

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:24-cv-00398-APM**

FRIENDS OF THE WILD SWAN v. ROEMER et al
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 02/09/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**FRIENDS OF THE WILD SWAN**

represented by **Jared Pettinato**
PETTINATO FIRM
1802 Vernon St NW
PMB 620
Washington, DC 20009
406-314-3247
Email: jared@jaredpettinato.com
ATTORNEY TO BE NOTICED

V.

Defendant

DAVID ROEMER
*in his official capacity as Superintendent,
Glacier National Park*

represented by **Fithawi Berhane**
U.S. ATTORNEY'S OFFICE
601 D Street NW
Suite 7-210
Washington, DC 20001
(202) 252-6653
Email: fithawi.berhane@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

KATHARINE HAMMOND
*in her official capacity as the
Intermountain Regional Director,
National Park Service*

represented by **Fithawi Berhane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**NATIONAL PARK SERVICE**

represented by **Fithawi Berhane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/09/2024	<u>1</u>	COMPLAINT against KATHARINE HAMMOND, NATIONAL PARK SERVICE, DAVID ROEMER (Filing fee \$ 405 receipt number ADCDC-10680204) filed by FRIENDS OF THE WILD SWAN. (Attachments: # <u>1</u> Exhibit 1: FOIA Request from Arlene Montgomery to the National Park Service (Sept. 18, 2023), # <u>2</u> Exhibit Email string among NPS FOIA Officer Alison Yamato, and Friends Program Director Arlene Montgomery, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summonses)(Pettinato, Jared) (Entered: 02/09/2024)
02/12/2024	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by FRIENDS OF THE WILD SWAN (Pettinato, Jared) (Entered: 02/12/2024)

02/13/2024		Case Assigned to Judge Amit P. Mehta. (zcb) (Entered: 02/13/2024)
02/13/2024	<u>3</u>	SUMMONS (5) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 02/13/2024)
02/26/2024	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/21/2024. Answer due for ALL FEDERAL DEFENDANTS by 3/22/2024. (Attachments: # <u>1</u> Certified Mail Receipt, # <u>2</u> USPS Tracking Information)(Pettinato, Jared) (Main Document 4 replaced on 2/27/2024) (mg). (Entered: 02/26/2024)
02/26/2024	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/21/2024. (Attachments: # <u>1</u> Certified Mail Receipt, # <u>2</u> USPS Tracking Information)(Pettinato, Jared) (Main Document 5 replaced on 2/27/2024) (mg). (Entered: 02/26/2024)
02/26/2024	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DAVID ROEMER served on 2/20/2024 (Attachments: # <u>1</u> Certified Mail Receipt, # <u>2</u> USPS Tracking Information)(Pettinato, Jared) (Main Document 6 replaced on 2/27/2024) (mg). (Entered: 02/26/2024)
02/26/2024	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. KATHARINE HAMMOND served on 2/20/2024 (Attachments: # <u>1</u> Certified Mail Receipt, # <u>2</u> USPS Tracking Information)(Pettinato, Jared) (Main Document 7 replaced on 2/27/2024) (mg). (Entered: 02/26/2024)
02/26/2024	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL PARK SERVICE served on 2/20/2024 (Attachments: # <u>1</u> Certified Mail Receipt, # <u>2</u> USPS Tracking Information)(Pettinato, Jared) (Main Document 8 replaced on 2/27/2024) (mg). (Entered: 02/26/2024)
02/26/2024	<u>9</u>	CERTIFICATE OF SERVICE by FRIENDS OF THE WILD SWAN re <u>6</u> Summons Returned Executed as to Federal Defendant, <u>8</u> Summons Returned Executed as to Federal Defendant, <u>7</u> Summons Returned Executed as to Federal Defendant, <u>5</u> Summons Returned Executed as to U.S. Attorney General, <u>4</u> Summons Returned Executed in FOIA as to U.S. Attorney, . (Pettinato, Jared) (Entered: 02/26/2024)
03/22/2024	<u>10</u>	NOTICE of Appearance by Fithawi Berhane on behalf of All Defendants (Berhane, Fithawi) (Entered: 03/22/2024)
03/22/2024	<u>11</u>	Consent MOTION for Extension of Time to by KATHARINE HAMMOND, NATIONAL PARK SERVICE, DAVID ROEMER. (Berhane, Fithawi) (Entered: 03/22/2024)
03/25/2024		MINUTE ORDER granting Defendant's <u>11</u> Motion for Extension of Time. Defendant shall respond to the Complaint on or before April 22, 2024. Signed by Judge Amit P. Mehta on 03/25/2024. (lcapm1) (Entered: 03/25/2024)
03/25/2024		Set/Reset Deadlines: Answer due by 4/22/2024. (smc) (Entered: 03/25/2024)
04/22/2024	<u>12</u>	ANSWER to Complaint by KATHARINE HAMMOND, NATIONAL PARK SERVICE, DAVID ROEMER.(Berhane, Fithawi) (Entered: 04/22/2024)
04/23/2024	<u>13</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before May 7, 2024. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 04/23/2024. (lcapm1) (Entered: 04/23/2024)
04/23/2024		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/7/2024. (zcdw) (Entered: 04/23/2024)

05/07/2024	<u>14</u>	Joint STATUS REPORT by FRIENDS OF THE WILD SWAN. (Pettinato, Jared) (Entered: 05/07/2024)
05/08/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by May 21, 2024, which advises whether a fees dispute remains and, if so, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 05/08/2024. (lcapm1) (Entered: 05/08/2024)
05/09/2024		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/21/2024. (zcdw) (Entered: 05/09/2024)
05/21/2024	<u>15</u>	STATUS REPORT by FRIENDS OF THE WILD SWAN. (Pettinato, Jared) (Entered: 05/21/2024)
05/21/2024	<u>16</u>	STATUS REPORT by KATHARINE HAMMOND, NATIONAL PARK SERVICE, DAVID ROEMER. (Berhane, Fithawi) (Entered: 05/21/2024)
05/22/2024		MINUTE ORDER. As the parties have not agreed to mediate, the court will not refer this matter to a magistrate judge, as requested by Plaintiff. The parties shall file an additional Joint Status Report on or before June 22, 2024, which updates the court on efforts to settle their fees dispute. If the parties have reached an impasse, the court will enter a briefing schedule. Signed by Judge Amit P. Mehta on 05/22/2024. (lcapm1) (Entered: 05/22/2024)
05/22/2024		Set/Reset Deadlines: Joint Status Report due by 6/22/2024. (smc) (Entered: 05/22/2024)
06/24/2024	<u>17</u>	Joint STATUS REPORT by FRIENDS OF THE WILD SWAN. (Pettinato, Jared) (Entered: 06/24/2024)
06/26/2024		MINUTE ORDER. Plaintiff shall file any opening brief on or before July 22, 2024. Defendant shall file any response brief on or before August 22, 2024; Plaintiff shall file any reply brief by September 12, 2024. Signed by Judge Amit P. Mehta on 06/26/2024. (lcapm1) (Entered: 06/26/2024)
06/27/2024		Set/Reset Deadlines: Brief due by 7/22/2024. Responses due by 8/22/2024. Replies due by 9/12/2024. (zakb) (Entered: 06/27/2024)
07/22/2024	<u>18</u>	MOTION for Attorney Fees by FRIENDS OF THE WILD SWAN. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit Index, # <u>4</u> Exhibit 1: Westslope Cutthroat and Bull Trout Preservation in Gunsight Lake project Finding of No Significant Impact, # <u>5</u> Exhibit 2: Request Details Report, # <u>6</u> Exhibit 3: Letter from Alison Yamato, Government Information Specialist, NPS FOIA Officer, to Arlene Montgomery (Feb. 23, 2024), # <u>7</u> Exhibit 4: Letter from A. Yamato to A. Montgomery (Feb. 23, 2024, revised), # <u>8</u> Exhibit 5: Email from A. Yamato to A. Montgomery (Apr. 16, 2024), # <u>9</u> Exhibit 6: Email from F. Berhane to J. Pettinato (May 29, 2024), # <u>10</u> Exhibit 7: Letter from Jared Pettinato to David Roemer, Superintendent of Glacier National Park, et al. (July 1, 2024), # <u>11</u> Exhibit 8: Arlene Montgomery Declaration, # <u>12</u> Exhibit 9: Redline of February 23, 2024, and April 16, 2024, Letters, # <u>13</u> Exhibit 10: Email from Fithawi Berhane, Trial Attorney, U.S. Department of Justice, to Jared Pettinato (May 6, 2024), # <u>14</u> Exhibit 11: Jared Pettinato Declaration, # <u>15</u> Exhibit 11-A: Letter from Darrell R. Strayhorn, FOIA Appeals Officer, Department of the Interior, to Jared Pettinato, Appeal No. 2023-016 (Sept. 20, 2023), # <u>16</u> Exhibit 11-B: Pettinato Firm Invoice, # <u>17</u> Exhibit 11-C: Pay.gov Payment Confirmation (Feb. 9, 2024), # <u>18</u> Exhibit 12: Keila Szpaller, Plan for bull trout in Gunsight Lake violates federal law, groups allege, Spokesman-Review (July 5, 2024), # <u>19</u> Exhibit 13: Taylor Inman, Groups claim bull trout project violates federal law, Daily InterLake (July 9, 2024), # <u>20</u> Exhibit 14: Tristan Scott, Groups Challenge Glacier Park's Bull Trout Preservation Project in Gunsight Lake, Flathead Beacon (July 2, 2024), # <u>21</u> Exhibit 15: Chris Peterson, Groups threaten lawsuit over Gunsight Lake bull trout plan, Hungry Horse News (July 10, 2024), # <u>22</u> Exhibit 16: Email from Fithawi Berhane, Trial Attorney, U.S. Department of Justice, to Jared Pettinato (June 17, 2024))(Pettinato, Jared) (Entered: 07/22/2024)
08/22/2024	<u>19</u>	Memorandum in opposition to re <u>18</u> Motion for Attorney Fees,,,,,, filed by NATIONAL PARK SERVICE. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 08/22/2024)

09/11/2024	<u>20</u>	NOTICE of Filing of a New Version of the Hungry Horse News Article by FRIENDS OF THE WILD SWAN re <u>18</u> Motion for Attorney Fees,,,,,, (Attachments: # <u>1</u> Exhibit 15, Chris Peterson, Groups threaten lawsuit over Gunsight Lake bull trout plan, Hungry Horse News (July 10, 2024) (new version))(Pettinato, Jared) (Entered: 09/11/2024)
09/11/2024	<u>21</u>	REPLY to opposition to motion re <u>18</u> MOTION for Attorney Fees filed by FRIENDS OF THE WILD SWAN. (Attachments: # <u>1</u> Exhibit 17: Email from Jared Pettinato to Fithawi Berhane (Mar. 29, 2024))(Pettinato, Jared) (Entered: 09/11/2024)