccjn3) (Entered: 05/03/2023)
05/22/2023	<u>18</u>	Joint STATUS REPORT by WEST VIRGINIA HIGHLANDS CONSERVANCY. (Attachments: # <u>1</u> Text of Proposed Order)(Johns, Evan) (Entered: 05/22/2023)
05/24/2023		MINUTE ORDER. Upon consideration of <u>18</u> Joint Status Report, it is hereby ORDERED that the parties file a subsequent joint status report on or before July 21, 2023, addressing the outstanding issues and proposed briefing schedule, if any. Signed by Judge Carl J. Nichols on May 24, 2023. (lccjn3) (Entered: 05/24/2023)
07/21/2023	<u>19</u>	Joint STATUS REPORT by U.S. FOREST SERVICE. (Duffey, Thomas) (Entered: 07/21/2023)
07/27/2023		MINUTE ORDER. Upon consideration of <u>19</u> Joint Status Report, it is hereby ORDERED that the parties file their next joint status report on September 21, 2023, and every 60 days thereafter. Signed by Judge Carl J. Nichols on July 27, 2023. (lccjn3) (Entered: 07/27/2023)
09/21/2023	<u>20</u>	Joint STATUS REPORT by U.S. FOREST SERVICE. (Duffey, Thomas) (Entered: 09/21/2023)
09/27/2023		MINUTE ORDER. Upon consideration of <u>20</u> Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report on or before December 21, 2023. So Ordered by Judge Carl J. Nichols on 09/27/2023. (lccjn3) (Entered: 09/27/2023)
12/21/2023	<u>21</u>	Joint STATUS REPORT by WEST VIRGINIA HIGHLANDS CONSERVANCY. (Johns, Evan) (Entered: 12/21/2023)
01/05/2024		MINUTE ORDER. Upon consideration of the <u>21</u> Joint Status Report, it is hereby ORDERED, that the parties file a joint status report on or before February 21, 2024. So Ordered by Judge Carl J. Nichols on 1/5/2024. (lccjn3) Modified to correct error on 1/5/2024 (zkh). (Entered: 01/05/2024)
02/21/2024	<u>22</u>	Joint STATUS REPORT by U.S. FOREST SERVICE. (Duffey, Thomas) (Entered: 02/21/2024)
04/22/2024	<u>23</u>	NOTICE of Change of Address by Evan Dimond Johns (Johns, Evan) (Entered: 04/22/2024)
04/22/2024	<u>24</u>	Joint STATUS REPORT by WEST VIRGINIA HIGHLANDS CONSERVANCY. (Johns, Evan) (Entered: 04/22/2024)