

**U.S. District Court
United States District Court – District of New Mexico (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:23-cv-00514-DLM-JMR**

TC Company v. United States Forest Service
Assigned to: Magistrate Judge Damian L. Martinez
Referred to: Magistrate Judge Jennifer M. Rozzoni
Cause: 05:552 Freedom of Information Act

Date Filed: 06/14/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

TC Company

represented by **Christopher P. Bauman**
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V.

Defendant

United States Forest Service

represented by **Manuel Lucero**
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LEAD ATTORNEY
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Date Filed	#	Docket Text
06/14/2023	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Plaintiffs (Filing Fee – Online Payment), filed by TC Company. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1.1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Dow, Mark) (Entered: 06/14/2023)
06/15/2023		United States Magistrate Judge Damian L. Martinez and United States Magistrate Judge Jennifer M. Rozzoni assigned. (bc) (Entered: 06/15/2023)

06/15/2023	<u>2</u>	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Damian L. Martinez 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.] (bc) (Entered: 06/15/2023)
06/15/2023		Filing and Administrative Fees Received: \$ 402 receipt number ANMDC-8873748 re <u>1</u> Complaint filed by TC Company (Payment made via Pay.gov)(Dow, Mark) (Entered: 06/15/2023)
06/15/2023		Summons Issued as to United States Forest Service, U.S. Attorney and U.S. Attorney General (bc) (Entered: 06/15/2023)
06/15/2023	<u>3</u>	APPENDIX/SUPPLEMENT re <u>1</u> Complaint <i>Civil Cover Sheet</i> by TC Company (Weisman, Cynthia) (Entered: 06/15/2023)
06/21/2023	<u>4</u>	NOTICE of Appearance by Manuel Lucero on behalf of United States Forest Service (Lucero, Manuel) (Entered: 06/21/2023)
06/22/2023	<u>5</u>	ORDER by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 7/14/2023 at 10:30 AM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 06/22/2023)
06/26/2023	<u>6</u>	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), United States Forest Service voluntarily consent(s) to have United States Magistrate Judge Damian L. Martinez conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Lucero, Manuel) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 06/26/2023)
07/06/2023	<u>7</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by United States Forest Service. (Lucero, Manuel) (Entered: 07/06/2023)
07/06/2023	<u>8</u>	ORDER by Magistrate Judge Jennifer M. Rozzoni granting <u>7</u> Motion for Extension of Time to Answer re <u>7</u> Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint All Defendants. (kms) (Entered: 07/06/2023)
07/14/2023	<u>9</u>	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), TC Company voluntarily consent(s) to have United States Magistrate Judge Damian L. Martinez conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Weisman, Cynthia) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 07/14/2023)
07/14/2023	<u>10</u>	NOTICE OF RULE 73 CONSENT Received by All Parties. Related documents: 9 Consent to Proceed Before a U.S. Magistrate Judge, filed by TC Company, 6 Consent to Proceed Before a U.S. Magistrate Judge, filed by United States Forest Service. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (bw) (Entered: 07/14/2023)
07/14/2023	<u>11</u>	Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 7/14/2023. (kms) (Entered: 07/14/2023)
07/14/2023	<u>12</u>	ORDER by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 8/18/2023 at 09:30 AM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 07/14/2023)
08/01/2023	<u>13</u>	ANSWER to <u>1</u> Complaint by United States Forest Service. Related document: <u>1</u> Complaint filed by TC Company.(Lucero, Manuel) (Entered: 08/01/2023)

08/04/2023	<u>14</u>	ORDER RE–SETTING TELEPHONIC STATUS CONFERENCE by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 8/28/2023 at 01:30 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. The Status Conference set for 8/19/2023 is hereby VACATED. (kms) (Entered: 08/04/2023)
08/07/2023	<u>15</u>	AMENDED ORDER RE–SETTING TELEPHONIC STATUS CONFERENCE by Magistrate Judge Jennifer M. Rozzoni. Correcting date of vacated conference from 8/19/2023 to 8/18/2023. (kms) (Entered: 08/07/2023)
08/25/2023	<u>16</u>	BRIEF <i>Plaintiff's Memorandum in Support of "FOIA" Complaint for Declaratory and Injunctive Relief</i> by TC Company (Attachments: # <u>1</u> Exhibit 1 ROI, first 2 pages, # <u>2</u> Exhibit 2 USFS first partial response letter) (Weisman, Cynthia) (Entered: 08/25/2023)
08/28/2023	<u>17</u>	Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 8/28/2023. (kms) (Entered: 08/28/2023)
08/28/2023	<u>18</u>	ORDER by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 9/11/2023 at 04:00 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 08/28/2023)
09/11/2023	<u>19</u>	Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 9/11/2023. (kms) Modified date on 9/14/2023 (vh). (Entered: 09/13/2023)
09/13/2023	<u>20</u>	ORDER SETTING PRODUCTION DEADLINE ANDTELEPHONIC STATUS CONFERENCE by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 10/6/2023 at 09:30 AM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 09/13/2023)
10/06/2023	<u>21</u>	Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 10/6/2023. (kms) (Entered: 10/06/2023)
10/06/2023	<u>22</u>	ORDER FOR STATUS REPORT AND SETTING PRODUCTION DEADLINE by Magistrate Judge Jennifer M. Rozzoni. Joint Status Report due 10/27/2023. (kms) (Entered: 10/06/2023)
10/27/2023	<u>23</u>	Joint Status Report by TC Company (Weisman, Cynthia) (Entered: 10/27/2023)
10/30/2023	24	Status Report Order by Magistrate Judge Jennifer M. Rozzoni. Per the parties' request in their Joint Status Report filed on October 27, 2023 (Doc. 23), the parties are hereby ordered to file another joint status report on or before November 13, 2023. The status report should update the Court on the progress of the FOIA dispute, including the plaintiffs' expert's review, and what steps the parties plan to take to move the case forward. If appropriate, the parties may include a proposed briefing schedule. [THIS IS A TEXT–ENTRY ORDER. THERE ARE NO DOCUMENTS ATTACHED.] (kms) (Entered: 10/30/2023)
11/13/2023	<u>25</u>	Joint Status Report by TC Company (Attachments: # <u>1</u> Exhibit 1) (Weisman, Cynthia) (Entered: 11/13/2023)
11/14/2023	26	STATUS REPORT ORDER by Magistrate Judge Jennifer M. Rozzoni. Status Report due by 11/27/2023. The status report should update the Court on the progress of the FOIA dispute, including the plaintiffs' expert's review, and what steps the parties plan to take to move the case forward. If appropriate, the parties may include a proposed briefing schedule. [THIS IS A TEXT–ENTRY ONLY. THERE ARE NO DOCUMENTS ATTACHED.] (ccp) (Entered: 11/14/2023)
11/27/2023	<u>27</u>	Joint Status Report by United States Forest Service (Lucero, Manuel) (Entered: 11/27/2023)
11/27/2023	28	STATUS REPORT ORDER by Magistrate Judge Jennifer M. Rozzoni. Status Report due by 12/11/2023. The status report should update the Court on the progress of the FOIA dispute, including the plaintiffs' expert's review, and what steps the parties plan to take to move the case forward. If appropriate, the parties may include a proposed briefing schedule. [THIS IS A TEXT–ENTRY ONLY. THERE ARE NO DOCUMENTS ATTACHED.] (kms) (Entered: 11/27/2023)

11/27/2023	<u>29</u>	ORDER SETTING TELEPHONIC STATUS CONFERENCE by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 12/13/2023 at 02:00 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) Modified on 11/27/2023 (dr). (Entered: 11/27/2023)
12/11/2023	<u>30</u>	STATUS REPORT by United States Forest Service (Lucero, Manuel) (Entered: 12/11/2023)
12/12/2023	<u>31</u>	ORDER by Magistrate Judge Jennifer M. Rozzoni VACATING status conference set for 12/13/2023 at 2:00 p.m. and SETTING Status Conference for 1/8/2024 at 02:00 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (ccp) (Entered: 12/12/2023)
01/08/2024	<u>32</u>	DECLARATION of Lucas Woolf by TC Company (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Weisman, Cynthia) (Entered: 01/08/2024)
01/08/2024	<u>33</u>	Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 1/8/2024. (kms) (Entered: 01/08/2024)
01/08/2024	<u>34</u>	ORDER TO FILE AFFIDAVIT by Magistrate Judge Jennifer M. Rozzoni. Affidavit due 1/22/2024. (kms) (Entered: 01/08/2024)
01/19/2024	<u>35</u>	DECLARATION re <u>34</u> Order to file affidavit of search by United States Forest Service (Attachments: # <u>1</u> Affidavit) (Lucero, Manuel) (Entered: 01/19/2024)
01/23/2024	<u>36</u>	ORDER SETTING TELEPHONIC STATUS CONFERENCE by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 2/22/2024 at 11:00 AM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 01/23/2024)
02/22/2024	<u>37</u>	Unopposed MOTION to Vacate <u>36</u> Order, Set Hearings, <u>35</u> Declaration and to reset Status Conference by United States Forest Service. (Lucero, Manuel) (Entered: 02/22/2024)
02/22/2024	<u>38</u>	ORDER by Magistrate Judge Jennifer M. Rozzoni granting <u>37</u> Unopposed Motion to Vacate and Reset Status Conference. The status conference set for 2/22/24 at 11:00 a.m. is VACATED. The Court will reset the status conference by separate order. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (ccp) (Entered: 02/22/2024)
02/22/2024	<u>39</u>	ORDER by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 3/26/2024 at 09:30 AM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (ccp) (Entered: 02/22/2024)
03/26/2024	<u>40</u>	Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 3/26/2024. (Recording Info: Liberty–MARS) (kms) (Entered: 03/26/2024)
03/26/2024	<u>41</u>	ORDER SETTING TELEPHONIC STATUS CONFERENCE by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 4/26/2024 at 03:30 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 03/26/2024)
04/18/2024	<u>42</u>	ORDER RESETTING TELEPHONIC STATUS CONFERENCE TIME by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 4/26/2024 at 01:00 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 04/18/2024)
04/26/2024	<u>43</u>	Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 4/26/2024. (Recording Info: Liberty: MARS–Abq) (kms) (Entered: 04/26/2024)
04/26/2024	<u>44</u>	ORDER SETTING TELEPHONIC STATUS CONFERENCE by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 5/22/2024 at 01:30 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 04/26/2024)
05/17/2024	<u>45</u>	ORDER RESETTING TELEPHONIC STATUS CONFERENCE by Magistrate Judge Jennifer M. Rozzoni. Status Conference set for 5/21/2024 at 11:00 AM in

		Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Jennifer M. Rozzoni. (kms) (Entered: 05/17/2024)
05/21/2024	<u>46</u>	***FILED IN ERROR*** Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 5/21/2024. (Recording Info: Liberty–MARS) (ccp) Modified on 5/22/2024 (jg). (Entered: 05/21/2024)
05/21/2024	47	ORDER SETTING BRIEFING SCHEDULE by Magistrate Judge Jennifer M. Rozzoni. Motions for Summary Judgment are due by 6/21/24. Responses due by 7/12/24. Replies, if any, due by 7/19/24. [THIS IS A TEXT–ENTRY ONLY. THERE ARE NO DOCUMENTS ATTACHED.] (ccp) (Entered: 05/21/2024)
05/22/2024	<u>48</u>	Clerk's Minutes for proceedings held before Magistrate Judge Jennifer M. Rozzoni: Status Conference held on 5/21/2024. (Recording Info: Liberty–MARS) (ccp) (Entered: 05/22/2024)
06/21/2024	<u>49</u>	MOTION for Summary Judgment by United States Forest Service. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Lucero, Manuel) (Entered: 06/21/2024)
06/21/2024	<u>50</u>	MOTION for Summary Judgment <i>for Violations of the Freedom of Information Act and Memorandum In Support</i> by TC Company. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38) (Weisman, Cynthia) (Entered: 06/21/2024)
06/21/2024	<u>51</u>	NOTICE by TC Company re <u>50</u> MOTION for Summary Judgment <i>for Violations of the Freedom of Information Act and Memorandum In Support of Replacement Exhibit 1 to Doc 50</i> (Attachments: # <u>1</u> Exhibit 1) (Weisman, Cynthia) (Entered: 06/21/2024)
07/09/2024	<u>52</u>	NOTICE by TC Company <i>Notice of Extension</i> (Weisman, Cynthia) (Entered: 07/09/2024)
07/11/2024	<u>53</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to 47 Order, <i>Regarding Motions for Summary Judgment</i> by United States Forest Service. (Lucero, Manuel) (Entered: 07/11/2024)
07/11/2024	<u>54</u>	ORDER by Magistrate Judge Jennifer M. Rozzoni granting <u>53</u> Unopposed Motion for Extension of Time to File Responses/Replies. Responses to motions for summary judgment (Docs. 49, 50) due by 8/16/2024. Replies due by 8/30/2024. (ccp) (Entered: 07/11/2024)
08/16/2024	<u>55</u>	RESPONSE to Motion re <u>49</u> MOTION for Summary Judgment <i>PLAINTIFFS RESPONSE TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM IN SUPPORT</i> filed by TC Company. (Attachments: # <u>1</u> Exhibit USFS SF95 resp letter 5–14–2024 to TC Co, # <u>2</u> Exhibit 10–5–23 Email (Clean version of Doc. 50–9)) (Dow, Mark) (Entered: 08/16/2024)
08/16/2024	<u>56</u>	RESPONSE in Opposition re <u>50</u> MOTION for Summary Judgment <i>for Violations of the Freedom of Information Act and Memorandum In Support</i> filed by United States Forest Service. (Attachments: # <u>1</u> Exhibit A: Declaration) (Lucero, Manuel) (Entered: 08/16/2024)
08/27/2024	<u>57</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>54</u> Order on Motion for Extension of Time to File Response/Reply by United States Forest Service. (Lucero, Manuel) (Entered: 08/27/2024)
08/27/2024	58	ORDER by Magistrate Judge Jennifer M. Rozzoni granting <u>57</u> Second Unopposed Motion to Extend Briefing Schedule. Replies to motions for summary judgment (Docs. 49, 50) due by 9/6/2024. [THIS IS A TEXT–ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (ccp) (Entered: 08/27/2024)
09/06/2024	<u>59</u>	REPLY to Response to Motion re <u>49</u> MOTION for Summary Judgment filed by United States Forest Service. (Attachments: # <u>1</u> Exhibit A) (Lucero, Manuel) (Entered: 09/06/2024)

		09/06/2024)
09/06/2024	<u>60</u>	REPLY to Response to Motion re <u>50</u> MOTION for Summary Judgment <i>for Violations of the Freedom of Information Act and Memorandum In Support</i> PLAINTIFFS REPLY TO DEFENDANTS RESPONSE TO PLAINTIFFS MOTION FOR SUMMARY JUDGMENT FOR VIOLATIONS OF THE FREEDOM OF INFORMATION ACT filed by TC Company. (Dow, Mark) (Entered: 09/06/2024)
09/06/2024	<u>61</u>	NOTICE of Briefing Complete by TC Company re <u>50</u> MOTION for Summary Judgment <i>for Violations of the Freedom of Information Act and Memorandum In Support</i> filed by TC Company (Dow, Mark) (Entered: 09/06/2024)
09/06/2024	<u>62</u>	NOTICE of Briefing Complete by United States Forest Service re <u>49</u> MOTION for Summary Judgment filed by United States Forest Service (Lucero, Manuel) (Entered: 09/06/2024)