

U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:19-cv-01073-PAB-STV

WildEarth Guardians v. Office of Surface Mining Reclamation
and Enforcement et al
Assigned to: Chief Judge Philip A. Brimmer
Referred to: Magistrate Judge Scott T. Varholak
Cause: 05:552 Freedom of Information Act

Date Filed: 04/11/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act of 1974
Jurisdiction: U.S. Government Defendant

Plaintiff**WildEarth Guardians**

represented by **Travis Earl Stills**
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ATTORNEY TO BE NOTICED

V.

Defendant

**Office of Surface Mining Reclamation
and Enforcement**
*a federal agency within the
other*
U.S. Department of the Interior

represented by **Kyle W. Brenton**
U.S. Attorney's Office-Denver
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Defendant

U.S. Department of the Interior
a federal agency

represented by **Kyle W. Brenton**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/11/2019	<u>1</u>	COMPLAINT against Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior (Filing fee \$ 400,Receipt Number 1082-6630942)Attorney Stuart N. Wilcox added to party WildEarth Guardians(pty:pla), filed by WildEarth Guardians. (Attachments: # <u>1</u> Exhibit WildEarth Guardians' FOIA Request, # <u>2</u> Exhibit Withdrawal of WildEarth Guardians' Petition, # <u>3</u> Exhibit WildEarth Guardians' Correspondence with Defendants, # <u>4</u> Exhibit Corporate Disclosure Statement, # <u>5</u> Civil Cover Sheet Civil Cover Sheet, # <u>6</u> Summons Attorney General Summons, # <u>7</u> Summons OSMRE Summons, # <u>8</u> Summons Civil Process Clerk Summons, # <u>9</u> Summons U.S. Department of the Interior Summons)(Wilcox, Stuart)

		(Entered: 04/11/2019)
04/12/2019	<u>2</u>	Case assigned to Judge Robert E. Blackburn and drawn to Magistrate Judge Scott T. Varholak. Text Only Entry. (rvill,) (Entered: 04/12/2019)
04/12/2019	<u>3</u>	SUMMONS issued by Clerk. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Magistrate Judge Consent Form) (rvill,) (Entered: 04/12/2019)
04/15/2019	<u>4</u>	MEMORANDUM RETURNING CASE by Senior Judge Blackburn. This case is randomly reassigned to Chief Judge Philip A. Brimmer. All future pleadings should be designated as 19-cv-01073-PAB. (athom,) (Entered: 04/15/2019)
04/18/2019	<u>5</u>	ORDER REFERRING CASE to Magistrate Judge Scott T. Varholak for non-dispositive matters. Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, and (4) conduct a pretrial conference and enter a pretrial order. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the magistrate judge or on the request of the parties by motion, this court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. By Chief Judge Philip A. Brimmer on 4/18/19. Text Only Entry (pabsec) (Entered: 04/18/2019)
04/18/2019	<u>6</u>	ORDER Setting Scheduling Conference for 5/24/2019 09:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak, by Magistrate Judge Scott T. Varholak on 4/18/2019. (jgonz,) (Entered: 04/19/2019)
04/22/2019	<u>7</u>	SUMMONS Returned Executed upon <i>all Defendants with answer due within 30 days (by 5/22/2019) under the Freedom of Information Act, 5 U.S.C. § 552(a)(4)(C)</i> , defendant(s) Office of Surface Mining Reclamation and Enforcement served on 4/22/2019, answer due 6/21/2019; U.S. Department of the Interior served on 4/22/2019, answer due 6/21/2019. (Attachments: # <u>1</u> Exhibit Proof of Service of Summons)(Wilcox, Stuart) (Entered: 04/22/2019)
05/03/2019	<u>8</u>	STATUS REPORT by Plaintiff WildEarth Guardians. (Wilcox, Stuart) (Entered: 05/03/2019)
05/03/2019	<u>9</u>	MINUTE ORDER. Pursuant to <u>8</u> Status Report filed by WildEarth Guardians, and in light of the fact that Defendants have yet to enter an appearance in this matter, the Scheduling Conference set for 5/24/2019 09:30 AM is VACATED and RESET for 7/8/2019 09:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. At least 21 days in advance of the scheduling conference, the parties shall meet and attempt to agree upon a scheduling order pursuant to Fed. R. Civ. P. 26(f). The Court strongly encourages the parties to meet face to face, but should that prove impossible, the parties may meet by telephone conference. The parties shall file a joint proposed scheduling order on or before 7/1/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/3/2019. Text Only Entry (stvlc2,) (Entered: 05/03/2019)
05/13/2019	<u>10</u>	NOTICE of Entry of Appearance by Kyle W. Brenton on behalf of Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior Attorney Kyle W. Brenton added to party Office of Surface Mining Reclamation and Enforcement(pty:dft), Attorney Kyle W. Brenton added to party U.S. Department of the Interior(pty:dft) (Brenton, Kyle) (Entered: 05/13/2019)
05/22/2019	<u>11</u>	ANSWER to <u>1</u> Complaint,, by Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.(Brenton, Kyle) (Entered: 05/22/2019)
07/01/2019	<u>12</u>	Proposed Scheduling Order by Defendants Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior. (Brenton, Kyle) (Entered: 07/01/2019)
07/08/2019	<u>13</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Scott T. Varholak: Scheduling Conference held on 7/8/2019. FTR: Courtroom A 402. (bwilk,) (Entered: 07/08/2019)

07/08/2019	<u>14</u>	SCHEDULING ORDER entered by Magistrate Judge Scott T. Varholak on 7/8/2019. Deadline for Defendants' Motion for Summary Judgment due by 2/1/2020. (bwilk,) (Entered: 07/08/2019)
01/31/2020	<u>15</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by Defendants Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior. (Brenton, Kyle) (Entered: 01/31/2020)
01/31/2020	16	MEMORANDUM regarding <u>15</u> Unopposed MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> filed by U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement. Motions referred to Magistrate Judge Scott T, by Chief Judge Philip A. Brimmer on 1/31/2020. Text Only Entry (pabsec2,) (Entered: 01/31/2020)
01/31/2020	17	ORDER granting <u>15</u> Motion for Extension of Time to File. The deadline for Defendants' motion for summary judgment is extended to 3/2/2020. SO ORDERED, by Magistrate Judge Scott T. Varholak on 1/31/2020. Text Only Entry(stvlc2,) (Entered: 01/31/2020)
02/28/2020	<u>18</u>	Unopposed MOTION for Extension of Time to <i>Second Motion for Extension of Time to File Motion for Summary Judgment</i> by Defendants Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior. (Brenton, Kyle) (Entered: 02/28/2020)
02/28/2020	19	MEMORANDUM regarding <u>18</u> Unopposed MOTION for Extension of Time to <i>Second Motion for Extension of Time to File Motion for Summary Judgment</i> filed by U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement. Motion referred to Magistrate Judge Scott T. Varholak, by Chief Judge Philip A. Brimmer on 2/28/2020. Text Only Entry (pabsec2) (Entered: 02/28/2020)
03/02/2020	20	ORDER granting <u>18</u> Motion for Extension of Time to File. The deadline for Defendants' motion for summary judgment is extended to 4/1/2020. SO ORDERED, by Magistrate Judge Scott T. Varholak on 3/2/2020. Text Only Entry(stvlc2,) (Entered: 03/02/2020)
03/31/2020	<u>21</u>	NOTICE of Settlement <i>in Principle</i> by Defendants Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior (Brenton, Kyle) (Entered: 03/31/2020)
04/02/2020	22	MINUTE ORDER re: <u>21</u> Notice of Settlement filed by U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement. The parties shall file their Dismissal Papers on or before April 30, 2020, by Chief Judge Philip A. Brimmer on 4/2/2020. Text Only Entry (pabsec2) (Entered: 04/02/2020)
04/13/2020	<u>23</u>	MOTION for Extension of Time to <i>File Dismissal Papers Pursuant to Settlement</i> by Defendants Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior. (Brenton, Kyle) (Entered: 04/13/2020)
04/13/2020	24	ORDER by Chief Judge Philip A. Brimmer on 4/13/2020 re: <u>23</u> Motion for Extension of Time to File is GRANTED. The parties shall file their Dismissal Paper on or before June 1, 2020. Text Only Entry(pabsec2) (Entered: 04/13/2020)
05/19/2020	<u>25</u>	STIPULATION of Dismissal of Case by Plaintiff WildEarth Guardians. (Wilcox, Stuart) (Entered: 05/19/2020)