

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01411-DLF**

POWER THE FUTURE v. U.S. ENVIRONMENTAL
PROTECTION AGENCY
Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2023
Date Terminated: 05/30/2024
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

POWER THE FUTURE

represented by **Matthew D. Hardin**
HARDIN LAW OFFICE
1725 I Street NW
Suite 300
Washington, DC 20006
(202) 802-1948
Email: MatthewDHardin@gmail.com
ATTORNEY TO BE NOTICED

Christopher Cochran Horner
CHRISTOPHER C HORNER ESQ
Max Will, PLLC
1725 I Street NW
Suite 300
Washington, DC 20006
(202) 262-4458
Email: chris@chornerlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **B. Kathryn Debrason**
US ATTORNEY'S OFFICE
USADC-Civil
601 D Street NW
Washington, DC 20530
(202) 252-2427
Email: kate.debrason@usdoj.gov
TERMINATED: 04/23/2024
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua Ontell
USAO
601 D Street, NW
Washington, DC 20530
(202) 252-7706
Email: joshua.ontell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kaitlin Kerry Eckrote
DOJ-USAO
Civil Division
601 D Street NW
Room 7.1525
Washington DC, DC 20530
202-252-2485

Email: kaitlin.eckrote@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kimberly Stratton
US ATTORNEY'S OFFICE
District of Columbia
601 D Street N.W.
Washington, DC 20530
202-417-4216
Email: kimberly.stratton@usdoj.gov
TERMINATED: 05/10/2024
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sian Jones
DOJ-USAO
601 D Street, NW
Washington, DC 20530
(202) 252-2578
Email: sian.jones@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2023	<u>1</u>	COMPLAINT <i>POWER THE FUTURE</i> against U.S. ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 402 receipt number ADCDC-10076634) filed by POWER THE FUTURE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Horner, Christopher) (Entered: 05/18/2023)
05/18/2023		Case Assigned to Judge Dabney L. Friedrich. (zcb) (Entered: 05/18/2023)
05/18/2023	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 05/18/2023)
05/22/2023	<u>3</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests (<i>NONE</i>) by POWER THE FUTURE (Horner, Christopher) (Entered: 05/22/2023)
05/22/2023	<u>4</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests <i>SIGNED (NONE)</i> by POWER THE FUTURE (Horner, Christopher) (Entered: 05/22/2023)
06/28/2023	<u>5</u>	STANDARD ORDER for civil cases. See text for details. Signed by Judge Dabney L. Friedrich on June 28, 2023. (lcldlf1) (Entered: 06/28/2023)
07/17/2023		MINUTE ORDER. The plaintiff filed a complaint in this action on May 18, 2023 against the U.S. Environmental Protection Agency. As of today, the public docket reflects that the plaintiff has not filed proof of service. The Court directs the plaintiff's attention to Federal Rule of Civil Procedure 4(m), which provides in pertinent part that if a defendant is not served within 90 days after the complaint is filed, the court, on motion or on its own after notice to the plaintiff, must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. Fed. R. Civ. P. 4(m). Unless service is waived, proof of service must be made to the court. Fed. R. Civ. P. 4(l)(1). To avoid the finality of a mandatory dismissal of this action against the defendants, it is ORDERED that the plaintiff must, on or before August 16, 2023, either cause process to be served upon the defendants and proof of service to be filed with the Court or establish good cause for the failure to do so. The failure to make such filings will result in dismissal of this case. So Ordered by Judge Dabney L. Friedrich on July 17, 2023. (lcldlf1) (Entered: 07/17/2023)

07/17/2023		Set/Reset Deadlines: Time to effectuate service upon party due by 8/16/2003. (zjch,) (Entered: 07/18/2023)
07/24/2023	<u>6</u>	NOTICE of Appearance by Sian Jones on behalf of All Defendants (Jones, Sian) (Entered: 07/24/2023)
07/25/2023	<u>7</u>	Consent MOTION for Extension of Time to <i>Respond</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 07/25/2023)
07/26/2023		MINUTE ORDER. Upon consideration of the defendant's <u>7</u> consent motion for an extension of time, it is ORDERED that the motion is GRANTED. The defendant shall file its response to plaintiff's <u>1</u> complaint on or before August 16, 2023. So Ordered by Judge Dabney L. Friedrich on July 26, 2023. (lcldf1) (Entered: 07/26/2023)
07/31/2023	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 7/26/2023 (Horner, Christopher) (Entered: 07/31/2023)
07/31/2023	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/1/2023. (Answer due for ALL FEDERAL DEFENDANTS by 7/31/2023.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/27/2023. (See docket entry <u>8</u> to view document (mg) (Entered: 08/01/2023)
08/16/2023	<u>10</u>	ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Jones, Sian) (Entered: 08/16/2023)
08/16/2023	<u>11</u>	NOTICE of Appearance by B. Kathryn Debrason on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY (Debrason, B.) (Entered: 08/16/2023)
08/16/2023		MINUTE ORDER requiring the parties to MEET AND CONFER and file a joint status report proposing a schedule for further proceedings. The status report should address the status of the plaintiff's FOIA request, including the anticipated number of documents responsive to the request and the anticipated date(s) for release of the requested documents. The parties shall file the joint status report on or before September 6, 2023. So Ordered by Judge Dabney L. Friedrich on August 16, 2023. (lcldf1) (Entered: 08/16/2023)
08/16/2023		Set/Reset Deadlines: Status Report due by 9/6/2023 (zjch,) (Entered: 08/17/2023)
08/17/2023	<u>12</u>	NOTICE of Appearance by Matthew D. Hardin on behalf of POWER THE FUTURE (Hardin, Matthew) (Entered: 08/17/2023)
09/06/2023	<u>13</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Debrason, B.) (Entered: 09/06/2023)
09/06/2023		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Status Report, it is ORDERED that the parties shall file a joint status report on or before October 6, 2023. The status report shall propose a schedule for further proceedings if necessary. So Ordered by Judge Dabney L. Friedrich on September 6, 2023. (lcldf1) (Entered: 09/06/2023)
09/06/2023		Set/Reset Deadlines: Status Report due by 10/6/2023 (zjch,) (Entered: 09/07/2023)
10/06/2023	<u>14</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Truong, John) (Entered: 10/06/2023)
10/06/2023		MINUTE ORDER. Upon consideration of the parties' <u>14</u> Status Report, it is ORDERED that the parties shall file a status report on or before December 6, 2023. So Ordered by Judge Dabney L. Friedrich on September 6, 2023. (lcldf1) (Entered: 10/06/2023)
10/06/2023		Set/Reset Deadlines: Status Report due by 12/6/2023 (zjch,) (Entered: 10/10/2023)
10/18/2023	<u>15</u>	NOTICE of Appearance by Kaitlin Kerry Eckrote on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY (Eckrote, Kaitlin) (Entered: 10/18/2023)

12/06/2023	<u>16</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Eckrote, Kaitlin) (Entered: 12/06/2023)
12/06/2023		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, the parties shall file a joint status report on or before January 9, 2024. So Ordered by Judge Dabney L. Friedrich on December 6, 2023. (lcldf1) (Entered: 12/06/2023)
01/08/2024	<u>17</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Debrason, B.) (Entered: 01/08/2024)
01/08/2024		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Status Report, the parties shall submit a joint status report on or before March 11, 2024. So Ordered by Judge Dabney L. Friedrich on January 8, 2024. (lcldf1) (Entered: 01/08/2024)
03/11/2024	<u>18</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Debrason, B.) (Entered: 03/11/2024)
03/11/2024		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Status Report, the parties shall file a joint status report on or before May 10, 2024. So Ordered by Judge Dabney L. Friedrich on March 11, 2024. (lcldf1) (Entered: 03/11/2024)
04/23/2024	<u>19</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kimberly Stratton on behalf of All Defendants Substituting for attorney B. Kathryn Debrason (Stratton, Kimberly) (Entered: 04/23/2024)
05/10/2024	<u>20</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Ontell, Joshua) (Entered: 05/10/2024)
05/10/2024	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joshua Ontell on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Kimberly Stratton (Ontell, Joshua) (Entered: 05/10/2024)
05/10/2024		MINUTE ORDER. Upon consideration of the parties' <u>20</u> Status Report, the parties shall file a joint status report on or before July 9, 2024. So Ordered by Judge Dabney L. Friedrich on May 10, 2024. (lcldf1) (Entered: 05/10/2024)
05/30/2024	<u>22</u>	STIPULATION of Dismissal <i>with Prejudice</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Ontell, Joshua) (Entered: 05/30/2024)
05/30/2024		MINUTE ORDER. Upon consideration of the parties' <u>22</u> Stipulation, this action is DISMISSED. Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of Court is directed to close the case. So Ordered by Judge Dabney L. Friedrich on May 30, 2024. (lcldf1) (Entered: 05/30/2024)