

Live Database
U.S. District Court – Eastern District of Tennessee (Knoxville)
CIVIL DOCKET FOR CASE #: 3:24-cv-00095-KAC-DCP

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

Date Filed: 02/27/2024
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Southern Environmental Law Center

represented by **Aradhana Chandra**
Southern Environmental Law Center
10 10th St NW
1050
Atlanta, GA 30309
404-521-9900
Email: achandra@selcga.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

O. W. Bussey , III
Southern Environmental Law Center
10 10th St NW
1050
Atlanta, GA 30309
615-921-9470
Email: tbussey@selctn.org
ATTORNEY TO BE NOTICED

V.

Defendant

Tennessee Valley Authority

represented by **David D Ayliffe**
Tennessee Valley Authority
Office of General Counsel
400 West Summit Hill Drive
Knoxville, TN 37902
865-632-8964
Fax: 865-632-4528
Email: ddayliffe@tva.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Chin
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1401
865-632-3052
Email: scchin@tva.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sydney D Nenni
Tennessee Valley Authority
400 W. Summit Hill Drive
Wt6
Knoxville, TN 37902
205-478-0603
Email: sschaefer0@tva.gov

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/27/2024	<u>1</u>	COMPLAINT against Tennessee Valley Authority (Filing fee \$ 405 receipt number ATNEDC-5607099.), filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – FOIA Request, # <u>2</u> Exhibit 2 – Interim Response Letter, # <u>3</u> Exhibit 3 – Email Correspondence, # <u>4</u> Other Corporate Disclosure Statement, # <u>5</u> Other Civil Cover Sheet, # <u>6</u> Summons TVA CEO Lyash, # <u>7</u> Summons US Attorney Hamilton, # <u>8</u> Summons US Attorney General Garland)(Bussey, O.) (Attachment 6,7,8 replaced summons to flatten/non-fillable format on 2/27/2024) (SAC). (Entered: 02/27/2024)
02/27/2024		District Judge Katherine A Crytzer and Magistrate Judge Jill E McCook added. (SAC) (Entered: 02/27/2024)
02/27/2024	<u>2</u>	Summons Issued as to Tennessee Valley Authority. (SAC) (Entered: 02/27/2024)
02/27/2024	<u>3</u>	Order Governing Depositions.Signed by District Judge Katherine A Crytzer on February 27, 2024. (SAC) (Entered: 02/27/2024)
02/27/2024	<u>4</u>	Order Governing Motions To Dismiss.Signed by District Judge Katherine A Crytzer on February 27, 2024. (SAC) (Entered: 02/27/2024)
02/27/2024	<u>5</u>	Order Governing Sealing Confidential Information.Signed by District Judge Katherine A Crytzer on February 27, 2024. (SAC) (Entered: 02/27/2024)
02/27/2024	<u>6</u>	Informational only – NOTICE of Deficiency (PDF) by Southern Environmental Law Center re <u>1</u> Complaint. (SAC) (Entered: 02/27/2024)
02/28/2024	<u>7</u>	ORDER OF RECUSAL.Signed by Magistrate Judge Jill E McCook on 2/28/24. (ABF) (Entered: 02/28/2024)
02/28/2024	<u>8</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 2/28/2024. (DCB) (Entered: 02/28/2024)
03/08/2024	<u>9</u>	AFFIDAVIT of Service for Summons <i>and Complaint</i> served on Jeffrey J. Lyash, Chief Executive Officer on 03/01/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Bussey, O.) (Entered: 03/08/2024)
03/08/2024	<u>10</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)(Bussey, O.) (Entered: 03/08/2024)
03/12/2024	<u>11</u>	AFFIDAVIT of Service for Summons and Complaint served on Merrick Garland, U.S. Attorney General, on 03/05/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Bussey, O.) (Entered: 03/12/2024)
04/04/2024	<u>12</u>	ANSWER to <u>1</u> Complaint., by Tennessee Valley Authority. (Attachments: # <u>1</u> Exhibit Energy Programs Potential Study Summary Report, # <u>2</u> Exhibit TVA Response Letter, # <u>3</u> Exhibit Email Correspondence)(Chin, Steven) (Entered: 04/04/2024)
04/04/2024	<u>13</u>	ORDER: The parties are ordered to confer and return the attached form within the time provided.Signed by District Judge Katherine A Crytzer on 4/4/24. (Attachments: # <u>1</u> Other Notice of Consent/Non-Consent) (ABF) (Entered: 04/04/2024)
04/04/2024	<u>14</u>	MOTION to Dismiss for Lack of Jurisdiction by Tennessee Valley Authority. (Chin, Steven) (Entered: 04/04/2024)
04/04/2024	<u>15</u>	MEMORANDUM in Support of Motion re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 04/04/2024)

04/05/2024	<u>16</u>	ORDER. The Court ORDERS the Parties to confer and submit the required Rule 26(f) report, subject to any reservation of rights, on or before April 26, 2024. For convenience of the Parties, the Courts Judicial Preferences and a Sample Civil Scheduling Order are available at https://www.tned.uscourts.gov/content/katherine-crytzer-united-states-district-judge . The Court will determine whether to hold a Rule 16 scheduling conference after receiving the Parties' Rule 26(f) report. Signed by District Judge Katherine A. Crytzer on 4/5/2024. This docket entry constitutes the complete order of the Court. (PAB) (Entered: 04/05/2024)
04/16/2024	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice as to Aradhana Chandra (Filing fee \$ 90 Receipt No. 300003629.) by Southern Environmental Law Center. Certificate older than 30 days, good standing verified with District Court Clerk for Northern District of Georgia. (Attachments: # <u>1</u> Other Receipt, # <u>2</u> Other Envelope)(MKM) Modified text on 4/16/2024 (MKM). (Entered: 04/16/2024)
04/16/2024		Clerk's Verification of PHV Requirements is complete <i>regarding document: <u>17</u> MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90.)</i> as to Aradhana Chandra for Southern Environmental Law Center. (MKM) (Entered: 04/16/2024)
04/17/2024	<u>18</u>	ORDER granting <u>17</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 04/17/2024. This entry constitutes the complete Order of the Court. (HSN) Modified on 4/17/2024 to indicate c/m to Aradhana Chandra, Southern Environmental Law Center, 10 10th St NW 1050, Atlanta, GA 30309 (ABF). (Entered: 04/17/2024)
04/23/2024	<u>19</u>	RESPONSE in Opposition re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Chandra, Aradhana) (Entered: 04/23/2024)
04/23/2024	<u>20</u>	NOTICE OF NONCONSENT by Southern Environmental Law Center (Chandra, Aradhana) (Entered: 04/23/2024)
04/23/2024	<u>21</u>	REPORT of Rule 26(f) Planning Meeting. (Chandra, Aradhana) (Entered: 04/23/2024)
04/30/2024	<u>22</u>	REPLY to Response to Motion re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 04/30/2024)
06/10/2024	<u>23</u>	NOTICE by Tennessee Valley Authority re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Exhibit SELC FOIA Administrative Appeal Letter)(Chin, Steven) (Entered: 06/10/2024)
06/13/2024	<u>24</u>	RESPONSE re <u>23</u> Plaintiff's Filing of Administrative Appeal by Southern Environmental Law Center (Chandra, Aradhana) Modified docket text to match document title on 6/14/2024 (SLM). (Entered: 06/13/2024)
06/28/2024	<u>25</u>	MEMORANDUM OPINION AND ORDER: Accordingly, the Court GRANTS Defendant's "Motion to Dismiss for Lack of Subject Matter Jurisdiction" [Doc. 14] IN PART and DENIES it IN PART . Plaintiff's FOIA claim is MOOT to the extent that the Complaint asks that Defendant be ordered to produce documents in response to Plaintiff's request. Plaintiff's substantive allegations that Defendant failed to conduct an adequate search and improperly withheld documents remains, at least for now given the arguments properly raised by the Parties. The Court STAYS this action for sixty (60) days to permit the Parties to engage in any administrative appeal process. The Parties SHALL file a joint status report on or before fifty-three (53) days after the entry of this Order, indicating the status of the administrative appeal process. All hearings and deadlines are STAYED for sixty (60) days from the entry of this Order. Signed by District Judge Katherine A Crytzer on 06/28/2024. (CAT) (Entered: 06/28/2024)
08/20/2024	<u>26</u>	STATUS REPORT (<i>Joint with TVA</i>) by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Chandra, Aradhana) (Entered: 08/20/2024)
09/06/2024	<u>27</u>	SCHEDULING ORDER. Signed by District Judge Katherine A Crytzer on 9/6/24. (ABF) (Entered: 09/06/2024)
11/05/2024	<u>28</u>	MOTION for Summary Judgment by Southern Environmental Law Center. (Chandra, Aradhana) (Entered: 11/05/2024)

11/05/2024	<u>29</u>	MEMORANDUM in Support of Motion re <u>28</u> MOTION for Summary Judgment filed by Southern Environmental Law Center. (Chandra, Aradhana) (Entered: 11/05/2024)
11/05/2024	<u>30</u>	MOTION for Summary Judgment by Tennessee Valley Authority. (Attachments: # <u>1</u> Affidavit Buddy Eller, # <u>2</u> Supplement Vaughn Index)(Chin, Steven) (Entered: 11/05/2024)
11/05/2024	<u>31</u>	MEMORANDUM in Support of Motion re <u>30</u> MOTION for Summary Judgment filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 11/05/2024)
11/25/2024	<u>32</u>	RESPONSE in Opposition re <u>30</u> MOTION for Summary Judgment filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Chandra, Aradhana) (Entered: 11/25/2024)
11/25/2024	<u>33</u>	RESPONSE in Opposition re <u>28</u> MOTION for Summary Judgment filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 11/25/2024)
12/02/2024	<u>34</u>	REPLY to Response to Motion re <u>28</u> MOTION for Summary Judgment , <u>30</u> MOTION for Summary Judgment filed by Southern Environmental Law Center. (Chandra, Aradhana) (Entered: 12/02/2024)
12/02/2024	<u>35</u>	REPLY to Response to Motion re <u>30</u> MOTION for Summary Judgment filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 12/02/2024)