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IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 22-5317**

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IN RE:  
SIMON V. KINSELLA  
Petitioner *pro se*

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**EMERGENCY  
MOTION TO RETURN FILES TO  
THE DISTRICT OF COLUMBIA**

Challenging a District Court Transfer

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SIMON V. KINSELLA, Petitioner *Pro Se*  
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At 11:10 a.m. today (April 19, 2023), the U.S. District Court for the District of Columbia acted without power by transferring *Kinsella v. Bureau of Ocean Energy Management et al.* (case 1:22-cv-02147) to the Eastern District of New York (EDNY). In effecting the transfer, the district court ignores a Petition for a Writ of Mandamus (22-5317, 1976909) currently before this U.S. Court of Appeals for the District of Columbia Circuit, challenging the district court's order to transfer (in

case 1:22-cv-02147, ECF No. 49). The district court transferred the case *before* this Court has ruled on the Mandamus Petition (22-5317, 1976909).

The district court transferred the case to EDNY, citing an order in *another* case (22-5316), in an apparent attempt to deny this Court appellate jurisdiction to review the Petition for a Writ of Mandamus (22-5317, 1976909).

The district court docket entry reads— “Case transferred to the USDC for the Eastern District of New York pursuant to 49 Order on Motion to Transfer Case; Sent to Court via extraction. (znmw) (Entered: 04/19/2023).” *See* Exhibit A, Docket Sheet (1:22-cv-02147, ECF No. 54). The “extraction” confirmation reads— “Sending e-mail to InterdistrictTransfer\_NYED@nyed.uscourts.gov ... **Extraction Completed**” (*see* Exhibit B, 1:22-cv-02147, ECF 54).

“The basic rule in civil practice is that if a case is physically transferred *before* an appeal or a petition for mandamus has been filed, the court of appeals in the transferor circuit has no jurisdiction to review the transfer. *Starnes v. McGuire*, [512 F.2d 918, 924](#) (D.C. Cir. 1974) (en banc) [emphasis added].” *See In re Briscoe*, 976 F.2d 1425, 1426 (D.C. Cir. 1992). “If the order is carried out rapidly it therefore may effectively become immune from appellate scrutiny. *See* [28 U.S.C. § 1294\(1\)](#); *McGeorge v. Continental Airlines, Inc.*, [871 F.2d 952, 954](#) (10th Cir. 1989); *Starnes*, [512 F.2d at 924, 935](#).” (*id.*). However, here, the district court transferred the case (on April 19) *after* the Petition for a Writ of Mandamus had

been filed (on November 29). This Court has *not* ruled on the Mandamus Petition. The district court seeks to *evade* appellate scrutiny of that Petition.

Furthermore, “the basic rule is subject to an exception. When there is a substantial issue whether the district court had ‘power to order the transfer,’ *Starnes*, [512 F.2d at 924](#) n. 6, we will not consider the clerk’s compliance with the order as destroying our jurisdiction. *See NBS Imaging Systems, Inc. v. United States District Court*, [841 F.2d 297, 298](#) (9th Cir. 1988); *Gower v. Lehman*, [799 F.2d 925, 927-28](#) (4th Cir. 1986); *Farrell v. Wyatt*, [408 F.2d 662, 664](#) (2d Cir. 1969).” (*id.*). In this case, the same is true. The Amended Petition for a Writ of Mandamus (22-5317, 1976909) and Reply (22-5317, 1994449) raise substantial issues regarding the district court’s prejudicial practice of denying Petitioner-Plaintiff his Constitutional right to due process five times in two months (this attempt to transfer the case without appellate review would be the sixth).

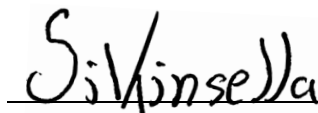
“[A]s a matter of fundamental fairness the judge must accord an opportunity to be heard at least whenever there is a possibility that the hearing may develop facts bearing on the decision” *Fine v. McGuire*, 433 F.2d 499, 501 (D.C. Cir. 1970). “The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’ *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). *See Grannis v. Ordean*, 234 U.S. 385, 394 (1914)” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). In such circumstances, this Circuit held that

“[e]ven without the original file, we can rectify a usurpation of judicial power. *See A. Olinick Sons v. Dempster Bros.*, 365 F.2d 439, 447-48 (2d Cir. 1966) (Friendly, J., concurring).” (*id.*).

Finally, the district court’s execution of the transfer “in disregard of the orderly procedure outlined by the en banc court in *Starnes* ... brings the mandamus petition squarely within the traditional office of the All Writs Act empowering this court to issue writs ‘necessary or appropriate in aid of’ its appellate jurisdiction. 28 U.S.C. § 1651(a).” (*id.*).

For the above reasons, I respectfully request the U.S. Court of Appeals for the District of Columbia Circuit order the U.S. District Court to *return* the files to the District of Columbia.

Respectfully submitted this 19th day of April 2023,



Simon v. Kinsella, Plaintiff *Pro Se*

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**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:22-cv-02147-JMC**

KINSELLA v. BUREAU OF OCEAN ENERGY  
MANAGEMENT et al  
Assigned to: Judge Jia M. Cobb  
Case in other court: USCA, 22-05316  
Cause: 42:4321 Review of Agency Action-Environment

Date Filed: 07/20/2022  
Date Terminated: 11/10/2022  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**SIMON V. KINSELLA**

represented by **SIMON V. KINSELLA**  
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V.

**Defendant**

**BUREAU OF OCEAN ENERGY  
MANAGEMENT**

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**Defendant**

**DEB HAALAND**  
*Secretary of the Interior, U.S. Department  
of the Interior*

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Brian P. Hudak**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**MICHAEL S. REGAN**  
*Administrator, U.S. Environmental  
Protection Agency*

represented by **Amanda Stoner**  
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Date Filed	#	Docket Text
07/20/2022	<u>1</u>	COMPLAINT against BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN ( Filing fee \$ 402, receipt number 202631) filed by SIMON V. KINSELLA. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Appendix 1, # <u>3</u> Appendix 2, # <u>4</u> Appendix 3, # <u>5</u> Appendix 4, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons)(zjm) (Entered: 07/21/2022)
07/20/2022	<u>2</u>	MOTION for CM/ECF User Name and Password by SIMON V. KINSELLA. (zjm) (Entered: 07/25/2022)
07/21/2022		Summons (3) Issued as to BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN. (zjm) (Entered: 07/21/2022)
07/21/2022		SUMMONS Not Issued as to U.S. Attorney and U.S. Attorney General (zjm) (Entered: 07/21/2022)
07/25/2022		MINUTE ORDER granting <u>2</u> Motion for CM/ECF Username and Password: Plaintiff Simon V. Kinsella moves the Court for leave to obtain a username and password for the Court's Case Management/Electronic Case Filing (CM/ECF) system. This Motion, ECF 2, is GRANTED. Under the local rules, a pro se party may obtain a CM/ECF username and password from the Clerk of the Court with the Court's permission. LCvR 5.4(b)(2). To obtain leave of the Court, the pro se party must file a written motion entitled "Motion for CM/ECF User Name and Password" that (1) "describ[es] the party's access to the internet"; (2) "confirm[s] [the party's] capacity to file documents and receive filings electronically on a regular basis"; and (3) "certif[ies] that [the party] either has successfully completed the entire Clerk's Office on-line tutorial or has been permitted to file electronically in other federal courts." Id. The Judge presiding over the case wields discretion over granting a motion for a CM/ECF username and password. Id. Kinsella's Motion satisfies the local rules. He attests that

		he has access to the internet, that he has the capacity to file and receive filings electronically, and that he will complete the entire Clerk's Office online tutorial for CM/ECF filing. ECF 2 at 1-2. Accordingly, Kinsella's motion for a CM/ECF username and password, ECF 2, is GRANTED. Signed by Judge Jia M. Cobb on July 25, 2022. (lcjmc3) (Entered: 07/25/2022)
07/26/2022	<u>3</u>	NOTICE by SIMON V. KINSELLA re <u>1</u> Complaint, (Attachments: # <u>1</u> Exhibit A-C, # <u>2</u> Exhibit D, # <u>3</u> Exhibit E, # <u>4</u> Exhibit F-I, # <u>5</u> Errata J, # <u>6</u> Exhibit K, # <u>7</u> Errata L, # <u>8</u> Exhibit L, # <u>9</u> Exhibit M, # <u>10</u> Exhibit N, # <u>11</u> Exhibit O, # <u>12</u> Exhibit P) "LET THIS BE FILED" Signed by Jia M. Cobb on 07/26/2022(zjf) (Entered: 07/29/2022)
08/15/2022	<u>4</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/8/2022. Answer due for ALL FEDERAL DEFENDANTS by 9/7/2022. (Attachments: # <u>1</u> Certificate of Service Service, US AG Garland)(KINSELLA, SIMON) (Main Document 4 replaced on 8/15/2022) (zjf). Modified on 8/15/2022 to correct serve/answer due date (zjf). Modified on 9/13/2022 (zjf). (Entered: 08/15/2022)
08/15/2022	<u>5</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/9/2022. (Attachments: # <u>1</u> Certificate of Service Service, US Attorney DC, Graves)(KINSELLA, SIMON) (Main Document 5 replaced on 8/15/2022) (zjf). Modified on 9/13/2022 (zjf). (Entered: 08/15/2022)
08/16/2022	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEB HAALAND served on 7/26/2022 (KINSELLA, SIMON) (Entered: 08/16/2022)
08/16/2022	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BUREAU OF OCEAN ENERGY MANAGEMENT served on 7/26/2022 (KINSELLA, SIMON) (Entered: 08/16/2022)
08/16/2022	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. MICHAEL S. REGAN served on 8/3/2022 (KINSELLA, SIMON) (Entered: 08/16/2022)
08/16/2022	<u>9</u>	AFFIDAVIT re <u>3</u> Notice (Other), <u>1</u> Complaint, <i>AFFIDAVIT of JOINDER SERVICE</i> by SIMON V. KINSELLA. (KINSELLA, SIMON) (Entered: 08/16/2022)
09/08/2022	<u>10</u>	NOTICE of Appearance by Amanda Stoner on behalf of BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN (Stoner, Amanda) (Entered: 09/08/2022)
09/08/2022	<u>11</u>	MOTION to Transfer Case to <i>Eastern District of New York</i> by BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A - Mahoney Complaint, # <u>3</u> Exhibit B - ROD, # <u>4</u> Exhibit C - FEIS, # <u>5</u> Exhibit D - Excerpt of March 18, 2021 PSC Order Adopting Joint Proposal, # <u>6</u> Exhibit E - Order Denying Petitions for Rehearing, # <u>7</u> Exhibit F - Consent Motion to Modify Scheduling Order D. Mass, # <u>8</u> Text of Proposed Order)(Stoner, Amanda) (Entered: 09/08/2022)
09/12/2022	<u>12</u>	WITHDRAWN PURSUANT TO NOTICE FILED ON 09/13/2022.....AFFIDAVIT FOR DEFAULT <i>against BOEM and Dept. of Interior</i> by SIMON V. KINSELLA. (Attachments: # <u>1</u> Supplement Request to Clerk to Enter Default)(KINSELLA, SIMON) Modified on 9/13/2022 (zed). (Entered: 09/12/2022)
09/12/2022	<u>13</u>	ERRATA <i>including Exhibit A to Affidavit for Default</i> by SIMON V. KINSELLA re <u>12</u> Affidavit for Default. (KINSELLA, SIMON) (Entered: 09/12/2022)
09/12/2022	<u>14</u>	MOTION for Extension of Time to File Answer by BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN. (Attachments: # <u>1</u> Text of Proposed Order)(Stoner, Amanda) (Entered: 09/12/2022)
09/12/2022	<u>15</u>	RESPONSE re <u>12</u> Affidavit for Default filed by BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN. (Attachments: # <u>1</u> Exhibit)(Hudak, Brian) (Entered: 09/12/2022)



09/13/2022	<u>16</u>	NOTICE of Withdrawal of Affidavit of Default in view of new information by SIMON V. KINSELLA re <u>12</u> Affidavit for Default, <u>13</u> Errata (Attachments: # <u>1</u> Exhibit Duplicate Federal Express proofs of delivery (with same tracking ref.))(KINSELLA, SIMON) (Entered: 09/13/2022)
09/13/2022		NOTICE OF ERROR regarding <u>5</u> Summons Returned Executed as to U.S. Attorney General, <u>4</u> Summons Returned Executed in FOIA as to U.S. Attorney,. The following error(s) need correction: Summons not issued as to the U.S. Attorney or U.S. Attorney General Other– Please refile. (zjf) (Entered: 09/13/2022)
09/13/2022	<u>17</u>	REQUEST FOR SUMMONS TO ISSUE to U.S. Attorney General and U.S. Attorney for the District of Columbia filed by SIMON V. KINSELLA. (Attachments: # <u>1</u> Summons Summons for U.S. Attorney, D.C.)(KINSELLA, SIMON) (Entered: 09/13/2022)
09/13/2022		MINUTE ORDER granting <u>14</u> Motion for Extension of Time to File Answer: The Government filed its Motion for Extension of Time to File Answer on September 12, 2022. Although the plaintiff has not yet informed the Court of their position on the matter, having considered the motion and for good cause shown, it is ORDERED that the motion is GRANTED. The time for The Government to file its responsive pleading to the Complaint in this lawsuit is extended to thirty days after: (1) the case is transferred and a new docket number and judge is assigned (should the Motion to Transfer <u>11</u> be granted); or (2) this Court issues an order denying the Motion to Transfer (should the Motion be denied). Signed by Judge Jia M. Cobb on 9/13/2022. (lcjmc3) (Entered: 09/13/2022)
09/14/2022	<u>18</u>	SUMMONS (2) Issued Electronically as to BUREAU OF OCEAN ENERGY MANAGEMENT, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zed) (Entered: 09/14/2022)
09/22/2022	<u>19</u>	RESPONSE re <u>11</u> MOTION to Transfer Case to Eastern District of New York and Plaintiff's Cross-Motion for Partial Summary Judgment filed by SIMON V. KINSELLA. (Attachments: # <u>1</u> Affidavit Affidavit: Kinsella, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, # <u>6</u> Exhibit Exhibit E)(KINSELLA, SIMON) (Entered: 09/22/2022)
09/22/2022	<u>20</u>	Cross MOTION for Partial Summary Judgment and Expedited Hearing by SIMON V. KINSELLA. (Attachments: # <u>1</u> Memorandum in Support MEMO in Support, # <u>2</u> Statement of Facts Statement of Material Facts, # <u>3</u> Exhibit Exhibit A, # <u>4</u> Affidavit Affidavit: Kinsella, # <u>5</u> USCA Order Proposed Order)(KINSELLA, SIMON) (Entered: 09/22/2022)
09/26/2022	<u>21</u>	Cross MOTION for Partial Summary Judgment (correcting ECF # 20) by SIMON V. KINSELLA. (Attachments: # <u>1</u> Memorandum in Support (corrected), # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Statement of Facts (corrected), # <u>5</u> Affidavit Kinsella)(KINSELLA, SIMON) (Entered: 09/26/2022)
09/27/2022	<u>22</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION to Transfer Case to Eastern District of New York by BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN. (Attachments: # <u>1</u> Text of Proposed Order)(Stoner, Amanda) (Entered: 09/27/2022)
09/27/2022		MINUTE ORDER granting <u>22</u> Consent Motion for Extension of Time to File Response/Reply as to Defendants' Motion to Transfer Case: Having considered the motion and for good cause shown, the Court GRANTS the motion. Defendants are ORDERED to file their Reply by October 6, 2022. Signed by Judge Jia M. Cobb on September 27, 2022. (lcjmc3) (Entered: 09/27/2022)
10/05/2022	<u>23</u>	NOTICE of Plaintiff's probable filing of MOTION for Leave to SURREPLY by SIMON V. KINSELLA (KINSELLA, SIMON) (Entered: 10/05/2022)
10/06/2022	<u>24</u>	MOTION to Strike <u>21</u> Cross MOTION for Partial Summary Judgment (correcting ECF # 20), <u>20</u> Cross MOTION for Partial Summary Judgment and Expedited Hearing by BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Stoner, Amanda) (Entered: 10/06/2022)



10/06/2022	<u>25</u>	REPLY to opposition to motion re <u>11</u> MOTION to Transfer Case filed by BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN. (Attachments: # <u>1</u> Exhibit A)(Stoner, Amanda) Modified docket relationship on 10/11/2022 (zed). (Entered: 10/06/2022)
10/07/2022	<u>26</u>	Unopposed MOTION for Leave to File a <i>SURREPLY to Motion to Transfer Venue</i> by SIMON V. KINSELLA. (KINSELLA, SIMON) (Entered: 10/07/2022)
10/09/2022		MINUTE ORDER granting <u>24</u> Defendants Motion to Strike Plaintiff's Motion for Summary Judgment or in the Alternative to Stay Briefing. The Court ORDERS that briefing on Plaintiff's Motion for Summary Judgment <u>21</u> is stayed pending resolution of Defendants' Motion to Transfer <u>11</u> . Signed by Judge Jia M. Cobb on October 9, 2022. (lcjmc3) (Entered: 10/09/2022)
10/09/2022		MINUTE ORDER granting <u>26</u> Motion for Leave to File Surreply: Plaintiff moves to file a surreply to Defendants' Motion to Transfer Case <u>11</u> . Though surreplies are generally disfavored, the decision whether to grant leave is committed to the Court's discretion, and courts typically grant leave if the moving party shows the need to contest matters presented to the Court for the first time in the non-movant's reply brief. <i>See, e.g., Ben-Kotel v. Howard Univ.</i> , 319 F.3d 532, 536 (D.C. Cir. 2003). In his Motion for Leave, Plaintiff refers to new evidence raised by Defendants' Reply, specifically a declaration attached to Defendants' Reply. ECF 25-1. Accordingly, it is ORDERED that, by October 11, 2022, Plaintiff may file a surreply addressing that new evidence. Plaintiff's surreply may not exceed five typed, double-spaced pages. Signed by Judge Jia M. Cobb on October 9, 2022. (lcjmc3) (Entered: 10/09/2022)
10/11/2022	<u>27</u>	SURREPLY to <i>Motion to Transfer Case (in opposition)</i> filed by SIMON V. KINSELLA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(KINSELLA, SIMON) (Entered: 10/11/2022)
10/13/2022	<u>28</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 9/15/2022. Answer due for ALL D.C. DEFENDANTS by 10/6/2022. (Attachments: # <u>1</u> Exhibit A)(KINSELLA, SIMON) Modified on 10/14/2022 (zjm). (Entered: 10/13/2022)
10/13/2022	<u>29</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/20/2022. (Attachments: # <u>1</u> Exhibit Return Receipt)(KINSELLA, SIMON) (Entered: 10/13/2022)
10/13/2022	<u>30</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BUREAU OF OCEAN ENERGY MANAGEMENT served on 9/22/2022 (Attachments: # <u>1</u> Exhibit Return Receipt)(KINSELLA, SIMON) (Entered: 10/13/2022)
10/13/2022	<u>31</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEB HAALAND served on 9/20/2022 (Attachments: # <u>1</u> Exhibit Return Receipt)(KINSELLA, SIMON) (Entered: 10/13/2022)
10/13/2022	<u>32</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. MICHAEL S. REGAN served on 9/29/2022 (Attachments: # <u>1</u> Exhibit Return Receipt)(KINSELLA, SIMON) (Entered: 10/13/2022)
10/14/2022		NOTICE OF ERROR regarding <u>28</u> Summons Returned Executed as to DC Attorney General,. The following error(s) need correction: Other- Please refile Please refile using event: Service of Process - Summons returned Executed as to US Attorney and enter date of <b>delivery</b> (not date mailed). Please refile. (zjm) (Entered: 10/14/2022)
10/14/2022	<u>33</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/15/2022. Answer due for ALL FEDERAL DEFENDANTS by 10/15/2022. (Attachments: # <u>1</u> Exhibit A)(KINSELLA, SIMON) (Entered: 10/14/2022)
11/02/2022	<u>34</u>	First MOTION to Amend/Correct <u>1</u> Complaint, <i>against BOEM, et al.</i> , by SIMON V. KINSELLA. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A - AMENDED COMPLAINT, # <u>3</u> Exhibit B - Amended Complaint (redline), # <u>4</u> Declaration of

		SIMON V. KINSELLA, # <u>5</u> Exhibit 01, # <u>6</u> Exhibit 02, # <u>7</u> Exhibit 03, # <u>8</u> Exhibit 04, # <u>9</u> Exhibit 05, # <u>10</u> Exhibit 06, # <u>11</u> Exhibit 07, # <u>12</u> Exhibit 08, # <u>13</u> Exhibit 09, # <u>14</u> Exhibit 10, # <u>15</u> Exhibit 11, # <u>16</u> Exhibit 12, # <u>17</u> Exhibit 13, # <u>18</u> Exhibit 16, # <u>19</u> Exhibit 17, # <u>20</u> Exhibit 18)(KINSELLA, SIMON). Added MOTION to Expedite, MOTION for Hearing on 11/4/2022 (zjm). (Entered: 11/02/2022)
11/02/2022	<u>35</u>	Ex Parte MOTION for Injunction <i>against South Fork Wind LLC</i> by SIMON V. KINSELLA. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Simon V. Kinsella, # <u>3</u> Text of Proposed Order, # <u>4</u> Exhibit I, # <u>5</u> Exhibit II, # <u>6</u> Exhibit III, # <u>7</u> Exhibit IV, # <u>8</u> Exhibit V)(KINSELLA, SIMON) (Attachment 7 replaced on 11/3/2022) (rj). Modified on 11/3/2022 to flatten pdf (rj). (Entered: 11/02/2022)
11/03/2022	<u>36</u>	Amended MOTION to Amend/Correct <u>35</u> Ex Parte MOTION for Injunction <i>against South Fork Wind LLC</i> # <u>3</u> Text of Proposed Order by SIMON V. KINSELLA. (KINSELLA, SIMON) (Entered: 11/03/2022)
11/03/2022	<u>37</u>	NOTICE of TRO to Opposing Party by SIMON V. KINSELLA re <u>35</u> Motion for Injunction, (KINSELLA, SIMON) (Entered: 11/03/2022)
11/03/2022	<u>38</u>	Proposed MOTION to Issue Summons <i>for First Amended Complaint</i> by SIMON V. KINSELLA. (Attachments: # <u>1</u> Summons James Bennett, # <u>2</u> Summons Michelle Morin, # <u>3</u> Summons Mary Boatman, # <u>4</u> Summons Emma Chaiken, # <u>5</u> Summons Mark Jensen, # <u>6</u> Summons Jennifer Draher, # <u>7</u> Summons Brian Hooker, # <u>8</u> Summons Laura Daniel-Davis)(KINSELLA, SIMON) (Entered: 11/03/2022)
11/03/2022	<u>39</u>	NOTICE <i>Re: Record of Decision (ROD), Final Environmental Impact Statement (FEIS), Construction and Operations Plan Vol I &amp; II (COP), and missing Exhibit 15</i> by SIMON V. KINSELLA re <u>34</u> Motion to Amend/Correct., <u>35</u> Motion for Injunction, (Attachments: # <u>1</u> Exhibit 15 Renewables RFP)(KINSELLA, SIMON) (Entered: 11/03/2022)
11/05/2022	<u>40</u>	Unopposed MOTION to Intervene by SOUTH FORK WIND, LLC. (Attachments: # <u>1</u> Proposed Opposition to Plaintiff's Emergency Motion for a Temporary Restraining Order, # <u>2</u> Declaration of Janice M. Schneider, # <u>3</u> Declaration of Melanie Gearon, # <u>4</u> Proposed Order Granting Leave to Intervene, # <u>5</u> Proposed Order Denying Temporary Restraining Order, # <u>6</u> Corporate Disclosure Statement)(Schneider, Janice) (Entered: 11/05/2022)
11/05/2022	<u>41</u>	NOTICE of Appearance by Stacey Lynn VanBelleghem on behalf of SOUTH FORK WIND, LLC (VanBelleghem, Stacey) (Entered: 11/05/2022)
11/05/2022	<u>42</u>	NOTICE of Appearance by Devin M. O'Connor on behalf of SOUTH FORK WIND, LLC (O'Connor, Devin) (Entered: 11/05/2022)
11/07/2022	<u>43</u>	ORDER granting <u>40</u> Unopposed Motion of South Fork Wind, LLC to Intervene as a Defendant pursuant to Federal Rule of Civil Procedure 24(a)(2). See document for details. Signed by Judge Jia M. Cobb on November 7, 2022. (lcjmc3) (Entered: 11/07/2022)
11/07/2022		MINUTE ORDER. The Parties are ORDERED to appear for a hearing regarding <u>11</u> Motion to Transfer Case and <u>35</u> Motion for a Temporary Restraining Order (TRO) on November 9, 2022, at 2:00 PM. The hearing will be on the record and conducted via Zoom. The Court's Deputy Clerk will provide the information necessary to access the call. Signed by Judge Jia M. Cobb on November 7, 2022. (lcjmc3) (Entered: 11/07/2022)
11/07/2022	<u>44</u>	REPLY to opposition to <u>35</u> motion <i>for Emergency TRO</i> filed by SIMON V. KINSELLA. (Attachments: # <u>1</u> Declaration of Simon V. Kinsella, # <u>2</u> Exhibit 44-2, # <u>3</u> Exhibit 44-3, # <u>4</u> Exhibit 44-4, # <u>5</u> Exhibit COP 1 of 4, 44-5, # <u>6</u> Exhibit COP 2 of 4, 44-6, # <u>7</u> Exhibit COP 3 of 4, 44-7, # <u>8</u> Exhibit COP 4 of 4, 44-8, # <u>9</u> Exhibit 44-9, # <u>10</u> Exhibit 44-10, # <u>11</u> Exhibit 44-11, # <u>12</u> Exhibit 44-12, # <u>13</u> Exhibit 44-13)(KINSELLA, SIMON); Modified on 11/7/2022 to add docket entry relationship. (zth). (Entered: 11/07/2022)
11/08/2022	<u>45</u>	Memorandum in opposition to re <u>35</u> Motion for Injunction, filed by BUREAU OF OCEAN ENERGY MANAGEMENT, DEB HAALAND, MICHAEL S. REGAN. (Attachments: # <u>1</u> Exhibit A – SFWF FEIS, # <u>2</u> Exhibit B – SFWF ROD, # <u>3</u> Exhibit C – EFH Addendum, # <u>4</u> Exhibit D – August 31, 2022 NMFS Letter, # <u>5</u> Exhibit E –

		October 7, 2021 BOEM Letter, # <u>6</u> Exhibit F – SFWF COP, # <u>7</u> Exhibit G – November 22, 2021 Memorandum to File, # <u>8</u> Exhibit H: Declaration of John Stokely, BOEM Project Coordinator, Office of Renewable Programs, # <u>9</u> Exhibit I: March 11, 2022 EPA Letter to Citizens for Preservation of Wainscott, Inc.)(Stoner, Amanda) (Entered: 11/08/2022)
11/09/2022	<u>46</u>	REPLY to opposition to motion re <u>45</u> Memorandum in Opposition,, <i>to Plaintiff's Motion for Emergency TRO</i> filed by SIMON V. KINSELLA. (Attachments: # <u>1</u> Exhibit 45-1 SCWA Well Map, # <u>2</u> Exhibit 45-2 SCDHS PFAS Profile Analysis)(KINSELLA, SIMON) (Entered: 11/09/2022)
11/09/2022	<u>47</u>	ERRATA ( <i>reference corrections, see redline changes</i> ) by SIMON V. KINSELLA re <u>46</u> Reply to opposition to Motion,. (Attachments: # <u>1</u> Exhibit Redline changes)(KINSELLA, SIMON) (Entered: 11/09/2022)
11/09/2022		Minute Entry for Preliminary Injunction held on 11/9/2022 before Judge Jia M. Cobb. Order to follow. (Court Reporter Tammy Nestor.) (zglw) (Entered: 11/09/2022)
11/10/2022		MINUTE ORDER re Zoom Hearing held on November 9, 2022. The Court GRANTS Plaintiff's Motion to Amend/Correct the Complaint <u>34</u> , which Plaintiff may do as a matter of course at this stage in the proceedings. <i>See</i> Fed. R. Civ. P. 15(a)(1)(B). Further, the Court STRIKES as premature Plaintiff's Corrected Cross-Motion for Partial Summary Judgment <u>21</u> , as well as the uncorrected version of the same motion <u>20</u> . Finally, the Court DENIES Plaintiff's Motion for a Temporary Restraining Order <u>35</u> for the reasons stated on the record at the hearing. The Court does not rule on Plaintiff's Motion for a Preliminary Injunction <u>35</u> . Signed by Judge Jia M. Cobb on November 10, 2022. (lcjmc3) (Entered: 11/10/2022)
11/10/2022	<u>48</u>	MEMORANDUM OPINION re: <u>11</u> Motion to Transfer Case. See document for details. Signed by Judge Jia M. Cobb on November 10, 2022. (lcjmc3) (Entered: 11/10/2022)
11/10/2022	<u>49</u>	ORDER granting <u>11</u> Motion to Transfer Case. See document for details. Signed by Judge Jia M. Cobb on November 10, 2022. (lcjmc3) (Entered: 11/10/2022)
11/10/2022		MINUTE ORDER re <u>38</u> Motion to Issue Summons. The Court dismisses the motion as moot. Signed by Judge Jia M. Cobb on November 10, 2022. (lcjmc3) (Entered: 11/10/2022)
11/29/2022	<u>50</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to Order on Motion to Amend/Correct,, Order on Motion for Injunction,, Order on Motion to Expedite,,, Order on Motion for Hearing,,, Order on Motion for Partial Summary Judgment,,,, Order,, Set Hearings, Order on Motion to Strike, <u>48</u> Memorandum & Opinion, <u>49</u> Order on Motion to Transfer Case by SIMON V. KINSELLA. Filing fee \$ 505, receipt number ADCDC-9701068. Fee Status: Fee Paid. Parties have been notified. (Attachments: # <u>1</u> Exhibit USCA Writ of Mandamus, # <u>2</u> Exhibit Cert. as to Parties, Rulings, and Related Cases)(KINSELLA, SIMON) (Entered: 11/29/2022)
11/30/2022	<u>51</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid re <u>50</u> Notice of Appeal to DC Circuit Court. (zjm) (Entered: 11/30/2022)
11/30/2022		USCA Case Number 22-5316 for <u>50</u> Notice of Appeal to DC Circuit Court, filed by SIMON V. KINSELLA. (znmw) (Entered: 12/01/2022)
12/06/2022	<u>52</u>	AMENDED PETITION FOR WRIT OF MANDAMUS <i>Amended Writ of Mandamus</i> by SIMON V. KINSELLA re <u>50</u> Notice of Appeal to DC Circuit Court,, (Attachments: # <u>1</u> Declaration of Simon V. Kinsella)(KINSELLA, SIMON) Modified event title on 12/8/2022 (znmw). (Entered: 12/06/2022)
04/18/2023	<u>53</u>	MANDATE of USCA as to <u>50</u> Notice of Appeal to DC Circuit Court,, filed by SIMON V. KINSELLA ; USCA Case Number 22-5316. (Attachments: # <u>1</u> USCA Order 2/23/2023)(znmw) (Entered: 04/19/2023)
04/19/2023	<u>54</u>	Case transferred to the USDC for the Eastern District of New York pursuant to <u>49</u> Order on Motion to Transfer Case ; Sent to Court via extraction. (znmw) (Entered: 04/19/2023)

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