

**U.S. District Court  
District of Oregon (Medford (1))  
CIVIL DOCKET FOR CASE #: 1:19-cv-00766-CL**

Evans et al v. Federal Energy Regulatory Commission  
Assigned to: Magistrate Judge Mark D. Clarke  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/15/2019  
Date Terminated: 06/01/2020  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Deb Evans**

represented by **David Bookbinder**  
Niskanen Center  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
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541-973 2063  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Ron Schaaf**

represented by **David Bookbinder**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Bill Gow**

represented by **David Bookbinder**  
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*LEAD ATTORNEY*  
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*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
(See above for address)  
*LEAD ATTORNEY*  
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**Plaintiff**

**Sharon Gow**

represented by **David Bookbinder**  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
(See above for address)  
*LEAD ATTORNEY*  
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**Plaintiff**

**Stacey McLaughlin**

represented by **David Bookbinder**  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Craig McLaughlin**

represented by **David Bookbinder**  
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*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
(See above for address)  
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**Plaintiff**

**Twyla Brown**

represented by **David Bookbinder**  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Richard Brown**

represented by **David Bookbinder**  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
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**Plaintiff**

**Clarence Adams**

represented by **David Bookbinder**  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Stephany Adams**

represented by **David Bookbinder**  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Niskanen Center**

represented by **David Bookbinder**  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Tonia L. Moro**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Federal Energy Regulatory  
Commission**

represented by **Kevin C. Danielson**  
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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/15/2019	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-5851188 Filer is subject to the requirements of Fed. R. Civ. P. 7.1. Jury Trial Requested: No. Filed by Craig McLaughlin, Ron Schaaf, Sharon Gow, Stacey McLaughlin, Clarence Adams, Richard Brown, Niskanen Center, Deb Evans, Twila Brown, Bill Gow against Federal Energy Regulatory Commission (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons, # <u>5</u> Attachment). (Moro, Tonia) (Entered: 05/15/2019)
05/15/2019	<u>2</u>	Notice of Case Assignment to Magistrate Judge Mark D. Clarke and Discovery and Pretrial Scheduling Order. <b>NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5.</b> Discovery is to be completed by 9/12/2019. Joint Alternate Dispute Resolution Report is due by 10/15/2019. Pretrial Order is due by 10/15/2019. Dispositive motions are due 10/15/2019 Ordered by Magistrate Judge Mark D. Clarke. (jkm) (Entered: 05/15/2019)
05/15/2019	3	Scheduling Order by Magistrate Judge Mark D. Clarke regarding Discovery order., <u>2</u> . Dispositive Motions are due by 10/15/2019. Ordered by Magistrate Judge Mark D. Clarke. (jkm) (Entered: 05/15/2019)

05/15/2019	<u>4</u>	Summons Issued Electronically as to Federal Energy Regulatory Commission. <b>NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5.</b> (jkm) (Entered: 05/15/2019)
06/21/2019	<u>5</u>	Answer to <u>1</u> Complaint,, . Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 06/21/2019)
07/01/2019	<u>6</u>	<b>RECORD OF ORDER</b> by Magistrate Judge Mark D. Clarke: <b>SETTING</b> a telephonic Rule 16 Conference for <b>August 5, 2019 at 10:00 AM</b> . Conference call information will be provided in a separate entry. At the time of the Conference, parties should have their calendars available to discuss scheduling matters, including modification of the current case deadlines, joining additional parties and amending the pleadings, dispositive motions, and setting a trial date. The parties shall consult pursuant to FRCP 26(f) regarding a focused and proportional discovery plan prior to the Conference. Under LR 26.1(b) a written report is not required. However, the parties should be prepared to briefly summarize the issues in the case and give the Court a realistic picture of what discovery needs to be completed. The ultimate goal of the discovery plan shall be "the just, speedy, and inexpensive determination" of the action. FRCP 1. If depositions are anticipated, the parties should confer prior to the Conference and have a firm date for the depositions scheduled prior to the conference. Parties shall confer prior to the Conference and consider whether the case could benefit from a streamlined approach, utilizing limited discovery and early dispositive motions, settlement conference, or an expedited trial date. Finally, if the parties intend to file written consents to a magistrate judge, it would be helpful to do so prior to the Rule 16 Conference, particularly if they want to secure a firm trial date. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 07/01/2019)
07/30/2019	<u>7</u>	Joint Proposed Pretrial Order Lodged . Filed by Clarence Adams, Stephany Adams, Twyla Brown, Richard Brown, Deb Evans, Bill Gow, Sharon Gow, Craig McLaughlin, Stacey McLaughlin, Niskanen Center, Ron Schaaf. (Moro, Tonia) (Entered: 07/30/2019)
08/05/2019	<u>8</u>	<b>MINUTES of Proceedings:</b> Telephonic Rule 16 Conference held. Defendant's Motion for Summary Judgment is due by 9/17/2019. Plaintiff's Response and Cross Motion are due by 11/15/2019. Defendant's Reply is due by 12/16/2019. Plaintiff's Reply is due by 01/15/2020. All other deadlines are vacated until briefing schedule is concluded. Tonia Moro present as counsel for plaintiff. Kevin Danielson present as counsel for defendant. Court Reporter: Hearing was not recorded. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 08/06/2019)
09/16/2019	<u>9</u>	Motion for Extension of Time <i>to File its Motion for Summary Judgment</i> . Filed by All Defendants. (Danielson, Kevin) (Entered: 09/16/2019)
09/18/2019	<u>10</u>	<b>ORDER:</b> Granting Defendant's Motion for Extension of Time <u>9</u> to file it's Motion for Summary Judgment. Dispositive Motions are now due by 9/20/2019. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 09/18/2019)
09/20/2019	<u>11</u>	Unopposed Motion for Extension of Time <i>to File Motion for Summary Judgment</i> . Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 09/20/2019)
09/25/2019	<u>12</u>	<b>ORDER:</b> Granting Defendant's Unopposed Motion for Second Extension of Time <u>11</u> to file Motion for Summary Judgment. Dispositive Motions are now due by 9/25/2019. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 09/25/2019)
09/25/2019	<u>13</u>	Motion for Summary Judgment . Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 09/25/2019)
09/25/2019	<u>14</u>	Declaration of Lakesha Abney . Filed by Federal Energy Regulatory Commission. (Related document(s): Motion for Summary Judgment <u>13</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Danielson, Kevin) (Entered: 09/25/2019)
09/25/2019	<u>15</u>	Supplemental Declaration of Lakesha Abney . Filed by Federal Energy Regulatory Commission. (Related document(s): Motion for Summary Judgment <u>13</u> .) (Attachments: # <u>1</u> Exhibit 5, # <u>2</u> Exhibit 6, # <u>3</u> Exhibit 7) (Danielson, Kevin) (Entered: 09/25/2019)

09/26/2019	<u>16</u>	Declaration of Terry Turpin . Filed by Federal Energy Regulatory Commission. (Related document(s): Motion for Summary Judgment <u>13</u> .) (Danielson, Kevin) (Entered: 09/26/2019)
11/15/2019	<u>17</u>	Response in Opposition to Motion for Summary Judgment <u>13</u> , Response to Concise Statement of Material Facts . Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – FOIA Request, # <u>2</u> Exhibit 2 – FOIA Appeal, # <u>3</u> Exhibit 3 – Declaration Gibson, # <u>4</u> Exhibit 4 – Excerpt DEIS Blueridge, # <u>5</u> Exhibit 5 – Excerpt DEIS Purpose, # <u>6</u> Exhibit 6 – PCP NOA, # <u>7</u> Exhibit 7 – FERC FOIA Response, # <u>8</u> Exhibit 8 – Declaration Adams) (Moro, Tonia) (Entered: 11/15/2019)
11/15/2019	<u>18</u>	Motion for Summary Judgment . Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – FOIA Request, # <u>2</u> Exhibit 2 – FOIA Appeal, # <u>3</u> Exhibit 3 – Declaration Gibson, # <u>4</u> Exhibit 4 – Excerpt DEIS Blueridge, # <u>5</u> Exhibit 5 – Excerpt DEIS Purpose, # <u>6</u> Exhibit 6 – PCP NOA, # <u>7</u> Exhibit 7 – FERC FOIA Response, # <u>8</u> Exhibit 8 – Declaration Adams) (Moro, Tonia) (Entered: 11/15/2019)
11/19/2019	19	Scheduling Order by Magistrate Judge Mark D. Clarke regarding Motion for Summary Judgment <u>13</u> , Motion for Summary Judgment <u>18</u> .Telephonic Oral Argument is set for 2/11/2020 at 02:00PM in Medford Courtroom 2 before Magistrate Judge Mark D. Clarke. Conference call information to be provided in a separate entry. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 11/19/2019)
12/05/2019	<u>20</u>	Motion for Leave to Appear Pro Hac Vice for Attorney David Bookbinder . Filing fee in the amount of \$300 collected; Agency Tracking ID: 0979–6109679. Filed by Clarence Adams, Stephany Adams, Twyla Brown, Richard Brown, Deb Evans, Bill Gow, Sharon Gow, Craig McLaughlin, Stacey McLaughlin, Niskanen Center, Ron Schaaf. (Moro, Tonia) (Entered: 12/05/2019)
12/06/2019	<u>21</u>	<b>ORDER:</b> Granting Application for Special Admission <i>Pro Hac Vice</i> of David Bookbinder for Clarence Adams,David Bookbinder for Stephany Adams,David Bookbinder for Twyla Brown,David Bookbinder for Richard Brown,David Bookbinder for Deb Evans,David Bookbinder for Bill Gow,David Bookbinder for Sharon Gow,David Bookbinder for Craig McLaughlin,David Bookbinder for Stacey McLaughlin,David Bookbinder for Niskanen Center,David Bookbinder for Ron Schaaf. Application Fee in amount of \$300 collected. Receipt No. 0979–6109679 issued. Signed on 12/6/2019 by Magistrate Judge Mark D. Clarke. (jkm) (Entered: 12/09/2019)
12/09/2019	22	Notification of CM/ECF Account for David Bookbinder ( <i>Pro Hac Vice</i> admission). Your login is: <b>dbookbinder</b> . Go to <a href="#">the CM/ECF login page</a> to set your password. (jkm) (Entered: 12/09/2019)
12/16/2019	<u>23</u>	Unopposed Motion for Extension of Time to File a Response/Reply to Motion for Summary Judgment <u>18</u> , Motion for Summary Judgment <u>13</u> . Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 12/16/2019)
12/17/2019	24	<b>ORDER:</b> Granting Motion for Extension of Time to File Response/Reply. Defendants response to Plaintiffs motion for summary judgment <u>18</u> and Defendants reply in support of its motion for summary judgment <u>13</u> are due by 12/23/2019. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 12/17/2019)
12/23/2019	<u>25</u>	Response to Motion for Summary Judgment <u>18</u> . Filed by All Defendants. (Danielson, Kevin) (Entered: 12/23/2019)
12/23/2019	<u>26</u>	Reply to Motion for Summary Judgment <u>13</u> . Filed by All Defendants. (Danielson, Kevin) (Entered: 12/23/2019)
01/02/2020	<u>27</u>	Unopposed Motion for Extension of Time to File a Response/Reply to Motion for Summary Judgment <u>18</u> . Filed by Clarence Adams, Stephany Adams, Twyla Brown, Richard Brown, Deb Evans, Bill Gow, Sharon Gow, Craig McLaughlin, Stacey McLaughlin, Niskanen Center, Ron Schaaf. (Moro, Tonia) (Entered: 01/02/2020)
01/02/2020	28	<b>ORDER:</b> Granting Plaintiff's Motion for Extension of Time to File Reply. Reply is now due by 1/29/2020. Oral argument will remain as scheduled. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 01/02/2020)

01/29/2020	<u>29</u>	Reply to Motion for Summary Judgment <u>18</u> . Filed by Craig McLaughlin, Ron Schaaf, Sharon Gow, Stacey McLaughlin, Clarence Adams, Niskanen Center, Richard Brown, Deb Evans, Stephany Adams, Twyla Brown, Bill Gow. (Moro, Tonia) (Entered: 01/29/2020)
02/11/2020	30	<b>MINUTES of Proceedings:</b> Motion Hearing Held regarding Motion for Summary Judgment <u>13</u> , Motion for Summary Judgment, <u>18</u> . Motions are taken under advisement as of 02/11/2020. David Bookbinder present as counsel for plaintiffs. Kevin Danielson present as counsel for defendant. Court Reporter: Denise Zito Smith. Ordered by Magistrate Judge Mark D. Clarke (rsm) (Entered: 02/11/2020)
03/03/2020	<u>31</u>	Findings & Recommendation: Motion for Summary Judgment <u>18</u> should be GRANTED. Motion for Summary Judgment <u>13</u> should be DENIED. Objections to the Findings and Recommendation are due by 3/17/2020. Please access entire text by document number hyperlink. Signed on 03/03/2020 by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 03/03/2020)
03/03/2020	32	Order referring Motion for Summary Judgment <u>18</u> , Motion for Summary Judgment <u>13</u> , and Findings & Recommendation to Judge Aiken. Ordered by Magistrate Judge Mark D. Clarke. (rsm) (Entered: 03/03/2020)
03/17/2020	<u>33</u>	Objections to Findings & Recommendation: Motion for Summary Judgment <u>18</u> , Motion for Summary Judgment <u>13</u> should be Denied and Granted <u>31</u> . Filed by Clarence Adams, Stephany Adams, Twyla Brown, Richard Brown, Deb Evans, Bill Gow, Sharon Gow, Craig McLaughlin, Stacey McLaughlin, Niskanen Center, Ron Schaaf. (Moro, Tonia) (Entered: 03/17/2020)
03/17/2020	<u>34</u>	Objections to Findings & Recommendation: Motion for Summary Judgment <u>18</u> , Motion for Summary Judgment <u>13</u> should be Denied and Granted <u>31</u> . Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 03/17/2020)
03/31/2020	<u>35</u>	Response to Objections to Findings & Recommendation. Related document(s): <u>33</u> Objections to Findings & Recommendation,. Filed by Federal Energy Regulatory Commission. (Danielson, Kevin) (Entered: 03/31/2020)
03/31/2020	<u>36</u>	Response to Objections to Findings & Recommendation. Related document(s): <u>34</u> Objections to Findings & Recommendation. Filed by Clarence Adams, Stephany Adams, Twyla Brown, Richard Brown, Deb Evans, Bill Gow, Sharon Gow, Craig McLaughlin, Stacey McLaughlin, Niskanen Center, Ron Schaaf. (Moro, Tonia) (Entered: 03/31/2020)
05/27/2020	<u>37</u>	<b>ORDER AND OPINION:</b> Having considered the record and the arguments offered by the parties, the Court finds no error in Magistrate Judge Clarke's analysis. Therefore, the Court adopts the F&R <u>31</u> in its entirety. Thus, plaintiffs' Motion for Summary Judgment <u>18</u> is GRANTED, and defendant's Motion for Summary Judgment <u>13</u> is DENIED. Accordingly, defendant shall comply with plaintiffs' Freedom of Information Act, 5 U.S.C. § 552 et seq, request and release unredacted landowner lists. Signed on 5/27/2020 by Judge Ann L. Aiken. (ck) (Entered: 05/27/2020)
06/01/2020	<u>38</u>	<b>JUDGMENT:</b> This case is DISMISSED. (ck) (Entered: 06/01/2020)