

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:23-cv-05309-MMC**

Ecological Rights Foundation v. United States Army Corps of  
Engineers et al  
Assigned to: Judge Maxine M. Chesney  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/17/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Ecological Rights Foundation**

represented by **Christopher Alan Sproul**  
Environmental Advocates  
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V.

**Defendant**

**United States Army Corps of  
Engineers**

represented by **Adrienne Zack**  
United States Attorney's Office  
Northern District of California  
450 Golden Gate Avenue  
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**TERMINATED: 05/16/2024**  
**LEAD ATTORNEY**

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**Defendant****National Marine Fisheries Service**represented by **Adrienne Zack**

(See above for address)

**TERMINATED: 05/16/2024****LEAD ATTORNEY****Jevechius Doherty Bernardoni**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/17/2023	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 402, receipt number ACANDC-18746806.). Filed by Ecological Rights Foundation. (Attachments: # <u>1</u> Civil Cover Sheet)(Sproul, Christopher) (Filed on 10/17/2023) (Entered: 10/17/2023)
10/17/2023	<u>2</u>	Certificate of Interested Entities by Ecological Rights Foundation (Sproul, Christopher) (Filed on 10/17/2023) (Entered: 10/17/2023)
10/17/2023	<u>3</u>	Case assigned to Judge Maxine M. Chesney.  Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a> .  Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a> . Upon receipt, the summons will be issued and returned electronically. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. (kmg, COURT STAFF) (Filed on 10/17/2023) (Entered: 10/17/2023)
10/18/2023	<u>4</u>	Proposed Summons. (Sproul, Christopher) (Filed on 10/18/2023) (Entered: 10/18/2023)
10/18/2023	<u>5</u>	Summons Issued as to National Marine Fisheries Service, United States Army Corps of Engineers. (mcl, COURT STAFF) (Filed on 10/18/2023) (Entered: 10/18/2023)
10/18/2023	<u>6</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and <a href="http://cand.uscourts.gov/cameras">http://cand.uscourts.gov/cameras</a>. Case Management Statement due by 1/12/2024. Initial Case Management Conference set for 1/19/2024 10:30 AM. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(mcl, COURT STAFF) (Filed on 10/18/2023) (Entered: 10/18/2023)</b>
11/01/2023	<u>7</u>	<b>ORDER DIRECTING PLAINTIFF TO SUBMIT COURTESY COPY IN COMPLIANCE WITH COURT'S STANDING ORDERS.</b> Signed by Judge Maxine M. Chesney on November 1, 2023. (mmclc2, COURT STAFF) (Filed on 11/1/2023) (Entered: 11/01/2023)
11/24/2023	<u>8</u>	STIPULATION to Extend Time Within Which to Answer or Respond filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Zack, Adrienne) (Filed on 11/24/2023) (Entered: 11/24/2023)
12/12/2023	<u>9</u>	CLERK'S NOTICE CONVERTING THE JANUARY 19, 2024 AT 10:30 AM – INITIAL CASE MANAGEMENT CONFERENCE – TO A ZOOM WEBINAR.  Initial Case Management Conference set for 1/19/2024 at 10:30 AM in San Francisco, – Videoconference Only. This proceeding will be held via a Zoom webinar.  <b>Webinar Access:</b> All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/mmc">https://www.cand.uscourts.gov/mmc</a>

		<p><b>General Order 58.</b> Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p><b>Zoom Guidance and Setup:</b> <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>.</p> <p>Initial Case Management Conference set for 1/19/2024 at 10:30 AM in San Francisco, – Videoconference Only.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>,.(tl, COURT STAFF) (Filed on 12/12/2023) (Entered: 12/12/2023)</p>
12/22/2023	<u>10</u>	STIPULATION <i>to Extend Time Within Which to Answer or Respond</i> filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Zack, Adrienne) (Filed on 12/22/2023) (Entered: 12/22/2023)
12/29/2023	<u>11</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Wilcox, Stuart) (Filed on 12/29/2023) (Entered: 12/29/2023)
01/04/2024	<u>12</u>	CERTIFICATE OF SERVICE by Ecological Rights Foundation (Attachments: # <u>1</u> Certificate/Proof of Service – Certified Mail Tracking Receipts, # <u>2</u> Certificate/Proof of Service – Personal Service Receipt)(Wilcox, Stuart) (Filed on 1/4/2024) (Entered: 01/04/2024)
01/12/2024	<u>13</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Zack, Adrienne) (Filed on 1/12/2024) (Entered: 01/12/2024)
01/12/2024	<u>14</u>	JOINT CASE MANAGEMENT STATEMENT filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Zack, Adrienne) (Filed on 1/12/2024) (Entered: 01/12/2024)
01/19/2024	<u>15</u>	<p><b>Minute Entry for proceedings held before Judge Maxine M. Chesney:</b></p> <p>Initial Case Management Conference held by Zoom on 1/19/2024.</p> <p>Joint Case Management Statement due by 2/16/2024.</p> <p>Further Case Management Conference set for 2/23/2024 at 10:30 AM in San Francisco, Courtroom 07, 19th Floor.</p> <p>Digital Recording Time: 10:30 – 10:48 – Zoom Recording.</p> <p>Plaintiff Attorney: Stuart Wilcox. Defendant Attorney: Adrienne Zack.</p> <p>Attachment: Civil Minutes. (tl, COURT STAFF) (Date Filed: 1/19/2024) (Entered: 01/19/2024)</p>
01/30/2024	<u>16</u>	STIPULATION <i>to Extend Time within which to Answer or Respond</i> filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Zack, Adrienne) (Filed on 1/30/2024) (Entered: 01/30/2024)
02/16/2024	<u>17</u>	SECOND JOINT CASE MANAGEMENT STATEMENT filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Zack, Adrienne) (Filed on 2/16/2024) Modified on 2/20/2024 (mcl, COURT STAFF). (Entered: 02/16/2024)
02/17/2024	<u>18</u>	Joint MOTION to Appear by Telephone <i>or by Zoom</i> filed by Ecological Rights Foundation. (Attachments: # <u>1</u> Proposed Order Granting Leave to Appear by Zoom)(Wilcox, Stuart) (Filed on 2/17/2024) (Entered: 02/17/2024)
02/20/2024	<u>19</u>	<b>ORDER GRANTING JOINT MOTION FOR LEAVE TO APPEAR VIA ZOOM.</b> Signed by Judge Maxine M. Chesney on February 20, 2024. (mmclc2, COURT STAFF) (Filed on 2/20/2024) (Entered: 02/20/2024)
02/22/2024		NOTICE SETTING FURTHER CASE MANAGEMENT CONFERENCE BY ZOOM

		<p>Re <u>19</u> . Further Case Management Conference set for 2/23/2024 at 10:30 AM in San Francisco, – Videoconference Only. This proceeding will be held via a Zoom webinar.</p> <p><b>Webinar Access:</b> All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/mmc">https://www.cand.uscourts.gov/mmc</a></p> <p><b>General Order 58.</b> Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p><b>Zoom Guidance and Setup:</b> <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>.</p> <p>Further Case Management Conference set for 2/23/2024 at 10:30 AM in San Francisco, – Videoconference Only.</p> <p>(tl, COURT STAFF) (Filed on 2/22/2024) (Entered: 02/22/2024)</p>
02/23/2024	<u>20</u>	<p><b>Minute Entry for proceedings held before Judge Maxine M. Chesney:</b></p> <p>Further Case Management Conference held by Zoom on 2/23/2024.</p> <p>Joint Case Management Statement due by 4/19/2024.</p> <p>Further Case Management Conference set for 4/26/2024 at 10:30 AM in San Francisco, Courtroom 07, 19th Floor.</p> <p>Digital Recording Time: 10:32 – 10:52 – Zoom Recording.</p> <p>Plaintiff Attorney: Stuart Wilcox.</p> <p>Defendant Attorney: Adrienne Zack.</p> <p>Attachment: Civil Minutes. (tl, COURT STAFF) (Date Filed: 2/23/2024) Proceedings transcribed by Tara Jauregui of Echo Reporting (echoreporting@yahoo.com) Modified on 5/15/2024 (jaf, COURT STAFF). (Entered: 02/26/2024)</p>
03/01/2024	<u>21</u>	<p>STIPULATION <i>to Extend Time within which to Answer or Respond</i> filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Zack, Adrienne) (Filed on 3/1/2024) (Entered: 03/01/2024)</p>
03/13/2024	22	<p>CLERK'S NOTICE CONVERTING THE APRIL 26, 2024 AT 10:30 AM – FURTHER CASE MANAGEMENT CONFERENCE – TO A ZOOM WEBINAR.</p> <p>Further Case Management Conference set for 4/26/2024 at 10:30 AM in San Francisco, – Videoconference Only. This proceeding will be held via a Zoom webinar.</p> <p><b>Webinar Access:</b> All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/mmc">https://www.cand.uscourts.gov/mmc</a></p> <p><b>General Order 58.</b> Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p><b>Zoom Guidance and Setup:</b> <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>.</p> <p>Further Case Management Conference set for 4/26/2024 at 10:30 AM in San Francisco, – Videoconference Only.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>, (tl, COURT STAFF) (Filed on 3/13/2024) (Entered: 03/13/2024)</p>
04/17/2024	23	<p>CLERK'S NOTICE CONTINUING THE APRIL 26, 2024 FURTHER CASE MANAGEMENT CONFERENCE.</p>

		<p>Due to the Court's unavailability on that date (Northern District of California District Conference), the hearing is hereby CONTINUED to 5/17/2024 at 10:30 AM.</p> <p>Joint Case Management Statement due by 5/10/2024.</p> <p>Further Case Management Conference reset to 5/17/2024 at 10:30 AM in San Francisco, – Videoconference Only. This proceeding will be held via a Zoom webinar.</p> <p><b>Webinar Access:</b> All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/mmc">https://www.cand.uscourts.gov/mmc</a></p> <p><b>General Order 58.</b> Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p><b>Zoom Guidance and Setup:</b> <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>.</p> <p>Joint Case Management Statement due by 5/10/2024.</p> <p>Further Case Management Conference reset to 5/17/2024 at 10:30 AM in San Francisco, – Videoconference Only.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>,.(tl, COURT STAFF) (Filed on 4/17/2024) (Entered: 04/17/2024)</p>
04/26/2024	<u>24</u>	STIPULATION to Extend Time within which to Answer or Respond filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Zack, Adrienne) (Filed on 4/26/2024) (Entered: 04/26/2024)
05/10/2024	<u>25</u>	STIPULATION to Extend Time within which to Answer or Respond and Continue Case Management Conference filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Attachments: # <u>1</u> Declaration)(Zack, Adrienne) (Filed on 5/10/2024) Modified on 5/10/2024 (mcl, COURT STAFF). (Entered: 05/10/2024)
05/10/2024	<u>26</u>	Proposed Order re <u>25</u> STIPULATION to Extend Time within which to Answer or Respond and Continue Case Management Conference by National Marine Fisheries Service, United States Army Corps of Engineers. (Zack, Adrienne) (Filed on 5/10/2024) Modified on 5/10/2024 (mcl, COURT STAFF). (Entered: 05/10/2024)
05/13/2024	<u>27</u>	<b>ORDER GRANTING STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE.</b> The Case Management Conference currently scheduled for May 17, 2024, is continued to May 24, 2024, at 10:30 am. Signed by Judge Maxine M. Chesney on May 13, 2024. (mmclc2, COURT STAFF) (Filed on 5/13/2024) (Entered: 05/13/2024)
05/13/2024		<p>Reset Deadlines: re <u>27</u> Order.</p> <p>Joint Case Management Statement due by 5/17/2024.</p> <p>Further Case Management Conference reset to 5/24/2024 at 10:30 AM in San Francisco, – Videoconference Only. This proceeding will be held via a Zoom webinar.</p> <p><b>Webinar Access:</b> All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/mmc">https://www.cand.uscourts.gov/mmc</a></p> <p><b>General Order 58.</b> Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p><b>Zoom Guidance and Setup:</b> <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>.</p> <p>Joint Case Management Statement due by 5/17/2024. Further Case Management Conference reset to 5/24/2024 at 10:30 AM in San Francisco, – Videoconference</p>

		Only. (tl, COURT STAFF) (Filed on 5/13/2024) (Entered: 05/13/2024)
05/14/2024	<u>28</u>	TRANSCRIPT ORDER for proceedings held on 02/23/2024 before Judge Maxine M. Chesney by Ecological Rights Foundation, for Recorded Proceeding – San Francisco. (Wilcox, Stuart) (Filed on 5/14/2024) (Entered: 05/14/2024)
05/16/2024	<u>29</u>	NOTICE of Substitution of Counsel by Jevetchius Doherty Bernardoni (Bernardoni, Jevetchius) (Filed on 5/16/2024) (Entered: 05/16/2024)
05/16/2024	<u>30</u>	STIPULATION WITH PROPOSED ORDER filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Bernardoni, Jevetchius) (Filed on 5/16/2024) (Entered: 05/16/2024)
05/16/2024	<u>31</u>	<b>ORDER GRANTING STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND EXTEND TIME WITHIN WHICH TO ANSWER OR RESPOND.</b> The Case Management Conference currently scheduled for May 24, 2024, is continued to June 21, 2024. The federal defendants' time within which to answer or otherwise respond to the complaint is hereby continued to June 21, 2024. Signed by Judge Maxine M. Chesney on May 16, 2024. (mmclc2, COURT STAFF) (Filed on 5/16/2024) (Entered: 05/16/2024)
05/17/2024		Reset Deadlines/Hearing:  Joint Case Management Statement due by 6/14/2024.  Further Case Management Conference reset to 6/21/2024 at 10:30 AM in San Francisco, – Videoconference Only. This proceeding will be held via a Zoom webinar.  <b>Webinar Access:</b> All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/mmc">https://www.cand.uscourts.gov/mmc</a>  <b>General Order 58.</b> Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.  <b>Zoom Guidance and Setup:</b> <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a> .  Joint Case Management Statement due by 6/14/2024.  Further Case Management Conference reset to 6/21/2024 at 10:30 AM in San Francisco, – Videoconference Only.  (tl, COURT STAFF) (Filed on 5/17/2024) (Entered: 05/17/2024)
05/22/2024	<u>32</u>	Transcript of Proceedings held on 02/23/24, before Judge Maxine Chesney. Court Reporter/Transcriber Echo Reporting, Inc., telephone number echoreporting@yahoo.com. Tape Number: 10:32 – 10:52. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>28</u> Transcript Order ) Redaction Request due 6/12/2024. Redacted Transcript Deadline set for 6/24/2024. Release of Transcript Restriction set for 8/20/2024. (Related documents(s) <u>28</u> ) (Jauregui, Tara) (Filed on 5/22/2024) (Entered: 05/22/2024)
06/13/2024	<u>33</u>	STIPULATION WITH PROPOSED ORDER filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Bernardoni, Jevetchius) (Filed on 6/13/2024) (Entered: 06/13/2024)
06/13/2024	<u>34</u>	<b>ORDER GRANTING STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND EXTEND TIME WITHIN WHICH TO ANSWER OR RESPOND.</b> The Case Management Conference is continued from June 21, 2024, to September 27, 2024, at 10:30 am. Defendants' time to answer or otherwise respond to

		the complaint is hereby continued to September 27, 2024. Signed by Judge Maxine M. Chesney on June 13, 2024. (mmclc2, COURT STAFF) (Filed on 6/13/2024) (Entered: 06/13/2024)
06/14/2024		Set/Reset Deadlines:, Set/Reset Hearing re <u>34</u> Terminate Motions,, Order, Joint Case Management Statement due by 9/20/2024. Further Case Management Conference reset to 9/27/2024 at 10:30 AM in San Francisco, Courtroom 07, 19th Floor. (tl, COURT STAFF) (Filed on 6/14/2024) (Entered: 06/14/2024)
08/02/2024	<u>35</u>	<p>CLERK'S NOTICE CONVERTING THE SEPTEMBER 27, 2024 AT 10:30 AM – FURTHER CASE MANAGEMENT CONFERENCE – TO A ZOOM WEBINAR.</p> <p>Further Case Management Conference set for 9/27/2024 at 10:30 AM in San Francisco, – Videoconference Only. This proceeding will be held via a Zoom webinar.</p> <p><b>Webinar Access:</b> All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/mmc">https://www.cand.uscourts.gov/mmc</a></p> <p><b>General Order 58.</b> Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p><b>Zoom Guidance and Setup:</b> <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>.</p> <p>Further Case Management Conference set for 9/27/2024 at 10:30 AM in San Francisco, – Videoconference Only.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>,. (tl, COURT STAFF) (Filed on 8/2/2024) (Entered: 08/02/2024)</p>
09/20/2024	<u>36</u>	STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE, EXTEND TIME WITHIN WHICH TO ANSWER OR RESPOND, AND SET BRIEFING SCHEDULE FOR PLAINTIFFS FORTHCOMING FEES MOTION filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Bernardoni, Jevchius) (Filed on 9/20/2024) (Entered: 09/20/2024)
09/23/2024	<u>37</u>	<b>ORDER DECLINING TO APPROVE STIPULATION TO VACATE CASE MANAGEMENT CONFERENCE AND SET BRIEFING SCHEDULE.</b> Signed by Judge Maxine M. Chesney on September 23, 2024. (mmclc2, COURT STAFF) (Filed on 9/23/2024) (Entered: 09/23/2024)
09/24/2024	<u>38</u>	STIPULATION WITH PROPOSED ORDER filed by National Marine Fisheries Service, United States Army Corps of Engineers. (Bernardoni, Jevchius) (Filed on 9/24/2024) (Entered: 09/24/2024)
09/25/2024	<u>39</u>	<b>ORDER TO EXTEND TIME WITHIN WHICH TO ANSWER OR RESPOND.</b> The deadline for Defendants to respond to the complaint is continued from 9/27/24 to 12/13/24. Signed by Judge Maxine M. Chesney on September 25, 2024. (mmclc2, COURT STAFF) (Filed on 9/25/2024) (Entered: 09/25/2024)