

**Live Database**  
**U.S. District Court – Eastern District of Tennessee (Knoxville)**  
**CIVIL DOCKET FOR CASE #: 3:24-cv-00117-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: 03/14/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Southern Environmental Law Center**

represented by **Kimberly Hunter**  
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V.

**Defendant**

**Tennessee Valley Authority**

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Date Filed	#	Docket Text
03/14/2024	<u>1</u>	COMPLAINT against Tennessee Valley Authority ( Filing fee \$ 405 receipt number ATNEDC-5622942.), 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> Exhibit 4 – Completion Letter, # <u>5</u> Exhibit 5 – January 9 Letter, # <u>6</u> Other Civil Cover Sheet, # <u>7</u> Summons TVA CEO Lyash, # <u>8</u> Summons US Attorney Hamilton, # <u>9</u> Summons US Attorney General Garland)(Bussey, O.) (Entered: 03/14/2024)
03/14/2024	<u>2</u>	Certificate of Corporate Interest by Southern Environmental Law Center. (Bussey, O.) (Entered: 03/14/2024)
03/14/2024		Case has been referred to Magistrate Judge Poplin's Chambers for a related case determination. (CAT) (Entered: 03/14/2024)
03/14/2024	<u>3</u>	Summons Issued as to Tennessee Valley Authority, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Summons US Attorney, # <u>2</u> Summons US Attorney General) (CAT) (Entered: 03/14/2024)
03/26/2024	<u>4</u>	AFFIDAVIT of Service for Summons and Complaint served on Jeffrey J. Lyash, Chief Executive Officer on 03/20/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Bussey, O.) (Entered: 03/26/2024)
03/26/2024	<u>5</u>	AFFIDAVIT of Service for Summons and Complaint served on U.S. Attorney Francis M. (Trey) Hamilton on 03/20/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Bussey, O.) (Entered: 03/26/2024)
04/05/2024		District Judge Katherine A Crytzer and Magistrate Judge Jill E McCook added. (CAT) (Entered: 04/05/2024)
04/05/2024	<u>6</u>	<b>Order Governing Sealing Confidential Information. Signed by District Judge Katherine A Crytzer on 04/05/2024. (CAT) (Entered: 04/05/2024)</b>
04/05/2024	<u>7</u>	<b>Order Governing Depositions. Signed by District Judge Katherine A Crytzer on 04/05/2024. (CAT) (Entered: 04/05/2024)</b>
04/05/2024	<u>8</u>	<b>Order Governing Motions To Dismiss. Signed by District Judge Katherine A Crytzer on 04/05/2024. (CAT) (Entered: 04/05/2024)</b>

04/05/2024	<u>9</u>	ORDER OF RECUSAL. Signed by Magistrate Judge Jill E McCook on 4/5/2024. (MKM) (Entered: 04/05/2024)
04/05/2024	<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 April 5, 2024. (SAC) (Entered: 04/05/2024)
04/11/2024	<u>11</u>	AFFIDAVIT of Service for Summons and Complaint served on Merrick Garland, U.S. Attorney General, on 03/25/2024, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1 – Proof of Service by U.S. Mail)(Bussey, O.) (Entered: 04/11/2024)
04/24/2024	<u>12</u>	ANSWER to <u>1</u> Complaint,, by Tennessee Valley Authority. (Attachments: # <u>1</u> Exhibit TVA's May 19, 2023 Response)(Chin, Steven) (Entered: 04/24/2024)
04/24/2024	<u>13</u>	MOTION to Dismiss for Lack of Jurisdiction by Tennessee Valley Authority. (Chin, Steven) (Entered: 04/24/2024)
04/24/2024	<u>14</u>	MEMORANDUM in Support of Motion re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 04/24/2024)
04/24/2024	<u>15</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 4/24/24. (Attachments: # <u>1</u> Other Notice of Consent/Non-Consent) (ABF) (Entered: 04/24/2024)
05/15/2024	<u>16</u>	RESPONSE to Motion re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit Declaration of Spencer T. Gall)(Bussey, O.) (Entered: 05/15/2024)
05/17/2024	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice on Behalf of Mathieu Erramuzpe ( Filing fee \$ 90 receipt number ATNEDC-5680968.) by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing)(Bussey, O.) (Entered: 05/17/2024)
05/20/2024		Clerk's Verification of PHV Requirements is complete regarding document: <u>17</u> MOTION for Leave to Appear Pro Hac Vice on Behalf of Mathieu Erramuzpe ( Filing fee \$ 90 receipt number ATNEDC-5680968.) filed by Southern Environmental Law Center (ABF) (Entered: 05/20/2024)
05/20/2024	<u>18</u>	REPLY to Response to Motion re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 05/20/2024)
05/21/2024	<u>19</u>	ORDER granting <u>17</u> Motion for Leave to Appear Pro Hac Vice. You MUST register as an E-Filer here: <a href="https://pacer.psc.uscourts.gov/pscof/regWizard.jsf">https://pacer.psc.uscourts.gov/pscof/regWizard.jsf</a> . Signed by Magistrate Judge Debra C. Poplin on 05/21/2024. This entry constitutes the complete Order of the Court. (HSN) Modified on 5/22/2024 to indicate c/m to Mathieu Erramuzpe, Southern Environmental Law Center, 10 10th St NW, 1050, Atlanta, GA 30309 (ABF). (Entered: 05/21/2024)
05/31/2024	<u>20</u>	ORDER. The Court ORDERS the Parties to confer and submit the required Rule 26(f) report on or before June 14, 2024. For the convenience of the Parties, the Court's Judicial Preferences and a Sample Civil Scheduling Order are available at <a href="https://www.tned.uscourts.gov/content/katherine-crytzer-united-states-district-judge">https://www.tned.uscourts.gov/content/katherine-crytzer-united-states-district-judge</a> . 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 05/31/2024. This docket entry constitutes the complete order of the Court. (MJN) (Entered: 05/31/2024)
06/04/2024	<u>21</u>	NOTICE OF NONCONSENT by Southern Environmental Law Center (Bussey, O.) (Entered: 06/04/2024)
06/07/2024	<u>22</u>	REPORT of Rule 26(f) Planning Meeting. (Erramuzpe, Mathieu) (Entered: 06/07/2024)
07/10/2024	<u>23</u>	MEMORANDUM OPINION AND ORDER denying <u>13</u> Motion to Dismiss for Lack of Jurisdiction. Signed by District Judge Katherine A Crytzer on 7/10/2024. (MKM) (Entered: 07/10/2024)

07/15/2024	<u>24</u>	Notice of Attorney Withdrawal Attorney Mathieu Erramuzpe terminated. (Erramuzpe, Mathieu) (Entered: 07/15/2024)
07/16/2024	<u>25</u>	<b>SCHEDULING ORDER: If this action proceeds past summary judgment, the Court will set a trial date. Signed by District Judge Katherine A Crytzer on 7/16/2024. (KMK)</b> (Entered: 07/16/2024)
07/29/2024	<u>26</u>	MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90 Receipt 300004231) by Southern Environmental Law Center. (Attachments: # <u>1</u> Other Receipt, # <u>2</u> Other Envelope)(MKM) (Entered: 07/29/2024)
07/29/2024		Clerk's Verification of PHV Requirements is complete as to Kimberly Hunter <i>regarding document: <u>26</u> MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90.) filed by Southern Environmental Law Center</i> (MKM) (Entered: 07/29/2024)
07/29/2024	<u>27</u>	<b>ORDER granting <u>26</u> Motion for Leave to Appear Pro Hac Vice. You MUST register as an E-Filer here: <a href="https://pacer.psc.uscourts.gov/pscof/regWizard.jsf">https://pacer.psc.uscourts.gov/pscof/regWizard.jsf</a>. Signed by Magistrate Judge Debra C. Poplin on 07/29/2024. This entry constitutes the complete order of the Court. (HSN)</b> Modified on 7/30/2024 to indicate c/m to Kimberly Hunter, Southern Environmental Law Center, 601 West Rosemary Street, Suite 220, Chapel Hill, NC 27516 (ABF). (Entered: 07/29/2024)
08/26/2024	<u>28</u>	MOTION for Summary Judgment by Southern Environmental Law Center. (Hunter, Kimberley) (Entered: 08/26/2024)
08/26/2024	<u>29</u>	MEMORANDUM in Support of Motion re <u>28</u> MOTION for Summary Judgment filed by Southern Environmental Law Center. (Hunter, Kimberley) (Entered: 08/26/2024)
08/26/2024	<u>30</u>	STRICKEN per Order <u>34</u> Statement of Material Facts re <u>28</u> MOTION for Summary Judgment filed by Southern Environmental Law Center. (Hunter, Kimberley) Modified text on 9/4/2024 (MKM). (Entered: 08/26/2024)
08/26/2024	<u>31</u>	STRICKEN per Order <u>34</u> Statement of Material Facts re <u>28</u> MOTION for Summary Judgment filed by Southern Environmental Law Center. (Hunter, Kimberley) Modified on 8/27/2024 to note that this is a duplicate- spoke to paralegal. See doc <u>30</u> (CNC). Modified text on 9/4/2024 (MKM). (Entered: 08/26/2024)
08/28/2024	<u>32</u>	<b>ORDER TO SHOW CAUSE. Show Cause Response due by 9/3/2024. Signed by District Judge Katherine A Crytzer on 08/27/2024. c/m Kimberly Hunter, Southern Environmental Law Center, 601 West Rosemary Street, Suite 220, Chapel Hill, NC 27516. (MKM)</b> (Entered: 08/28/2024)
08/28/2024	<u>33</u>	RESPONSE TO ORDER TO SHOW CAUSE by Southern Environmental Law Center. (Hunter, Kimberley) (Entered: 08/28/2024)
09/04/2024	<u>34</u>	<b>ORDER re <u>30</u> Statement of Material Facts filed by Southern Environmental Law Center, <u>31</u> Statement of Material Facts filed by Southern Environmental Law Center. The Court STRIKES Plaintiff[s] of Undisputed Material Facts. Signed by District Judge Katherine A Crytzer on 9/4/2024. c/m Kimberly Hunter, Southern Environmental Law Center, 601 West Rosemary Street, Suite 220, Chapel Hill, NC 27516. (MKM)</b> (Entered: 09/04/2024)
09/16/2024	<u>35</u>	Cross MOTION for Summary Judgment by Tennessee Valley Authority. (Attachments: # <u>1</u> Affidavit of Collins, # <u>2</u> Exhibit 1 of Collins Decl, # <u>3</u> Exhibit 2 of Collins Decl, # <u>4</u> Exhibit 3 of Collins Decl, # <u>5</u> Exhibit 4 of Collins Decl, # <u>6</u> Exhibit 5 of Collins Decl, # <u>7</u> Exhibit 6 of Collins Decl, # <u>8</u> Exhibit 7 of Collins Decl, # <u>9</u> Exhibit 8 of Collins Decl, # <u>10</u> Exhibit 9 of Collins Decl, # <u>11</u> Exhibit 10 of Collins Decl, # <u>12</u> Affidavit of Meade, # <u>13</u> Exhibit 1 of Meade Decl, # <u>14</u> Exhibit 2 of Meade Decl, # <u>15</u> Exhibit 3 of Meade Decl, # <u>16</u> Exhibit 4 of Meade Decl)(Chin, Steven) (Entered: 09/16/2024)
09/16/2024	<u>36</u>	MEMORANDUM in Support of Motion re <u>35</u> Cross MOTION for Summary Judgment filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 09/16/2024)
09/16/2024	<u>37</u>	RESPONSE in Opposition re <u>28</u> MOTION for Summary Judgment filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 09/16/2024)
09/23/2024	<u>38</u>	REPLY to Response to Motion re <u>28</u> MOTION for Summary Judgment filed by Southern Environmental Law Center. (Hunter, Kimberley) (Entered: 09/23/2024)

10/07/2024	<u>39</u>	RESPONSE in Opposition re <u>35</u> Cross MOTION for Summary Judgment filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Affidavit Declaration of Michaela Gregory, # <u>2</u> Exhibit TVA Aging Fossil Unit Evaluation, # <u>3</u> Exhibit Johnsonville Final EA)(Hunter, Kimberley) (Entered: 10/07/2024)
10/15/2024	<u>40</u>	MOTION for Leave to File <i>Second Declaration of Collins</i> by Tennessee Valley Authority. (Attachments: # <u>1</u> Affidavit of Sherri Collins)(Chin, Steven) (Entered: 10/15/2024)
10/15/2024	<u>41</u>	REPLY to Response to Motion re <u>35</u> Cross MOTION for Summary Judgment filed by Tennessee Valley Authority. (Chin, Steven) (Entered: 10/15/2024)