

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:84-cv-01345-JGP**

NIAGARA ENVIRON.ACT. v. DOJ  
Assigned to: Judge John Garrett Penn  
Demand: \$0

Date Filed: 04/30/1984  
Date Terminated: 01/11/2002  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**NIAGARA ENVIRONMENTAL  
ACTION**

represented by **Elaine Patton English**  
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V.

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

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Date Filed	#	Docket Text
12/31/1984	1	ANSWER for defendant,by counsel (srl) (Entered: 09/08/1987)
05/10/1989		REMARK ALL DOCKET ENTRIES PRIOR TO 5/10/89 WILL BE FOUND ON THE PAPER DOCKET. (clv) (Entered: 05/10/1989)
05/31/1990	25	ATTORNEY APPEARANCE for defendant DOJ by Susan A. Nellor (cjp) (Entered: 06/04/1990)
04/24/1995	26	ORDER by Chief Judge John G. Penn: the parties are directed to advise the Court on or before 05/15/95 whether they have resolved this litigation. In the event these cases have not been resolved, the parties shall advise the Court whether they wish to file any additional briefs or materials in support of their respective motions. Any materials or supplemental briefs shall be filed on or before 06/12/95. (kmk) (Entered: 04/24/1995)
05/17/1995	27	MOTION filed by defendant DOJ to extend time to 5/22/95 to file response to the 4/24/95 order (clv) (Entered: 05/18/1995)
05/22/1995	28	ORDER by Chief Judge John G. Penn: granting motion to extend time to 5/22/95 to file response to the 4/24/95 order [27-1] by DOJ; response to motion(s) due by 5/22/95. (N) (kmk) (Entered: 05/22/1995)
05/22/1995	29	REPORT to the Court by defendant DOJ pursuant to the Court's Order of 4/24/95. (tth) (Entered: 05/23/1995)
06/02/1995	30	MOTION filed by defendant DOJ to extend time to 7/14/95 to respond to the Court's 4/24/95 Order (dam) Modified on 06/06/1995 (Entered: 06/06/1995)
06/07/1995	31	ORDER by Chief Judge John G. Penn: granting defendants' motion nunc pro tunc to extend time to 5/22/95 to respond to the Court's 4/24/95 order [33-1 filed in CA 84-1344] (N) (kmk) (Entered: 06/07/1995)

06/14/1995	32	ORDER by Chief Judge John G. Penn: granting motion to extend time to 7/14/95 to respond to the Court's 4/24/95 Order [30-1] by DOJ (N) (kmk) (Entered: 06/16/1995)
06/16/1995	33	ORDER by Chief Judge John G. Penn: granting defendant UNITED STATES DEPARTMENT OF JUSTICE'S motion for extension of time to respond to the Court's order of 04/24/95 to file a supplemental brief or other materials up to and including 07/14/95. (N) (kmk) (Entered: 06/16/1995)
07/14/1995	34	MOTION filed by defendant DOJ for a 60-day stay of proceedings. (tth) (Entered: 07/17/1995)
08/14/1995	35	ORDER by Chief Judge John G. Penn: granting motion for a 60-day stay of proceedings. [34-1] by DOJ and it is FURTHER ORDERED that 60 days from date of this order, defendants' counsel shall respond to the Court's 04/24/95 order, or file a status report with the Court. (original filed in CA 84-1344. (N) (kmk) (Entered: 08/15/1995)
10/13/1995	36	STATUS REPORT by defendant DOJ. (tth) (Entered: 10/17/1995)
03/21/1996	37	SUBSTITUTION OF COUNSEL for defendant DOJ, substituting Charles Francis Flynn for attorney Robert EdwardLee Eaton Jr. for DOJ, attorney Susan Ann Nellor for DOJ (dam) (Entered: 03/25/1996)
03/21/1996	38	STATUS REPORT by defendant DOJ (dam) (Entered: 03/25/1996)
04/04/1996	39	MOTION filed by defendant DOJ to dismiss complaint ; exhibits (6); (COPY). (tth) (Entered: 04/05/1996)
05/07/1996	40	SUBSTITUTION OF COUNSEL for plaintiff NIAGARA ENVIRONMENTAL, substituting Elaine Patton English for attorney Robert Raymond Elliott for NIAGARA ENVIRONMENTAL (tth) (Entered: 05/08/1996)
05/07/1996	41	RESPONSE by plaintiff NIAGARA ENVIRONMENTA to motion to dismiss complaint [39-1] by DOJ; affidavits (2), exhibits (2) (dam) (Entered: 05/08/1996)
05/17/1996	42	REPLY by defendant DOJ to plaintiff's response to defendant's motion to dismiss [41-1] by NIAGARA ENVIRONMENTA; exhibit (1). (kmk) (Entered: 05/20/1996)
06/06/1996	43	STATUS REPORT by defendant DOJ (dam) (Entered: 06/07/1996)
07/12/1996	45	ORDER by Chief Judge John G. Penn: granting defendants' notice to withdraw defendant's motion to dismiss [44-1]; ORDERED that these proceedings shall be stayed for sixty days from the date of this order. When that time expires, the parties will inform the Court of the manner in which they have resolved the litigation, or they will notify the Court of their intention to submit supplemental memoranda supporting their respective positions. (kmk) (Entered: 07/16/1996)
09/10/1996	46	STATUS REPORT by defendant DOJ pursuant to the Court's Order of 7/12/96. (dam) (Entered: 09/11/1996)
09/25/1996	47	ORDER by Chief Judge John G. Penn: that these cases shall be dismissed without prejudice provided, however, that any party may move to vacate the dismissal and reinstate the cases on or before 12/20/96, as set forth above, and it is FURTHER ORDERED that the dismissal of these cases will not affect any rights which may have accrued to any party provided the motion to vacate and reinstat is filed on or before the above date. (N) (kmk) (Entered: 09/26/1996)
12/16/1996	48	MOTION filed by plaintiff NIAGARA ENVIRONMENTA to vacate dismissal , and to reinstate actions (dam) (Entered: 12/17/1996)
02/23/1998	49	ORDER by Judge John G. Penn: granting motion to vacate dismissal [48-1] by NIAGARA ENVIRONMENTA, granting motion to reinstate actions [48-2] by NIAGARA ENVIRONMENTA (N) (kmk) (Entered: 02/24/1998)
02/23/1998	50	ORDER by Judge John G. Penn: Joint Meet and Confer Statement due 3/26/98 . (N) (kmk) (Entered: 02/24/1998)

02/23/1998		Case Reopened (kmk) (Entered: 02/25/1998)
03/27/1998	51	ORDER by Judge John G. Penn: amending order Joint Meet and Confer Statement due 3/26/98 . [50-1], order [50-2], and order [49-1] are amended to show that the defendant in CA 84-1345 is the United States Department of Justice. (N) (kmk) (Entered: 03/27/1998)
03/27/1998	52	ORDER by Judge John G. Penn: (original filed in CA 84-1344) defendants' shall file a motion for summary judgment on or before 6/30/98 ; If plaintiff wishes to file a cross motions for summary judgment addressing this same issue, that motion shall also be filed on or before 6/30/98 ; (N) (kmk) (Entered: 03/27/1998)
06/29/1998	53	SUBSTITUTION OF COUNSEL for defendant DOJ , substituting Eric Mark Jaffe for attorney Charles Francis Flynn for DOJ (tth) (Entered: 06/30/1998)
06/29/1998	54	MOTION (UNOPPOSED) filed by defendant DOJ to extend time to 7/31/98 to file a motion for summary judgment (tth) (Entered: 06/30/1998)
07/02/1998	55	ORDER by Judge John G. Penn: granting motion to extend time to 7/31/98 to file a motion for summary judgment [54-1] by DOJ; motion for summary judgment due by 7/31/98 ; if the plaintiff wishes to file a cross motions for summary judgment it shall be due on or before 7/31/98 ; (N) (kmk) (Entered: 07/02/1998)
07/30/1998	56	MOTION (UNOPPOSED) filed by defendant DOJ to extend time to 9/30/98 to file motion for summary judgment (tb) (Entered: 07/31/1998)
08/03/1998	57	ORDER by Judge John G. Penn: granting motion for defendant to extend time to 9/30/98 to file motion for summary judgment [56-1] by DOJ motion for summary judgment due by 9/30/98; and if the plaintiff also wishes to file cross motions for summary judgment, that motion also shall be due by 9/30/98 ; (N) (kmk) (Entered: 08/04/1998)
09/30/1998	58	STATUS REPORT by defendant DOJ, plaintiff NIAGARA ENVIRONMENTA in lieu of summary judgment motions (st) (Entered: 10/01/1998)
11/09/1999	59	ORDER by Judge John G. Penn: that the parties file a status report on or before 12/13/99. (N) (kmk) (Entered: 11/10/1999)
12/16/1999	60	ORDER by Judge John G. Penn: Status Report due: 4/3/2000 for NIAGARA ENVIRONMENTA, for DOJ (N) (kmk) (Entered: 12/16/1999)
04/03/2000	61	JOINT REPORT TO THE COURT by defendant DOJ and plaintiff NIAGARA ENVIRONMENTA (bjsp) (Entered: 04/04/2000)
04/04/2000	62	ORDER by Judge John G. Penn: that the parties shall submit a further Joint Report to Court on or before 6/2/00 , and that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiff's attorney's fees and thereby resolve all outstanding issues in this matter prior to 6/2/00. (N) (kmk) (Entered: 04/05/2000)
06/02/2000	63	JOINT MOTION by defendant DOJ, plaintiff NIAGARA ENVIRONMENTA to extend time to 8/4/00 to submit a Joint Report (kmk) (Entered: 06/07/2000)
06/06/2000	64	ORDER by Judge John G. Penn: granting joint motion to extend time to 8/4/00 to submit a Joint Report [63-1] by NIAGARA ENVIRONMENTA, DOJ and that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiff's attorney's fees and thereby resolve all outstanding issues in this matter prior to 8/4/00. (N) (kmk) (Entered: 06/07/2000)
08/04/2000	65	JOINT MOTION by defendant DOJ, plaintiff NIAGARA ENVIRONMENTA to extend time to 10/4/00 to submit a further Joint Report (tth) (Entered: 08/07/2000)
08/10/2000	<u>66</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to 10/4/00 to submit a further Joint Report [65-1] by NIAGARA ENVIRONMENTA, DOJ; that the parties shall submit a further joint report to the Court on or before 10/4/00 , and that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiff's attorney's fees and thereby resolve all outstanding issues this matter prior to 10/4/00. (N) (kmk) (Entered: 08/10/2000)

09/29/2000	67	JOINT MOTION by defendant DOJ, plaintiff NIAGARA ENVIRONMENTA to extend time to 12/4/00 to submit a further joint report to the court (ag) (Entered: 10/02/2000)
10/03/2000	<u>68</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to 12/4/00 to submit a further joint report to the court [67-1] by NIAGARA ENVIRONMENTA, DOJ that the parties shall submit a further joint report to Court on or before 12/4/00 , and that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiffs' attorney's fees and thereby resolve all outstanding issues in this matter prior to 12/4/00. (N) (kmk) (Entered: 10/05/2000)
12/05/2000	<u>69</u>	ORDER by Judge John G. Penn:granting the joint motion for extention of time until 2/5/01 for parties to file Joint Report; FURTHER ORDERED that the parties shall notify the Court if they reach an agreement (N) (gdf) (Entered: 12/05/2000)
02/05/2001	70	JOINT MOTION by defendant DOJ, and plaintiff NIAGARA ENVIRONMENTA to extend time to 3/5/01 to submit a further Joint Report to the Court (ag) (Entered: 02/06/2001)
02/27/2001	<u>71</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to 3/5/01 to submit a further Joint Report to the Court [70-1] by NIAGARA ENVIRONMENTA, DOJ; that tahe parties hsaill submit a further Joint Report to Court on or before 3/5/2001 , and that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiff's attorney's fees and thereby resolve all outstanding issues in this matter prior to 3/5/2001. (N) (kmk) (Entered: 02/27/2001)
03/02/2001	72	JOINT MOTION by defendant DOJ, plaintiff NIAGARA ENVIRONMENTA to extend time to 4/5/01 to submit a Joint Report to the Court up to and including 4/5/01. (kmk) (Entered: 03/06/2001)
03/06/2001	<u>73</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to 4/5/01 to submit a Joint Report to the Court up to and including 4/5/01. [72-1] by NIAGARA ENVIRONMENTA, DOJ and that the parties shall notify the Court it they reach an agreement regarding the reimbursement of plaintiff's attorney's fees and thereby resolve all outstanding issues in this matter prior to 4/5/01. (N) (kmk) (Entered: 03/06/2001)
04/20/2001	<u>74</u>	SCHEDULING ORDER by Judge John G. Penn: that plaintiff shall file its motion for award of attorney's fees on or before due 6/8/01 ; defendants' response to motion due 7/13/01; plaintiffs' reply to motion due ; , and that the parties shall promptly notify the Court if they otherwise reach an agreement regarding the reimbursement of plaintiff's attorney's fees and thereby resolve all outstanding issues in this matter. (N) (kmk) (Entered: 04/23/2001)
06/08/2001	75	MOTION filed by plaintiff NIAGARA ENVIRONMENTA to extend time to 7/13/01 to file a motion for fees and costs (bjsp) (Entered: 06/20/2001)
06/20/2001	<u>76</u>	ORDER by Judge John G. Penn: granting motion to extend time to 7/13/01 to file a motion for fees and costs [75-1] by NIAGARA ENVIRONMENTA motion(s) due by 7/13/01 ; response to motion(s) due by 8/17/01 ; reply to motion(s) due by 8/31/01 ; that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiff's attorney's fees and thereby resolve all outstanding issues in this action prior to 7/13/01. (N) (kmk) (Entered: 06/22/2001)
07/13/2001	78	ATTORNEY APPEARANCE for defendant DOJ by Wyneva Johnson (cas) (Entered: 07/17/2001)
07/16/2001	77	MOTION filed by plaintiff NIAGARA ENVIRONMENTA to extend time to 8/31/01 for motion fees and costs (cas) (Entered: 07/17/2001)
07/17/2001	<u>79</u>	ORDER by Judge John G. Penn: granting motion to extend time to 8/31/01 for motion fees and costs [77-1] by NIAGARA ENVIRONMENTA; response to motion(s) due by 10/5/02; reply to motion(s) due by 10/26/01; and that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiff's attorney's fees and thereby resolve all outstanding issues in this action prior to 8/31/01 (N) (kmk) (Entered: 07/18/2001)

09/27/2001	80	MOTION filed by defendant DOJ to extend time to 9/28/01 to file a motion for fees and costs (ag) (Entered: 09/28/2001)
09/28/2001	81	MOTION filed by plaintiff NIAGARA ENVIRONMENTA to extend time to 10/31/01 to file a motion for fees and costs (ag) (Entered: 10/01/2001)
09/28/2001	<u>82</u>	ORDER by Judge John G. Penn: granting motion to extend time to 9/28/01 to file a motion for fees and costs [80-1] by DOJ; response to motion(s) due by 11/9/01 ; reply to motion(s) due by 11/30/01; that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiff's attorneys fees and thereby resolve all outstanding issues in ths action prior to 9/28/01. (N) (kmk) (Entered: 10/01/2001)
12/11/2001	<u>83</u>	ORDER by Judge John G. Penn: that the parties shall advise the Court by memorandum on or before 12/28/01 whether they have reached an agreement for NIAGARA ENVIRONMENTA, for DOJ; , and that the parties shall hand deliver a curtesy copy of the memorandum to the Court's chambers. (N) (kmk) (Entered: 12/12/2001)
01/11/2002	<u>84</u>	STIPULATION OF SETTLEMENT and ORDER OF DISMISSAL by Judge John G. Penn: the parties stipulate and agree to settle and comromise; settlement shall represent full and complete satisfaction of all claims for costs and attorney's fees; Counsel for plaintiff, JOHN A GALEZOPWEK will receive \$22, 000.00 in attorney's fees , and dismissing this case ; These actions on motion of any party to resolve a claim of noncompliance with the terms of this stipulation. (N) (kmk) (Entered: 01/14/2002)