

CLOSED

**U.S. District Court
District of South Dakota (Southern Division)
CIVIL DOCKET FOR CASE #: 4:96-cv-04268-LLP**

Yankton Sioux Tribe, et al v. EPA
Assigned to: U. S. District Judge Lawrence L. Piersol
Demand: \$0
Case in other court: 97-01145SDSF
Cause: 42:6901 Resource & Recovery Act

Date Filed: 09/17/1996
Date Terminated: 12/11/1996
Jury Demand: None
Nature of Suit: 893 Other Statutes:
Environmental Matters
Jurisdiction: U.S. Government Defendant

Petitioner

Yankton Sioux Tribe
*a federally recognized tribe of Indians,
and its individual members*

represented by **James G. Abourezk**
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Petitioner

Darrell E. Drapeau
*Individually, a Member of the Yankton
Sioux Tribe*

represented by **James G. Abourezk**
(See above for address)
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V.

Respondent

Environmental Protection Agency

represented by **Andrew Gordon**
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Date Filed	#	Docket Text
09/17/1996	<u>1</u>	COMPLAINT: Petition for review of final decision of the Environmental Protection Agency; 4 summons(es) issued handed to Bobbi Rasmussen (DLS) (Entered: 09/18/1996)
09/17/1996		FILING FEE PAID: on 9/17/96 in the amount of \$ 120.00, receipt # 11933. (DLS) (Entered: 09/18/1996)
09/17/1996	2	CIVIL COVER SHEET (DLS) (Entered: 09/18/1996)
09/17/1996	3	NOTICE of Petition for review of the environmental protection agency by petitioner Yankton Sioux Tribe, petitioner Darrell E. Drapeau (DLS) (Entered: 09/18/1996)
09/18/1996	4	ORDER directing that EPA to fjile and serve answer or otherwise plead within 20 days after service; upone receipt of respondent's pleading the Court will enter an Order further directing the parties; the Clerk is directed to serve a copy of order on counsel for this action and on counsel in CIV94-4217 Yankton Sioux Tribe, et al vs. Southern Missouri Recycling and Waste Management District and the State of South Dakota by

		Lawrence L. Piersol (cc:all counsel, Robin L. Zephier, Michael H. Scarmon, Kenneth W. Cotton, Roxanne Giedd, John P. Guhin, and Charles D. McGuigan) (DLS) (Entered: 09/18/1996)
09/26/1996	5	AMENDED Petition for review of final decision of the Environmental Protection Agency [1-1] by petitioner Yankton Sioux Tribe, petitioner Darrell E. Drapeau (SKM) (Entered: 09/26/1996)
10/09/1996	6	ANSWER by respondent EPA to amended petition [5-1] (DLS) (Entered: 10/10/1996)
10/11/1996	7	ORDER by Lawrence L. Piersol that respondent will provide Court 20 days after service of this Order, a certified copy of entire administrative record of the 6/26/96 decision of EPA, Region VIII; parties are not to engage in discovery without prior approval of the Court; upon receipt of administrative record, Court will enter Order directing parties as necessary; Clerk is directed to serve copy of this Order upon counsel for parties in this action and also counsel in CIV94-4217. (cc:all counsel) (LMZ) (Entered: 10/15/1996)
10/11/1996	8	UNOPPOSED APPLICATION by respondent EPA for entry of Briefing Schedule and Scheduling Conference (LMZ) (Entered: 10/15/1996)
11/05/1996	9	SUBMISSION of Certified Administrative Record by respondent U.S. Environmental Protection Agency (received one box containing two VCR tapes, and 8 volumes of administrative record) (JMM) (Entered: 11/06/1996)
11/05/1996	10	ATTORNEY APPEARANCE of Bonnie Ulrich for respondent EPA ; attorney Bonnie P. Ulrich added (JMM) (Entered: 11/06/1996)
11/06/1996	11	CERTIFICATE OF SERVICE by respondent EPA (DLS) (Entered: 11/06/1996)
11/12/1996	12	ORDER by Lawrence L. Piersol setting hearing for oral argument at 11:00 12/3/96 (cc:all counsel) (DLS) (Entered: 11/13/1996)
11/15/1996	13	ORDER by Lawrence L. Piersol setting hearing for oral argument at 11:00 12/4/96 (cc:all counsel) (SLL) (Entered: 11/18/1996)
11/19/1996	14	MOTION to extend page length in memorandum in support of motion for summary judgment by respondent EPA (DLS) (Entered: 11/20/1996)
11/19/1996	14	MEMORANDUM by respondent EPA in support of motion to extend page length in memorandum in support of motion for summary judgment [14-1] (DLS) (Entered: 11/20/1996)
11/20/1996	15	ORDER by Lawrence L. Piersol granting motion to extend page length in memorandum in support of motion for summary judgment [14-1] (cc:all counsel) (DLS) (Entered: 11/21/1996)
12/02/1996	16	BRIEF by petitioner Yankton Sioux Tribe in support of Petition for Review and in Opposition to Respondent's Motion for Summary Judgment [5-1] (LMZ) Modified on 12/02/1996 (Entered: 12/02/1996)
12/02/1996	17	MOTION for summary judgment by respondent EPA (LMZ) (Entered: 12/02/1996)
12/02/1996	18	MEMORANDUM by respondent EPA in support of motion for summary judgment [17-1] (LMZ) (Entered: 12/02/1996)
12/02/1996	19	STATEMENT OF MATERIAL FACTS as to which there is no genuine dispute by respondent EPA in support of its Motion for Summary Judgment [17-1] (LMZ) (Entered: 12/02/1996)
12/02/1996	20	CERTIFICATE OF SERVICE by respondent EPA (LMZ) (Entered: 12/02/1996)
12/04/1996	21	OBJECTIONS by petitioner Yankton Sioux Tribe, petitioner Darrell E. Drapeau to statement of material facts on support of respondent's motion for summary judgment [19-1] (DLS) (Entered: 12/04/1996)
12/04/1996	22	MINUTES RE: oral argument hearing before the Hon. Lawrence L. Piersol, District Judge, Sioux Falls (DLS) (Entered: 12/05/1996)

12/11/1996	<u>23</u>	MEMORANDUM OPINION AND ORDER by Lawrence L. Piersol granting motion for summary judgment [17-1]; that the decision of the EPA to waive the composite liner requirement for the Southern Missouri Recycling and Waste Mangement District is affirmed (cc: all counsel) (DLS) (Entered: 12/12/1996)
12/11/1996	<u>24</u>	JUDGMENT in favor of EPA and against Yankton Sioux Tribe, Darrell E. Drapeau by Lawrence L. Piersol; granting motion for summary judgment [17-1] terminating case 1996 SDOB page # 427; (cc: all counsel) (DLS) (Entered: 12/12/1996)
01/02/1997	25	NOTICE OF APPEAL by petitioner Yankton Sioux Tribe, petitioner Darrell E. Drapeau from [24-2] , Appeal fee pd – cc: all counsel, Ct Rptr (JMM) (Entered: 01/03/1997)
01/03/1997		TRANSMITTING Notice of Appeal to 8th Circuit COA (JMM) (Entered: 01/03/1997)
01/13/1997	26	REQUEST by petitioner Yankton Sioux Tribe, petitioner Darrell E. Drapeau for transcript (DLS) Modified on 01/15/1997 (Entered: 01/14/1997)
01/21/1997		NOTIFICATION by Circuit Court of Appellate Docket Number 97-1145SDSF (DLS) (Entered: 01/21/1997)
01/21/1997	27	COPY OF ORDER from 8th Circuit COA granting in part appellants' motion to consolidate cases CIV96-4268 & CIV94-4217 for submission to the court. They will be briefed separately. Should oral argument be granted, the cses will be argued and submitted to the same panel on the same day. (DLS) (Entered: 01/21/1997)
02/19/1997	28	TRANSCRIPT of Hearing on Motion for Summary Judgment held on 12/4/96 [22-1] (in expando) (FE) (Entered: 02/20/1997)
03/02/1998	29	MANDATE from 8th Circuit Court of Appeals dismissing the appeal [25-1] (cc: all counsel) (JMM) (Entered: 03/03/1998)
04/10/1998		RECEIVED Transcript of Hearing on Motion for Summary Judgment from COA (FE) (Entered: 04/10/1998)