APPEAL,CLOSED,TYPE−C

# U.S. District Court
# District of Columbia (Washington, DC)
# CIVIL DOCKET FOR CASE #: 1:12−cv−00929−EGS

TRUMPETER SWAN SOCIETY et al v. ENVIRONMENTAL PROTECTION AGENCY et al
Assigned to: Judge Emmet G. Sullivan
Cause: 15:2620 Toxic Substances Control Act

Date Filed: 06/07/2012
Date Terminated: 05/23/2013
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**TRUMPETER SWAN SOCIETY**

represented by **William J. Snape , III**
LAW OFFICE OF WILLIAM J. SNAPE III
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*ATTORNEY TO BE NOTICED*

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*ATTORNEY TO BE NOTICED*

**Jaclyn Lopez**
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*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**CASCADES RAPTOR CENTER**

represented by **William J. Snape , III**
(See above for address)
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Adam F. Keats**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Jaclyn Lopez**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**CENTER FOR BIOLOGICAL DIVERSITY**

represented by **William J. Snape , III**
(See above for address)
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Adam F. Keats**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Jaclyn Lopez**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**LOON LAKE LOON ASSOCIATION**

represented by **William J. Snape , III**
(See above for address)
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Adam F. Keats**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Jaclyn Lopez**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**PRESERVE OUR WILDLIFE ORGANIZATION**

represented by **William J. Snape , III**
(See above for address)
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Adam F. Keats**
(See above for address)
*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Jaclyn Lopez**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**TENNESSEE ORNITHOLOGICAL SOCIETY**

represented by **William J. Snape , III**
(See above for address)
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Adam F. Keats**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Jaclyn Lopez**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**WESTERN NEBRASKA RESOURCES COUNCIL**

represented by **William J. Snape , III**
(See above for address)
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Adam F. Keats**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

**Jaclyn Lopez**
(See above for address)
*PRO HAC VICE*
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

represented by **Justin D. Heminger**
U.S. DEPARTMENT OF JUSTICE
Environmental &Natural Resources Division
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U.S. DEPARTMENT OF JUSTICE
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Email: madeline.fleisher@usdoj.gov
*TERMINATED: 05/13/2013*

**Defendant**

**LISA P. JACKSON**
*Administrator, Environmental Protection Agency*

represented by **Justin D. Heminger**
(See above for address)
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Madeline P. Fleisher**
(See above for address)
*TERMINATED: 05/13/2013*

**Intervenor**

**NATIONAL SHOOTING SPORTS FOUNDATION, INC.**

represented by **Christopher L. Bell**
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*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Intervenor**

**ASSOCIATION OF BATTERY RECYCLERS, INC.**

represented by **Michael Steven Snarr**
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1050 Connecticut Avenue, NW
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**Thomas Edward Hogan**
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**Intervenor**

**NATIONAL RIFLE ASSOCIATION OF AMERICA** represented by **Anna Margo Seidman**
SAFARI CLUB INTERNATIONAL
501 Second Street, NE
Washington, DC 20002
(202) 543−8733
Fax: (202) 543−1205
Email: aseidman@safariclub.org
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

**Intervenor**

**SAFARI CLUB INTERNATIONAL** represented by **Anna Margo Seidman**
(See above for address)
*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED*

| Date Filed | # | Page | Docket Text |
|---|---|---|---|
| 06/07/2012 | 1 | | COMPLAINT *with injunctive relief* against All Defendants ( Filing fee $ 350 receipt number 0090−2961176) filed by TENNESSEE ORNITHOLOGICAL SOCIETY, CENTER FOR BIOLOGICAL DIVERSITY, WESTERN |

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| | | | NEBRASKA RESOURCES COUNCIL, CASCADES RAPTOR CENTER, LOON LAKE LOON ASSOCIATION, TRUMPETER SWAN SOCIETY, PRESERVE OUR WILDLIFE ORGANIZATION. (Attachments: #1 Civil Cover Sheet, #2 Summons jackson, #3 Summons epa)(Snape, William) (Entered: 06/07/2012) |
| 06/07/2012 | 2 | | NOTICE *of additional summons* by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL re 1 Complaint, (Attachments: #1 Summons Summons for AG and US Attorney for complaint filed today)(Snape, William) (Entered: 06/07/2012) |
| 06/07/2012 | 3 | | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL (Snape, William) (Entered: 06/07/2012) |
| 06/07/2012 | 4 | | NOTICE OF RELATED CASE by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL. Case related to Case No. 10−2007. (Snape, William) (Entered: 06/07/2012) |
| 06/07/2012 | 5 | | MOTION for Leave to Appear Pro Hac Vice :Attorney Name− Adam Keats, :Firm− CBD, :Address− 351 California St, Suite 600, San Francisco, CA 94104. Phone No. − 415−436−9682. Fax No. − 415−436−9683 by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL (Attachments: #1 Declaration, #2 Text of Proposed Order)(Snape, William) (Entered: 06/07/2012) |
| 06/07/2012 | 6 | | MOTION for Leave to Appear Pro Hac Vice :Attorney Name− Jaclyn Lopez, :Firm− CBD, :Address− PO Box 2155, St. Petersburg, FL 33731. Phone No. − 727−490−9190. by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL (Attachments: #1 Declaration, #2 Text of Proposed Order)(Snape, William) (Entered: 06/07/2012) |
| 06/07/2012 | | | Case Assigned to Judge Emmet G. Sullivan. (sth) (Entered: 06/07/2012) |
| 06/07/2012 | 7 | | Electronic Summons (3) Issued as to ENVIRONMENTAL PROTECTION AGENCY, LISA P. JACKSON and the U.S. Attorney. (Attachments: #1 Summons, #2 Summons, #3 Summons)(sth) (Entered: 06/07/2012) |

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| 06/13/2012 | 8 | | NOTICE of Appearance by Madeline P. Fleisher on behalf of ENVIRONMENTAL PROTECTION AGENCY, LISA P. JACKSON (Fleisher, Madeline) (Main Document 8 replaced on 6/14/2012) (jf, ). (Entered: 06/13/2012) |
| 06/14/2012 | 9 | | ELECTRONIC SUMMONS(1) Issued as to U.S. Attorney General. (jeb, ) (Entered: 06/14/2012) |
| 06/18/2012 | | | MINUTE ORDER granting 5 plaintiffs' motion for leave to appear pro hac vice. Adam Keats is hereby admitted pro hac vice in this action. Signed by Judge Emmet G. Sullivan on June 18, 2012. (lcegs6) (Entered: 06/18/2012) |
| 06/18/2012 | | | MINUTE ORDER granting 6 plaintiffs' motion for leave to appear pro hac vice. Jaclyn Lopez is hereby admitted pro hac vice in this action. Signed by Judge Emmet G. Sullivan on June 18, 2012. (lcegs6) (Entered: 06/18/2012) |
| 06/25/2012 | 10 | | MOTION to Intervene as a Plaintiff by NATIONAL SHOOTING SPORTS FOUNDATION, INC. (Attachments: # 1 Exhibit 1 − Proposed Complaint, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Text of Proposed Order, # 5 Corporate Disclosure Statement)(znmw, ) (Entered: 06/25/2012) |
| 07/05/2012 | | | MINUTE ORDER granting 10 National Shooting Sports Foundation's unopposed motion to intervene. It is FURTHER ORDERED that defendant−intervenor National Shooting Sports Foundation shall respond to the complaint on or before the date on which defendants Environmental Protection Agency and Lisa P. Jackson are required to respond. Signed by Judge Emmet G. Sullivan on July 5, 2012. (lcegs6) (Entered: 07/05/2012) |
| 07/05/2012 | 11 | | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests NONE by NATIONAL SHOOTING SPORTS FOUNDATION, INC. (jf, ) (Entered: 07/06/2012) |
| 07/10/2012 | 12 | | AMENDED COMPLAINT against ENVIRONMENTAL PROTECTION AGENCY, LISA P. JACKSON filed by TENNESSEE ORNITHOLOGICAL SOCIETY, CENTER FOR BIOLOGICAL DIVERSITY, WESTERN NEBRASKA RESOURCES COUNCIL, CASCADES RAPTOR CENTER, LOON LAKE LOON ASSOCIATION, TRUMPETER SWAN SOCIETY, PRESERVE OUR WILDLIFE ORGANIZATION.(nmw, ) (Entered: 07/11/2012) |
| 07/11/2012 | 13 | | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ENVIRONMENTAL PROTECTION AGENCY served on 6/29/2012 (Keats, Adam) (Entered: 07/11/2012) |
| 07/11/2012 | 14 | | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. LISA P. JACKSON served on 6/29/2012 (Keats, Adam) (Entered: 07/11/2012) |
| 07/11/2012 | 15 | | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/02/2012. (Keats, Adam) (Entered: 07/11/2012) |
| 07/11/2012 | 16 | | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/2/2012. Answer due for ALL FEDERAL DEFENDANTS by 8/31/2012. (Keats, Adam) (Entered: 07/11/2012) |

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| 07/12/2012 | 17 | | Unopposed MOTION to Intervene by ASSOCIATION OF BATTERY RECYCLERS, INC. (Attachments: # 1 Memorandum in Support, # 2 Declaration, # 3 Text of Proposed Order)(Steinwurtzel, Robert) (Entered: 07/12/2012) |
| 07/12/2012 | 18 | | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ASSOCIATION OF BATTERY RECYCLERS, INC. (Steinwurtzel, Robert) (Entered: 07/12/2012) |
| 07/12/2012 | 19 | | NOTICE of Appearance by Thomas Edward Hogan on behalf of ASSOCIATION OF BATTERY RECYCLERS, INC. (Hogan, Thomas) (Entered: 07/12/2012) |
| 07/12/2012 | 20 | | NOTICE of Appearance by Robert N. Steinwurtzel on behalf of ASSOCIATION OF BATTERY RECYCLERS, INC. (Steinwurtzel, Robert) (Entered: 07/12/2012) |
| 07/12/2012 | 21 | | NOTICE of Appearance by Michael Steven Snarr on behalf of ASSOCIATION OF BATTERY RECYCLERS, INC. (Snarr, Michael) (Entered: 07/12/2012) |
| 07/13/2012 | | | NOTICE OF ERROR re 17 Motion to Intervene; emailed to rsteinwurtzel@bakerlaw.com, cc'd 11 associated attorneys −− The PDF file you docketed contained errors: 1. Counsel is reminded any filings requiring adding parties are to be sent the generic ecf e−mail accou (jf, ) (Entered: 07/13/2012) |
| 07/13/2012 | | | MINUTE ORDER granting 17 Association of Battery Recyclers, Inc.'s unopposed motion to intervene. It is FURTHER ORDERED that defendant−intervenor Association of Battery Recyclers, Inc. shall respond to the complaint on or before the date on which defendants and defendant−intervenor National Shooting Sports Foundation are required to respond. Signed by Judge Emmet G. Sullivan on July 13, 2012. (lcegs6) (Entered: 07/13/2012) |
| 07/30/2012 | 22 | | MOTION to Intervene by NATIONAL RIFLE ASSOCIATION OF AMERICA, SAFARI CLUB INTERNATIONAL (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Text of Proposed Order, # 8 Certificate of Service, # 9 Corporate Disclosure Statement − NRA, # 10 Corporate Disclosure Statement − SCI)(znmw, ) (Entered: 07/31/2012) |
| 07/31/2012 | | | MINUTE ORDER granting 22 National Rifle Association of America and Safari Club International's unopposed motion to intervene. It is FURTHER ORDERED that defendant−intervenors National Rifle Association of America and Safari Club International shall respond to the amended complaint on or before the date on which defendants and the other defendant−intervenors are required to respond. Signed by Judge Emmet G. Sullivan on July 31, 2012. (lcegs6) (Entered: 07/31/2012) |
| 07/31/2012 | 23 | | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATIONAL RIFLE ASSOCIATION OF AMERICA (znmw, ) (Entered: 08/01/2012) |
| 07/31/2012 | 24 | | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and |

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| | | | Financial Interests by SAFARI CLUB INTERNATIONAL (znmw, ) (Entered: 08/01/2012) |
| 08/30/2012 | 25 | | MOTION to Dismiss by NATIONAL SHOOTING SPORTS FOUNDATION, INC. (Attachments: # 1 Memorandum in Support Memorandum, # 2 Exhibit Exhibit 1 − EPA Letter, # 3 Exhibit Exhibit 2 − Walker Decision, # 4 Text of Proposed Order Proposed Order)(Martella, Roger) (Entered: 08/30/2012) |
| 08/30/2012 | 26 | | MOTION to Dismiss by ASSOCIATION OF BATTERY RECYCLERS, INC. (Steinwurtzel, Robert) (Entered: 08/30/2012) |
| 08/31/2012 | 27 | | MOTION to Dismiss for Lack of Jurisdiction , MOTION to Dismiss *for Failure to State a Claim* by ENVIRONMENTAL PROTECTION AGENCY, LISA P. JACKSON (Attachments: # 1 Text of Proposed Order, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7)(Fleisher, Madeline) (Entered: 08/31/2012) |
| 08/31/2012 | 28 | | MOTION to Dismiss by NATIONAL RIFLE ASSOCIATION OF AMERICA, SAFARI CLUB INTERNATIONAL (Attachments: # 1 Memorandum in Support, # 2 Text of Proposed Order)(Seidman, Anna) (Entered: 08/31/2012) |
| 09/04/2012 | 29 | | NOTICE of Appearance by Christopher L. Bell on behalf of NATIONAL SHOOTING SPORTS FOUNDATION, INC. (Bell, Christopher) (Entered: 09/04/2012) |
| 09/13/2012 | 30 | | Memorandum in opposition to re 28 MOTION to Dismiss , 27 MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss *for Failure to State a Claim*, 25 MOTION to Dismiss , 26 MOTION to Dismiss filed by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL. (Attachments: # 1 Declaration by Adam Keats in Support, # 2 Text of Proposed Order)(Keats, Adam) (Entered: 09/13/2012) |
| 09/20/2012 | 31 | | REPLY to opposition to motion re 28 MOTION to Dismiss filed by NATIONAL RIFLE ASSOCIATION OF AMERICA, SAFARI CLUB INTERNATIONAL. (Seidman, Anna) (Entered: 09/20/2012) |
| 09/24/2012 | 32 | | REPLY to opposition to motion re 27 MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss *for Failure to State a Claim* filed by ENVIRONMENTAL PROTECTION AGENCY, LISA P. JACKSON. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Fleisher, Madeline) (Entered: 09/24/2012) |
| 09/24/2012 | 33 | | REPLY to opposition to motion re 26 MOTION to Dismiss filed by ASSOCIATION OF BATTERY RECYCLERS, INC.. (Steinwurtzel, Robert) (Entered: 09/24/2012) |
| 09/24/2012 | 34 | | ENTERED IN ERROR.....REPLY to opposition to motion re 25 MOTION to Dismiss filed by NATIONAL SHOOTING SPORTS FOUNDATION, INC.. (Wedeking, James) Modified on 9/25/2012 (zjf, ). (Entered: 09/24/2012) |
| 09/25/2012 | | | NOTICE OF ERROR re 34 Reply to opposition to Motion; emailed to jwedeking@sidley.com, cc'd 15 associated attorneys −− The PDF file you |

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| | | | docketed contained errors: 1. Invalid attorney signature, 2. Please refile document, 3. Filing attorney not listed on the docket or no appearance (zjf, ) (Entered: 09/25/2012) |
| 09/25/2012 | | | NOTICE OF ERROR re 34 Reply to opposition to Motion; emailed to jwedeking@sidley.com, cc'd 15 associated attorneys −− The PDF file you docketed contained errors: 1. Please refile document, 2. Document needs to be refiled by signing attorney login/password (zjf, ) (Entered: 09/25/2012) |
| 09/25/2012 | 35 | | REPLY to opposition to motion re 25 MOTION to Dismiss by NATIONAL SHOOTING SPORTS FOUNDATION, INC (jeb, ) (Entered: 09/25/2012) |
| 09/25/2012 | | | NOTICE OF CORRECTED DOCKET ENTRY: re 35 Reply to opposition to Motion was entered corrected to reflect that the opposition was to entry number 25 not 27 (jeb, ) (Entered: 09/25/2012) |
| 04/22/2013 | | | MINUTE ORDER. The Court, sua sponte, schedules a hearing on 25 , 26 , 27 , 28 defendant and defendant−intervenors' motions to dismiss the amended complaint. The hearing will take place on May 23, 2013 at 2:00 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on April 22, 2013. (lcegs1) (Entered: 04/22/2013) |
| 04/23/2013 | | | Set/Reset Hearings: Motion Hearing set for 5/23/2013 02:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (clv, ) (Entered: 04/23/2013) |
| 05/13/2013 | 36 | | NOTICE OF SUBSTITUTION OF COUNSEL by Justin D. Heminger on behalf of LISA P. JACKSON, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Madeline Fleisher (Heminger, Justin) (Entered: 05/13/2013) |
| 05/20/2013 | 37 | | NOTICE OF SUPPLEMENTAL AUTHORITY by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL (Keats, Adam) (Entered: 05/20/2013) |
| 05/21/2013 | | | MINUTE ORDER. The Court, sua sponte, orders the government to respond to 37 plaintiffs' notice of supplemental authority by no later than 12:00 p.m. on May 22, 2013. Signed by Judge Emmet G. Sullivan on May 21, 2013. (lcegs1) (Entered: 05/21/2013) |
| 05/22/2013 | | | Set/Reset Deadlines: government response to plaintiffs' notice of supplemental authority due by 12:00 p.m. on 5/22/2013 (clv, ) (Entered: 05/22/2013) |
| 05/22/2013 | 38 | | ENTERED IN ERROR.....NOTICE OF SUPPLEMENTAL AUTHORITY by LISA P. JACKSON, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Heminger, Justin) Modified on 5/22/2013 (jf, ). (Entered: 05/22/2013) |
| 05/22/2013 | 39 | | ENTERED IN ERROR.....NOTICE OF SUPPLEMENTAL AUTHORITY by NATIONAL SHOOTING SPORTS FOUNDATION, INC. (Martella, Roger) Modified on 5/23/2013 (jf, ). (Entered: 05/22/2013) |
| 05/22/2013 | 40 | | RESPONSE re 37 NOTICE OF SUPPLEMENTAL AUTHORITY, filed by LISA P. JACKSON, UNITED STATES ENVIRONMENTAL PROTECTION |

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| | | | AGENCY. (jf, ) (Main Document 40 replaced on 5/22/2013) (jf, ). (Main Document 40 replaced on 5/23/2013) (td, ). (Entered: 05/22/2013) |
| 05/22/2013 | 41 | | RESPONSE re 37 NOTICE OF SUPPLEMENTAL AUTHORITY, filed by NATIONAL SHOOTING SPORTS FOUNDATION, INC.. (jf, ) (Entered: 05/23/2013) |
| 05/23/2013 | | 16 | MINUTE ORDER. For the reasons stated on the record during the hearing held on May 23, 2013, the Court hereby grants 25 , 26 , 27 , and 28 defendants ENVIRONMENTAL PROTECTION AGENCY and LISA P. JACKSON and defendant−intervenors NATIONAL SHOOTING SPORTS FOUNDATION, INC, ASSOCIATION OF BATTERY RECYCLERS, NATIONAL RIFLE ASSOCIATION, and SAFARI CLUB INTERNATIONAL motions to dismiss the amended complaint. Signed by Judge Emmet G. Sullivan on May 23, 2013. (lcegs1) (Entered: 05/23/2013) |
| 05/23/2013 | | | Minute Entry for proceedings held before Judge Emmet G. Sullivan.Motion Hearing held on 5/23/2013 re 28 MOTION to Dismiss filed by NATIONAL RIFLE ASSOCIATION OF AMERICA, SAFARI CLUB INTERNATIONAL, 27 MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss *for Failure to State a Claim* filed by LISA P. JACKSON, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, 25 MOTION to Dismiss filed by NATIONAL SHOOTING SPORTS FOUNDATION, INC., and 26 MOTION to Dismiss filed by ASSOCIATION OF BATTERY RECYCLERS, INC. (Court Reporter SUSAN TYNER.) (mac) (Entered: 05/24/2013) |
| 07/09/2013 | 42 | | NOTICE *of Request for Entry of Judgment* by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL re Order on Motion to Dismiss,, Order on Motion to Dismiss/Lack of Jurisdiction,,,,,,, (Keats, Adam) (Entered: 07/09/2013) |
| 07/22/2013 | 43 | 12 | NOTICE OF APPEAL TO DC CIRCUIT COURT as to Order on Motion to Dismiss,, Order on Motion to Dismiss/Lack of Jurisdiction,,,,,,, by CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY, TRUMPETER SWAN SOCIETY, WESTERN NEBRASKA RESOURCES COUNCIL. Filing fee $ 455, receipt number 0090−3408395. Fee Status: Fee Paid. Parties have been notified. (Keats, Adam) (Entered: 07/22/2013) |
| 07/22/2013 | 44 | | ORDER granting 25 , 26 , 27 , and 28 defendants' and defendant−intervenors' motions to dismiss. Signed by Judge Emmet G. Sullivan on July 22, 2013. (lcegs1) (Entered: 07/22/2013) |

**UNITED STATES DISTRICT COURT**

**DISTRICT OF COLUMBIA**

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| **THE TRUMPETER SWAN SOCIETY, CASCADES RAPTOR CENTER, CENTER FOR BIOLOGICAL DIVERSITY, LOON LAKE LOON ASSOCIATION, PRESERVE OUR WILDLIFE ORGANIZATION, TENNESSEE ORNITHOLOGICAL SOCIETY,** and **WESTERN NEBRASKA RESOURCES COUNCIL,**<br><br>Plaintiffs,<br><br>v.<br><br>**ENVIRONMENTAL PROTECTION AGENCY** and **LISA P. JACKSON,**<br><br>Defendants,<br><br>and<br><br>**NATIONAL SHOOTING SPORTS FOUNDATION, INC., ASSOCITION OF BATTERY RECYCLERS, INC., NATIONAL RIFLE ASSOCIATION OF AMERICA, and SAFARI CLUB, INTERNATIONAL,**<br><br>Intervenor-Defendants. | Case No.: 12-CIV-00929 (EGS) |

**NOTICE OF APPEAL**

Notice is hereby given that all the plaintiffs in the above-entitled action hereby appeal to the United States Court of Appeals for the District of Columbia from the

order entered in this action on May 23, 2013, granting defendants' and defendant-intervenors' motions to dismiss Plaintiffs' amended complaint.

Respectfully Submitted,

Date: August 22, 2013

*/s/ Adam Keats*
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## CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2013, I electronically transmitted the document **NOTICE OF APPEAL** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Dated: August 22, 2013

/s/ *Adam Keats*

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**District of Columbia**

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| **Case Number:** | 1:12−cv−00929−EGS |
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**Docket Text:**

**MINUTE ORDER. For the reasons stated on the record during the hearing held on May 23, 2013, the Court hereby grants [25], [26], [27], and [28] defendants ENVIRONMENTAL PROTECTION AGENCY and LISA P. JACKSON and defendant−intervenors NATIONAL SHOOTING SPORTS FOUNDATION, INC, ASSOCIATION OF BATTERY RECYCLERS, NATIONAL RIFLE ASSOCIATION, and SAFARI CLUB INTERNATIONAL motions to dismiss the amended complaint. Signed by Judge Emmet G. Sullivan on May 23, 2013. (lcegs1)**

**1:12−cv−00929−EGS Notice has been electronically mailed to:**

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