

Live Database
U.S. District Court – Eastern District of Tennessee (Knoxville)
CIVIL DOCKET FOR CASE #: 3:24-cv-00097-TAV-DCP

Southern Environmental Law Center v. Tennessee Valley Authority
Assigned to: District Judge Thomas A Varlan
Referred to: Magistrate Judge Debra C Poplin
Cause: 05:552 Freedom of Information Act

Date Filed: 02/29/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Southern Environmental Law Center

represented by **Carroll Courtenay**
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V.

Defendant

Tennessee Valley Authority

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Date Filed	#	Docket Text
02/29/2024	<u>1</u>	COMPLAINT against Tennessee Valley Authority (Filing fee \$ 405 receipt number ATNEDC-5610236.), filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 2022.12.22 FOIA to TVA re Cumberland FEIS, # <u>2</u> Exhibit 2 Daniel Metzger Track 3 23-FOI-00039, # <u>3</u> Exhibit 3 2023.03.15 Cumberland Fossil Plant Retirement EIS Records, # <u>4</u> Exhibit 4 2023.03.16 Email from TVA to T. Bussey re Acknowledgment, # <u>5</u> Exhibit 5 Trey Bussey Track 3 23-FOI-00096, # <u>6</u> Exhibit 6 2023.07.17 Email from T. Bussey to TVA re Follow-up, # <u>7</u> Exhibit 7 2023.08.04 Email from T. Bussey to TVA re Narrowing Request, # <u>8</u> Exhibit 8 2023.11.30 Email from TVA to T. Bussey re Follow-up, # <u>9</u> Exhibit 9 2023.04.20 FOIA re TVA-Concentric Agreement, # <u>10</u> Exhibit 10 Trey Bussey Track 3 23-FOI-00112, # <u>11</u> Exhibit 11 2023.11.30 Email from T. Bussey to TVA re Update, # <u>12</u> Corporate Disclosure Statement, # <u>13</u> Civil Cover Sheet, # <u>14</u> Summons TVA CEO Lyash, # <u>15</u> Summons U.S. Attorney Hamilton, # <u>16</u> Summons U.S. Attorney General Garland)(Buppert, Gregory) (Entered: 02/29/2024)
02/29/2024		District Judge Thomas A Varlan and Magistrate Judge Jill E McCook added. (LCK) (Entered: 02/29/2024)
02/29/2024	<u>2</u>	Administrative Notice to Counsel <u>1</u> Complaint: Certificate of Corporate Interest needs to be filed as a separate document. (Requirements due by 3/5/2024). (LCK) (Entered: 02/29/2024)
02/29/2024	<u>3</u>	NOTICE of Deficiency (Pro Hac): Attorney Carroll Courtenay is not admitted (See LR 83.5). This matter will be referred to a magistrate judge if a pro hac motion is not filed within 15 days of this Notice. (Copy of Notice mailed to Attorney C. Courtenay). (LCK) (Entered: 02/29/2024)
02/29/2024	<u>4</u>	Summons Issued as to Tennessee Valley Authority, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons Attorney General, # <u>2</u> Summons United States Attorney)(LCK) (Entered: 02/29/2024)
02/29/2024	<u>5</u>	Order Governing Depositions. Signed by District Judge Thomas A Varlan on 2/29/2024. (Copy of Order mailed to Attorney C. Courtenay). (LCK) (Entered: 02/29/2024)
02/29/2024	<u>6</u>	Order Governing Motions To Dismiss. Signed by District Judge Thomas A Varlan on 2/29/2024. (Copy of Order mailed to Attorney C. Courtenay). (LCK) (Entered: 02/29/2024)
02/29/2024	<u>7</u>	Order Governing Sealing Confidential Information. Signed by District Judge Thomas A Varlan on 2/29/2024. (Copy of Order mailed to Attorney C. Courtenay). (LCK) (Entered: 02/29/2024)
02/29/2024	<u>8</u>	Certificate of Corporate Interest by Southern Environmental Law Center. (Buppert, Gregory) (Entered: 02/29/2024)
03/01/2024	<u>9</u>	ORDER OF RECUSAL – Signed by Magistrate Judge Jill E McCook on 3/01/2024. (KMK) Modified on 3/1/2024 (KMK): copy mailed to Carroll Courtenay (Entered: 03/01/2024)
03/04/2024	<u>10</u>	ORDER REASSIGNING CASE. Magistrate Judge Jill E McCook no longer assigned to case, Case reassigned to Magistrate Judge Debra C Poplin for all further proceedings. Signed by District Judge Travis R McDonough on March 4, 2024. (SAC) Modified on 3/4/2024, Order mailed to Carroll Courtenay Southern Environmental Law Center (Charlottesville) 120 Garrett Street Suite 400 Charlottesville, VA 22902 (SAC). (Entered: 03/04/2024)
03/11/2024	<u>11</u>	MOTION for Carroll Courtenay to Appear Pro Hac Vice (Filing fee \$ 90 Paid, Receipt #300003414.) by Southern Environmental Law Center. (ABF) (Entered: 03/11/2024)
03/11/2024		Clerk's Verification of PHV Requirements is complete <i>regarding document: <u>11</u> MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90.) filed by Southern</i>

		<i>Environmental Law Center (ABF)</i> (Entered: 03/11/2024)
03/12/2024	<u>12</u>	ORDER granting <u>11</u> Motion for Leave to Appear Pro Hac Vice. You MUST register as an E-Filer here: https://pacer.psc.uscourts.gov/pscwf/regWizard.jsf . Signed by Magistrate Judge Debra C. Poplin on 03/12/2024. This entry constitutes the complete Order of the Court. (HSN) Modified on 3/12/2024 to indicate c/m to Carroll Courtenay (ABF). (Entered: 03/12/2024)
03/15/2024	<u>13</u>	AFFIDAVIT of Service for Summons and Complaint served on Jeffrey J. Lyash, Chief Executive Officer on 03/03/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Courtenay, Carroll) (Entered: 03/15/2024)
03/15/2024	<u>14</u>	AFFIDAVIT of Service for Summons and Complaint served on U.S. Attorney Francis M. (Trey) Hamilton on 03/05/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Courtenay, Carroll) (Entered: 03/15/2024)
03/20/2024	<u>15</u>	AFFIDAVIT of Service for Summons and Complaint served on Jeffrey J. Lyash, Chief Executive Officer on 03/03/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Courtenay, Carroll) (Entered: 03/20/2024)
03/20/2024	<u>16</u>	AFFIDAVIT of Service for Summons and Complaint served on U.S. Attorney Francis M. (Trey) Hamilton III on 03/05/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Courtenay, Carroll) (Entered: 03/20/2024)
03/20/2024	<u>17</u>	AFFIDAVIT of Service for Summons and Complaint served on Merrick Garland, U.S. Attorney General on 03/07/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Courtenay, Carroll) (Entered: 03/20/2024)
04/08/2024	<u>18</u>	ANSWER to <u>1</u> Complaint,,, by Tennessee Valley Authority. (Attachments: # <u>1</u> Exhibit March 14, 2024 TVA Response, # <u>2</u> Exhibit April 3, 2024 TVA Response)(Chin, Steven) (Entered: 04/08/2024)
04/08/2024	<u>19</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Counts One and Three of the Complaint</i> by Tennessee Valley Authority. (Chin, Steven) (Entered: 04/08/2024)
04/08/2024	<u>20</u>	MEMORANDUM in Support of Motion re <u>19</u> MOTION to Dismiss for Lack of Jurisdiction <i>Counts One and Three of the Complaint</i> filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 04/08/2024)
04/08/2024	<u>21</u>	ORDER: The parties are ordered to confer and return the attached form within the time provided.Signed by District Judge Thomas A Varlan on 4/8/2024. (MKM) (Entered: 04/08/2024)
04/17/2024	<u>22</u>	SCHEDULING ORDER: Bench Trial set for 9/30/2025 09:00 AM in Courtroom 4 – Knoxville before District Judge Thomas A Varlan. Final Pretrial Conference set for 9/23/2025 11:00 AM in Courtroom 4 – Knoxville before District Judge Thomas A Varlan.Signed by District Judge Thomas A Varlan on 4/17/24. (ABF) (Entered: 04/17/2024)
04/19/2024	<u>23</u>	NOTICE of Appearance by David D Ayliffe on behalf of Tennessee Valley Authority (Ayliffe, David) (Entered: 04/19/2024)
04/19/2024	<u>24</u>	NOTICE of Appearance by Sydney D Nenni on behalf of Tennessee Valley Authority (Nenni, Sydney) (Entered: 04/19/2024)
04/29/2024	<u>25</u>	RESPONSE to Motion re <u>19</u> MOTION to Dismiss for Lack of Jurisdiction <i>Counts One and Three of the Complaint</i> filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Appendix P, # <u>2</u> Exhibit 2 – Contract Docs)(Courtenay, Carroll) (Entered: 04/29/2024)
04/30/2024	<u>26</u>	REPORT of Rule 26(f) Planning Meeting. (Courtenay, Carroll) (Entered: 04/30/2024)
04/30/2024	<u>27</u>	NOTICE OF NONCONSENT filed by Southern Environmental Law Center (Courtenay, Carroll) (Entered: 04/30/2024)

05/06/2024	<u>28</u>	REPLY to Response to Motion re <u>19</u> MOTION to Dismiss for Lack of Jurisdiction <i>Counts One and Three of the Complaint</i> filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 05/06/2024)
07/03/2024	<u>29</u>	LOCAL RULE 7.1(d) SUPPLEMENTAL BRIEF to <u>19</u> MOTION to Dismiss for Lack of Jurisdiction <i>Counts One and Three of the Complaint in Support of Response in Opposition to TVA's Motion to Dismiss</i> by Southern Environmental Law Center filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Opinion)(Courtenay, Carroll) (Entered: 07/03/2024)
07/10/2024	<u>30</u>	RESPONSE TO LOCAL RULE 7.1(d) SUPPLEMENTAL BRIEF to <u>29</u> Local Rule 7.1(d) Supplemental Brief, by Tennessee Valley Authority filed by Tennessee Valley Authority. (Attachments: # <u>1</u> Exhibit SELC Filing of Administrative Appeal)(Chin, Steven) (Entered: 07/10/2024)