

**U.S. District Court
DISTRICT OF ARIZONA (Tucson Division)
CIVIL DOCKET FOR CASE #: 4:21-cv-00465-AMM**

Center for Biological Diversity v. United States Fish and
Wildlife Service

Assigned to: District Judge Angela M Martinez

Cause: 05:552 Freedom of Information Act

Date Filed: 11/17/2021

Jury Demand: None

Nature of Suit: 895 Other Statutes:

Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

Center for Biological Diversity

represented by **Katherine Anne Meyer**
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TERMINATED: 06/15/2023
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V.

Defendant

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Date Filed	#	Docket Text
11/17/2021	<u>1</u>	COMPLAINT. Filing fee received: \$ 402.00, receipt number 0970-20074420 filed by Center for Biological Diversity. (Sanerib, Tanya) (Attachments: # <u>1</u> Civil Cover Sheet)(JAM) (Entered: 11/17/2021)
11/17/2021	<u>2</u>	Corporate Disclosure Statement by Center for Biological Diversity. (Sanerib, Tanya) (JAM) (Entered: 11/17/2021)
11/17/2021	<u>3</u>	SUMMONS Submitted by Center for Biological Diversity. (Sanerib, Tanya) (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(JAM) (Entered: 11/17/2021)
11/17/2021	<u>4</u>	Filing fee paid, receipt number 0970-20074420. This case has been assigned to the Honorable D Thomas Ferraro. All future pleadings or documents should bear the correct case number: CV-21-465-TUC-DTF. Magistrate Election form attached. (JAM) (Entered: 11/17/2021)
11/17/2021	<u>5</u>	Summons Issued as to United States Fish and Wildlife Service. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(JAM). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 11/17/2021)
11/18/2021		Remark: Pro hac vice motion(s) granted for Tanya Marie Sanerib on behalf of Plaintiff Center for Biological Diversity. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 11/18/2021)
11/18/2021	<u>6</u>	SCHEDULING ORDER (FOIA): IT IS ORDERED that defendant shall serve an answer or otherwise plead within thirty (30) days after service, unless the Court otherwise directs for good cause shown. IT IS FURTHER ORDERED that the deadline for filing dispositive motions is six (6) months from the date the case is filed. Failure to file such a motion shall result in dismissal for lack of prosecution. IT IS FURTHER ORDERED that Plaintiff shall serve Defendant with a copy of this Order. Signed by Magistrate Judge D Thomas Ferraro on 11/18/21. (MYE) (Entered: 11/18/2021)
11/23/2021		Remark: Pro hac vice motion(s) granted for Katherine Anne Meyer on behalf of Plaintiff Center for Biological Diversity. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 11/23/2021)
11/30/2021	<u>8</u>	Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (DLC) (Entered: 12/01/2021)
12/01/2021	<u>9</u>	MINUTE ORDER: Pursuant to Local Rule 3.7(b), a request has been received for a random reassignment of this case to a District Judge. IT IS ORDERED this case is reassigned by random draw to District Judge Rosemary Marquez. All further pleadings/papers should now list the following COMPLETE case number: CV-21-465-TUC-RM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (DLC) (Entered: 12/01/2021)

12/10/2021	<u>10</u>	ORDER REFERRING CASE to Magistrate Judge D Thomas Ferraro for all pretrial proceedings and Report and Recommendation, in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv. 72.1 and 72.2. All future filings in this case shall be designated: CV-21-00465-TUC-RM (DTF). Signed by Judge Rosemary Marquez on 12/10/21. (MYE) (Entered: 12/10/2021)
01/03/2022	<u>11</u>	SERVICE EXECUTED filed by Center for Biological Diversity: Affidavit of Service re: Complaint and Summons upon Defendants on 11/27/2021. (Attachments: # <u>1</u> Exhibit)(Meyer, Katherine) (Entered: 01/03/2022)
02/09/2022	<u>12</u>	NOTICE OF ATTORNEY APPEARANCE: Michael A. Ambri appearing for United States Fish and Wildlife Service. . (Ambri, Michael) (Entered: 02/09/2022)
02/09/2022	<u>13</u>	STIPULATION to Hold FOIA Action in Abeyance by United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Ambri, Michael) (Entered: 02/09/2022)
02/10/2022	<u>14</u>	ORDER granting <u>13</u> Stipulation to Hold FOIA Action in Abeyance. Defendant shall file its response to the Complaint on or before May 6, 2022. Signed by Magistrate Judge D Thomas Ferraro on 2/10/22. (MYE) (Entered: 02/10/2022)
04/01/2022	<u>15</u>	STIPULATION by Center for Biological Diversity. (Meyer, Katherine) (Entered: 04/01/2022)
05/06/2022	<u>16</u>	STIPULATION to Hold FOIA Action in Abeyance by United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Ambri, Michael) (Entered: 05/06/2022)
05/09/2022	<u>17</u>	ORDERED that the Stipulation (Doc. <u>16</u>) is granted. Defendant shall file its response to the Complaint on or before July 31, 2022. Signed by Magistrate Judge D Thomas Ferraro on 5/9/22. (MYE) (Entered: 05/09/2022)
08/01/2022	<u>18</u>	ANSWER to <u>1</u> Complaint by United States Fish and Wildlife Service.(Ambri, Michael) (Entered: 08/01/2022)
08/02/2022	<u>19</u>	ORDERED that the deadline for filing dispositive motions is December 5, 2022. Signed by Magistrate Judge D Thomas Ferraro on 8/2/22. (MYE) (Entered: 08/02/2022)
10/07/2022	<u>20</u>	NOTICE OF ATTORNEY'S CHANGE OF ADDRESS/FIRM NAME by Tanya Marie Sanerib. (Sanerib, Tanya) (Entered: 10/07/2022)
11/17/2022	<u>21</u>	STIPULATION to Modify Briefing Schedule by United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Ambri, Michael) (Entered: 11/17/2022)
11/18/2022	<u>22</u>	ORDERED that the Stipulated Motion (Doc. <u>21</u>) is granted. IT IS FURTHER ORDERED setting the following briefing schedule: Defendant's Motion for Summary Judgment: February 3, 2023. Signed by Magistrate Judge D Thomas Ferraro on 11/18/22. (See attached Order for complete details.)(MYE) (Entered: 11/18/2022)
01/17/2023	<u>23</u>	NOTICE OF ATTORNEY SUBSTITUTION: Jason R. Adams appearing for United States Fish and Wildlife Service. Attorney Michael Alexander Ambri terminated. . (Adams, Jason) (Entered: 01/17/2023)
02/03/2023	<u>24</u>	STIPULATION to Modify Briefing Schedule (Second Request) by United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Adams, Jason) (Entered: 02/03/2023)
02/06/2023	<u>25</u>	ORDERED that the second Stipulated Motion (Doc. <u>24</u>) is granted. IT IS FURTHER ORDERED setting the following briefing schedule: Defendant's Motion for Summary Judgment: March 20, 2023; Plaintiff's Response/Cross-Motion: May 19, 2023; Defendant's Response/Reply: July 20, 2023; Plaintiff's Reply: September 18, 2023. Signed by Magistrate Judge D Thomas Ferraro on 2/3/23. (MYE) (Entered: 02/06/2023)
03/20/2023	<u>26</u>	STIPULATION to Amend Briefing Schedule (Third Request) by United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Adams, Jason) (Entered: 03/20/2023)
03/20/2023	<u>27</u>	ORDER: The parties' third Stipulation to Amend Briefing Schedule (Doc. <u>26</u>) is granted. The existing Briefing Schedule is hereby vacated. Defendant's Motion for Summary Judgment is due on April 21, 2023. The parties shall meet and confer

		regarding the remaining briefing schedule once Defendant's summary judgment motion is filed. The parties shall inform the Court of the proposed schedule within seven days of Defendant's motion being filed. Signed by Magistrate Judge D Thomas Ferraro on 3/20/23. (MYE) (Entered: 03/20/2023)
04/06/2023	<u>28</u>	NOTICE OF ATTORNEY SUBSTITUTION: Sarah S. Letzkus appearing for United States Fish and Wildlife Service. Attorney Jason R Adams terminated. . (Letzkus, Sarah) (Entered: 04/06/2023)
04/13/2023	<u>29</u>	STIPULATION to Modify Briefing Schedule (Fourth Request) by United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Letzkus, Sarah) (Entered: 04/13/2023)
05/15/2023	30	MINUTE ORDER: Due to the retirement of Magistrate Judge D Thomas Ferraro, the case referral is reassigned to Magistrate Judge Angela M Martinez. All future filings shall reflect the following case number: CV-21-465-TUC-RM(AMM). This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BJWI) (Entered: 05/15/2023)
05/24/2023	<u>31</u>	ORDERED that the Stipulation to Modify Briefing Schedule (doc. <u>29</u>) is denied. IT IS FURTHER ORDERED that a status conference is set for May 31, 2023 at 1:30 p.m. The parties shall be prepared to discuss and set firm deadlines for the remainder of the case. The parties may appear telephonically by dialing 1-866-390-1828 and entering access code 7057900. Signed by Magistrate Judge Angela M Martinez on 5/23/23. (MYE) (Entered: 05/24/2023)
05/30/2023		Remark: Pro hac vice motion(s) granted for Sarah Uhlemann on behalf of Plaintiff Center for Biological Diversity. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 05/30/2023)
05/31/2023	<u>32</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Angela M Martinez: Telephonic Status Conference held on 5/31/2023. A Status Conference is set for September 20, 2023, at 1:30 p.m., before this Court. Counsel may appear telephonically. (see attached PDF for complete details) (Recorded by COURTSMART.) Hearing held 1:31 PM to 1:51 PM.(SIB) (Entered: 06/01/2023)
06/06/2023	<u>33</u>	Consent MOTION to Withdraw as Attorney for the Plaintiff by Center for Biological Diversity. (Attachments: # <u>1</u> Proposed Order)(Meyer, Katherine) (Entered: 06/06/2023)
06/13/2023	<u>34</u>	ORDERED that the Consent Motion to Withdraw Representation (doc. <u>33</u>) is denied. Signed by Magistrate Judge Angela M Martinez on 6/13/23. (MYE) (Entered: 06/13/2023)
06/14/2023	<u>35</u>	Consent MOTION to Withdraw as Attorney by Center for Biological Diversity. (Attachments: # <u>1</u> Proposed Order)(Meyer, Katherine) (Entered: 06/14/2023)
06/15/2023	<u>36</u>	ORDERED that the Consent Motion to Withdraw as Attorney (doc. <u>35</u>) is granted. Counsel Katherine A. Meyer shall withdraw from representation of Plaintiff Center for Biological Diversity as of the date of this Order. Signed by Magistrate Judge Angela M Martinez on 6/15/23. (MYE) (Entered: 06/15/2023)
07/31/2023	<u>37</u>	STATUS REPORT , Joint by Center for Biological Diversity. (Sanerib, Tanya) (Entered: 07/31/2023)
09/06/2023	<u>38</u>	Consent MOTION to Stay by United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Letzkus, Sarah) (Entered: 09/06/2023)
09/12/2023	<u>39</u>	ORDER that the <u>38</u> Consent Motion for Stay is granted. This matter shall be stayed until March 11, 2024 . IT IS FURTHER ORDERED that the parties shall file a status report providing an update on the rulemaking process and indicating whether the stay should be extended on or before March 1, 2024 . IT IS FURTHER ORDERED that the status conference set for September 20, 2023 at 1:30 PM is vacated . Signed by Magistrate Judge Angela M Martinez on 9/12/23. (JAM) (Entered: 09/12/2023)
02/28/2024	<u>40</u>	STIPULATION to Continue Stay and Joint Status Report by United States Fish and Wildlife Service. (Attachments: # <u>1</u> Proposed Order)(Letzkus, Sarah) (Entered: 02/28/2024)

03/08/2024	<u>41</u>	ORDERED that the Stipulation to Continue Stay (doc. 40) is granted. The above-captioned matter shall be stayed until December 31, 2024. IT IS FURTHER ORDERED that the parties shall file a status report providing an update on the rulemaking process on or before December 15, 2024. Signed by Magistrate Judge Angela M Martinez on 3/7/24. (MYE) (Entered: 03/08/2024)
07/10/2024	42	MINUTE ORDER: Due to the appointment of Judge Angela M Martinez as District Judge, this case is reassigned to Magistrate Judge Eric J Markovich. All future filings shall reflect the following case number: CV-21-00465-TUC-RM(EJM). This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MYE) (Entered: 07/10/2024)
07/12/2024	43	MINUTE ORDER: Due to the appointment of Judge Angela M Martinez as District Judge, this case is reassigned to District Judge Angela M Martinez. Judge Rosemary Marquez and Judge Eric J Markovich no longer assigned to case. All future filings shall reflect the following case number: CV-21-00465-TUC-AMM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SMS) (Entered: 07/12/2024)
08/01/2024	<u>44</u>	NOTICE OF ATTORNEY'S CHANGE OF ADDRESS/EMAIL/FIRM NAME by Tanya Marie Sanerib. (Sanerib, Tanya) (Entered: 08/01/2024)
08/06/2024	<u>45</u>	NOTICE OF ATTORNEY'S CHANGE OF ADDRESS/EMAIL/FIRM NAME by Sarah Uhlemann. (Uhlemann, Sarah) (Entered: 08/06/2024)