

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:00-cv-00283-RWR**

NATIONAL MINING v. BABBITT, et al
Assigned to: Judge Richard W. Roberts
Demand: \$0
Case in other court: 06-05199
Cause: 05:551 Administrative Procedure Act

Date Filed: 02/15/2000
Date Terminated: 05/05/2006
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

NATIONAL MINING ASSOCIATION

represented by **Joseph Michael Klise**
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V.

Defendant

BRUCE BABBITT
Secretary of the Interior

represented by **Ruth Ann Storey**
U.S. DEPARTMENT OF JUSTICE
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Defendant

DEPARTMENT OF INTERIOR

represented by **Ruth Ann Storey**
(See above for address)
LEAD ATTORNEY
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Defendant

KATHLEEN M. KARPAN
*Director, Office of Surface Mining
Reclamation and Enforcement*

represented by **Ruth Ann Storey**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

**NATIONAL WILDLIFE
FEDERATION**

represented by **Glenn P. Sugameli**
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Intervenor Defendant

CITIZENS COAL COUNCIL

represented by **James B. Dougherty**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

**KENTUCKY RESOURCES
COUNCIL, INC.**

Intervenor Defendant

**NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES**

represented by **Elizabeth Sherrill Merritt**
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Movant

**NATIONAL WILDLIFE
FEDERATION**

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Dougherty
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

CITIZENS COAL COUNCIL
TERMINATED: 05/19/2000

represented by **James B. Dougherty**
(See above for address)

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ATTORNEY TO BE NOTICED*

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Movant

**KENTUCKY RESOURCES
COUNCIL, INC.**
TERMINATED: 05/19/2000

represented by **James B. Dougherty**
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Walton D. Morris , Jr.
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Movant

**NATIONAL TRUST FOR HISTORIC
PRESERVATION IN THE UNITED
STATES**
TERMINATED: 05/19/2000

represented by **James B. Dougherty**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/15/2000	1	COMPLAINT filed by plaintiff NATIONAL MINING (jeb) (Entered: 02/17/2000)
02/15/2000		SUMMONS (5) issued to federal party(s) federal defendant BRUCE BABBITT, federal defendant DOI, federal defendant KATHLEEN M. KARPAN , and non-parties: U.S. Attorney and U.S. General. (jeb) (Entered: 02/17/2000)
03/16/2000	2	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 2/16/00; Return Receipt Card attached. (tth) (Entered: 03/17/2000)
03/16/2000	3	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 2/17/00; Return Receipt Card attached. (tth) (Entered: 03/17/2000)
03/16/2000	4	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 2/17/00 upon federal defendant BRUCE BABBITT, federal defendant DOI; Return Receipt Card attached. (tth) Modified on 03/17/2000 (Entered: 03/17/2000)
03/16/2000	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on (no date) upon federal defendant KATHLEEN M. KARPAN; Return Receipt Card not attached. (tth) (Entered: 03/17/2000)
04/13/2000	6	ANSWER TO COMPLAINT [1-1] by federal defendant BRUCE BABBITT, federal defendant DOI, federal defendant KATHLEEN M. KARPAN. (tth) (Entered: 04/18/2000)
05/01/2000	7	ORDER by Judge Richard W. Roberts : status hearing set for 9:30 5/19/00 ; APPENDICES (2) (N) (lin) (Entered: 05/02/2000)
05/10/2000	8	(JOINT) MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 16 filed by plaintiffs and federal defendants. (bjsp) (Entered: 05/12/2000)
05/15/2000	9	MOTION filed for NATL. WILDLIFE FED., CITIZENS COAL COUN., KENTUCKY RESOURCES, NATL TRUST/HISTORIC to intervene ; EXHIBIT

		(ANSWER) (cjp) (Entered: 05/16/2000)
05/16/2000	10	MOTION filed by movant CITIZENS COAL COUN., movant KENTUCKY RESOURCES for WALTON D. MORRIS to appear pro hac vice (709 3RD STREET, SW, WASHINGTON, DC, 20024 (202) 488-1140,) ; declaration (1) (bjsp) Modified on 05/17/2000 (Entered: 05/17/2000)
05/19/2000	<u>11</u>	ORDER by Judge Richard W. Roberts : granting motion for WALTON D. MORRIS to appear pro hac vice (709 3RD STREET, SW, WASHINGTON, DC, 20024 (202) 488-1140,) [10-1] by KENTUCKY RESOURCES, CITIZENS COAL COUN. (N) (ldc) (Entered: 05/19/2000)
05/19/2000	<u>12</u>	ORDER by Judge Richard W. Roberts : granting motion for NATL. WILDLIFE FED., CITIZENS COAL COUN., KENTUCKY RESOURCES, NATL TRUST/HISTORIC to intervene and the proposed answer filed with the motion may be filed as their answer in this case [9-1] (N) (ldc) (Entered: 05/19/2000)
05/19/2000		STATUS HEARING before Judge Richard W. Roberts : Intervenors motion to intervene is granted; motion for admission pro hac vice of Walton Morris is granted; dispositive motion by 8/29/00; cross-motions and oppositions by 10/10/00; joint intervenors filing by 10/23/00; plaintiff's replies and oppositions by 11/20/00; defendant's reply by 12/11/00; intervenors joint replies by 12/21/00.Reporter: Constance Stacker(Miller) (mon) (Entered: 05/31/2000)
05/19/2000	16	ANSWER TO COMPLAINT [1-1] by intervenor-defendant NATL WILDLIFE FED, intervenor-defendant CITIZENS COUNCIL, intervenor-defendant KENTUCKY RESOURCES, intervenor-defendant NATL TRUST HISTORIC . (bjsp) (Entered: 09/20/2000)
05/19/2000	17	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant NATL WILDLIFE FED (bjsp) (Entered: 09/20/2000)
05/19/2000	18	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant KENTUCKY RESOURCES (bjsp) (Entered: 09/20/2000)
05/19/2000	19	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant CITIZENS COUNCIL (bjsp) (Entered: 09/20/2000)
05/19/2000	20	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by intervenor-defendant NATL TRUST HISTORIC (bjsp) (Entered: 09/20/2000)
05/24/2000	<u>13</u>	ORDER by Judge Richard W. Roberts : plaintiff's dispositive motions due 8/29/00 ; response to dispositive motions due 10/10/00 ; reply to dispositive motions due 11/20/00 ; defendant's cross motions due 10/10/00 ; response to cross motions due 11/20/00 ; reply to cross motions due 12/11/00 ; response to brief due , intervenor's cross motion due 10/23/00 ; (N) (lin) (Entered: 05/25/2000)
05/25/2000		CASE REFERRED to Mag. Judge Deborah A. Robinson (MJ) for any discovery dispute (mmh) (Entered: 05/30/2000)
06/30/2000	14	NOTICE OF FILING by federal defendant BRUCE BABBITT, federal defendant DOI, federal defendant KATHLEEN M. KARPAN of lodging INDEX of the administrative record; attachment (cjp) (Entered: 07/03/2000)
08/29/2000	15	MOTION filed by plaintiff NATIONAL MINING for summary judgment ; exhibits (1) (jf) (Entered: 09/01/2000)
10/05/2000	21	MOTION (UNOPPOSED) filed by federal defendant BRUCE BABBITT, federal defendant DOI, federal defendant KATHLEEN M. KARPAN to amend order [13-3], filed on 5/24/00, to be extended by 14 days (ag) (Entered: 10/06/2000)
10/11/2000	<u>22</u>	ORDER by Judge Richard W. Roberts : granting motion to amend order [13-3], filed on 5/24/00, to be extended by 14 days [21-1] by KATHLEEN M. KARPAN, DOI, BRUCE BABBITT (N) (lin) (Entered: 10/11/2000)
10/31/2000		CASE referral ended Mag. Judge Deborah A. Robinson (MJ) (bh) (Entered: 11/13/2000)

11/01/2000	23	CROSS MOTIONS by federal defendants BRUCE BABBITT, DOI, and KATHLEEN M. KARPAN for summary judgment ; Exhibits (1) (ag) (Entered: 11/02/2000)
11/06/2000	24	CROSS MOTIONS by intervenor-defendants for summary judgment (bjsp) (Entered: 11/07/2000)
12/04/2000	25	RESPONSE by plaintiff NATIONAL MINING in opposition to cross motion for summary judgment [24-1] by NATL TRUST HISTORIC, KENTUCKY RESOURCES, CITIZENS COUNCIL, NATL WILDLIFE FED, cross motion for summary judgment [23-1] by KATHLEEN M. KARPAN, DOI, BRUCE BABBITT; Exhibits (2) . (ag) (Entered: 12/06/2000)
12/04/2000	26	REPLY by plaintiff NATIONAL MINING in support of motion for summary judgment [15-1] by NATIONAL MINING; Exhibits (2) (ag) (Entered: 12/06/2000)
12/22/2000	27	REPLY by federal defendants BRUCE BABBITT, DOI, and KATHLEEN M. KARPAN in support of cross motion for summary judgment [23-1] (ag) (Entered: 12/27/2000)
12/22/2000	28	RESPONSE by federal defendants BRUCE BABBITT, DOI, and KATHLEEN M. KARPAN in opposition to cross motion for summary judgment [24-1] by NATL TRUST HISTORIC, KENTUCKY RESOURCES, CITIZENS COUNCIL, NATL WILDLIFE FED . (ag) (Entered: 12/27/2000)
01/11/2001	29	REPLY by intervenor-defendants NATL WILDLIFE FED, CITIZENS COUNCIL, KENTUCKY RESOURCES, and NATL TRUST HISTORIC in support of cross motion for summary judgment [23-1] by KATHLEEN M. KARPAN, DOI, BRUCE BABBITT (ag) (Entered: 01/12/2001)
02/15/2001	30	NOTICE OF FILING by plaintiff NATIONAL MINING to the Court RE: the filing of supplemental controlling authority to be brought to the attention of the Court (bjsp) (Entered: 02/16/2001)
02/17/2006	<u>31</u>	Joint MOTION Requesting Status Conference by NATIONAL MINING ASSOCIATION. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Nathanson, Kirsten) (Entered: 02/17/2006)
03/21/2006		MINUTE ORDER: Treated as a motion to expedite ruling on the pending summary judgment motions, the parties' Joint Motion for a Status Conference <u>31</u> is granted. Consideration of the motions will be expedited. If the parties had any information or arguments they would have wanted to present at a status conference, they may file memoranda reflecting their positions. Issued by Judge Richard W. Roberts on 3/21/06. (lcrwr2) (Entered: 03/21/2006)
05/04/2006	<u>32</u>	MEMORANDUM AND OPINION. Signed by Judge Richard W. Roberts on 5/4/06. (lcrwr2) (Entered: 05/04/2006)
05/04/2006	<u>33</u>	ORDER denying plaintiff's motion 15 for summary judgment, granting federal defendants' motion 23 for summary judgment and granting intervenor-defendants' motion 24 for summary judgment. Signed by Judge Richard W. Roberts on 5/4/06. (lcrwr2) (Entered: 05/04/2006)
06/30/2006	<u>34</u>	NOTICE OF APPEAL as to <u>32</u> Memorandum & Opinion, <u>33</u> Order on Motion for Summary Judgment,,,, by NATIONAL MINING ASSOCIATION. Filing fee \$ 455, receipt number 136518. (td,) Modified on 7/14/2006 (jf,). (Entered: 07/05/2006)
07/05/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>34</u> Notice of Appeal (td,) (Entered: 07/05/2006)
07/14/2006		USCA Case Number 06-5199 for <u>34</u> Notice of Appeal filed by NATIONAL MINING ASSOCIATION,. (jf,) (Entered: 07/17/2006)
04/08/2008	<u>35</u>	MANDATE of USCA (certified copy) as to <u>34</u> Notice of Appeal filed by NATIONAL MINING ASSOCIATION it is ORDERED and ADJUDGED that the judgment of the District Court appealed from in this cause is hereby affirmed, in accordance with the opinion of the court filed herein this date. (USCA No.

	06-5199) (kb) (Entered: 06/09/2008)
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