

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00253-RDM**

PUBLIC CITIZEN, INC. et al v. TRUMP et al
Assigned to: Judge Randolph D. Moss
Case: 1:19-cv-00960-RDM
Cause: 05:551 Administrative Procedure Act

Date Filed: 02/08/2017
Date Terminated: 12/20/2019
Jury Demand: None
Nature of Suit: 899 Administrative
Procedure Act/Review or Appeal of
Agency Decision
Jurisdiction: Federal Question

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represented by **Deepak Gupta**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/08/2017	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants (Filing fee \$ 400 receipt number 0090-4834458) filed by NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC., COMMUNICATION WORKERS OF AMERICA, AFL-CIO. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons, # <u>9</u> Summons, # <u>10</u> Summons, # <u>11</u> Summons, # <u>12</u> Summons, # <u>13</u> Summons, # <u>14</u> Summons, # <u>15</u> Summons, # <u>16</u> Summons, # <u>17</u> Summons, # <u>18</u> Summons, # <u>19</u> Summons, # <u>20</u> Summons)(Zieve, Allison) (Entered: 02/08/2017)
02/08/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests of <i>Public Citizen, Inc.</i> by PUBLIC CITIZEN, INC. (Zieve, Allison) (Entered: 02/08/2017)
02/08/2017	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATURAL RESOURCES DEFENSE COUNCIL, INC. (Zieve, Allison) (Entered: 02/08/2017)
02/08/2017		Case Assigned to Judge Gladys Kessler. (jd) (Entered: 02/08/2017)

02/08/2017	<u>4</u>	SUMMONS (17) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Forms)(jd) (Entered: 02/08/2017)
02/24/2017		Case randomly reassigned to Judge Randolph D. Moss. Judge Gladys Kessler is no longer assigned to the case. (ztnr) (Entered: 02/24/2017)
02/24/2017	<u>5</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set out in the attached Standing Order. Signed by Judge Randolph D. Moss on 2/24/2017. (lcrdm1,) (Entered: 02/24/2017)
03/09/2017	<u>6</u>	NOTICE of Appearance by Patti A. Goldman on behalf of COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC. (Goldman, Patti) (Entered: 03/09/2017)
03/10/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/8/2017. Answer due for ALL FEDERAL DEFENDANTS by 4/9/2017. (Zieve, Allison) (Entered: 03/10/2017)
04/10/2017	<u>8</u>	NOTICE of Appearance by Scott Lawrence Nelson on behalf of All Plaintiffs (Nelson, Scott) (Entered: 04/10/2017)
04/10/2017	<u>9</u>	MOTION to Dismiss by GRACE BOCHENEK, ELAINE CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Bensing, Daniel) (Entered: 04/10/2017)
04/11/2017	<u>10</u>	NOTICE of Appearance by Michael Leon Drezner on behalf of All Defendants (Drezner, Michael) (Entered: 04/11/2017)
04/17/2017	<u>11</u>	ENTERED IN ERROR.....MEMORANDUM by STATE OF WEST VIRGINIA. (Lin, Elbert) Modified on 4/18/2017 (jf). (Entered: 04/17/2017)
04/17/2017	<u>12</u>	AMICUS BRIEF by STATE OF ALABAMA, STATE OF ARIZONA, STATE OF ARKANSAS, STATE OF GEORGIA, STATE OF KANSAS, STATE OF LOUISIANA, STATE OF MICHIGAN, STATE OF NEVADA, STATE OF OKLAHOMA, STATE OF SOUTH CAROLINA, STATE OF TEXAS, STATE OF WEST VIRGINIA, STATE OF WISCONSIN, STATE OF WYOMING. (jf) (Entered: 04/18/2017)
04/19/2017	<u>13</u>	NOTICE of Filing by GRACE BOCHENEK, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN (Attachments: # <u>1</u> Errata Corrected Memo, # <u>2</u> Errata Corrected Memo Redline)(Bensing, Daniel) (Entered: 04/19/2017)
04/21/2017	<u>14</u>	AMENDED COMPLAINT for Declaratory and Injunctive Relief against All Defendants filed by NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC., COMMUNICATION WORKERS OF AMERICA, AFL-CIO. (Attachments: # <u>1</u> Redline comparison, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(Zieve, Allison) (Entered: 04/21/2017)
04/25/2017		MINUTE ORDER: In light of the filing of Plaintiffs' Amended Complaint <u>14</u> , Defendants' Motion to Dismiss <u>9</u> is hereby DENIED as moot. See Barnes v. District of Columbia, 42 F. Supp. 3d 111, 117 (D.D.C. 2014) ("When a plaintiff files an amended complaint as of right within 21 days after the filing of the motion to dismiss under Rule 12(b),... the amended complaint becomes the operative pleading... and any pending motion to dismiss becomes moot."). This disposition is without prejudice, and Defendants may reassert any or all of the arguments previously raised in a renewed motion to dismiss directed at the now-operative complaint. Defendants are hereby ORDERED to answer or otherwise respond to Plaintiffs' amended complaint on or before May 12, 2017. Signed by Judge Randolph D. Moss on 4/25/2017. (lcrdm1,) (Entered: 04/25/2017)

04/25/2017		Set/Reset Deadlines: Defendants are to answer or otherwise respond to Plaintiffs' amended complaint on or before 5/12/2017. (kt) (Entered: 04/25/2017)
05/12/2017	<u>15</u>	MOTION to Dismiss <i>First Amended Complaint</i> by GRACE BOCHENEK, ELAINE CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Drezner, Michael) (Entered: 05/12/2017)
05/15/2017	<u>16</u>	MOTION for Summary Judgment by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of David LeGrande, # <u>3</u> Declaration of Robert Weissman, # <u>4</u> Declaration of Andrew Wetzler, # <u>5</u> Declaration of Denise Abbott, # <u>6</u> Declaration of James Bauer, Sr., # <u>7</u> Declaration of Amanda Fleming, # <u>8</u> Declaration of Anthony So, # <u>9</u> Declaration of Jonathan Soverow, # <u>10</u> Declaration of Terri Weissman, # <u>11</u> Declaration of James Coward, # <u>12</u> Declaration of Eileen Quigley, # <u>13</u> Declaration of Gerald Winegrad, # <u>14</u> Declaration of David Hayes, # <u>15</u> Declaration of James Jones, # <u>16</u> Declaration of David Michaels, # <u>17</u> Declaration of Gregory Wagner, # <u>18</u> Declaration of Dan Reicher)(Zieve, Allison) (Entered: 05/15/2017)
05/15/2017		MINUTE ORDER: The parties are hereby ORDERED to appear for a scheduling conference on May 23, 2017, at 11:00 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 5/15/2017. (lcrdm1,) (Entered: 05/15/2017)
05/15/2017	<u>17</u>	NOTICE of Appearance by Sean M. Sherman on behalf of All Plaintiffs (Sherman, Sean) (Entered: 05/15/2017)
05/16/2017		Set/Reset Hearings: Initial Scheduling Conference set for 5/23/2017, at 11:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 05/16/2017)
05/16/2017	<u>18</u>	NOTICE of Appearance by Erica Nicole Peterson on behalf of STATE OF WEST VIRGINIA (Peterson, Erica) (Entered: 05/16/2017)
05/19/2017	<u>19</u>	BRIEF OF AMICI CURIAE by STATE OF WEST VIRGINIA, WISCONSIN, AND 12 OTHER STATES. (Lin, Elbert) Modified on 5/22/2017 (jf). (Entered: 05/19/2017)
05/22/2017	<u>20</u>	MOTION for Leave to File <i>Amicus Brief</i> by Public Health Law Center, AMERICAN ACADEMY OF PEDIATRICS, Big Cities Health Coalition, CAMPAIGN FOR TOBACCO-FREE KIDS, CENTER FOR SCIENCE IN THE PUBLIC INTEREST, ChangeLab Solutions, Collaboration for Research Integrity and Transparency, National Association of County and City Health Officials, National Women's Health Network, PUBLIC GOOD LAW CENTER, Public Health Advocacy Institute, Public Health and Tobacco Policy Center, TRUTH INITIATIVE (Attachments: # <u>1</u> Proposed Amicus Brief, # <u>2</u> Text of Proposed Order)(Gupta, Deepak) (Entered: 05/22/2017)
05/22/2017	<u>21</u>	MOTION to Stay <i>Proceedings on Plaintiffs' Motion for Summary Judgment</i> by GRACE BOCHENEK, ELAINE CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, PATRICK WARREN (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support)(Drezner, Michael) (Entered: 05/22/2017)
05/23/2017		Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held on 5/23/2017. Scheduling Order forthcoming. The <u>20</u> Motion for Leave to File Amicus Brief is GRANTED. (Court Reporter: Jeff Hook.) (kt) (Entered: 05/23/2017)
05/23/2017	<u>22</u>	SCHEDULING ORDER: (1) Defendants' Motion to Stay Proceedings on Plaintiffs' Motion for Summary Judgment, Dkt. <u>21</u> , is DENIED; (2) Plaintiffs shall file their opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint, Dkt. <u>15</u> , on or before June 26, 2017; (3) Defendants shall file their opposition to Plaintiffs' Motion for Summary Judgment, Dkt. <u>16</u> , on or before June 26, 2017; (4) Defendants shall file their reply in support of their Motion to Dismiss Plaintiffs' First Amended Complaint on or before July 21, 2017; (5) Plaintiffs shall file their reply in

		support of their Motion for Summary Judgment on or before July 21, 2017; (6) Any further amici who seek to file briefs in support of Plaintiffs or Defendants shall file a motion seeking leave to file, accompanied by a proposed amicus brief, on or before June 12, 2017. See document for details. Signed by Judge Randolph D. Moss on 5/23/2017. (lcrdm1,) (Entered: 05/23/2017)
05/23/2017		Set/Reset Deadlines: Plaintiffs opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint, due on or before 6/26/2017; Defendants opposition to Plaintiffs' Motion for Summary Judgment, due on or before 6/26/2017; Defendants reply in support of their Motion to Dismiss Plaintiffs' First Amended Complaint due on or before 7/21/2017; Plaintiffs reply in support of their Motion for Summary Judgment due on or before 7/21/2017; Leave to file Amicus briefs due on or before 6/12/2017. (kt) (Entered: 05/23/2017)
05/23/2017	<u>25</u>	AMICUS BRIEF by PUBLIC HEALTH LAW CENTER, AMERICAN ACADEMY OF PEDIATRICS, BIG CITIES HEALTH COALITION, CAMPAIGN FOR TOBACCOFREE KIDS, CENTER FOR SCIENCE IN THE PUBLIC INTEREST, CHANGELAB SOLUTIONS, COLLABORATION FOR RESEARCH INTEGRITY AND TRANSPARENCY, NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS, NATIONAL WOMENS HEALTH NETWORK, PUBLIC GOOD LAW CENTER, PUBLIC HEALTH ADVOCACY INSTITUTE, PUBLIC HEALTH AND TOBACCO POLICY CENTER, AND TRUTH INITIATIVE. (td) Modified on 6/21/2017 (zrdj). (Entered: 05/24/2017)
05/24/2017	<u>23</u>	NOTICE of Appearance by Katherine A. Meyer on behalf of VICTOR B. FLATT, Alyson Flournoy, Robert L. Glicksman, Thomas O. McGarity, Sidney Shapiro, Amy Sinden, Karen Sokol, Rena Steinzor, Joseph P. Tomain, Robert R.M. Verchick (Meyer, Katherine) (Entered: 05/24/2017)
05/24/2017	<u>24</u>	MOTION for Leave to File a <i>Brief as Amici Curiae in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss and in Support of Plaintiffs' Motion for Summary Judgment</i> by VICTOR B. FLATT, Alyson Flournoy, Robert L. Glicksman, Thomas O. McGarity, Sidney Shapiro, Amy Sinden, Karen Sokol, Rena Steinzor, Joseph P. Tomain, Robert R.M. Verchick (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit Amicus Brief in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss and in Support of Plaintiffs' Motion for Summary Judgment)(Meyer, Katherine) (Entered: 05/24/2017)
05/24/2017		MINUTE ORDER: Upon consideration of the Motion of Law Professors for Leave to File a Brief as Amici Curiae <u>24</u> , the motion is hereby GRANTED. The amicus brief, Dkt. <u>24</u> -3, is deemed FILED. Signed by Judge Randolph D. Moss on 5/24/2017. (lcrdm1,) (Entered: 05/24/2017)
05/24/2017	<u>26</u>	AMICUS BRIEF by VICTOR B. FLATT, ALYSON FLOURNOY, ROBERT L. GLICKSMAN, THOMAS O. MCGARITY, SIDNEY SHAPIRO, AMY SINDEN, KAREN SOKOL, RENA STEINZOR, JOSEPH P. TOMAIN, ROBERT R.M. VERCHICK. (td) (Entered: 05/24/2017)
06/05/2017	<u>27</u>	NOTICE of Appearance by Clara E. Brillembourg on behalf of UNION OF CONCERNED SCIENTISTS (Brillembourg, Clara) (Entered: 06/05/2017)
06/05/2017	<u>28</u>	Unopposed MOTION for Leave to File <i>Amicus Curiae Brief</i> by UNION OF CONCERNED SCIENTISTS (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief of Union of Concerned Scientists, # <u>2</u> Exhibit Proposed Order)(Brillembourg, Clara) (Entered: 06/05/2017)
06/05/2017	<u>29</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Seth Jaffe, :Firm– Foley Hoag LLP, :Address– 155 Seaport Boulevard Boston, MA 02210. Phone No. – 617–832–1203. Fax No. – 617–832–7000 Filing fee \$ 100, receipt number 0090–4976673. Fee Status: Fee Paid. by UNION OF CONCERNED SCIENTISTS (Attachments: # <u>1</u> Exhibit Jaffe Declaration, # <u>2</u> Exhibit Proposed Order)(Brillembourg, Clara) (Entered: 06/05/2017)
06/05/2017	<u>30</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Cicely Parseghian, :Firm– Foley Hoag LLP, :Address– 155 Seaport Boulevard, Boston, MA 02210. Phone No. – 617–832–3038. Fax No. – 617–832–7000 Filing fee \$ 100, receipt number 0090–4976686. Fee Status: Fee Paid. by UNION OF CONCERNED

		SCIENTISTS (Attachments: # <u>1</u> Exhibit Parseghian Declaration, # <u>2</u> Exhibit Proposed Order)(Brillembourg, Clara) (Entered: 06/05/2017)
06/05/2017		MINUTE ORDER: Upon consideration of the Unopposed Motion of the Union of Concerned Scientists for Leave to File Amicus Curiae Brief <u>28</u> , the motion is hereby GRANTED. The amicus brief, Dkt. <u>28</u> -1, is deemed FILED. Signed by Judge Randolph D. Moss on 6/5/2017. (lcrdm1,) (Entered: 06/05/2017)
06/05/2017		MINUTE ORDER: Upon consideration of the Motion for Admission Pro Hac Vice <u>29</u> , it is hereby ORDERED that the motion is GRANTED. Seth D. Jaffe is hereby granted leave to appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 6/5/2017. (lcrdm1,) (Entered: 06/05/2017)
06/05/2017		MINUTE ORDER: Upon consideration of the Motion for Admission Pro Hac Vice <u>30</u> , it is hereby ORDERED that the motion is GRANTED. Cicely O. Parseghian is hereby granted leave to appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 6/5/2017. (lcrdm1,) (Entered: 06/05/2017)
06/05/2017	<u>31</u>	AMICUS BRIEF by UNION OF CONCERNED SCIENTISTS. (jf) (Entered: 06/05/2017)
06/12/2017	<u>32</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Danielle L. Goldstein, :Firm– Office of the County Counsel, :Address– 70 West Hedding St. East Wing, 9th Floor, San Jose, California 95110. Phone No. – (408) 599–5900. Fax No. – (408) 292–7240 Filing fee \$ 100, receipt number 0090–4987883. Fee Status: Fee Paid. by COUNTY OF SANTA CLARA, CALIFORNIA (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Serrano, Lawrence) Modified on 6/13/2017 (zrdj). (Entered: 06/12/2017)
06/12/2017	<u>33</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– James R. Williams, :Firm– Office of the County Counsel, :Address– 70 West Hedding St. East Wing, 9th Floor, San Jose, California 95110. Phone No. – (408) 299–5900. Fax No. – (408) 292–7240 Filing fee \$ 100, receipt number 0090–4987891. Fee Status: Fee Paid. by COUNTY OF SANTA CLARA, CALIFORNIA (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Serrano, Lawrence) Modified on 6/13/2017 (zrdj). (Entered: 06/12/2017)
06/12/2017	<u>34</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Greta S. Hansen, :Firm– Office of the County Counsel, :Address– 70 West Hedding St., East Wing, 9th Floor. Phone No. – (408) 299–5900. Fax No. – (408) 292–7240 Filing fee \$ 100, receipt number 0090–4987893. Fee Status: Fee Paid. by COUNTY OF SANTA CLARA, CALIFORNIA (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Serrano, Lawrence) Modified on 6/13/2017 (zrdj). (Entered: 06/12/2017)
06/12/2017	<u>35</u>	Unopposed MOTION for Leave to File <i>A Brief as Amicus Curiae in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss</i> by COUNTY OF SANTA CLARA, CALIFORNIA . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Serrano, Lawrence) Modified on 6/13/2017 (zrdj). (Entered: 06/12/2017)
06/12/2017	<u>36</u>	NOTICE of Appearance by Ryan C. Morris on behalf of CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS, AMERICAN PETROLEUM INSTITUTE, ASSOCIATION OF AMERICAN RAILROADS, NATIONAL ASSOCIATION OF MANUFACTURERS, NATIONAL FEDERATION OF INDEPENDENT BUSINESS (Morris, Ryan) (Entered: 06/12/2017)
06/12/2017	<u>37</u>	Unopposed MOTION for Leave to File <i>Amici Curiae Brief in Support of Defendants' Motion to Dismiss Amended Complaint</i> by AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS, AMERICAN PETROLEUM INSTITUTE, ASSOCIATION OF AMERICAN RAILROADS, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF MANUFACTURERS, NATIONAL FEDERATION OF INDEPENDENT BUSINESS (Attachments: # <u>1</u> Exhibit A – Proposed Amici Brief, # <u>2</u> Exhibit B – Text of Proposed Order, # <u>3</u> Certificate of Service)(Morris, Ryan) (Entered: 06/12/2017)

06/12/2017	<u>38</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Samuel B. Boxerman, :Firm– Sidley Austin LLP, :Address– 1501 K Street, NW, Washington, DC 20005. Phone No. – (202) 736–8000. Fax No. – (202) 736–8711 Filing fee \$ 100, receipt number 0090–4987923. Fee Status: Fee Paid. by AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS, AMERICAN PETROLEUM INSTITUTE, ASSOCIATION OF AMERICAN RAILROADS, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF MANUFACTURERS, NATIONAL FEDERATION OF INDEPENDENT BUSINESS (Attachments: # <u>1</u> Declaration of Samuel B. Boxerman, # <u>2</u> Text of Proposed Order)(Morris, Ryan) (Entered: 06/12/2017)
06/13/2017		MINUTE ORDER: Upon consideration of the Motions for Admission Pro Hac Vice <u>32</u> , <u>33</u> , <u>34</u> , it is hereby ORDERED that the motions are GRANTED. Danielle L. Goldstein, James R. Williams, and Greta S. Hansen are hereby granted leave to appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 6/13/2017. (lcrdm1,) (Entered: 06/13/2017)
06/13/2017		MINUTE ORDER: To the extent Samuel B. Boxerman merely seeks leave to have his name appear on a brief signed by a member of the bar of this Court, that motion, Dkt. <u>38</u> , is GRANTED. To the extent Mr. Boxerman seeks leave to sign filings or otherwise to participate in this matter, he is referred to Local Civil Rule 83.2, which states that "[a]n attorney who engages in the practice of law from an office located in the District of Columbia must be a member of the District of Columbia Bar AND the Bar of this Court to file papers in this Court" (emphasis added). Signed by Judge Randolph D. Moss on 6/13/2017. (lcrdm1,) (Entered: 06/13/2017)
06/13/2017		MINUTE ORDER: Upon consideration of the Unopposed Motion of the Chamber of Commerce of the United States of America, et al., for Leave to File an Amicus Curiae Brief <u>37</u> , the motion is hereby GRANTED. The amicus brief, Dkt. <u>37</u> –1, is deemed FILED. Signed by Judge Randolph D. Moss on 6/13/2017. (lcrdm1,) (Entered: 06/13/2017)
06/13/2017		MINUTE ORDER: Upon consideration of the Unopposed Motion of the County of Santa Clara for Leave to File a Brief as Amicus Curiae <u>35</u> , the motion is hereby GRANTED. The amicus brief, Dkt. <u>35</u> –1, is deemed FILED. Signed by Judge Randolph D. Moss on 6/13/2017. (lcrdm1,) (Entered: 06/13/2017)
06/13/2017	<u>39</u>	AMICUS BRIEF by AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS, AMERICAN PETROLEUM INSTITUTE, ASSOCIATION OF AMERICAN RAILROADS, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF MANUFACTURERS, NATIONAL FEDERATION OF INDEPENDENT BUSINESS. (zrdj) (Main Document 39 replaced on 6/26/2017) (ztnr). (Entered: 06/13/2017)
06/13/2017	<u>40</u>	AMICUS BRIEF by COUNTY OF SANTA CLARA, CALIFORNIA. (zrdj) (Entered: 06/13/2017)
06/14/2017	<u>41</u>	NOTICE of Appearance by C. Frederick Beckner, III on behalf of AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS, AMERICAN PETROLEUM INSTITUTE, ASSOCIATION OF AMERICAN RAILROADS, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF MANUFACTURERS, NATIONAL FEDERATION OF INDEPENDENT BUSINESS (Beckner, C.) (Entered: 06/14/2017)
06/15/2017	<u>42</u>	ERRATA by AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS, AMERICAN PETROLEUM INSTITUTE, ASSOCIATION OF AMERICAN RAILROADS, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF MANUFACTURERS, NATIONAL FEDERATION OF INDEPENDENT BUSINESS <u>39</u> Amicus Brief, filed by CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL FEDERATION OF INDEPENDENT BUSINESS, AMERICAN PETROLEUM INSTITUTE, NATIONAL ASSOCIATION OF MANUFACTURERS, ASSOCIATION OF AMERICAN RAILROADS, AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS. (Morris, Ryan) (Entered: 06/15/2017)
06/21/2017		MINUTE ORDER: The parties are hereby ORDERED to appear for oral argument on Defendants' motion to dismiss <u>15</u> and Plaintiffs' motion for summary judgment <u>16</u> on

		August 10, 2017, at 10:00 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 6/21/2017. (lcrdm1,) (Entered: 06/21/2017)
06/22/2017		Set/Reset Hearings: A Motion Hearing is set for 8/10/2017, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 06/22/2017)
06/23/2017	<u>43</u>	Consent MOTION for Leave to File Excess Pages by GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN (Attachments: # <u>1</u> Text of Proposed Order)(Bensing, Daniel) (Entered: 06/23/2017)
06/23/2017		MINUTE ORDER: Upon consideration of the Consent Motion for Leave to Exceed Page Limits <u>43</u> , the motion is hereby GRANTED. Defendants' opposition to Plaintiffs' motion for summary judgment is not to exceed fifty (50) pages, and Plaintiffs' reply brief in support of their motion for summary judgment is not to exceed thirty (30) pages. Signed by Judge Randolph D. Moss on 6/23/2017. (lcrdm1,) (Entered: 06/23/2017)
06/26/2017		MINUTE ORDER: Under this Court's Standing Order, "[a]ll electronically filed documents" are to "be submitted in text-searchable PDF files." Dkt. <u>5</u> at 2. On or before June 28, 2017, the Union of Concerned Scientists and the Chamber of Commerce, et al., are hereby ORDERED to resubmit their amicus briefs (<u>31</u> and <u>39</u>) to conform to this requirement. Signed by Judge Randolph D. Moss on 6/26/2017. (lcrdm1,) (Entered: 06/26/2017)
06/26/2017		Set/Reset Deadlines: Union of Concerned Scientists and the Chamber of Commerce, et al., resubmission of amicus briefs due by 6/28/2017. (kt) (Entered: 06/26/2017)
06/26/2017	<u>44</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>Amicus Brief</i> filed by UNION OF CONCERNED SCIENTISTS. (Brillembourg, Clara) (Entered: 06/26/2017)
06/26/2017	<u>45</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>Amicus Brief</i> filed by AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS, AMERICAN PETROLEUM INSTITUTE, ASSOCIATION OF AMERICAN RAILROADS, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF MANUFACTURERS, NATIONAL FEDERATION OF INDEPENDENT BUSINESS. (Morris, Ryan) (Entered: 06/26/2017)
06/26/2017	<u>46</u>	RESPONSE re <u>16</u> MOTION for Summary Judgment filed by GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Text of Proposed Order)(Drezner, Michael) (Entered: 06/26/2017)
06/26/2017	<u>47</u>	Memorandum in opposition to re <u>9</u> MOTION to Dismiss filed by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Allison Zieve, # <u>3</u> Declaration Michale Heim binder)(Zieve, Allison) (Entered: 06/26/2017)
06/30/2017	<u>48</u>	TRANSCRIPT OF PROCEEDINGS before Judge Randolph D. Moss held on May 23, 2017; Page Numbers: 1 – 28. Date of Issuance: June 30, 2017. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u> For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal

		<p>identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/21/2017. Redacted Transcript Deadline set for 7/31/2017. Release of Transcript Restriction set for 9/28/2017.(Hook, Jeff) (Entered: 06/30/2017)</p>
07/19/2017	<u>49</u>	Unopposed MOTION for Leave to File Excess Pages by GRACE BOCHENEK, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 07/19/2017)
07/19/2017		MINUTE ORDER: Upon consideration of Defendants' Unopposed Motion for Leave to Exceed Page Limits <u>49</u> , the motion is hereby GRANTED. Defendants' reply brief in support of their motion to dismiss is not to exceed thirty (30) pages. Signed by Judge Randolph D. Moss on 7/19/2017. (lcrdm1,) (Entered: 07/19/2017)
07/21/2017	<u>50</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC.. (Zieve, Allison) (Entered: 07/21/2017)
07/21/2017	<u>51</u>	REPLY to opposition to motion re <u>15</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA. (Bensing, Daniel) (Entered: 07/21/2017)
08/01/2017	<u>52</u>	NOTICE of Appearance by Brett A. Shumate by GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN (Drezner, Michael) (Entered: 08/01/2017)
08/02/2017		NOTICE OF ERROR re <u>52</u> Notice (Other); emailed to Michael.L.Drezner@usdoj.gov, cc'd 38 associated attorneys --- The PDF file you docketed contained errors: 1. In future, appearing attorney must electronically file own Notice of Appearance. (znmw,) (Entered: 08/02/2017)
08/10/2017		Minute Entry for proceedings held before Judge Randolph D. Moss: Motion Hearing held on 8/10/2017 re: <u>15</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by SAMUEL D. RAUCH, III, GRACE BOCHENEK, DONALD J. TRUMP, UNITED STATES OF AMERICA, JIM KURTH, ELAINE L. CHAO, MARK SANDY, PATRICK WARREN, DAPHNE Y. JEFFERSON, JACK DANIELSON, HOWARD MCMILLAN, DOROTHY DOUGHERTY, EDWARD HUGLER, PATRICIA W. SILVEY, CATHERINE MCCABE, KEVIN HAUGRUD; and <u>16</u> MOTION for Summary Judgment filed by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, PUBLIC CITIZEN, INC., NATURAL RESOURCES DEFENSE COUNCIL, INC. Matters taken under advisement. (Court Reporter: Lisa Moreira.) (kt) (Entered: 08/10/2017)
08/15/2017	<u>53</u>	MOTION for Leave to File <i>Supplemental Memorandum</i> by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC. (Attachments: # <u>1</u> Exhibit Supplemental memorandum, # <u>2</u> Text of Proposed Order)(Zieve, Allison) (Entered: 08/15/2017)
08/17/2017	<u>54</u>	RESPONSE re <u>53</u> MOTION for Leave to File <i>Supplemental Memorandum</i> filed by ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES

		OF AMERICA, PATRICK WARREN. (Drezner, Michael) (Entered: 08/17/2017)
08/21/2017		MINUTE ORDER: Plaintiffs seek leave to file a supplemental memorandum addressing a precedent raised for the first time by Defendants at oral argument. See Dkt. <u>53</u> . The U.S. Department of Justice, in turn, does not dispute that counsel raised the precedent for the first time at oral argument, but, surprisingly, nonetheless opposes Plaintiffs' request for an opportunity to address that late-raised authority. See Dkt. <u>54</u> . In order to ensure that the parties' respective arguments are fully aired, the Court hereby GRANTS Plaintiffs' motion for leave to file a supplemental memorandum and GRANTS Defendants' request for leave to file a response of similar length on or before August 31, 2017. Plaintiffs' Supplemental Memorandum, Dkt. 53-1, is deemed FILED. Signed by Judge Randolph D. Moss on 8/21/2017. (lcrdm1,) (Entered: 08/21/2017)
08/21/2017		Set/Reset Deadlines: Defendant's Response due by 8/31/2017. (kt) (Entered: 08/21/2017)
08/21/2017	<u>55</u>	SUPPLEMENTAL MEMORANDUM to re <u>16</u> MOTION for Summary Judgment filed by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC.. (znmw) (Entered: 08/22/2017)
08/23/2017	<u>56</u>	<p>TRANSCRIPT OF MOTION HEARING before Judge Randolph D. Moss held on August 10, 2017; Page Numbers: 1-98. Date of Issuance: August 23, 2017. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number 202-354-3187, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/13/2017. Redacted Transcript Deadline set for 9/23/2017. Release of Transcript Restriction set for 11/21/2017.(Moreira, Lisa) (Entered: 08/23/2017)</p>
08/24/2017	<u>57</u>	NOTICE of Appearance by Thomas M Johnson on behalf of STATE OF WEST VIRGINIA (Johnson, Thomas) (Entered: 08/24/2017)
08/24/2017	<u>58</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to STATE OF WEST VIRGINIA. Attorney Elbert Lin terminated. (Lin, Elbert) (Entered: 08/24/2017)
08/31/2017	<u>59</u>	RESPONSE re <u>55</u> Supplemental Memorandum filed by GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN. (Drezner, Michael) Modified to add link on 9/1/2017 (znmw). (Entered: 08/31/2017)
10/27/2017	<u>60</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to STATE OF WEST VIRGINIA. Thomas M. Johnson terminated. (Peterson, Erica) Modified event title on 10/30/2017 (znmw). (Entered: 10/27/2017)
10/27/2017		MINUTE ORDER: Upon consideration of Thomas Johnson, Jr.'s motion to withdraw as counsel for the State of West Virginia <u>60</u> , the motion is hereby GRANTED. Thomas Johnson, Jr. may withdraw as counsel in this action. Signed by Judge Randolph D. Moss on 10/27/2017. (lcrdm2,) (Entered: 10/27/2017)

12/22/2017	<u>61</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC. (Zieve, Allison) (Entered: 12/22/2017)
01/04/2018	<u>62</u>	RESPONSE re <u>61</u> to <i>Plaintiffs' Notice of Supplemental Authority</i> filed by GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN. (Drezner, Michael) Modified to add link on 1/5/2018 (znmw). (Entered: 01/04/2018)
02/26/2018	<u>63</u>	MEMORANDUM OPINION AND ORDER: Defendants' motion to dismiss, Dkt. <u>15</u> , is hereby GRANTED for lack of jurisdiction, and Plaintiffs' motion for summary judgment, Dkt. <u>16</u> , is hereby DENIED. It is hereby ORDERED that the parties shall appear before the Court on March 1, 2018, at 10:30 a.m. in Courtroom 19 to address appropriate next steps, including whether the Court should enter final judgment. See document for details. Signed by Judge Randolph D. Moss on 2/26/2018. (lcrdm2,) (Entered: 02/26/2018)
02/26/2018		Set/Reset Hearings: Status Conference set for 3/1/2018, at 10:30 AM, in Courtroom 19, before Judge Randolph D. Moss. (kt) (Entered: 02/26/2018)
03/01/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 3/1/2018. Defendant shall file any Motion for Leave to File an Amended Complaint in 30 days. (Court Reporter: Elizabeth SaintLoth.) (kt) (Entered: 03/01/2018)
03/01/2018		MINUTE ORDER: In light of the parties' representations at the status conference held on March 1, 2018, it is hereby ORDERED that Plaintiffs shall file a motion for leave to amend their complaint on or before April 2, 2018; Defendants shall file an opposition on or before April 23, 2018; and Plaintiffs shall file a reply on or before May 2, 2018. Signed by Judge Randolph D. Moss on 3/1/2018. (lcrdm2,) (Entered: 03/01/2018)
03/01/2018		Set/Reset Deadlines: Plaintiffs' motion for leave to amend complaint due on or before 4/2/2018; Defendants' opposition due on or before 4/23/2018; Plaintiffs' reply due on or before 5/2/2018. (kt) (Entered: 03/01/2018)
04/02/2018	<u>64</u>	MOTION for Leave to File <i>Second Amended Complaint</i> by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC. (Attachments: # <u>1</u> Exhibit Proposed Second Amended Complaint, # <u>2</u> Exhibit Proposed Second Amended Complaint (redlined), # <u>3</u> Text of Proposed Order, # <u>4</u> Declaration of Amy Allina, # <u>5</u> Declaration of Karen Bain, # <u>6</u> Declaration of Barbara Blau, # <u>7</u> Declaration of R.J. Mastic, # <u>8</u> Declaration of Joanna Mauer, # <u>9</u> Declaration of Eduardo Pontoriero, # <u>10</u> Declaration of Jose Rivero, # <u>11</u> Declaration (Second) of Denise Abbott, # <u>12</u> Declaration (Second) of Robert Weissman, # <u>13</u> Declaration of Mae Wu)(Zieve, Allison) (Entered: 04/02/2018)
04/20/2018	<u>65</u>	NOTICE of Non- <i>Opposition to Motion to file Second Amended Complaint</i> by ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN (Bensing, Daniel) (Entered: 04/20/2018)
04/20/2018	<u>66</u>	Joint MOTION for Briefing Schedule by GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN (Attachments: # <u>1</u> Text of Proposed Order)(Bensing, Daniel) (Entered: 04/20/2018)
04/20/2018		MINUTE ORDER: In light of Defendants' notice of non-opposition <u>65</u> , Plaintiffs' motion for leave to file a second amended complaint <u>64</u> is hereby GRANTED and that amended complaint is deemed filed. In addition, the parties' joint motion to set briefing

		schedule <u>66</u> is hereby GRANTED. It is ORDERED that the following schedule shall govern future proceedings in this matter: Defendants shall file a motion to dismiss on or before May 14, 2018; Plaintiffs shall file a combined opposition and cross-motion for summary judgment on or before June 4, 2018; Defendants shall file a combined reply and opposition on or before June 25, 2018; and Plaintiffs shall file a reply on or before July 16, 2018. On or before April 27, 2018, Defendants may file a motion to stay briefing on Plaintiffs' motion for summary judgment pending resolution of Defendants' motion to dismiss. Signed by Judge Randolph D. Moss on 4/20/2018. (lcrdm2,) (Entered: 04/20/2018)
04/20/2018	<u>67</u>	Second AMENDED COMPLAINT against MICK MULVANEY, RICK PERRY, HEIDI KING, LOREN SWEATT, R. ALEXANDER ACOSTA, RYAN ZINKE, RAYMOND MARTINEZ, SCOTT PRUITT, HOWARD ELLIOTT, CHRIS OLIVER, DAVID ZATEZALO, RONALD BATORY filed by NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC., COMMUNICATION WORKERS OF AMERICA, AFL-CIO.(td) (Entered: 04/23/2018)
04/23/2018		Set/Reset Deadlines: Defendants' motion to dismiss due on or before 5/14/2018; Plaintiffs' combined opposition and cross-motion for summary judgment due on or before 6/4/2018; Defendants' combined reply and opposition due on or before 6/25/2018; Plaintiffs' reply due on or before 7/16/2018; On or before 4/27/2018, Defendants may file a motion to stay briefing on Plaintiffs' motion for summary judgment pending resolution of Defendants' motion to dismiss. (kt) (Entered: 04/23/2018)
04/27/2018	<u>68</u>	MOTION to Stay <i>Staying Summary Judgment Briefing</i> by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Bensing, Daniel) Modified event title on 4/30/2018 (znmw). (Entered: 04/27/2018)
04/27/2018		MINUTE ORDER: It is hereby ORDERED that Plaintiffs shall respond to Defendants' motion for stay <u>68</u> on or before May 4, 2018. Signed by Judge Randolph D. Moss on 4/27/2018. (lcrdm2,) (Entered: 04/27/2018)
04/27/2018		Set/Reset Deadlines: Plaintiffs' Response to <u>68</u> due by 5/4/2018. (dot) (Entered: 04/30/2018)
05/01/2018	<u>69</u>	Memorandum in opposition to re <u>68</u> MOTION to Stay <i>Briefing on Summary Judgment</i> filed by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Zieve, Allison) (Entered: 05/01/2018)
05/01/2018		MINUTE ORDER: Defendants' motion to stay proceedings on summary judgment <u>68</u> is hereby GRANTED in part and DENIED in part. It is hereby ORDERED that pending further order of the Court, briefing shall be limited to questions going to the Court's jurisdiction. Signed by Judge Randolph D. Moss on 5/1/2018. (lcrdm2,) (Entered: 05/01/2018)
05/14/2018	<u>70</u>	MOTION to Dismiss <i>Second Amended Complaint</i> by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Drezner, Michael) (Entered: 05/14/2018)

06/04/2018	<u>71</u>	MOTION for Summary Judgment (<i>Partial</i>) by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Zieve, Allison) Modified on 6/8/2018 (ztd). (Entered: 06/04/2018)
06/04/2018	<u>72</u>	Memorandum in opposition to re <u>70</u> MOTION to Dismiss <i>Second Amended Complaint</i> filed by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Zieve, Allison) (Entered: 06/04/2018)
06/04/2018	<u>73</u>	MOTION to Intervene <i>as Plaintiffs</i> by STATE OF CALIFORNIA ATTORNEY GENERAL, STATE OF OREGON (Attachments: # <u>1</u> (Proposed) Order)(Hey, Megan) (Entered: 06/04/2018)
06/08/2018	<u>74</u>	Joint MOTION for Extension of Time to <i>File Opposition to Motion to Intervene</i> by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 06/08/2018)
06/12/2018		MINUTE ORDER: Defendants' and proposed intervenors' joint motion for extension of time <u>74</u> is hereby GRANTED. Defendants shall file a response to the pending motion to intervene <u>73</u> on or before July 9, 2018; the proposed intervenors shall file a reply on or before July 19, 2018. Signed by Judge Randolph D. Moss on 6/12/2018. (lcrdm2,) (Entered: 06/12/2018)
06/12/2018		Set/Reset Deadlines: Defendants shall file a response to the pending motion to intervene <u>73</u> on or before 7/9/2018; The proposed intervenors shall file a reply on or before 7/19/2018. (kt) (Entered: 06/12/2018)
06/25/2018	<u>75</u>	RESPONSE re <u>71</u> MOTION for Partial Summary Judgment filed by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE. (Attachments: # <u>1</u> Exhibit 1- Response to Statement of Facts, # <u>2</u> Exhibit 2- Declaration of Daniel Bensing)(Drezner, Michael) (Entered: 06/25/2018)
06/25/2018	<u>76</u>	REPLY to opposition to motion re <u>70</u> MOTION to Dismiss <i>Second Amended Complaint</i> filed by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE. (Attachments: # <u>1</u> Exhibit 1- Response to Statement of Facts, # <u>2</u> Exhibit 2- Declaration of Daniel Bensing)(Drezner, Michael) (Entered: 06/25/2018)
07/09/2018	<u>77</u>	RESPONSE re <u>73</u> MOTION to Intervene <i>as Plaintiffs</i> filed by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN,

		DAVID ZATEZALO, RYAN ZINKE. (Bensing, Daniel) (Entered: 07/09/2018)
07/16/2018	<u>78</u>	REPLY to opposition to motion re <u>71</u> MOTION for Partial Summary Judgment filed by COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC.. (Zieve, Allison) (Entered: 07/16/2018)
07/19/2018	<u>79</u>	REPLY to opposition to motion re <u>73</u> MOTION to Intervene <i>as Plaintiffs</i> filed by STATE OF CALIFORNIA. (Attachments: # <u>1</u> Text of Proposed Order)(Hey, Megan) (Additional attachment(s) added on 7/20/2018: # <u>2</u> Declaration of Rupa Basu, # <u>3</u> Declaration of Phillip Mote) (jf). (Entered: 07/20/2018)
07/19/2018	<u>80</u>	ENTERED IN ERROR.....REPLY in support re <u>73</u> MOTION to Intervene <i>as Plaintiffs</i> filed by STATE OF CALIFORNIA. (Attachments: # <u>1</u> Declaration of Phillip Mote, # <u>2</u> Declaration of Rupa Basu)(jf) Modified on 7/20/2018 (jf). (Entered: 07/20/2018)
07/20/2018		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>80</u> Reply to Document was entered in error as a duplicate to entry <u>79</u> (jf) (Entered: 07/20/2018)
07/20/2018	<u>81</u>	MOTION to Take Judicial Notice <i>in Support of Reply</i> by STATE OF CALIFORNIA (Attachments: # <u>1</u> Errata RJN, # <u>2</u> Exhibit Exhs. A-G to RJN)(Rumsey, Elizabeth) (Entered: 07/20/2018)
07/20/2018	<u>82</u>	ERRATA <i>Corrected Reply in Support of Motion</i> by STATE OF CALIFORNIA <u>73</u> MOTION to Intervene <i>as Plaintiffs</i> filed by STATE OF CALIFORNIA, STATE OF OREGON. (Attachments: # <u>1</u> Errata Corrected Reply Redline)(Rumsey, Elizabeth) (Entered: 07/20/2018)
09/28/2018	<u>83</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNION OF CONCERNED SCIENTISTS. Attorney Cicely O. Parseghian terminated. (Parseghian, Cicely) (Entered: 09/28/2018)
11/29/2018	<u>84</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COMMUNICATION WORKERS OF AMERICA, AFL-CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC.. Attorney Sean M. Sherman terminated. (Sherman, Sean) (Entered: 11/29/2018)
02/08/2019	<u>85</u>	MEMORANDUM OPINION AND ORDER: For the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that Defendants' motion to dismiss, Dkt. 70, is DENIED, and Plaintiffs' motion for partial summary judgment, Dkt. 71, is also DENIED. It is further ORDERED that the motion to take judicial notice, Dkt. 81, is GRANTED, and the motion for intervention, Dkt. 73, is DENIED without prejudice. See document for details. Signed by Judge Randolph D. Moss on 2/8/2019. (lcrdm2,) (Entered: 02/08/2019)
02/10/2019		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a status conference on February 20, 2019 at 10:15 a.m. in Courtroom 21. The parties shall be prepared to discuss next steps and a schedule for resolving the issues left open by the Court's memorandum opinion, Dkt. <u>85</u> . Signed by Judge Randolph D. Moss on 2/10/2019. (lcrdm2,) (Entered: 02/10/2019)
02/11/2019		Set/Reset Hearings: Status Conference set for 2/20/2019, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 02/11/2019)
02/19/2019		MINUTE ORDER: It is hereby ORDERED that the status conference scheduled for February 20, 2019 is VACATED and RESCHEDULED for 10:00 a.m. February 21, 2019 in Courtroom 21. Signed by Judge Randolph D. Moss on 2/19/2019. (lcrdm2,) (Entered: 02/19/2019)
02/19/2019		Set/Reset Hearings: The Status Conference set for 2/20/2019 is VACATED and RESCHEDULED for 2/21/2019, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 02/19/2019)
02/21/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 2/21/2019. Defendants' Answer to the Second Amended Complaint due by 3/15/2019. Defendants' oral motion to dismiss the following parties to the case: Jim Kurth – Acting Director of the U.S. Fish and Wildlife Service; Ryan Zinke – Secretary of the Interior, U.S. Department of the Interior; and Chris Oliver – Assistant

		Administrator for Fisheries, National Marine Fisheries Services; HEARD and TAKEN UNDER ADVISEMENT, for the reasons stated on the record. (Court Reporter: Jeff Hook.) (kt) (Entered: 02/21/2019)
02/25/2019	<u>86</u>	<p>TRANSCRIPT OF STATUS CONFERENCE HEARING before Judge Randolph D. Moss held on February 21, 2019. Page Numbers: 1 – 43. Date of Issuance: February 25, 2019. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 3/18/2019. Redacted Transcript Deadline set for 3/28/2019. Release of Transcript Restriction set for 5/26/2019.(Hook, Jeff) (Entered: 02/25/2019)</p>
02/26/2019		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a Telephone Conference on February 27, 2019, at 11:30 a.m. before Judge Randolph D. Moss. The Deputy Clerk will provide the relevant call–in information to the parties. Signed by Judge Randolph D. Moss on 2/26/2019. (lcrdm2,) Modified on 2/26/2019 to change "Notice of Hearing" to "Minute Order" (kt). (Entered: 02/26/2019)
02/26/2019		Set/Reset Hearings: Telephone Conference set for 2/27/2019, at 11:30 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 02/26/2019)
02/27/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephone Conference held on 2/27/2019. Plaintiff shall serve on Defendant proposed interrogatories and request for admissions, on or before 3/8/2019. The parties shall then meet and confer. A Status Conference is set for 3/25/2019, at 2:15 PM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.)(kt) (Entered: 02/27/2019)
03/12/2019	<u>87</u>	Consent MOTION for Extension of Time to File Answer by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE (Attachments: # <u>1</u> Text of Proposed Order)(Bensing, Daniel) (Entered: 03/12/2019)
03/13/2019		MINUTE ORDER: Upon consideration of the Consent Motion for an Extension of time, Dkt. 87, it is hereby ORDERED that the motion is GRANTED. Defendants shall file an answer to the Second Amended Complaint on or before March 22, 2019. Signed by Judge Randolph D. Moss on 3/13/2019. (lcrdm2,) (Entered: 03/13/2019)
03/14/2019		Set/Reset Deadlines: Defendants shall file an answer to the Second Amended Complaint on or before 3/22/2019. (kt) (Entered: 03/14/2019)
03/22/2019	<u>88</u>	ANSWER to <u>67</u> Amended Complaint, by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN,

		DAVID ZATEZALO, RYAN ZINKE.(Bensing, Daniel) (Entered: 03/22/2019)
03/22/2019	<u>89</u>	NOTICE <i>Joint Report to the Court on Jurisdictional Discovery</i> by R. ALEXANDER ACOSTA, RONALD BATORY, ELAINE L. CHAO, HOWARD ELLIOTT, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, DAVID ZATEZALO, RYAN ZINKE (Attachments: # <u>1</u> Exhibit)(Bensing, Daniel) (Entered: 03/22/2019)
03/25/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 3/25/2019. Plaintiffs shall serve on Defendant interrogatories and request for admissions in two weeks; Defendants' response due thirty days thereafter. A further Status Conference is set for 5/13/2019, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 03/25/2019)
03/26/2019	<u>90</u>	<p>TRANSCRIPT OF STATUS CONFERENCE HEARING before Judge Randolph D. Moss held on March 25, 2019. Page Numbers: 1 – 54. Date of Issuance: March 26, 2019. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 4/16/2019. Redacted Transcript Deadline set for 4/26/2019. Release of Transcript Restriction set for 6/24/2019.(Hook, Jeff) (Entered: 03/26/2019)</p>
04/11/2019	<u>91</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to R. ALEXANDER ACOSTA, RONALD BATORY, ELAINE L. CHAO, HOWARD ELLIOTT, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, RYAN ZINKE. Attorney Brett A. Shumate terminated. (Shumate, Brett) (Entered: 04/11/2019)
05/10/2019	<u>92</u>	Joint MOTION to Continue <i>Postpone Status Hearing</i> by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE (Attachments: # <u>1</u> Text of Proposed Order)(Bensing, Daniel) Modified event on 5/14/2019 (znmw). (Entered: 05/10/2019)
05/10/2019		MINUTE ORDER: Upon consideration of the joint motion to postpone, Dkt. 92, it is hereby ORDERED that the motion is GRANTED. The status conference scheduled for May 13, 2019 is hereby VACATED and RESCHEDULED for 3:00 p.m. on May 17, 2019 in Courtroom 21. Signed by Judge Randolph D. Moss on 5/10/2019. (lcrdm2,) (Entered: 05/10/2019)
05/13/2019		Set/Reset Hearings: The Status Conference set for 5/13/2019 is VACATED and RESCHEDULED for 5/17/2019, at 3:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 05/13/2019)
05/17/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 5/17/2019. For the reasons stated on the record, supplemental responses, as to discovery, are due on or before 5/31/2019; Plaintiffs' motion for summary judgment is

		due on or before 6/17/2019; Defendants' opposition and cross motion are due on or before 7/15/2019; Plaintiffs' reply and opposition to the cross motion are due 8/6/2019; Defendants' reply to the cross motion is due by 8/27/2019. The parties shall confer as to consolidation with case no. 19cv960, and also propose, if necessary, any modification to the briefing schedule. (Court Reporter: Jeff Hook.) (kt) (Entered: 05/17/2019)
05/23/2019	<u>93</u>	<p>TRANSCRIPT OF STATUS CONFERENCE HEARING before Judge Randolph D. Moss held on May 17, 2019. Page Numbers: 1 – 62. Date of Issuance: May 23, 2019. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter re ferenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 6/13/2019. Redacted Transcript Deadline set for 6/23/2019. Release of Transcript Restriction set for 8/21/2019.(Hook, Jeff) (Entered: 05/23/2019)</p>
05/31/2019	<u>94</u>	Consent MOTION for Extension of Time to Complete Discovery by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO (Bensing, Daniel) (Entered: 05/31/2019)
06/03/2019		MINUTE ORDER: Upon consideration of the consent motion for extension of time to complete discovery, Dkt. 94, it is hereby ORDERED that the motion is GRANTED. Defendant shall provide supplemental responses to discovery on or before June 3, 2019. Signed by Judge Randolph D. Moss on 6/3/2019. (lcrdm2,) (Entered: 06/03/2019)
06/03/2019		Set/Reset Deadlines: Supplemental Responses due by 6/3/2019. (kt) (Entered: 06/03/2019)
06/17/2019	<u>95</u>	MOTION for Partial Summary Judgment by COMMUNICATION WORKERS OF AMERICA, AFL–CIO, NATURAL RESOURCES DEFENSE COUNCIL, INC., PUBLIC CITIZEN, INC. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Allison Zieve, # <u>3</u> Text of Proposed Order)(Zieve, Allison) (Entered: 06/17/2019)
07/15/2019	<u>96</u>	Cross MOTION for Summary Judgment by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L. CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Response to Plaintiffs' Statement of Facts, # <u>3</u> Declaration of Michael Drezner, # <u>4</u> Declaration of Deborah Aiken, # <u>5</u> Text of Proposed Order)(Drezner, Michael) (Entered: 07/15/2019)
07/15/2019	<u>97</u>	RESPONSE re <u>95</u> MOTION for Partial Summary Judgment filed by R. ALEXANDER ACOSTA, RONALD BATORY, GRACE BOCHENEK, ELAINE L.

		CHAO, JACK DANIELSON, DOROTHY DOUGHERTY, HOWARD ELLIOTT, KEVIN HAUGRUD, EDWARD HUGLER, DAPHNE Y. JEFFERSON, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, CATHERINE MCCABE, HOWARD MCMILLAN, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, SAMUEL D. RAUCH, III, MARK SANDY, PATRICIA W. SILVEY, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, PATRICK WARREN, DAVID ZATEZALO, RYAN ZINKE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Response to Plaintiffs' Statement of Facts, # <u>3</u> Declaration of Michael Drezner, # <u>4</u> Declaration of Deborah Aiken, # <u>5</u> Text of Proposed Order)(Drezner, Michael) (Entered: 07/15/2019)
08/02/2019	<u>98</u>	NOTICE of Appearance by Christopher M. Lynch on behalf of All Defendants (Lynch, Christopher) (Entered: 08/02/2019)
08/06/2019	<u>99</u>	Memorandum in opposition to re <u>96</u> Cross MOTION for Summary Judgment filed by NATURAL RESOURCES DEFENSE COUNCIL, INC.. (Attachments: # <u>1</u> Statement of Facts Response to Defeendants Statement of Material facts, # <u>2</u> Text of Proposed Order)(Zieve, Allison) (Entered: 08/06/2019)
08/06/2019	<u>100</u>	REPLY to opposition to motion re <u>95</u> MOTION for Partial Summary Judgment filed by PUBLIC CITIZEN, INC.. (Attachments: # <u>1</u> Statement of Facts Response to defendants Statement of Material Facts)(Zieve, Allison) (Entered: 08/06/2019)
08/27/2019	<u>101</u>	REPLY to opposition to motion re <u>96</u> Cross MOTION for Summary Judgment <i>on Standing</i> filed by R. ALEXANDER ACOSTA, RONALD BATORY, ELAINE L. CHAO, HOWARD ELLIOTT, HEIDI KING, JIM KURTH, RAYMOND MARTINEZ, MICK MULVANEY, CHRIS OLIVER, RICK PERRY, SCOTT PRUITT, LOREN SWEATT, DONALD J. TRUMP, UNITED STATES OF AMERICA, DAVID ZATEZALO, RYAN ZINKE. (Lynch, Christopher) (Entered: 08/27/2019)
12/20/2019	<u>102</u>	MEMORANDUM OPINION: denying Plaintiffs' Motion for Partial Summary Judgment, Dkt. 95 and granting Defendants' Motion for Summary Judgment, Dkt. 96. See document for details. A separate order will issue. Signed by Judge Randolph D. Moss on 12/20/19. (lcrdm1) Modified on 12/20/2019 to edit entry to reflect "Memorandum Opinion"(kt). (Entered: 12/20/2019)
12/20/2019	<u>103</u>	ORDER: For the reasons stated in the accompanying Memorandum Opinion, Dkt. 102, it is hereby ORDERED that Plaintiffs' motion for partial summary judgment, Dkt. <u>95</u> , is DENIED; and Defendants' motion for summary judgment, Dkt. <u>96</u> , is GRANTED. It is further ORDERED this case is DISMISSED. See document for details. The Clerk of Court is directed to terminate the case. Signed by Judge Randolph D. Moss on 12/20/19. (lcrdm1) (Entered: 12/20/2019)