

Court Dockets

**United States Court of Appeals for the Ninth Circuit
Docket for Case #: 20-71554****Food & Water Watch, Inc., et al v. USEPA****DOCKET INFORMATION**

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DATE FILED	Jun 4, 2020
STATUS	Closed
RELATED CASES ►	12-16445 on 2012-06-22 Status: closed Decision Date: Oct 29, 2013 Note: Affirmed, Reversed, Remanded - Memo on 2020-06-04, Environmental Protection Agency
ORIGINAL CASES	Status: closed Decision Date: May 13, 2020 District: EPA

PARTIES AND ATTORNEYS

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FOOD & WATER WATCH

Petitioner,

SNAKE RIVER WATERKEEPER, INC.

Petitioner,

U.S. ENVIRONMENTAL PROTECTION AGENCY

Respondent,

DOCKET ENTRIES

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Print Entries

Request Entries

[Reverse Entries](#) ⇅

ENTRY	FILED	PDF	DESCRIPTION
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ENTRY	FILED	PDF	DESCRIPTION
BL-1	Jun 4, 2020	View	FILED PETITION FOR REVIEW. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED RESPONDENTS OF FILING. SEND MQ: Yes. Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc. Mediation Questionnaire due on 06/11/2020. Petitioner brief due 08/24/2020 for Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. Respondent brief due 09/22/2020 for U.S. Environmental Protection Agency. Petitioner's optional reply brief is due 21 days after service of the answering brief. [11710766] (JMR)
BL-2	Jun 11, 2020	Request	Filed (ECF) Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc. Mediation Questionnaire. Date of service: 06/11/2020. [11718185] [20-71554] (Lobdell, Tyler)
BL-3	Jun 11, 2020	Request	The Mediation Questionnaire for this case was filed on 06/11/2020. To submit pertinent confidential information directly to the Circuit Mediators, please use the following link. Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[11718805]. [20-71554] (AD)
BL-4	Jun 15, 2020	Request	Filed (ECF) notice of appearance of Benjamin James Grillot (United States Department of Justice Environment & Natural Resources Division Environmental Defense Section P.O. Box 7611 Ben Franklin Station Washington, DC 20044-7611) for Respondent USEPA. Substitution for Attorney Ms. Jessica O'Donnell for Respondent USEPA. Date of service: 06/15/2020. (Party was previously proceeding with counsel.) [11721512] [20-71554] (Grillot, Benjamin)
BL-5	Jun 15, 2020	Request	Filed (ECF) notice of appearance of Allison Michelle LaPlante (Earthrise Law Center, Lewis & Clark Law School, 10015 S. Terwilliger Blvd., Portland, OR 97219) for Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. Date of service: 06/15/2020. (Party was previously proceeding with counsel.) [11721564] [20-71554] (LaPlante, Allison)
BL-6	Jun 15, 2020	Request	Attorney Jessica O'Donnell substituted by Attorney Benjamin James Grillot. [11721637] (RL)

ENTRY	FILED	PDF	DESCRIPTION
BL-7	Jun 15, 2020	Request	Added Attorney(s) Allison Michelle LaPlante for party(s) Petitioner Snake River Waterkeeper, Inc. Petitioner Food & Water Watch, Inc.. [11721642] (RL)
BL-8	Jun 16, 2020	Request	MEDIATION CONFERENCE SCHEDULED - DIAL IN Assessment Conference, 06/30/2020, 11:00 a.m.,PACIFIC Time. The briefing schedule previously set by the court remains in effect. See order for instructions and details. [11723982] (LW)
BL-9	Jul 2, 2020	Request	MEDIATION ORDER FILED: This case is RELEASED from the Mediation Program. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant settlement discussions while the appeal is pending. The briefing schedule previously established by the court remains in effect. [11740830] (LW)
BL-10	Jul 6, 2020	Request	Filed (ECF) notice of appearance of Danielle Love Replogle (Earthrise Law Center, Lewis & Clark Law School, 10101 S. Terwilliger Blvd, Portland, OR 97219-7799) for Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. Date of service: 07/06/2020. (Party was previously proceeding with counsel.) [11742758] [20-71554] (Replogle, Danielle)
BL-11	Jul 6, 2020	Request	Added Attorney(s) Danielle Replogle for party(s) Petitioner Snake River Waterkeeper, Inc. Petitioner Food & Water Watch, Inc., in case 20-71554. [11743215] (JFF)
BL-12	Jul 10, 2020	Request	Filed (ECF) Respondent USEPA agency certified list. Date of service: 07/10/2020 [11748659] [20-71554] (Grillot, Benjamin)
BL-13	Aug 18, 2020	Request	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. New requested due date is 09/18/2020. [11792964] [20-71554] (LaPlante, Allison)
BL-14	Aug 18, 2020	Request	Streamlined request [13] by Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc. to extend time to file the brief is approved. Streamlined requests allow for a 30 day extension of time to file the brief. Amended briefing schedule: Petitioner opening brief due 09/23/2020 for Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. Respondent brief due 10/23/2020 for U.S. Environmental Protection Agency. The optional reply brief is due 21 days from the date of service of the answering brief. [11793102] (JN)

ENTRY	FILED	PDF	DESCRIPTION
BL-15	Sep 22, 2020	View	Filed (ECF) Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc. Unopposed Motion for miscellaneous relief [Motion for Leave to File Standing Declarations]. Date of service: 09/22/2020. [11832451] [20-71554] (Lobdell, Tyler)
BL-16	Sep 22, 2020	View	Submitted (ECF) Opening Brief for review. Submitted by Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. Date of service: 09/22/2020. [11832480] [20-71554] (Lobdell, Tyler)
BL-17	Sep 22, 2020	View	Submitted (ECF) excerpts of record. Submitted by Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. Date of service: 09/22/2020. [11832522] [20-71554] (Lobdell, Tyler)
BL-18	Sep 23, 2020	Request	Filed clerk order: The opening brief submitted by Food & Water Watch, Inc. and Snake River Waterkeeper, Inc. are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11834048] (KT)
BL-19	Sep 30, 2020	Request	Received 3 paper copies of excerpts of record in 2 volume(s) filed by Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc. [11842546] (LA)
BL-20	Sep 30, 2020	Request	Received 6 paper copies of Opening Brief filed by Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. [11843091] (DB)
BL-21	Oct 7, 2020	Request	Filed (ECF) Streamlined request for extension of time to file Answering Brief by Respondent USEPA. New requested due date is 11/23/2020. [11850799] [20-71554] (Grillot, Benjamin)
BL-22	Oct 8, 2020	Request	Streamlined request [21] by Respondent USEPA to extend time to file the brief is approved. Amended briefing schedule: Respondent brief due 11/23/2020 for U.S. Environmental Protection Agency. The optional reply brief is due 21 days from the date of service of the answering brief. [11852156] (JN)
BL-23	Nov 23, 2020	View	Submitted (ECF) Answering Brief for review. Submitted by Respondent USEPA. Date of service: 11/23/2020. [11903491] [20-71554] (Grillot, Benjamin)

ENTRY	FILED	PDF	DESCRIPTION
BL-24	Nov 23, 2020	Request	Filed clerk order: The answering brief submitted by USEPA is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be submitted to the principal office of the Clerk. [11903624] (KT)
BL-25	Nov 25, 2020	Request	Received 6 paper copies of Answering Brief filed by USEPA. [11907168] (SD)
BL-26	Dec 1, 2020	Request	Filed (ECF) Streamlined request for extension of time to file Reply Brief by Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc.. New requested due date is 01/13/2021. [11910752] [20-71554] (Lobdell, Tyler)
BL-27	Dec 1, 2020	Request	Streamlined request [26] by Petitioners Food & Water Watch, Inc. and Snake River Waterkeeper, Inc. to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 01/13/2021. [11911097] (BG)
BL-28	Dec 4, 2020	Request	Filed clerk order (Deputy Clerk: SSR): Petitioners motion (Docket Entry No. are referred to the panel that will consider the merits of this case for whatever consideration the panel deems appropriate. [11915087] (OC)

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BL-29	Jan 13, 2021	Request	<p>This case is being considered for an upcoming oral argument calendar in Portland

Please review the Portland sitting dates for May 2021 and the 2 subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please file Form 32 within 3 business days of this notice using the CM/ECF filing type Response to Case Being Considered for Oral Argument. Please follow the form's instructions carefully.</p> <p>

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter within 3 business days of this notice, using CM/ECF (Type of Document: Correspondence to Court; Subject: request for mediation). [11961775]. [20-71554] (AW)</p>
BL-30	Jan 13, 2021	View	<p>Submitted (ECF) Reply Brief for review. Submitted by Petitioners Food & Water Watch and Snake River Waterkeeper, Inc.. Date of service: 01/13/2021. [11962573] [20-71554] (Replegle, Danielle)</p>
BL-31	Jan 13, 2021	Request	<p>Filed clerk order: The reply brief submitted by Food & Water Watch and Snake River Waterkeeper, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [11962855] (KT)</p>
BL-32	Jan 14, 2021	Request	<p>Filed (ECF) Attorney Tyler Lobdell for Petitioners Food & Water Watch and Snake River Waterkeeper, Inc. response to notice for case being considered for oral argument. Date of service: 01/14/2021. [11964814] [20-71554] (Lobdell, Tyler)</p>

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BL-33	Jan 20, 2021	Request	Received 6 paper copies of Reply Brief filed by Food & Water Watch and Snake River Waterkeeper, Inc.. [11969912] (SD)
BL-34	Feb 21, 2021	Request	<p>Notice of Oral Argument on Thursday, May 6, 2021 - 09:00 A.M. - PO 2nd Floor Ctrm - Scheduled Location: Portland OR.
The hearing time is the local time zone at the scheduled hearing location, even if the argument is fully remote.

View the Oral Argument Calendar for your case here.

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. <i>See</i> Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, any argument may be held remotely with all of the judges and attorneys appearing by video or telephone. Travel to a courthouse will not be required. If the panel determines that it will hold oral argument, the Clerk's Office will be in contact with you directly at least two weeks before the set argument date to make any necessary arrangements for remote appearance.

Be sure to review the GUI DELINES for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the <u>ACKNOWLEDGMENT OF HEARING NOTICE</u> filing type in CM/ECF no later than 21 days before Thursday, May 6, 2021. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice. [12010677]. [20-71554] (KS)</p>
BL-35	Mar 30, 2021	Request	<p>Filed (ECF) Acknowledgment of hearing notice by Attorney Tyler Lobdell for Petitioners Food & Water Watch and Snake River Waterkeeper, Inc.. Hearing in Portland on 05/06/2021 at 09:00 A.M. (Courtroom: 2nd Floor Ctrm). Filer sharing argument time: No. (Argument minutes: 15.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/30/2021. [12058172] [20-71554] (Lobdell, Tyler)</p>

ENTRY	FILED	PDF	DESCRIPTION
BL-36	Mar 30, 2021	Request	Filed (ECF) Acknowledgment of hearing notice by Attorney Benjamin James Grillot for Respondent USEPA. Hearing in Portland on 05/06/2021 at 09:00 A.M. (Courtroom: 2nd Floor Ctrm.). Filer sharing argument time: No. (Argument minutes: 15.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/30/2021. [12058264] [20-71554] (Grillot, Benjamin)
BL-37	May 6, 2021	Request	ARGUED AND SUBMITTED TO WILLIAM A. FLETCHER, MICHELLE T. FRIEDLAND and FREDERIC BLOCK. [12104522] (KAD)
BL-38	May 6, 2021	Request	Filed Audio recording of oral argument. Note: Video recordings of public argument calendars are available on the Court's website, at http://www.ca9.uscourts.gov/media/ [12105408] (KAD)
BL-39	Jul 9, 2021	Request	Filed (ECF) Petitioners Food & Water Watch and Snake River Waterkeeper, Inc. citation of supplemental authorities. Date of service: 07/09/2021. [12168401] [20-71554] (Lobdell, Tyler)
BL-40	Sep 16, 2021	Request	Filed text clerk order (Deputy Clerk: AKM): The Motion for Leave to File Standing Declarations, Dkt. No. , is granted. [12230085] (AKM)
BL-41	Sep 16, 2021	View	FILED OPINION (WILLIAM A. FLETCHER, MICHELLE T. FRIEDLAND and FREDERIC BLOCK) Petition GRANTED and Permit VACATED. Judge: WAF Authoring. FILED AND ENTERED JUDGMENT. [12230094] (AKM)

