

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:24-cv-02113-JLR**

Natural Resources Defense Council, Inc. v. United States
Department of Energy
Assigned to: Judge Jennifer L. Rochon
Cause: 05:552 Freedom of Information Act

Date Filed: 03/21/2024
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**Natural Resources Defense Council,
Inc.**

represented by **Mitchell S. Bernard**
Natural Resources Defense Council, Inc.
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ATTORNEY TO BE NOTICED

Sarah Chaya Tallman
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ATTORNEY TO BE NOTICED

Chantel Jathan
Natural Resource Defense Council
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V.

Defendant

United States Department of Energy

represented by **Dana Walsh Kumar**
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Date Filed	#	Docket Text
03/21/2024	<u>1</u>	COMPLAINT against United States Department of Energy. (Filing Fee \$ 405.00, Receipt Number ANYSDC-29111711) Document filed by Natural Resources Defense Council, Inc...(Jathan, Chantel) (Entered: 03/21/2024)
03/21/2024	<u>2</u>	FILING ERROR – PDF ERROR – CIVIL COVER SHEET filed..(Jathan, Chantel) Modified on 3/21/2024 (jgo). (Entered: 03/21/2024)

03/21/2024	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Natural Resources Defense Council, Inc...(Jathan, Chantel) (Entered: 03/21/2024)
03/21/2024	<u>4</u>	MOTION for Chantel Jathan to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29111928. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Affidavit of Chantel Jathan, # <u>3</u> Proposed Order Proposed Order Granting Motion to Appear Pro Hac Vice).(Jathan, Chantel) (Entered: 03/21/2024)
03/21/2024	<u>5</u>	MOTION for Sarah Chaya Tallman to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29112029. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit Certificates of Good Standing, # <u>2</u> Affidavit of Sarah Tallman, # <u>3</u> Proposed Order Granting Motion to Appear Pro Hac Vice).(Tallman, Sarah) (Entered: 03/21/2024)
03/21/2024		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>5</u> MOTION for Sarah Chaya Tallman to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29112029. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (rju) (Entered: 03/21/2024)
03/21/2024		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>4</u> MOTION for Chantel Jathan to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-29111928. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (rju) (Entered: 03/21/2024)
03/21/2024	<u>6</u>	FILING ERROR – DEFICIENT – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Energy, re: <u>1</u> Complaint. Document filed by Natural Resources Defense Council, Inc...(Jathan, Chantel) Modified on 3/22/2024 (vf). (Entered: 03/21/2024)
03/21/2024	<u>7</u>	CIVIL COVER SHEET filed..(Jathan, Chantel) (Entered: 03/21/2024)
03/22/2024		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Jennifer L. Rochon. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions.. (vf) (Entered: 03/22/2024)
03/22/2024		Magistrate Judge Katharine H. Parker is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (vf) (Entered: 03/22/2024)
03/22/2024		Case Designated ECF. (vf) (Entered: 03/22/2024)
03/22/2024		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Chantel Jathan to RE-FILE Document No. <u>6</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; Defendant party name error listed on Summons PDF. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (vf) (Entered: 03/22/2024)
03/22/2024	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Energy, re: <u>1</u> Complaint. Document filed by Natural Resources Defense Council, Inc...(Jathan, Chantel) (Entered: 03/22/2024)

03/25/2024	<u>9</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>4</u> MOTION for Chantel Jathan to Appear Pro Hac Vice. The motion of Chantel Jathan for admission to practice Pro Hac Vice in the above-captioned case is GRANTED. (Signed by Judge Jennifer L. Rochon on 3/25/2024) (jca) (Entered: 03/25/2024)
03/25/2024	<u>10</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>5</u> MOTION for Sarah Chaya Tallman to Appear Pro Hac Vice. The motion of Sarah C. Tallman for admission to practice Pro Hac Vice in the above-captioned case is GRANTED. (Signed by Judge Jennifer L. Rochon on 3/25/2024) (jca) (Entered: 03/25/2024)
03/25/2024	<u>11</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 6/18/2024 at 11:00 AM in Courtroom 20B, 500 Pearl Street, New York, NY 10007 before Judge Jennifer L. Rochon. SO ORDERED. (Signed by Judge Jennifer L. Rochon on 3/25/2024) (jca) (Entered: 03/25/2024)
03/25/2024	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Energy..(pc) (Entered: 03/25/2024)
04/02/2024	<u>13</u>	NOTICE OF APPEARANCE by Mitchell S. Bernard on behalf of Natural Resources Defense Council, Inc...(Bernard, Mitchell) (Entered: 04/02/2024)
04/05/2024	<u>14</u>	AFFIDAVIT OF SERVICE of Notice of Initial Status Conference, Rule 7.1, Motions for PHV, Orders granting PHV, Notice of Attorney Appearance, Judge Rochon's local rules, CM/ECF SDNY Rules served on United States Department of Energy on 4/1/2024, 4/5/2024. Service was made by Mail. Document filed by Natural Resources Defense Council, Inc...(Jathan, Chantel) (Entered: 04/05/2024)
04/11/2024	<u>15</u>	NOTICE OF APPEARANCE by Dana Walsh Kumar on behalf of United States Department of Energy..(Kumar, Dana) (Entered: 04/11/2024)
05/02/2024	<u>16</u>	LETTER MOTION for Extension of Time to File Answer <i>and to adjourn initial conference</i> addressed to Judge Jennifer L. Rochon from Dana Walsh Kumar dated 05/02/2024. Document filed by United States Department of Energy..(Kumar, Dana) (Entered: 05/02/2024)
05/02/2024	<u>17</u>	ORDER granting <u>16</u> Letter Motion for Extension of Time to Answer re <u>16</u> LETTER MOTION for Extension of Time to File Answer <i>and to adjourn initial conference</i> addressed to Judge Jennifer L. Rochon from Dana Walsh Kumar dated 05/02/2024. The requested extension of time to respond to the Complaint until July 8, 2024, is GRANTED. The initial pretrial conference is adjourned without date; it shall be rescheduled, if necessary, after the Government responds to the Complaint. SO ORDERED. United States Department of Energy answer due 7/8/2024. (Signed by Judge Jennifer L. Rochon on 5/2/2024) (jca) (Entered: 05/02/2024)
05/21/2024	<u>18</u>	AFFIDAVIT OF SERVICE of Summons, Complaint, Individual Rules of Judge, and ECF Rules served on United States Department of Energy, and non-parties U.S. Attorney's Office for the Southern District of New York, and Attorney General of the United States on 4/1/2024. Service was made by Mail. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C).(Jathan, Chantel) (Entered: 05/21/2024)
06/10/2024	<u>19</u>	LETTER MOTION for Extension of Time to File Answer <i>and Status Report</i> addressed to Judge Jennifer L. Rochon from Dana Walsh Kumar dated 06/10/2024. Document filed by United States Department of Energy..(Kumar, Dana) (Entered: 06/10/2024)
06/11/2024	<u>20</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time to Answer re <u>19</u> LETTER MOTION for Extension of Time to File Answer <i>and Status Report</i> addressed to Judge Jennifer L. Rochon from Dana Walsh Kumar dated 06/10/2024. The requested extension of time to respond to the Complaint until September 6, 2024, is GRANTED. The parties shall submit a joint status letter to the Court no later than July 15, 2024. SO ORDERED. United States Department of Energy answer due 9/6/2024. (Signed by Judge Jennifer L. Rochon on 6/11/2024) (jca) (Entered: 06/11/2024)
07/15/2024	<u>21</u>	STATUS REPORT. Document filed by United States Department of Energy..(Kumar, Dana) (Entered: 07/15/2024)
07/16/2024	<u>22</u>	MEMO ENDORSEMENT on re: <u>21</u> Status Report filed by United States Department of Energy ENDORSEMENT The parties may submit a joint status report by August

		16, 2024. SO ORDERED. (Signed by Judge Jennifer L. Rochon on 7/16/2024) (jca) (Entered: 07/16/2024)
08/16/2024	<u>23</u>	STATUS REPORT. Document filed by United States Department of Energy..(Kumar, Dana) (Entered: 08/16/2024)
08/16/2024	<u>24</u>	MEMO ENDORSEMENT on re: <u>23</u> Status Report filed by United States Department of Energy ENDORSEMENT The parties shall appear for a conference on August 28, 2024, at 11:00 a.m. The Government shall be granted an extension until November 6, 2024, to respond to the Complaint. SO ORDERED. United States Department of Energy answer due 11/6/2024. (Status Conference set for 8/28/2024 at 11:00 AM before Judge Jennifer L. Rochon.) (Signed by Judge Jennifer L. Rochon on 8/16/2024) (jca) (Entered: 08/16/2024)
08/22/2024	<u>25</u>	LETTER addressed to Judge Jennifer L. Rochon from Chantel Jathan dated 8/22/2024 re: Electronic Devices Form. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit Electronic Devices General Purposes Form).(Jathan, Chantel) (Entered: 08/22/2024)
08/28/2024		Minute Entry for proceedings held before Judge Jennifer L. Rochon: Discovery Hearing held on 8/28/2024. (aba) (Entered: 08/29/2024)
09/10/2024	<u>26</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Department of Energy..(Kumar, Dana) (Entered: 09/10/2024)
09/11/2024	<u>27</u>	STIPULATION AND ORDER REGARDING PROCESSING SCHEDULE NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and DOE as follows: 1. By the 7th day of October 2024, DOE shall review 400 pages of records for responsiveness found in response to the Request and, if responsive, complete processing of those pages (i.e., release of non-exempt records or portions of records responsive to the Request, notification to Plaintiff of the complete or partial withholding of records pursuant to any applicable FOIA exemption, or referral of records to other agencies, components, or outside submitters for consultation). 2. By the 7th day of each month after October 7, 2024, DOE shall review 500 pages of records for responsiveness found in response to the Request and, if responsive, complete processing of those pages (i.e., release of non-exempt records or portions of records responsive to the Request, notification to Plaintiff of the complete or partial withholding of records pursuant to any applicable FOIA exemption, or referral of records to other agencies, components, or outside submitters for consultation) until DOE has completed its review and processing of all records identified in DOE's search that are responsive to Plaintiff's FOIA Request. 3. This processing schedule relates only to the documents currently identified by DOE as potentially responsive to the Request. Plaintiff reserves all rights to seek a different or faster processing rate concerning any other potentially responsive documents that DOE may identify in connection with Plaintiff's FOIA request, and DOE reserves all rights regarding any such request by Plaintiff. 4. Within sixty days after the Court has entered this Stipulation and Order, and every sixty days thereafter, the parties shall file a joint status report with the Court regarding the status of the case and DOE's processing of responsive records (stating, at minimum, the number of pages reviewed by DOE in the preceding sixty days, the number of pages produced during the same time period, and the number of pages remaining to be reviewed for potential production). 5. By entering into this Stipulation and Order, DOE does not concede that Plaintiff is eligible for or entitled to attorneys' fees under 5 U.S.C. § 552(a)(4)(E), and DOE reserves all defenses to any claim, including for attorneys' fees, and Plaintiff does not waive any right to seek to recover attorneys' fees and costs or to contest any aspect of DOE's responses, including the adequacy of its searches or its complete or partial withholding of responsive records pursuant to any applicable FOIA exemption. SO ORDERED. (Signed by Judge Jennifer L. Rochon on 9/11/2024) (jca) (Entered: 09/11/2024)
09/20/2024	<u>28</u>	CONSENT MOTION for Leave to File Supplemental Complaint . Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit A – Proposed Supplemental Complaint, # <u>2</u> Exhibit B – Redline Proposed Supplemental Complaint).(Jathan, Chantel) (Entered: 09/20/2024)
09/20/2024	<u>29</u>	MEMORANDUM OF LAW in Support re: <u>28</u> CONSENT MOTION for Leave to File Supplemental Complaint . . Document filed by Natural Resources Defense Council, Inc...(Jathan, Chantel) (Entered: 09/20/2024)

09/20/2024	<u>30</u>	PROPOSED ORDER. Document filed by Natural Resources Defense Council, Inc.. Related Document Number: [ECF 28]..(Jathan, Chantel) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 09/20/2024)
09/20/2024	<u>31</u>	DECLARATION of Chantel Jathan in Support re: <u>28</u> CONSENT MOTION for Leave to File Supplemental Complaint .. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit 1 – 2021 FOIA Request, # <u>2</u> Exhibit 2 – 2024 FOIA Request, # <u>3</u> Exhibit 3 – 05.07.24 Email, # <u>4</u> Exhibit 4 – Sample Email from FOIA Production).(Jathan, Chantel) (Entered: 09/20/2024)
09/20/2024		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>30</u> Proposed Order was reviewed and approved as to form. (tp) (Entered: 09/20/2024)
09/20/2024	<u>32</u>	ORDER granting <u>28</u> Motion for Leave to File Document. Upon consideration of the parties' submissions concerning the Motion and for good cause shown, the Court hereby GRANTS Plaintiff's Unopposed Motion for Leave to File a Supplemental Complaint. SO ORDERED. (Signed by Judge Jennifer L. Rochon on 9/20/2024) (sgz) (Entered: 09/23/2024)
09/26/2024	<u>33</u>	SUPPLEMENTAL AMENDED COMPLAINT amending <u>1</u> Complaint against United States Department of Energy.Document filed by Natural Resources Defense Council, Inc.. Related document: <u>1</u> Complaint..(Jathan, Chantel) (Entered: 09/26/2024)