

**United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:21-cv-00347-MMD-CLB**

Center for Biological Diversity v. Bureau Of Land Management Date Filed: 08/09/2021
Assigned to: Chief Judge Miranda M. Du Jury Demand: None
Referred to: Magistrate Judge Carla Baldwin Nature of Suit: 895 Freedom of
Cause: 05:552 Freedom of Information Act Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Center for Biological Diversity

represented by **Marc D Fink**
209 East 7th St
Duluth, MN 55805
218-464-0539
Email: mfink@biologicaldiversity.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Scott Lake
Center for Biological Diversity
P. O. Box 6205
Reno, NV 89513
802-299-7495
Email: slake@biologicaldiversity.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Bureau of Land Management

represented by **Virginia Tomova**
DOJ-USAO
501 Las Vegas Blvd., S.
Suite 1100
Las Vegas, NV 89101
702-388-6533
Email: virginia.tomova@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory W. Addington
U.S. Attorney's Office
400 S. Virginia Street, Suite 900
Reno, NV 89501
775-784-5438
Fax: 775-784-5181
Email: greg.addington@usdoj.gov
TERMINATED: 11/18/2021

Holly A. Vance
U.S. Attorney's Office
400 S. Virginia Street, Suite 900
Reno, NV 89501
775-784-5438
Email: Holly.A.Vance@usdoj.gov
TERMINATED: 03/27/2023

Troy K. Flake
United States Attorney
501 Las Vegas Blvd So., Ste. 1100
Las Vegas, NV 89101-

702-388-6336
 Fax: 702-388-6787
 Email: troy.flake@usdoj.gov
 TERMINATED: 06/03/2024

Date Filed	#	Docket Text
08/09/2021	<u>1</u>	COMPLAINT against Bureau Of Land Management (Filing fee \$402 receipt number 0978-6588008) by Center for Biological Diversity. Proof of service due by 11/7/2021. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons) (Lake, Scott) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 08/09/2021)
08/09/2021		Case randomly assigned to District Judge Larry R. Hicks and Magistrate Judge Carla Baldwin. (WJ) (Entered: 08/09/2021)
08/10/2021	<u>2</u>	SUMMONS ISSUED as to U.S. Bureau of Land Management. (DRM) (Entered: 08/10/2021)
08/10/2021	<u>3</u>	CERTIFICATE of Interested Parties by Center for Biological Diversity. There are no known interested parties other than those participating in the case (Lake, Scott) (Entered: 08/10/2021)
08/13/2021	<u>4</u>	PROPOSED SUMMONS to be issued by Plaintiff Center for Biological Diversity. (Lake, Scott) (Entered: 08/13/2021)
08/16/2021	<u>5</u>	SUMMONS ISSUED as to U.S. Bureau of Land Management re ECF No. <u>4</u> Proposed summons. (DRM) (Entered: 08/16/2021)
08/18/2021	<u>6</u>	MOTION/VERIFIED PETITION for Permission to Practice Pro Hac Vice by Marc D. Fink and DESIGNATION of Local Counsel Scott Lake (Filing fee \$ 250 receipt number 0978-6601278) by Plaintiff Center for Biological Diversity. (Lake, Scott) (Entered: 08/18/2021)
08/20/2021	<u>7</u>	ORDER granting ECF No. <u>6</u> Verified Petition for Permission to Practice Pro Hac Vice for Marc D. Fink, representing Center for Biological Diversity, and approving Designation of Local Counsel, Scott Lake. Signed by Judge Larry R. Hicks on 8/20/2021. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (Copies have been distributed pursuant to the NEF - SC) (Entered: 08/20/2021)
09/13/2021	<u>8</u>	STIPULATION <i>and (proposed) Order to Fix Deadline to File Response</i> by Defendant U.S. Bureau of Land Management. (Addington, Gregory) (Entered: 09/13/2021)
09/13/2021	<u>9</u>	ORDER granting ECF No. <u>8</u> Stipulation : The due date for the federal defendant to file its response to the complaint (ECF No. <u>1</u>) is October 15, 2021 . Signed by Magistrate Judge Carla Baldwin on 9/13/2021. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 09/13/2021)
09/21/2021	<u>10</u>	SUMMONS Returned Executed by Center for Biological Diversity. U.S. Bureau of Land Management served on 8/23/2021. (Lake, Scott) (Entered: 09/21/2021)
10/15/2021	<u>11</u>	ANSWER to <u>1</u> Complaint, filed by U.S. Bureau of Land Management. Discovery Plan/Scheduling Order due by 11/29/2021.(Addington, Gregory) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 10/15/2021)
10/21/2021	<u>12</u>	CIVIL STANDING ORDER OF MAGISTRATE JUDGE CARLA BALDWIN. (Copies have been distributed pursuant to the NEF - SMR) (Entered: 10/21/2021)

10/21/2021	<u>13</u>	ORDER to File Case Management Report – The parties shall meet and confer on items required to be included in the Joint Case Management Report. After the meet and confer, the parties shall file a Joint Case Management Report by no later than November 29, 2021 . The Case Management Report shall not exceed fifteen (15) pages and shall <u>not</u> include any attached exhibits. Should counsel or a party fail to comply with the directions as set forth in this order, an <i>ex parte</i> hearing may be held and contempt sanctions, including monetary sanctions, dismissal, default, or other appropriate judgment, may be imposed and/or ordered. See order for additional details . Signed by Magistrate Judge Carla Baldwin on 10/21/2021. (Copies have been distributed pursuant to the NEF – SC) (Entered: 10/21/2021)
11/17/2021	<u>14</u>	Joint CASE MANAGEMENT REPORT by Defendant U.S. Bureau of Land Management (Addington, Gregory) (Entered: 11/17/2021)
11/18/2021	<u>15</u>	MOTION to Substitute Attorney Holly A. Vance in for Attorney Greg Addington by Defendant U.S. Bureau of Land Management. (Vance, Holly) (Entered: 11/18/2021)
11/18/2021	<u>16</u>	ORDER granting ECF No. <u>15</u> Motion to Substitute Attorney : Attorney Holly A. Vance for USA substituted in the place and stead of Attorney Greg Addington. (Attorney Gregory W. Addington terminated.) Signed by Magistrate Judge Carla Baldwin on 11/18/2021.(Copies have been distributed pursuant to the NEF – DRM) (Entered: 11/18/2021)
11/19/2021	17	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carla Baldwin on 11/19/2021. The court has reviewed the case management report, (ECF No. <u>14</u>), and it does not appear that an initial case management conference is necessary. If the parties disagree, they may file a stipulation requesting a case management conference. The parties shall file a joint status report on or before January 20, 2022. (no image attached) (Copies have been distributed pursuant to the NEF – DN) (Entered: 11/19/2021)
01/20/2022	<u>18</u>	Joint STATUS REPORT by Plaintiff Center for Biological Diversity. (Lake, Scott) (Entered: 01/20/2022)
01/20/2022	19	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carla Baldwin on 1/20/2022. The Court has reviewed the joint status report. (ECF No. <u>18</u> .) Based on the representations in the report, the Court orders the parties to file an updated status report on March 1, 2022. (no image attached) (Copies have been distributed pursuant to the NEF – DN) (Entered: 01/20/2022)
03/01/2022	<u>20</u>	Joint STATUS REPORT by Plaintiff Center for Biological Diversity. (Lake, Scott) (Entered: 03/01/2022)
03/07/2022	21	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carla Baldwin on 3/7/2022. The Court has reviewed the Joint Status Report filed by the parties. (ECF No. <u>20</u> .) A joint status report shall be on or before April 1, 2022 to advise the Court of case-related developments. (no image attached) (Copies have been distributed pursuant to the NEF – DN) (Entered: 03/07/2022)
03/23/2022	22	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carla Baldwin on 3/23/2022. By Deputy Clerk: LGM. A Virtual Status Conference utilizing Zoom video conferencing technology is set for 4/11/2022 at 09:00 AM in Reno Courtroom 1 before Magistrate Judge Carla Baldwin. The court will send an email containing information required to join the Zoom video conference prior to the hearing date. IT IS SO ORDERED. (no image attached) (Copies have been distributed pursuant to the NEF – LGM) (Entered: 03/23/2022)
03/31/2022	<u>23</u>	Joint STATUS REPORT by Plaintiff Center for Biological Diversity. (Lake, Scott) (Entered: 03/31/2022)
04/11/2022	<u>24</u>	MINUTES OF PROCEEDINGS – Video Status Conference held on 4/11/2022 before Magistrate Judge Carla Baldwin. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Scott Lake</i> ; Def Counsel: <i>Holly Vance</i> ; Recording start and end times: 9:02:03 – 9:12:41; Courtroom: <i>1</i> ; Counsel shall have 30 days or by no later than May 11, 2022 , to meet and confer to determine a schedule for disclosure of additional documents and 45 days or by no later than May 26, 2022 , to file a proposed schedule for the Court's approval. See the attached order for specifications. (Copies have been distributed pursuant to the NEF – LGM) (Entered: 04/11/2022)

05/26/2022	<u>25</u>	Submission of PROPOSED ORDER by Plaintiff Center for Biological Diversity. (Lake, Scott) (Entered: 05/26/2022)
05/27/2022	<u>26</u>	ORDER Re: Disclosure Schedule re: ECF No. <u>25</u> Proposed Order Submission. It is now ORDERED that Defendant BLM will release to Plaintiff the Center for Biological Diversity 1,000 or more responsive pages every 30 business days until BLM has satisfied all of its obligations under FOIA to provide the requester with responsive, non-exempt records. Should the Parties reach further agreement as to the scope of the FOIA request or the date on which BLM's disclosures will be complete, they shall file a joint status report and proposed order with the Court. Signed by Magistrate Judge Carla Baldwin on 5/27/2022. (Copies have been distributed pursuant to the NEF – CJD) (Entered: 05/27/2022)
09/09/2022	27	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carla Baldwin on 9/9/2022. By Deputy Clerk: LGM. A Virtual Status Conference is set for 9/28/2022 at 09:00 AM in Reno Courtroom 1 before Magistrate Judge Carla Baldwin. One week prior to the status conference, the parties shall file a joint case management report specifically outlining the status of the case. IT IS SO ORDERED. (no image attached) (Copies have been distributed pursuant to the NEF – LGM) (Entered: 09/09/2022)
09/20/2022	<u>28</u>	Joint STATUS REPORT by Plaintiff Center for Biological Diversity.. (Lake, Scott) (Entered: 09/20/2022)
09/28/2022	29	MINUTES OF PROCEEDINGS – Virtual Status Conference held on 9/28/2022 before Magistrate Judge Carla Baldwin. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Scott Lake</i> ; Def Counsel: <i>Holly Vance</i> ; Recording start and end times: 9:02:10 – 9:14:07; Courtroom: 1; The Court notes the purpose of this hearing is to discuss the status of the case and to determine how best to proceed regarding a schedule and deadlines in this case. Having heard from counsel and good cause appearing, the Court finds that a Virtual Status Conference is set for 3/28/2023 at 09:00 AM in Reno Courtroom 1 before Magistrate Judge Carla Baldwin. Counsel shall file a Joint Status Report one (1) week in advance of the hearing outlining where counsel are at with the document production and what remains outstanding. IT IS SO ORDERED. (no image attached) (Copies have been distributed pursuant to the NEF – LGM) (Entered: 09/29/2022)
03/21/2023	<u>30</u>	Joint STATUS REPORT by Plaintiff Center for Biological Diversity.. (Lake, Scott) (Entered: 03/21/2023)
03/27/2023	<u>31</u>	NOTICE of Appearance by attorney Troy K. Flake on behalf of Defendant U.S. Bureau of Land Management. (Flake, Troy) (Entered: 03/27/2023)
03/27/2023		Attorney update in case: Attorney Holly A. Vance withdrawn from the case. (Flake, Troy) (Entered: 03/27/2023)
03/28/2023	<u>32</u>	MINUTES OF PROCEEDINGS – Telephonic Status Conference held on 3/28/2023 before Magistrate Judge Carla Baldwin. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Scott Lake</i> ; Def Counsel: <i>Troy Flake</i> ; Recording start and end times: 9:10:59 – 9:26:15; Courtroom: 1; The Court hears from counsel regarding the status of the document production in this case. The Court directs Mr. Flake to meet and confer with the BLM and Mr. Lake. A Virtual Status Conference is set for 6/28/2023 at 09:00 AM in Reno Courtroom 1 before Magistrate Judge Carla Baldwin. The court will send an email containing information required to join the Zoom conference prior to the hearing date. Counsel shall file a Joint Status Report one week prior to the hearing which specifically outlines the outcome of the meet and confer with the BLM and outlines any issues remaining after counsel have met and conferred. See the attached order for specifications. (Copies have been distributed pursuant to the NEF – LGM) (Entered: 03/28/2023)
06/21/2023	<u>33</u>	Joint STATUS REPORT by Defendant U.S. Bureau of Land Management.. (Flake, Troy) (Entered: 06/21/2023)
06/23/2023	34	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carla Baldwin on 6/23/2023. By Deputy Clerk: LGM. Having reviewed the parties' Joint Status Report <u>33</u> , the Court finds that the Virtual Status Conference set before this Court on 6/28/2023 at 09:00 AM is VACATED and RESCHEDULED to 12/28/2023 at 09:00 AM in Reno Courtroom 1 before Magistrate Judge Carla Baldwin. Counsel shall file a

		Joint Status Report one-week prior to the conference. IT IS SO ORDERED. (no image attached) (Copies have been distributed pursuant to the NEF – LGM) (Entered: 06/23/2023)
12/20/2023	<u>35</u>	Joint STATUS REPORT by Defendant U.S. Bureau of Land Management.. (Tomova, Virginia) (Entered: 12/20/2023)
12/27/2023	36	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carla Baldwin on 12/27/2023. Having reviewed the parties' Joint Status Report <u>35</u> , the Court finds that the Virtual Status Conference set before this Court on 12/28/2023 at 09:00 AM is VACATED and RESCHEDULED to 6/26/2024 at 10:00 AM in Reno Courtroom 1 before Magistrate Judge Carla Baldwin. Counsel shall file a Joint Status Report one-week prior to the conference. IT IS SO ORDERED. (no image attached) (Copies have been distributed pursuant to the NEF – HL) (Entered: 12/27/2023)
05/30/2024	37	CLERK'S NOTICE that this case is randomly reassigned to Chief Judge Miranda M. Du for all further proceedings. All further documents must bear the correct case number 3:21-cv-00347-MMD-CLB . (no image attached) (DLS) (Entered: 05/30/2024)
05/30/2024	38	STANDING ORDER. This case has been assigned to the Honorable Miranda M. Du. Chief Judge Du's Civil Standing Order is posted on the U.S. District Court, District of Nevada public website and may be accessed directly via this hyperlink: www.nvd.uscourts.gov . (Copies have been distributed pursuant to the NEF – KW) (Entered: 05/30/2024)
06/03/2024		Attorney update in case: Attorney Troy K. Flake withdrawn from the case. (Welsh, Blaine) (Entered: 06/03/2024)
06/18/2024	<u>39</u>	Joint STATUS REPORT by Defendant U.S. Bureau of Land Management. (Tomova, Virginia) (Entered: 06/18/2024)
06/26/2024	40	MINUTES OF PROCEEDINGS – Virtual Status Conference held on 6/26/2024 before Magistrate Judge Carla Baldwin. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Scott Lake</i> ; Def Counsel: <i>Virginia Tomova</i> ; Recording start and end times: 10:00:35 – 10:07:08; Courtroom: 1; The Court addresses counsel regarding the purpose of this hearing and notes that the parties' Joint Status Report <u>39</u> indicates that the final production has been made; therefore, the Court believes that no further status conferences are needed in this case. Mr. Lake indicates that the production phase of this case is complete; however, the issue regarding fees remains and Mr. Lake further indicates that he is hopeful that the parties can reach an agreement regarding fees. Therefore, the Court and the parties schedule a Virtual Status Conference for 9/4/2024 at 09:00 AM to discuss where the parties are at, if a settlement conference should be scheduled or whether a briefing schedule should be set. The Court directs counsel to be prepared with a briefing schedule, if necessary. If the parties reach an agreement, counsel have leave to advise the Court in the parties' Joint Status Report and the status conference will be vacated. IT IS SO ORDERED. (no image attached) (Copies have been distributed pursuant to the NEF – LGM) (Entered: 07/02/2024)
07/03/2024	41	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carla Baldwin on 7/3/2024. By Deputy Clerk: LGM. Due to a clerical error, the Virtual Status Conference currently set for 9/4/2024 at 9:00 AM is VACATED and RESCHEDULED to 9/5/2024 at 09:00 AM in Reno Courtroom 1 before Magistrate Judge Carla Baldwin. The Courtroom Deputy will send an email containing the information required to join the Zoom video conference prior to the hearing date. IT IS SO ORDERED. (no image attached) (Copies have been distributed pursuant to the NEF – LGM) (Entered: 07/03/2024)
09/05/2024	42	MINUTES OF PROCEEDINGS – Virtual Status Conference held on 9/5/2024 before Magistrate Judge Carla Baldwin. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Scott Lake</i> ; Def Counsel: <i>Virginia Tomova</i> ; Recording start and end times: 9:00:57 – 9:05:51; Courtroom: 1; The Court addresses the parties regarding the purpose of this hearing. Mr. Lake reports and Ms. Tomova confirms that a settlement offer has been sent to the government and that they are awaiting a response from the person who would approve the settlement offer. Ms. Tomova indicates that an additional 30 days would be helpful. The Court directs the parties to file either a stipulation to dismiss or a status report by no later than November 5, 2024 . IT IS SO ORDERED. (no image attached)

(Copies have been distributed pursuant to the NEF – LGM) (Entered: 09/05/2024)