

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:17-cv-01215-GPC-WVG**

Center for Biological Diversity v. U.S. Department of Homeland Security et al

Assigned to: Judge Gonzalo P. Curiel

Referred to: Magistrate Judge William V. Gallo

Related Cases: 3:17-cv-01873-GPC-WVG

3:17-cv-01911-GPC-WVG

Case in other court: USCA, 18-55474

Cause: 05:0552fi Freedom of Information Act

Date Filed: 06/15/2017

Date Terminated: 03/26/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

In Re

Border Infrastructure Environmental Litigation

Plaintiff

Center for Biological Diversity

represented by **Anchun Jean Su**

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a nonprofit conservation organization

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Plaintiff

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a nonprofit public benefit corporation

represented by **Brett Michael Paben**
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Plaintiff

People of the State of California, The
by and through Xavier Becerra, Attorney General

represented by **Michael P Cayaban**
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Plaintiff

California Coastal Commission, The

represented by **Michael P Cayaban**
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Plaintiff

Animal Legal Defense Fund

represented by **Brett Michael Paben**
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V.

Defendant

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represented by

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TERMINATED: 07/14/2017
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Defendant

U.S. Customs and Border Protections

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TERMINATED: 07/14/2017
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Katherine L. Parker
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Defendant

Elaine Duke
in her official capacity as Acting
Secretary, U.S. Department of Homeland
Security

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Defendant**United States of America**represented by **Galen N. Thorp**
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ATTORNEY TO BE NOTICED**Defendant****Acting Commissioner Kevin K.
McAleenan**
*in his Official Capacity*represented by **Galen N. Thorp**
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ATTORNEY TO BE NOTICED**Amicus****Members of the Congressional
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| Date Filed | # | Docket Text |
|------------|-----------|--|
| 06/15/2017 | <u>1</u> | COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0974-10165698.), filed by Center for Biological Diversity. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:17-cv-1215-GPC-WVG. Judge Gonzalo P. Curiel and Magistrate Judge William V. Gallo are assigned to the case. (Su, Anchun Jean)(mpl) (jao). (Entered: 06/15/2017) |
| 06/15/2017 | <u>2</u> | NOTICE of Party With Financial Interest by Center for Biological Diversity re <u>1</u> Complaint. No Parties With Financial Interest. (mpl) (jao). (Entered: 06/15/2017) |
| 06/15/2017 | <u>3</u> | Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (mpl) (jao). (Entered: 06/15/2017) |
| 07/07/2017 | <u>4</u> | NOTICE of Appearance by Brian P. Segee on behalf of Center for Biological Diversity (Segee, Brian)Attorney Brian P. Segee added to party Center for Biological Diversity(pty:pla) QC email, missing certificate of service (dlg). (Entered: 07/07/2017) |
| 07/07/2017 | <u>5</u> | NOTICE of Appearance by John Peter Rose on behalf of Center for Biological Diversity (Rose, John)Attorney John Peter Rose added to party Center for Biological Diversity(pty:pla) QC email, missing certificate of service (dlg). (Entered: 07/07/2017) |
| 07/07/2017 | <u>6</u> | FIRST AMENDED COMPLAINT (<i>First</i>) against All Defendants, filed by Center for Biological Diversity. (Segee, Brian) (dlg). (Entered: 07/07/2017) |
| 07/10/2017 | <u>7</u> | CERTIFICATE OF SERVICE by Center for Biological Diversity re <u>4</u> Notice of Appearance (Segee, Brian) (dlg). (Entered: 07/10/2017) |
| 07/10/2017 | <u>8</u> | CERTIFICATE OF SERVICE by Center for Biological Diversity re <u>5</u> Notice of Appearance (Rose, John) (dlg). (Entered: 07/10/2017) |
| 07/10/2017 | <u>9</u> | SUMMONS Returned Executed by Center for Biological Diversity. All Defendants served. (Su, Anchun Jean) (dlg). (Entered: 07/10/2017) |
| 07/14/2017 | <u>10</u> | Ex Parte MOTION for Extension of Time to File <i>Response to First Amended Complaint (Unopposed)</i> by U.S. Customs and Border Protections, U.S. Department of Homeland Security. (Attachments: # <u>1</u> Proof of Service)(Parker, Katherine)Attorney Katherine Lind Parker added to party U.S. Customs and Border Protections(pty:dft), |

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| | | Attorney Katherine Lind Parker added to party U.S. Department of Homeland Security(pty:dft) (dlg). (Entered: 07/14/2017) |
| 07/17/2017 | <u>11</u> | ORDER Granting <u>10</u> Defendants Ex Parte Application for Extension of Time to File Responses to the First Amended Complaint. Defendants shall have until September 5, 2017, to file their responses to the First Amended Complaint. Signed by Judge Gonzalo P. Curiel on 7/17/17. (dlg) (Entered: 07/17/2017) |
| 08/22/2017 | <u>12</u> | Joint MOTION for Order <i>Regarding Further Proceedings</i> by Center for Biological Diversity. (Segee, Brian) (dlg). (Entered: 08/22/2017) |
| 08/23/2017 | <u>13</u> | NOTICE of Appearance by Galen N. Thorp on behalf of U.S. Customs and Border Protections, U.S. Department of Homeland Security (Thorp, Galen)Attorney Galen N. Thorp added to party U.S. Customs and Border Protections(pty:dft), Attorney Galen N. Thorp added to party U.S. Department of Homeland Security(pty:dft) (Entered: 08/23/2017) |
| 08/24/2017 | <u>14</u> | ORDER Granting Joint <u>12</u> Motion for Order Regarding Further Proceedings. Plaintiff shall file any amended pleading by September 6, 2017. Defendants shall file their motion to dismiss Plaintiff's amended pleading. Plaintiff shall file an opposition to Defendants' motion to dismiss by November 3, 2017. Defendants shall file a reply in support of their motion to dismiss by November 17, 2017. The Court sets a hearing on Defendants' motion to dismiss on December 15, 2017 at 1:30 p.m. in Courtroom 2D. Signed by Judge Gonzalo P. Curiel on 8/24/17. (dlg) (Entered: 08/24/2017) |
| 09/06/2017 | <u>15</u> | NOTICE of Appearance by Brendan R Cummings on behalf of Center for Biological Diversity (Cummings, Brendan)Attorney Brendan R Cummings added to party Center for Biological Diversity(pty:pla) (dlg). (Entered: 09/06/2017) |
| 09/06/2017 | <u>16</u> | Second AMENDED COMPLAINT (<i>Second</i>) against All Defendants, filed by Center for Biological Diversity.New Summons Requested. (Segee, Brian)SUMMONS REQUESTED Modified on 9/6/2017 (dlg). (dlg). (Entered: 09/06/2017) |
| 09/07/2017 | <u>17</u> | Summons Issued re Second Amended Complaint. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (dlg) (Entered: 09/07/2017) |
| 10/06/2017 | <u>18</u> | MOTION to Dismiss by Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Exhibit, # <u>3</u> Proof of Service)(Thorp, Galen)Attorney Galen N. Thorp added to party Elaine Duke(pty:dft) (dlg). (Entered: 10/06/2017) |
| 10/19/2017 | <u>19</u> | *** WITHDRAWN PER ECF 20 *** Joint MOTION to Consolidate Cases , Joint MOTION for Order <i>Regarding Further Proceedings</i> by Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security. (Thorp, Galen) QC email, documents are not signed. Attorney should withdraw and refile (dlg). Modified on 10/23/2017 (dlg). (Entered: 10/19/2017) |
| 10/20/2017 | <u>20</u> | NOTICE OF WITHDRAWAL OF DOCUMENT by Elaine Duke, U.S. Department of Homeland Security, U.S. Customs and Border Protections re <u>19</u> Joint MOTION to Consolidate Cases Joint MOTION for Order <i>Regarding Further Proceedings</i> filed by U.S. Department of Homeland Security, Elaine Duke, U.S. Customs and Border Protections . (Thorp, Galen) (dlg). (Entered: 10/20/2017) |
| 10/20/2017 | <u>21</u> | Joint MOTION to Consolidate Cases , Joint MOTION for Order <i>Regarding Further Proceedings</i> by Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security. (Thorp, Galen) (dlg). (Entered: 10/20/2017) |
| 10/24/2017 | <u>22</u> | CONSOLIDATION ORDER (re ecf <u>21</u>). Cases Consolidated. All future docketing will be done in the lead case. A hearing on the cross-motion for summary judgment shall be held on February 9, 2018 at 1:30 p.m. in Courtroom 2D. Signed by Judge Gonzalo P. Curiel on 10/24/17.(dlg) (Entered: 10/24/2017) |
| 11/20/2017 | <u>23</u> | *** WITHDRAWN PER ECF 25 *** AMENDED COMPLAINT against Acting Commissioner Kevin K. McAleenan, Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security, United States of America, filed by Sierra Club, Defenders of Wildlife, Animal Legal Defense Fund. (Smith, Gloria) QC email, document is not signed. Attorney should withdraw and refile with a proper |

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| | | signature (dlg). Modified on 11/22/2017 (dlg). (Entered: 11/20/2017) |
| 11/21/2017 | <u>24</u> | NOTICE OF STATEMENT OF UNDISPUTED MATERIAL FACTS by Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security re <u>18</u> MOTION to Dismiss (Thorp, Galen) qc email re missing certificate of service (dlg). (Entered: 11/21/2017) |
| 11/21/2017 | <u>25</u> | NOTICE OF WITHDRAWAL OF DOCUMENT by Animal Legal Defense Fund, Defenders of Wildlife, Sierra Club re <u>23</u> Amended Complaint, filed by Animal Legal Defense Fund, Defenders of Wildlife, Sierra Club . (Smith, Gloria) (dlg). (Entered: 11/21/2017) |
| 11/21/2017 | <u>26</u> | First AMENDED COMPLAINT against Acting Commissioner Kevin K. McAleenan, Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security, United States of America, filed by Sierra Club, Animal Legal Defense Fund, Defenders of Wildlife. (Smith, Gloria) (dlg). (Entered: 11/21/2017) |
| 11/22/2017 | <u>27</u> | CERTIFICATE OF SERVICE by Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security re <u>24</u> Notice (Other), (Thorp, Galen)(mpl). (Entered: 11/22/2017) |
| 11/22/2017 | <u>28</u> | Cross MOTION for Summary Judgment by Center for Biological Diversity. (Attachments: # <u>1</u> Memo of Points and Authorities in support of cross motion for summary judgment and in opposition to defendants' motion for summary judgment, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Jill Marie Holslin, # <u>4</u> Declaration of Christopher D. Nagano, # <u>5</u> Declaration of Peter Galvin)(Segee, Brian) (mpl). (Entered: 11/22/2017) |
| 11/22/2017 | <u>29</u> | MOTION for Summary Judgment by Animal Legal Defense Fund, Defenders of Wildlife, Sierra Club. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit)(Paben, Brett)Attorney Brett Michael Paben added to party Animal Legal Defense Fund(pty:pla), Attorney Brett Michael Paben added to party Sierra Club(pty:pla) (mpl). (Entered: 11/22/2017) |
| 11/22/2017 | <u>30</u> | MOTION for Summary Judgment by California Coastal Commission, The, People of the State of California, The. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memo of Points and Authorities, # <u>3</u> Declaration of Michael Cayaban, # <u>4</u> Exhibit 1-5, # <u>5</u> Exhibit 6-9, # <u>6</u> Exhibit 10-26, # <u>7</u> Declaration Kevin Clark, # <u>8</u> Declaration S. Vanderplank, # <u>9</u> Declaration Mark Delaplaine)(Cayaban, Michael) (mpl). (Entered: 11/22/2017) |
| 11/22/2017 | <u>31</u> | NOTICE by Animal Legal Defense Fund, Defenders of Wildlife, Sierra Club re <u>29</u> MOTION for Summary Judgment (Paben, Brett) (mpl). (Entered: 11/22/2017) |
| 11/27/2017 | <u>32</u> | Amended DECLARATION re <u>30</u> MOTION for Summary Judgment <i>Am. Decl. of Michael Cayaban to include Table of Contents missing page</i> by Plaintiffs California Coastal Commission, The, People of the State of California, The. (Cayaban, Michael) (dlg). (Entered: 11/27/2017) |
| 12/12/2017 | <u>33</u> | AMENDED DOCUMENT by Animal Legal Defense Fund, Defenders of Wildlife, Sierra Club. Amendment to <u>29</u> MOTION for Summary Judgment # <u>2</u> <i>Statement of Facts</i> . (Attachments: # <u>1</u> Declaration Timothy R. Ryan, # <u>2</u> Declaration Robert Knaier, # <u>3</u> Declaration Jill Marie Holslin)(Paben, Brett) (dlg). (Entered: 12/12/2017) |
| 12/14/2017 | <u>34</u> | SUMMONS Returned Executed by Center for Biological Diversity. Elaine Duke served. (Segee, Brian) (dlg). (Entered: 12/14/2017) |
| 12/20/2017 | <u>35</u> | Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motions for Summary Judgment</i> by Acting Commissioner Kevin K. McAleenan, Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security, United States of America. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Statement of Facts, # <u>3</u> Statement of Facts (Response to Plaintiffs' Statements), # <u>4</u> Exhibit 20, # <u>5</u> Exhibit 21, # <u>6</u> Exhibit 22, # <u>7</u> Proof of Service)(Thorp, Galen) (dlg). Modified on 1/12/2018 to send QC email for attorney to submit courtesy copies (dlg). (Entered: 12/20/2017) |
| 01/05/2018 | <u>36</u> | REPLY to Response to Motion re <u>28</u> Cross MOTION for Summary Judgment filed by Center for Biological Diversity. (Segee, Brian) (dlg). Modified on 1/17/2018 to send qc email for attorney to submit courtesy copies (dlg). (Entered: 01/05/2018) |

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| 01/05/2018 | <u>37</u> | MOTION for Leave to File <i>NOTICE OF MOTION AND MOTION BY MEMBERS OF THE CONGRESSIONAL HISPANIC CAUCUS FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF PLAINTIFFS MOTION FOR SUMMARY JUDGMENT</i> by Members of the Congressional Hispanic Caucus. (Attachments: # <u>1</u> Memo of Points and Authorities MEMORANDUM OF POINTS AND AUTHORITIES BY MEMBERS OF THE CONGRESSIONAL HISPANIC CAUCUS IN SUPPORT OF PLAINTIFFS MOTIONS FOR SUMMARY JUDGMENT, # <u>2</u> [PROPOSED] ORDER GRANTING LEAVE TO FILE AMICUS CURIAE BRIEF BY MEMBERS OF THE CONGRESSIONAL HISPANIC CAUCUS)(Sivas, Deborah)Attorney Deborah Ann Sivas added to party Members of the Congressional Hispanic Caucus(pty:am) (dlg). (Entered: 01/05/2018) |
| 01/05/2018 | <u>38</u> | RESPONSE in Opposition re <u>35</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motions for Summary Judgment – Coalition Plaintiffs Combined Memorandum in Opposition to Defendants Cross–Motion for Summary Judgment and Reply to Defendants Motion for Summary Judgment</i> filed by Sierra Club. (Attachments: # <u>1</u> Statement of Facts Response to Defendants Statement of Undisputed Material Facts)(Smith, Gloria) (dlg). Modified on 1/17/2018 to send qc email for attorney to submit courtesy copies(dlg). (Entered: 01/05/2018) |
| 01/05/2018 | <u>39</u> | REPLY to Response to Motion re <u>35</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motions for Summary Judgment</i> , <u>30</u> MOTION for Summary Judgment filed by California Coastal Commission, The. (Attachments: # <u>1</u> Supplement California's Response to Defendants' Statement of Undisputed Facts and Supplemental Statement of Facts in Opposition to Defendant's Cross–Motion for Summary Judgment)(Cayaban, Michael) (dlg). (Entered: 01/05/2018) |
| 01/16/2018 | <u>40</u> | MOTION for Extension of Time to File Response/Reply (<i>with consent of all plaintiffs</i>) by Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security, United States of America. (Thorp, Galen) Modified on 1/17/2018 to send qc email for attorney to submit proposed order (dlg). (Entered: 01/16/2018) |
| 01/18/2018 | <u>41</u> | ORDER Granting Defendants' Unopposed <u>40</u> Motion for Extension of Time. Defendants' reply brief in support of their motion for summary judgment shall be due on or before January 23, 2018. Signed by Judge Gonzalo P. Curiel on 1/18/18. (dlg) (Entered: 01/18/2018) |
| 01/23/2018 | <u>42</u> | REPLY to Response to Motion re <u>35</u> Cross MOTION for Summary Judgment <i>and Opposition to Plaintiffs' Motions for Summary Judgment</i> filed by Acting Commissioner Kevin K. McAleenan, Elaine Duke, U.S. Customs and Border Protections, U.S. Department of Homeland Security, United States of America. (Attachments: # <u>1</u> Statement of Facts (Revised Resp. to Cal. Stmt.), # <u>2</u> Exhibit 23, # <u>3</u> Exhibit 24, # <u>4</u> Exhibit 25, # <u>5</u> Exhibit 26, # <u>6</u> Exhibit 27, # <u>7</u> Proof of Service)(Thorp, Galen) (dlg). (Entered: 01/23/2018) |
| 02/07/2018 | <u>43</u> | ORDER Granting <u>37</u> Motion for Leave to File Amicus Curiae Brief by Members of the Congressional Hispanic Caucus. Signed by Judge Gonzalo P. Curiel on 2/7/18. (dlg) (Entered: 02/07/2018) |
| 02/09/2018 | 44 | Minute Order. for proceedings held before Judge Gonzalo P. Curiel: Motion Hearing held on 2/9/2018. re <u>18</u> Motion to Dismiss – Submitted; <u>28</u> Motion for Summary Judgment – Submitted; <u>29</u> Motion for Summary Judgment – submitted; <u>30</u> Motion for Summary Judgment – Submitted; <u>35</u> Motion for Summary Judgment – Submitted; Court directs parties to brief the issue re consultation and briefs due by Close of Business on 2/13/18. Then Court to issue written Order. (Court Reporter/ECR Chari Bowery). (Plaintiff Attorney Michael Cayaban; Noah Golden Frasier; Brian Segee, Brendan Cummings and Sarah Hanneken (Animal Legal Defense Fund)).(Defendant Attorney Galen Thorp. (Michael Felts (CBP) and William Bresnick (DHS)). (no document attached) (ksr) (Entered: 02/09/2018) |
| 02/12/2018 | <u>45</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT (Motion Hearing) held on 2/9/2018, before Judge Gonzalo P. Curiel. Court Reporter/Transcriber: Chari L. Bowery. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E–File the Notice of Intent to Request Redaction. The |

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| | | following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 3/5/2018. Redacted Transcript Deadline set for 3/15/2018. Release of Transcript Restriction set for 5/14/2018. (akr) (Entered: 02/13/2018) |
| 02/13/2018 | <u>46</u> | RESPONSE re 44 Order on Motion for Summary Judgment, Order on Motion to Dismiss, Motion Hearing, Motions Submitted, filed by Animal Legal Defense Fund, Defenders of Wildlife, Sierra Club. (Smith, Gloria) (dlg). (Entered: 02/13/2018) |
| 02/13/2018 | <u>47</u> | SUPPLEMENTAL BRIEFING by Plaintiff Center for Biological Diversity re <u>28</u> Cross MOTION for Summary Judgment <i>regarding consultation</i> . (Segee, Brian) (dlg). (Entered: 02/13/2018) |
| 02/13/2018 | <u>48</u> | SUPPLEMENTAL BRIEFING by Plaintiff California Coastal Commission, The re <u>30</u> MOTION for Summary Judgment . (Cayaban, Michael) (dlg). (Entered: 02/13/2018) |
| 02/13/2018 | <u>49</u> | SUPPLEMENTAL BRIEFING by Defendants U.S. Customs and Border Protections, U.S. Department of Homeland Security, United States of America . (Attachments: # <u>1</u> Exhibit 28, # <u>2</u> Exhibit 29, # <u>3</u> Exhibit 30, # <u>4</u> Exhibit 31, # <u>5</u> Exhibit 31.A, # <u>6</u> Exhibit 31.B, # <u>7</u> Exhibit 31.C, # <u>8</u> Exhibit 31.D, # <u>9</u> Exhibit 31.E, # <u>10</u> Exhibit 31.F, # <u>11</u> Exhibit 31.G, # <u>12</u> Exhibit 31.H-Q, # <u>13</u> Exhibit 31.R-T, # <u>14</u> Exhibit 31.U, # <u>15</u> Proof of Service)(Thorp, Galen) (dlg). (Entered: 02/13/2018) |
| 02/27/2018 | <u>50</u> | ORDER Denying Plaintiffs' Motions for Summary Judgment and Granting Defendants' Motions for Summary Judgment (ECF Nos. <u>18</u> , <u>28</u> , <u>29</u> , <u>30</u> , <u>35</u>). The Court denies Plaintiffs' motions for summary judgment and grants Defendants' motions for summary judgment with the exception of the Center Plaintiff's seventh cause of action for FOIA violations. Signed by Judge Gonzalo P. Curiel on 2/27/18. (dlg) (jao). (Entered: 02/27/2018) |
| 03/21/2018 | <u>51</u> | Notice of Document Discrepancies and Order Thereon by Judge Gonzalo P. Curiel Rejecting Document: Emergency Motion to Intervene for a Declaratory Judgment as Necessary Parties for "Remediation of Defendants' Inability to Timely Resolve Immigration Border Wall and [DACA/DAPA] Solution", With Brief-In-Support. Non-compliance with local rule(s), OTHER: Failure to comply with intervention under Federal Rule of Civil Procedure 24, Rejected document was returned to the filer. Signed by Judge Gonzalo P. Curiel on 3/21/18.(All non-registered users served via U.S. Mail Service)(dlg) (Additional attachment(s) added on 3/21/2018: # <u>1</u> Rejected Document) (dlg). (Entered: 03/21/2018) |
| 03/23/2018 | <u>52</u> | Joint MOTION to Dismiss <i>Plaintiff's FOIA Claims</i> by Center for Biological Diversity. (Segee, Brian) (dlg). Modified on 3/26/2018 to send qc email for attorney to submit proposed order (dlg). (Entered: 03/23/2018) |
| 03/26/2018 | <u>53</u> | ORDER Granting Joint <u>52</u> Motion for Dismissal of FOIA Claims With Prejudice. Signed by Judge Gonzalo P. Curiel on 3/26/18. (dlg) (jao). (Entered: 03/26/2018) |
| 03/26/2018 | <u>54</u> | CLERK'S JUDGMENT re <u>50</u> . The Court DENIES Plaintiffs' motions for summary judgment and GRANTS Defendants' motions for summary judgment (dlg) (Main Document 54 replaced on 3/26/2018 to edit text in clerk's judgment per dj chambers)(jao). (Entered: 03/26/2018) |
| 04/09/2018 | <u>55</u> | NOTICE OF APPEAL to the 9th Circuit as to <u>50</u> Order Denying Plaintiffs' Motions for Summary Judgment and Granting Defendants' Motions for Summary Judgment, by Center for Biological Diversity. (Filing fee \$ 505 receipt number 0974-11094454.) (Notice of Appeal electronically transmitted to US Court of Appeals.) (Attachments: # <u>1</u> Representation Statement, # <u>2</u> Order, # <u>3</u> Judgment)(Segee, Brian). (Modified on 4/9/2018: Edited docket text re linked Order.) (akr). (Entered: 04/09/2018) |
| 04/11/2018 | <u>56</u> | USCA Case Number 18-55474 for <u>55</u> Notice of Appeal to 9th Circuit, filed by Center for Biological Diversity. (akr) (Entered: 04/11/2018) |
| 04/11/2018 | <u>57</u> | USCA Time Schedule Order as to <u>55</u> Notice of Appeal to 9th Circuit, filed by Center for Biological Diversity. (NOTICE TO PARTIES of deadlines regarding appellate transcripts: Appellant shall file transcript designation and ordering form with the US District Court (see attached), provide a copy of the form to the court reporter, and make payment arrangements with the court reporter on or by 5/9/2018 (see Ninth Circuit Rule 10-3.1); Due date for filing of transcripts in US District Court is |

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| | | 6/8/2018.) (cc: Court Reporter). (Attachments: # <u>1</u> Transcript Designation and Ordering Form). (akr) (Entered: 04/11/2018) |
| 04/19/2018 | <u>58</u> | ORDER of USCA as to <u>55</u> Notice of Appeal to 9th Circuit, filed by Center for Biological Diversity. The USCA sua sponte consolidates appeal Nos. 18-55474, 18-55475, and 18-55476. The USCA is in receipt of the motion to expedite filed by appellants in appeal No. 18-55476. Appellants indicate that appellees do not oppose the motion. Appellants in appeal Nos. 18-55474 and 18-55475 shall file a response or notice of non-opposition to the motion to expedite by Tuesday, April 24, 2018. Briefing is stayed pending further order. (akr) (Entered: 04/20/2018) |
| 04/26/2018 | <u>59</u> | ORDER of USCA as to <u>55</u> Notice of Appeal to 9th Circuit, filed by Center for Biological Diversity. The unopposed motion to expedite these consolidated appeals is granted. Briefing schedule issued. Instructions issued. The Clerk shall calendar these cases before a panel of all Ninth Circuit Judges in August 2018. (akr) (Entered: 04/26/2018) |
| 04/18/2019 | <u>60</u> | MANDATE of USCA affirming the decision of the USDC as to <u>55</u> Notice of Appeal to the 9th Circuit filed by Center for Biological Diversity. (akr) (Entered: 04/18/2019) |