

**U.S. District Court
District of New Mexico – Version 6.0 (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:11-cv-00946-JB-LAM**

Los Alamos Study Group v. United States Department of Energy et al
Assigned to: District Judge James O. Browning
Referred to: Magistrate Judge Lourdes A. Martinez
Cause: 33:1365 Environmental Matters
Date Filed: 10/21/2011
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Plaintiff

Los Alamos Study Group

represented by **Thomas M. Hnasko**
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V.

Defendant

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Defendant

Steven Chu
The Honorable, Secretary, Department of Energy

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Andrew A Smith
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Defendant

National Nuclear Security Administration

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Defendant

Thomas Paul D'Agostino
The Honorable, Administrator

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Date Filed	#	Docket Text
04/04/2014	<u>35</u>	STIPULATION of Dismissal by Los Alamos Study Group (Hnasko, Thomas) (Entered: 04/04/2014)
12/13/2013	34	PLEASE TAKE NOTICE that this case has been reassigned to Magistrate Judge Lourdes A. Martinez as the pretrial judge. Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges. <i>Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document.</i> Kindly reflect this change in your filings. Magistrate Judge Lorenzo F. Garcia no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (id) (Entered: 12/13/2013)
10/03/2013	33	MINUTE ORDER, pursuant to the direction of District Judge James O. Browning, alerting the parties that the Guide to Judiciary Policy, Volume 13: Finance and Budget, Chapter 2: Budget, describe Court Operations Under a Lapse in Appropriation. Section 220.30.15 describes Article III Judges and Their Staffs, and states: "Apart from pre-existing criteria such as the Speedy Trial Act, no distinctions or priorities should be drawn between criminal and civil cases." Accordingly, the Temporary Administrative Order Relating to Civil Cases Involving the United States, filed October 1, 2013, No. MC 13-40-02 may not be appropriate in all cases, including this one. The Court will not, however, vacate the order in this case at this time, or, on its own lift the stay or continue the case on the scheduling track in place before the entry of the Administrative Order. The Court desires, however, to also be fair to the non-United States parties. Some cases,

		including this one, may deserve a stay, and some may not, particularly so early in the phase-down. The Court will allow a more nuanced, individualized response in its cases if the non-United States party prefers one. If the non-United States party does not agree a stay is appropriate in the case, the non-United States party simply needs to send the Court a letter asking the stay to be lifted and the stay will be lifted. If the United States then still wants or needs a stay in this particular case, it will need to move in this case for one. The Court will, however, be sympathetic to requests for continuances and other motions necessitated by phase-down activities in the executive branch, and appreciates that the Acting United States Attorney may need to instruct his staff to limit appearances to those cases essential to the protection of life or property. THIS IS A TEXT ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.(kw) (Entered: 10/03/2013)
05/29/2013	32	PLEASE TAKE NOTICE that this case has been reassigned to District Judge James O. Browning as the trial judge. Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges. Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document. Kindly reflect this change in your filings. District Judge John E. Conway no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (stw) (Entered: 05/29/2013)
03/29/2013	<u>31</u>	ORDER by District Judge Judith C. Herrera for Senior District Judge John E. Conway DENYING <u>26</u> Plaintiff's Motion to Supplement the Administrative Record.. (jrm) (Entered: 03/29/2013)
03/22/2013	30	PLEASE TAKE NOTICE that this case has been reassigned to Magistrate Judge Lorenzo F. Garcia as the pretrial judge. Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges. Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document. Kindly reflect this change in your filings. Magistrate Judge W. Daniel Schneider no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (ln) (Entered: 03/22/2013)
08/28/2012	<u>29</u>	APPENDIX/SUPPLEMENT re <u>26</u> MOTION for Supplement of the Administrative Record by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy (Attachments: # <u>1</u> Exhibit A -- Tenth Circuit August 27, 2012 Opinion)(Smith, Andrew) (Entered: 08/28/2012)
08/16/2012	<u>28</u>	REPLY to Response to Motion re <u>26</u> MOTION for Supplement of the Administrative Record filed by Los Alamos Study Group. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Hanuschak, Dulcinea) (Entered: 08/16/2012)
07/30/2012	<u>27</u>	RESPONSE in Opposition re <u>26</u> MOTION for Supplement of the Administrative Record filed by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy. (Tustin, John) (Entered: 07/30/2012)
07/13/2012	<u>26</u>	MOTION for Supplement of the Administrative Record by Los Alamos Study Group. (Attachments: # <u>1</u> Exhibit 1)(Hnasko, Thomas) (Entered: 07/13/2012)
06/22/2012	<u>25</u>	NOTICE by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy of Lodging Administrative Record (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Tustin, John) (Entered: 06/22/2012)

02/06/2012	<u>24</u>	NOTICE by Los Alamos Study Group of <i>Unavailability from 3/12/2012 through 3/16/2012; 4/18/2012 through 4/20/2012 and 5/14/2012 through 5/18/2012</i> (Hnasko, Thomas) Modified on 2/7/2012 to add dates (bap). (Entered: 02/06/2012)
01/31/2012	<u>23</u>	ORDER by Magistrate Judge W. Daniel Schneider granting <u>20</u> Motion to Vacate. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (mm) (Entered: 01/31/2012)
01/30/2012	<u>22</u>	ORDER by Senior District Judge John E. Conway Denying <u>14</u> Motion for Request for a Pretrial Scheduling Conference (bap) (Entered: 01/30/2012)
01/23/2012	<u>21</u>	REPLY to Response to Motion re <u>14</u> MOTION and Request for a Conference of the Parties Under Rule 26(F) and for the Issuance of a Scheduling Order Under Rule 16 filed by Los Alamos Study Group. (Hnasko, Thomas) (Entered: 01/23/2012)
01/13/2012	<u>20</u>	MOTION to Vacate or Amend <u>18</u> Initial Scheduling Order, by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Tustin, John) Modified on 1/13/2012 to correct spelling of Exhibit G as per email from Attorney John Tustin(jan). Modified event on 1/17/2012 (bap). (Entered: 01/13/2012)
01/10/2012	<u>18</u>	INITIAL SCHEDULING ORDER: by Magistrate Judge W. Daniel Schneider Joint Status Report due by 2/7/2012. Scheduling Conference set for 2/14/2012 at 01:50 PM in Albuquerque – 720 Judge W. Daniel Schneider Chambers before Magistrate Judge W. Daniel Schneider. (mm) (Entered: 01/10/2012)
01/09/2012	<u>17</u>	ANSWER to <u>1</u> Complaint, by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy. Related document: <u>1</u> Complaint,. (Tustin, John) (Entered: 01/09/2012)
01/06/2012	<u>16</u>	RESPONSE in Opposition re <u>14</u> MOTION and Request for a Conference of the Parties Under Rule 26(F) and for the Issuance of a Scheduling Order Under Rule 16 filed by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy. (Tustin, John) (Entered: 01/06/2012)
12/28/2011	<u>15</u>	ORDER by Magistrate Judge W. Daniel Schneider granting <u>13</u> Motion for Extension of Time to Answer All Defendants. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (mm) (Entered: 12/28/2011)
12/23/2011	<u>14</u>	MOTION and Request for a Conference of the Parties Under Rule 26(F) and for the Issuance of a Scheduling Order Under Rule 16 by Los Alamos Study Group. (Hnasko, Thomas) (Entered: 12/23/2011)
12/20/2011	<u>13</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy. (Tustin, John) (Entered: 12/20/2011)
12/05/2011	<u>19</u>	NOTICE REGARDING DOCUMENT ENTRIES: Because this case has been reassigned to a district judge, please be advised that any documents filed by the parties under Rule 73(b) have been permanently removed from the docket. Document(s) removed: Nos. 9 and 11. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (dc) (Entered: 01/10/2012)
12/02/2011	<u>12</u>	MINUTE ORDER by Matthew J. Dykman, Clerk of Court, reassigning case to District Judge John E. Conway. Magistrate Judge Robert Hayes Scott is no longer assigned to case. (jc) (Entered: 12/02/2011)
12/01/2011		Set Deadlines: Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration and United States Department of Energy answer due 1/9/2012. (jc) (Entered: 12/01/2011)

11/30/2011	<u>10</u>	SUMMONS Returned Executed by Los Alamos Study Group. All Defendants. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F)(Hnasko, Thomas) (Entered: 11/30/2011)
11/28/2011	<u>8</u>	ORDER by Magistrate Judge Robert Hayes Scott denying <u>5</u> ORDER on Motion to Transfer Case (ge) (Entered: 11/28/2011)
11/18/2011	<u>7</u>	REPLY to Response to Motion re <u>5</u> Unopposed MOTION to Transfer Case filed by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy. (Tustin, John) (Entered: 11/18/2011)
11/17/2011	<u>6</u>	RESPONSE in Opposition re <u>5</u> Unopposed MOTION to Transfer Case filed by Los Alamos Study Group. (Attachments: # <u>1</u> Exhibit)(Hanuschak, Dulcinea) (Entered: 11/17/2011)
11/10/2011	<u>5</u>	Unopposed MOTION to Transfer Case by Steven Chu, Thomas Paul D'Agostino, National Nuclear Security Administration, United States Department of Energy. (Tustin, John) (Entered: 11/10/2011)
11/10/2011	<u>4</u>	NOTICE of Appearance by John Tustin on behalf of All Defendants (Tustin, John) (Entered: 11/10/2011)
10/24/2011		Summons Issued as to United States Department of Energy, Steven Chu, The National Nuclear Security Administration, Thomas Paul D'Agostino. (ah) (Entered: 10/24/2011)
10/24/2011		Office code correction. Case office code has been changed from 6 (Santa Fe) to 1 (Albuquerque). (rw) (Entered: 10/24/2011)
10/21/2011	<u>3</u>	Filing fee: \$ 350.00, receipt number SF001613 re <u>1</u> COMPLAINT for Declaratory Judgment and Injunctive Relief Under the National Environmental Policy Act of 1969 against All Defendants (Filing Fee – Deliver Payment), filed by Los Alamos Study Group. (Attachments: # 1 Civil Cover Sheet)(Hnasko, Thomas) (gr) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 10/21/2011)
10/21/2011	<u>2</u>	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Robert Hayes Scott to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference. For e-filers, visit our Web site at www.nmcourt.fed.us for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (ah) (Entered: 10/21/2011)
10/21/2011		Magistrate Judge Robert Hayes Scott and Magistrate Judge W. Daniel Schneider assigned. (ah) (Entered: 10/21/2011)
10/21/2011	<u>1</u>	COMPLAINT for Declaratory Judgment and Injunctive Relief Under the National Environmental Policy Act of 1969 against All Defendants (Filing Fee – Deliver Payment), filed by Los Alamos Study Group. (Attachments: # <u>1</u> Civil Cover Sheet)(Hnasko, Thomas) (Entered: 10/21/2011)