

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:84-cv-01344-JGP**

NIAGARA ENVIRON.ACTI v. U.S. E.P.A.
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 **Robert Raymond Elliott**
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V.

Defendant

**UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY**

represented by **Charles Francis Flynn**
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Date Filed	#	Docket Text
12/31/1984	1	ANSWER for defendant,by counsel (srl) (Entered: 09/08/1987)
05/09/1989		ALL DOCKET ENTRIES PRIOR TO 5/9/89 WILL BE FOUND ON THE PAPER DOCKET (jda) (Entered: 05/09/1989)
05/31/1990	30	ATTORNEY APPEARANCE for defendant EPA by Susan A. Nellor (cjp) (Entered: 06/01/1990)
04/24/1995	31	ORDER by Chief Judge John G. Penn: that 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 additional materials or supplemental briefs shall be filed on or before 06/12/95. (kmk) (Entered: 04/24/1995)
05/15/1995	32	MOTION filed by defendant EPA to extend time to 5/22/95 to respond to the Court's 4/24/95, Order. (tth) (Entered: 05/16/1995)
05/17/1995	33	MOTION filed by defendant EPA to extend time to 5/22/95 to respond to the Court's 4/24/95 order (clv) (Entered: 05/18/1995)
05/22/1995	34	ORDER by Chief Judge John G. Penn: granting motion to extend time to 5/22/95 to respond to the Court's 4/24/95, Order. [32-1] by EPA; response to motion(s) due by 5/22/95. (N) (N) (kmk) (Entered: 05/22/1995)
05/22/1995	35	REPORT to the Court by defendant EPA pursuant to the Court's Order filed 4/24/95. (tth) (Entered: 05/23/1995)
06/02/1995	36	MOTION filed by defendant EPA to extend time to 7/14/95 to respond to the Court's 4/24/95 Order (dam) (Entered: 06/06/1995)
06/07/1995	37	ORDER by Chief Judge John G. Penn: granting motion nunc pro tunc to extend time to 5/22/95 to respond to the Court's 4/24/95 order [33-1] by EPA (N) (kmk) (Entered: 06/07/1995)
06/14/1995	38	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 [36-1] by EPA (N) (kmk) (Entered: 06/16/1995)
06/16/1995	39	ORDER by Chief Judge John G. Penn: granting defendant UNITED STATES DEPARTMENT OF JUSTICE's motion for an extension of time to respond to the Courts' order of 04/24/95 by filing a supplemental brief or other materials up to 07/14/95. (N) (kmk) Modified on 06/16/1995 (Entered: 06/16/1995)

07/14/1995	41	MOTION filed by defendant EPA for a 60 day stay of proceedings (dam) (Entered: 07/17/1995)
08/14/1995	42	ORDER by Chief Judge John G. Penn: granting motion for a 60 day stay of proceedings [41-1] by EPA and it is FURTHER ORDERED that 60 days from date of this Order, defendants' counsel shall respond to Court's 04/24/95, Order or file a status report with the Court. (N) (kmk) (Entered: 08/15/1995)
10/13/1995	43	STATUS REPORT by defendant EPA (tth) (Entered: 10/17/1995)
03/21/1996	44	SUBSTITUTION OF COUNSEL for defendant EPA, substituting Charles Francis Flynn for attorney Robert EdwardLee Eaton Jr. for EPA, attorney Susan Ann Nellor for EPA (dam) (Entered: 03/25/1996)
03/21/1996	45	STATUS REPORT by defendant EPA (dam) (Entered: 03/25/1996)
04/04/1996	46	MOTION filed by defendant EPA to dismiss the complaint ; exhibits (6) (tth) (Entered: 04/05/1996)
05/07/1996	47	RESPONSE by plaintiff NIAGARA ENVIRONMENTA to motion to dismiss the complaint [46-1] by EPA; affidavits (2), exhibits (2) (dam) (Entered: 05/08/1996)
05/17/1996	48	REPLY by defendant EPA to plaintiff's response to defendant's motion to dismiss [47-1] by NIAGARA ENVIRONMENTA; exhibit (1) . (kmk) (Entered: 05/20/1996)
06/06/1996	49	STATUS REPORT by defendant EPA (dam) (Entered: 06/07/1996)
07/12/1996	51	ORDER by Chief Judge John G. Penn: granting i withdrawal of defendants' motion to dismiss filed 4/4/96 [50-1]; 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. (N) (kmk) (Entered: 07/16/1996)
09/10/1996	52	STATUS REPORT by plaintiff NIAGARA ENVIRONMENTA pursuant to the Court's Order of 7/12/96. (dam) (Entered: 09/11/1996)
09/25/1996	53	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 reinstat 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 reinstate is filed on or before the above date. (N) (kmk) (Entered: 09/26/1996)
12/16/1996	54	MOTION filed by plaintiff NIAGARA ENVIRONMENTA to vacate dismissal , and to reinstate actions (dam) (Entered: 12/17/1996)
10/28/1997	55	NOTICE OF CHANGE OF ADDRESS representing plaintiff NIAGARA ENVIRONMENTA . New address: Graybill & English, 1920 N Street, Suite 620, NW Washington, DC 20036, (202) 861-0106. (tth) (Entered: 10/29/1997)
02/23/1998	56	ORDER by Judge John G. Penn: granting motion to vacate dismissal [54-1] by NIAGARA ENVIRONMENTA, granting motion to reinstate actions [54-2] by NIAGARA ENVIRONMENTA (N) (kmk) (Entered: 02/24/1998)
02/23/1998		Case Reopened (kmk) (Entered: 02/24/1998)
02/23/1998	57	SCHEDULING ORDER by Judge John G. Penn Joint Meet and Confer Statement due 3/26/98 . (N) (kmk) (Entered: 02/24/1998)
03/24/1998	58	JOINT NOTICE OF FILING by defendant EPA, plaintiff NIAGARA ENVIRONMENTA in connection with this Freedom of Information Act case. (lpp) (Entered: 03/25/1998)
03/27/1998	59	ORDER by Judge John G. Penn: that defendants file a motion for summary judgment due on or before 6/30/98 ; if plaintiff wishes to file cross motions for summary judgment addressing the same issue that motion shall be filed on or before 6/30/98 ; (N) (kmk) (Entered: 03/27/1998)

06/24/1998	60	MOTION (UNOPPOSED) filed by defendant EPA to extend time to 7/31/98 to file a motion for summary judgment (tb) (Entered: 06/25/1998)
06/24/1998	61	SUBSTITUTION OF COUNSEL for defendant EPA , substituting Eric Mark Jaffe for attorney Charles Francis Flynn for EPA (tb) (Entered: 06/25/1998)
07/02/1998	62	ORDER by Judge John G. Penn: granting motion to extend time to 7/31/98 to file a motion for summary judgment [60-1] by EPA motion for summary judgment due by 7/31/98; and if the plaintiff wishes to file a cross-motion for summary judgment, that motion shall be filed by 7/31/98 ; (N) (kmk) (Entered: 07/06/1998)
07/30/1998	63	MOTION (UNOPPOSED) filed by defendant EPA to extend time to 9/30/98 to file motion for summary judgment (tb) (Entered: 07/31/1998)
08/03/1998	64	ORDER by Judge John G. Penn: granting defendants' motion to extend time to 9/30/98 to file motion for summary judgment [63-1] by EPA and if the plaintiff also wishes to file a cross motion for summary judgment, that motion also shall be filed by 9/30/98. (N) (kmk) Modified on 09/02/1998 (Entered: 08/04/1998)
09/30/1998	65	STATUS REPORT by defendant EPA, plaintiff NIAGARA ENVIRONMENTA in lieu of summary judgment motions (st) (Entered: 10/01/1998)
11/09/1999	66	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)
12/13/1999	67	RESPONSE by defendant EPA, plaintiff NIAGARA ENVIRONMENTA to order that the parties file a status report on or before 12/13/99. [66-1], order [66-2] (dam) (Entered: 12/14/1999)
12/16/1999	68	ORDER by Judge John G. Penn: Status Report due: 4/3/2000 for NIAGARA ENVIRONMENTA, for EPA (N) (kmk) (Entered: 12/16/1999)
04/03/2000	69	JOINT REPORT TO THE COURT by defendant EPA, plaintiff NIAGARA ENVIRONMENTA (bjsp) (Entered: 04/04/2000)
04/04/2000	70	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	71	JOINT MOTION by defendant EPA, plaintiff NIAGARA ENVIRONMENTA to extend time to 8/4/00 to submit Joint Report (kmk) (Entered: 06/07/2000)
06/06/2000	72	ORDER by Judge John G. Penn: granting joint motion to extend time to 8/4/00 to submit Joint Report [71-1] by NIAGARA ENVIRONMENTA, EPA and that the parties shall notify the Court if they reach an agreement regarding the reimbursement of plaintiff's fees and thereby resolve all outstanding issues in the matter prior to 8/4/00. (N) (kmk) (Entered: 06/07/2000)
08/04/2000	73	JOINT MOTION by defendant EPA, plaintiff NIAGARA ENVIRONMENTA to extend time to 10/4/00 to submit a further Joint Report to Court (tth) (Entered: 08/07/2000)
08/10/2000	<u>74</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to 10/4/00 to submit a further Joint Report to Court [73-1] by NIAGARA ENVIRONMENTA, EPA; that the parties shall submit a further Joint Report to Court on or before 10/4/2000 , 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 10/4/2000. (N) (kmk) (Entered: 08/10/2000)
09/29/2000	75	JOINT MOTION by defendant EPA, plaintiff NIAGARA ENVIRONMENTA to extend time to submit a further joint report until 12/4/00 (jdm) (Entered: 10/02/2000)
10/03/2000	<u>76</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to submit a further joint report until 12/4/00 [75-1] by NIAGARA ENVIRONMENTA, EPA 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 plaintiff's attorney's fees and thereby resolve all outstanding issues in this matter prior to 12/4/00. (N) (kmk) (Entered: 10/05/2000)
12/01/2000	77	JOINT MOTION by defendant EPA, plaintiff NIAGARA ENVIRONMENTA to extend time to 2/5/01 to submit a further Joint Report to Court (ag) (Entered: 12/04/2000)
12/05/2000	<u>78</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to 2/5/01 to submit a further Joint Report to Court [77-1] by NIAGARA ENVIRONMENTA, EPA; FURTHER ORDERED that the parties shall notify the Court if they reach an agreement. (N) (gdf) (Entered: 12/05/2000)
02/05/2001	79	JOINT MOTION by defendant EPA, and plaintiff NIAGARA ENVIRONMENTA to extend time to 3/5/01 to submit a further Joint Report (ag) (Entered: 02/06/2001)
02/27/2001	<u>80</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to 3/5/01 to submit a further Joint Report [79-1] by NIAGARA ENVIRONMENTA, EPA that the parties shall 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 fees and thereby resolve all outstanding issues in this matter prior to 3/5/2001. (N) (kmk) (Entered: 02/27/2001)
03/02/2001	81	JOINT MOTION by defendant EPA, plaintiff NIAGARA ENVIRONMENTA to extend time to 4/5/01 to submitt Joint Report to the Court up to and including 4/5/01. (kmk) (Entered: 03/06/2001)
03/06/2001	<u>82</u>	ORDER by Judge John G. Penn: granting joint motion to extend time to 4/5/01 to submitt Joint Report to the Court up to and including 4/5/01 [81-1] by NIAGARA ENVIRONMENTA, EPA; 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 4/5/01. (N) (kmk) (Entered: 03/06/2001)
04/20/2001	<u>83</u>	SCHEDULING ORDER by Judge John G. Penn: plaintiffs' motion for award of attorney's fees due on or before 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. ; attachment (1) (N) (kmk) Modified on 04/23/2001 (Entered: 04/23/2001)
06/08/2001	84	MOTION filed by plaintiff NIAGARA ENVIRONMENTA to extend time to 7/13/01 to file motion for fees and costs (COPY) (bjsp) (Entered: 06/20/2001)
06/20/2001	<u>85</u>	ORDER by Judge John G. Penn: granting motion to extend time to 7/13/01 to file motion for fees and costs [84-1] 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 8/13/01 ; 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	86	ATTORNEY APPEARANCE for defendant EPA by Wyneva Johnson (cas) (Entered: 07/17/2001)
07/13/2001	87	MOTION filed by defendant EPA to amend judgment ; Declaration of JOHN F. BOSKER; exhibit's (8) (cas) (Entered: 07/17/2001)
07/13/2001	88	MOTION (copy) filed by plaintiff NIAGARA ENVIRONMENTA to extend time to 8/31/01 to file fees and costs, with defendant's response to be filed on or before 10/5/01 and plaintiff's reply to be filed on or before 10/26/01. (kmk) Modified on 07/25/2001 (Entered: 07/19/2001)
07/17/2001	<u>89</u>	ORDER by Judge John G. Penn: granting motion to extend time to 8/31/01 to file fees and costs, with defendant's response to be filed on or before 10/5/01 and plaintiff's reply to be filed on or before 10/26/01 [88-1] by NIAGARA ENVIRONMENTA; plaintiffs' motion for fees and costs due by 8/31/01; defendants' response to motion(s) due by 10/5/01; plaintiff's reply to motion(s) due by 10/26/01; that the parties shall notify the Court if they reach an agreement

		regarding the reimbursement of plaintiffs' attorneys' fees and thereby resolve all outstanding issues in this action prior to 8/31/01. (N) (kmk) (Entered: 07/19/2001)
08/31/2001	<u>90</u>	MOTION filed by plaintiff NIAGARA ENVIRONMENTA to extend time to 9/28/01 to file a motion for fees and costs (cjp) (Entered: 09/04/2001)
09/06/2001	<u>91</u>	ORDER by Judge John G. Penn: granting motion to extend time to 9/28/01 to file a motion for fees and costs [90-1] by NIAGARA ENVIRONMENTA motion(s) due by 9/28/01 ; 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 plaintiffs attorney's fees and thereby resolve all outstanding issues this action prior to 9/28/01. (N) (kmk) (Entered: 09/07/2001)
12/11/2001	<u>92</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 EPA; and that the parties shall hand deliver a courtesy copy of the memorandum to the Court's chambers (N) (kmk) (Entered: 12/12/2001)
01/11/2002	<u>93</u>	STIPULATED OF SETTLEMENT and ORDER OF DISMISSAL by Judge John G. Penn: the parties stipulate and agree to settle and compromise; settlement shall represent full and complete satisfaction of all claims for costs and attorney's fees; Counsel for plaintiff, JOHN A. GALEZIOWEK will receive \$22,000.00 in attorney's in fees , and dismissing this case ; these actions are dismissed with prejudice, except that the Court shall have jurisdiction to reinstate 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)