

Exhibit A

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

SIMON V. KINSELLA

Plaintiff,

v.

BUREAU OF OCEAN ENERGY MANAGEMENT;
DEB HAALAND, Secretary of the Interior,
U.S. DEPARTMENT OF THE INTERIOR;
MICHAEL S. REGAN, Administrator, U.S.
ENVIRONMENTAL PROTECTION AGENCY;

Defendants,

SOUTH FORK WIND LLC;
LONG ISLAND POWER AUTHORITY;

Nominal Joinder Parties

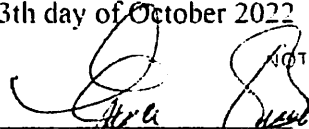
Civil Action No.: 1:22-cv-0217 (JMC)

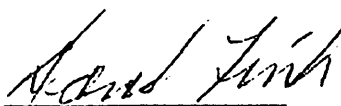


COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

AFFIDAVIT OF SERVICE

I, David Fink, hereby declare that on the 17th day of September, 2022, I mailed a copy of the summons and complaint, certified mail return receipt requested, to the U.S. Attorney General, Department of Justice. Attached hereto is the certified green card acknowledging service.

Sworn to before me this
13th day of October 2022


EMMA BARRIENTOS
NOTARY PUBLIC-STATE OF NEW YORK
No 01BA6106762
Qualified in New York County
My Commission Expires 03-15-2024
Notary Public


David Fink
PO Box 101, 
Wainscott, N.Y. 11975
Tel: 

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. Attorney General
 Department of Justice
 950 Pennsylvania Ave, NW
 Washington, DC 20530-0001



9590 9402 7474 2055 1175 33

2. Article Number (Transfer from service label)

7020 2450 0000 1517 7528

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1?** Yes
 If YES, enter delivery address below: No

7/11/23

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

1 Mail
1 Mail Restricted Delivery
500)

USPS TRACKING#

Case 1:22-cv-02147-JMC

Document 20-1 Mailed 10



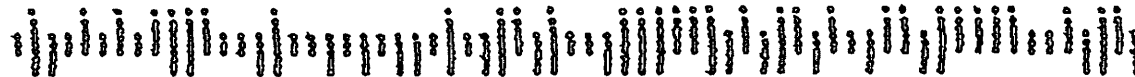
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7474 2055 1175 33

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

D. Fink
P.O. Box 101
Wainscott, N.Y. 11975



UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

SIMON V. KINSELLA

Plaintiff,

v.

BUREAU OF OCEAN ENERGY MANAGEMENT;
DEB HAALAND, Secretary of the Interior,
U.S. DEPARTMENT OF THE INTERIOR;
MICHAEL S. REGAN, Administrator, U.S.
ENVIRONMENTAL PROTECTION AGENCY;

Defendants.

SOUTH FORK WIND LLC;
LONG ISLAND POWER AUTHORITY;

Nominal Joinder Parties

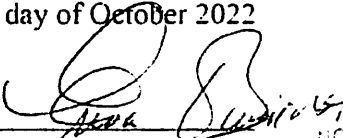
Civil Action No.: 1:22-cv-0217 (JMC)

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

AFFIDAVIT OF SERVICE

I, David Fink, hereby declare that on the 17th day of September, 2022, I mailed a copy of the summons and complaint, certified mail return receipt requested, to the U.S. Bureau of Ocean Energy Management. Attached hereto is the certified green card acknowledging service.

Sworn to before me this
13th day of October 2022


Notary Public

EMMA BARRIENTOS
NOTARY PUBLIC-STATE OF NEW YORK
No 01BA6106762
Qualified in New York County
My Commission Expires 03-15-2024



David Fink
PO Box 101, [REDACTED]
Wainscott, N.Y. 11975
Tel: [REDACTED]

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bureau of Ocean Energy
 Management (BOEM)
 1849 C Street, N.W.
 Washington, D.C. 20240



9590 9402 7474 2055 1063 91

2. Article Number (Transfer from service label)

7020 1810 0000 7168 1510

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Erica Williams* Agent Addressee

B. Received by (Printed Name)

ERICA A. Williams

C. Date of Delivery

9/22/2022

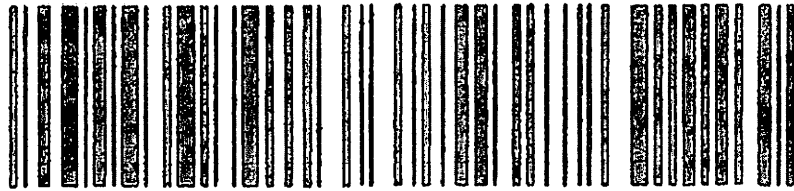
- D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Registered Mail Restricted Delivery (\$500) | |

Domestic Return Receipt

USPS TRACKING#



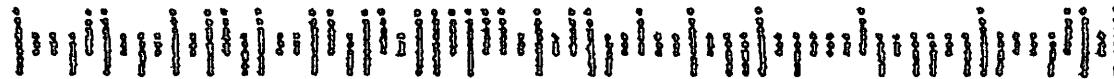
**First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10**

9590 9402 7474 2055 1063 91

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box®

**D. Fink
P.O. Box 101
Wainscott, N.Y. 11975**



SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ONLY AFTER DELIVERY Page 1 of 2

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Secretary Deb Haaland
 U.S. Department of The Interior
 1849 C Street, N.W.
 Washington, DC 200240



9590 9402 7474 2055 1175 40

2. Article Number (Transfer from service label)

7020 2450 0000 1517 7511

A. Signature

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

C. Danielle Morris

C. Date of Delivery

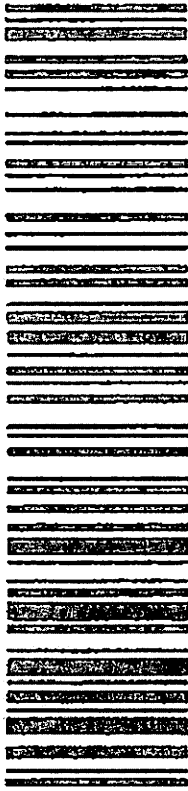
9/20/22

- D. Is delivery address different from item 1? Yes
- If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Case 1:22-cv-02143-ACKME# Document 31-1 Filed 10/13/22 First-Class Mail 2012



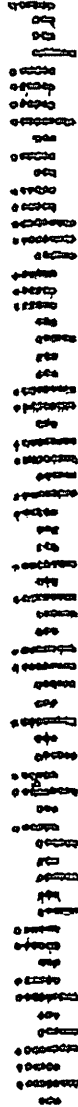
9590 9402 7474 2055 1175 40

United States
Postal Service

Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box®

D. Fink
P.O. Box 101
Wainscott, N.Y. 11975

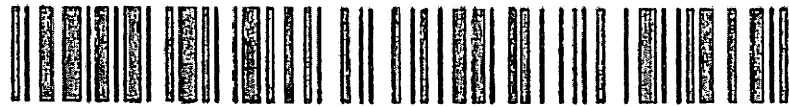


SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Administrator Michael S. Regan
 U.S. Environmental Protection Agency
 1200 Pennsylvania Avenue N.W.
 Washington, DC 20004



9590 9402 7474 2055 1063 84

2. Article Number (Transfer from service label)

7020 1810 0000 7168 1527

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

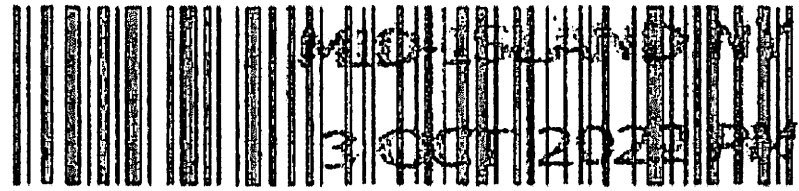
SFP 9 a 2022

3. Service Type

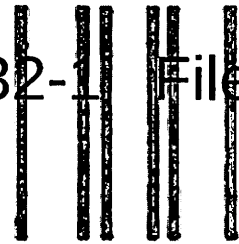
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery
- Registered Mail Restricted Delivery (over \$500)

Case 1:22-cv-02147-JMC Document 32-1 Filed 10/13/22 Page 2 of 2

USPS TRACKING#



430-15-AND 117
3 OCT 2022 PM 2 L



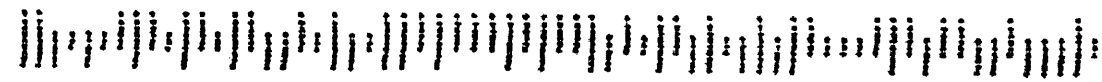
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7474 2055 1063 84

United States
Postal Service

◦ Sender: Please print your name, address, and ZIP+4[®] in this box[◦]

D. Fink
P.O. Box 101
Wainscott, N.Y. 11975



UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

SIMON V. KINSELLA

Plaintiff,

v.

BUREAU OF OCEAN ENERGY MANAGEMENT;
DEB HAALAND, Secretary of the Interior.
U.S. DEPARTMENT OF THE INTERIOR;
MICHAEL S. REGAN, Administrator, U.S.
ENVIRONMENTAL PROTECTION AGENCY;

Defendants,

SOUTH FORK WIND LLC;
LONG ISLAND POWER AUTHORITY;

Nominal Joinder Parties

Civil Action No.: 1:22-cv-0217 (JMC)

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

AFFIDAVIT OF SERVICE

I, David Fink, hereby declare that on the 15th day of September, 2022, I emailed a copy of the summons and complaint, to U.S. Attorney for the District of Columbia at email address of USADC.ServiceCivil@usdoj.gov. At 5:42 PM the same day, I received a reply (attached hereto as Exhibit A) that reads: "Your service package (consisting of five emails) has been received and accepted with a service date of September 15, 2022."

Sworn to before me this

13th day of October 2022

Notary Public

EMMA BARRIENTOS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BA6106762
Qualified in New York County
Commission Expires 03-16-2024

David Fink
PO Box 101, [REDACTED]
Wainscott, N.Y. 11975
Tel: [REDACTED]



Retail EH <retail eh@gmail.com>

Case: 1:22-cv-02147 (JMC), ECF No. 28, Exhibit A

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT et al, 22-02147 (email 1 of 5)

2 messages

Retail EH <retail eh@gmail.com>
To: USADC.ServiceCivil@usdoj.gov

Thu, Sep 15, 2022 at 2:50 PM

Email 1 of 5

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT *et al*

CASE #: 1:22-cv-02147-JMC

Please see attached –

- Summons
- Complaint
- Appendices 1 through 4

filed in the U.S. District Court District of Columbia on July 21, 2022.

If you have any questions, please email me at RetailEH@gmail.com.

Sincerely yours,

David Fink

P.O. Box 101

Wainscott, N.Y. 11975

#1 Summons, Complaint & Appendices 1-4.pdf
11525K

USADC-ServiceCivil <USADC.ServiceCivil@usdoj.gov>
To: Retail EH <retail eh@gmail.com>

Thu, Sep 15, 2022 at 5:42 PM

Your service package (consisting of five emails) has been received and accepted with a service date of September 15, 2022. Thank you.

[Quoted text hidden]



Retail EH <retailleh@gmail.com>

Case: 1:22-cv-02147 (JMC), ECF No. 28, Exhibit A

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT et al, 22-02147 (email 2 of 5)

1 message

Retail EH <retailleh@gmail.com>
To: USADC.ServiceCivil@usdoj.gov

Thu, Sep 15, 2022 at 2:52 PM

Email 2 of 5

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT *et al*

CASE #: 1:22-cv-02147-JMC

Please see attached –

- Complaint Exhibits A through G

filed in the U.S. District Court District of Columbia on July 21, 2022.

If you have any questions, please email me at RetailEH@gmail.com.

Sincerely yours,

David Fink

P.O. Box 101

Wainscott, N.Y. 11975

#2 Complaint Exhibit A-G.pdf
10884K



Retail EH <retailleh@gmail.com>

Case: 1:22-cv-02147 (JMC), ECF No. 28, Exhibit A

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT et al, 22-02147 (email 3 of 5)

1 message

Retail EH <retailleh@gmail.com>
To: USADC.ServiceCivil@usdoj.gov

Thu, Sep 15, 2022 at 2:57 PM

Email 3 of 5

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT *et al*

CASE #: 1:22-cv-02147-JMC

Please see attached –

- Complaint Exhibit H- CZMA LWRP

filed in the U.S. District Court District of Columbia on July 21, 2022.

If you have any questions, please email me at RetailEH@gmail.com.

Sincerely yours,

David Fink

P.O. Box 101

Wainscott, N.Y. 11975

#3 Complaint Exhibit H- CZMA LWRP.pdf
6582K



Retail EH <retail eh@gmail.com>

Case: 1:22-cv-02147 (JMC), ECF No. 28, Exhibit A

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT et al, 22-02147 (email 4 of 5)

1 message

Retail EH <retail eh@gmail.com>
To: USADC.ServiceCivil@usdoj.gov

Thu, Sep 15, 2022 at 3:00 PM

Email 4 of 5

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT *et al*

CASE #: 1:22-cv-02147-JMC

Please see attached –

- Complaint Exhibits I- Water Resources Management Plan

filed in the U.S. District Court District of Columbia on July 21, 2022.

If you have any questions, please email me at RetailEH@gmail.com.

Sincerely yours,

David Fink

P.O. Box 101

Wainscott, N.Y. 11975

#4 Complaint Exhibit I- Water Res Mgt Plan.pdf
14224K



Retail EH <retailleh@gmail.com>

Case: 1:22-cv-02147 (JMC), ECF No. 28, Exhibit A

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT et al, 22-02147 (email 5 of 5)

1 message

Retail EH <retailleh@gmail.com>
To: USADC.ServiceCivil@usdoj.gov

Thu, Sep 15, 2022 at 3:02 PM

Email 5 of 5

KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT *et al*

CASE #: 1:22-cv-02147-JMC

Please see attached –

- Complaint Exhibits J through P

filed in the U.S. District Court District of Columbia on July 21, 2022.

If you have any questions, please email me at RetailEH@gmail.com.

Sincerely yours,

David Fink

P.O. Box 101

Wainscott, N.Y. 11975

#5 Complaint Exhibit J-P.pdf
11533K

Exhibit B

at 333 Earle Ovington Blvd., Suite 403, Uniondale, New York 11553

Exhibit B: Affidavit of Service, Long Island Power Authority

2. In addition to the aforementioned potential nominal joinder parties, I arranged for the service of a (paper) copy of the Complaint in the above-caption action and an electronic copy of the Complaint with all appendices and exhibits on a USB flash drive to the following parties who may have an interest in the case out of courtesy –

a. PSEG Long Island, LLC

Andrea Elder-Howell, Vice President – Legal

C/o Corporate Creations Network Inc.

600 Mamaroneck Ave #400

Harrison, NY, 10528

Exhibit C: Affidavit of Service, PSEG Long Island, LLC.

b. Town of East Hampton

Supervisor Van Scoyoc and Town Clerk Carole Brennan

159 Pantigo Road

East Hampton, New York 11937

Exhibit D: Affidavit of Service, Town of East Hampton

c. The Trustees of the Freeholders and Commonalty of the Town of East Hampton

267 Bluff Road

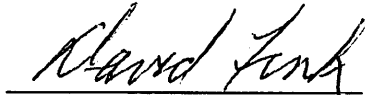
Amagansett, New York 11930

Exhibit E: Affidavit of Service, Trustees

I declare under penalty of perjury that this information is true.

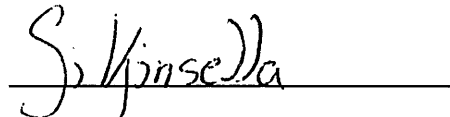
Sworn to this 16th day of August 2022

Respectfully submitted,



Notary Public

DAVID FINK
Notary Public, State of New York
No. 4526132
Qualified in New York County
Commission Expires February 28, 2023



Simon V. Kinsella, Plaintiff *pro se*

P.O. Box 792

Wainscott, N.Y. 11975

Mobile: +1-631-903-9154

Email: Si@oswSouthFork.info

Date: August 16, 2022

Exhibit A

Affidavit of Service

South Fork Wind, LLC

AFFIDAVIT OF SERVICE

Case: 22-cv-02147-JMC	Court: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA	County:	Job: 7430262 (SOUTH FORK WIND LLC: (registry code: 6219349) C/O COGENCY GLOBAL INC.)
Plaintiff / Petitioner: SIMON V. KINSELLA		Defendant / Respondent: BUREAU OF OCEAN ENERGY MANAGEMENT; DEB HAALAND, Secretary of the Interior, U.S. DEPARTMENT OF THE INTERIOR; MICHAEL S. REGAN, Administrator, U.S. ENVIRONMENTAL PROTECTION AGENCY	
Received by: The Wesley Group		For: Simon V. Kinsella	
To be served upon: SOUTH FORK WIND LLC: (registry code: 6219349) C/O COGENCY GLOBAL INC.			

I, Allison Bernardo, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Teresa Grandison, 850 NEW BURTON RD SUITE 201, DOVER, DE 19904-5451

Manner of Service: Registered Agent, Aug 4, 2022, 12:03 pm EDT

Documents: Complaint, Appendix 1-Appendix 4, Exhibit A-Exhibit P, and thumb drive

Additional Comments:

1) Successful Attempt: Aug 4, 2022, 12:03 pm EDT at 850 NEW BURTON RD SUITE 201, DOVER, DE 19904-5451 received by Teresa Grandison . Age: 30; Ethnicity: African American; Gender: Female; Weight: 200; Height: 5'7"; Hair: Brown; Eyes: Brown; Relationship: Administrative Assistant ;

Allison Bernardo 08/04/2022
 Allison Bernardo, Process Server Date
 The Wesley Group
 107 S. West St. Ste. 417
 Alexandria, VA 22314

Subscribed and sworn to before me by the affiant who is personally known to me.

Mark W. Hagood
 Notary Public
 08/04/2022 11/30/2023
 Date Commission Expires

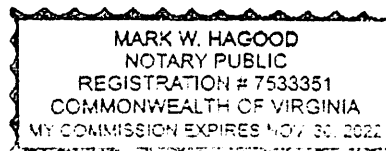


Exhibit B

Affidavit of Service

Long Island Power Authority

Civil Action No. 22-cv-02147-JMC

PROOF OF SERVICE

This nominal joinder coversheet and complaint for LONG ISLAND POWER AUTHORITY
was received by me on (date) 07/22/2022

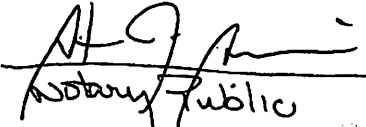
Other (specify): On 7/22/2022 at 3:50 pm, I left the complaint with coversheet (see page 1) with Theresa, a person of suitable age and discretion at 333 Earle Ovington Blvd., Suite 403, Uniondale, New York 11553. Theresa described herself as the Assistant to Long Island Power Authority CEO Thomas Falcone. Theresa looked to be between 40 and 45 years old with dark hair slightly past her shoulder wearing black-framed glasses.

My fees are \$ 1.00 for travel and \$ 1.00 for services, for a total of \$ 2.00

I declare under penalty of perjury that this information is true.

Date: 7/29/22

sworn to this 29th day
of July 2022


Notary Public

STEVEN A. SAIDE
Notary Public, State of New York
No. 02SA6081677
Qualified in Suffolk County
Commission Expires October 15, 2022



Server's signature

David Fink,
Printed name and title

PO Box 101
Wainscott, N.Y. 11975

Server's address

Exhibit C

Affidavit of Service

PSEG Long Island, LLC.

E-MAIL: SIMON V. KINSELLA
SI@OSWSOUTHFORK.INFO P.O. BOX 792
WAINSCOTT, N. Y. 11975 M (631) 903-9154

August 9, 2022

Andrea Elder-Howell, Vice President – Legal
PSEG Long Island, LLC (DOS ID:4133093)
C/o Corporate Creations Network Inc.
600 Mamaroneck Ave #400
Harrison, NY, 10528

Sent via Fedex Overnight

Re: Complaint 22-cv-02147-JMC
Review of South Fork Wind by BOEM

Dear Ms. Elder-Howell,

Please take notice of the enclosed (paper) copy of the above-captioned Complaint against The Honorable Deb Haaland, Secretary of the Interior U.S. Department of the Interior, The Honorable Michael S. Regan, Administrator, Environmental protection Agency, and the Bureau of Ocean Energy Management (BOEM). I have also included an electronic copy of the Complaint with all appendices and exhibits on the enclosed USB flash drive.

The Complaint concerns BOEM's selective environmental review of South Fork Wind, which overlooks adverse environmental impacts in contravention of BOEM's statutorily mandated obligations. The cursory nature of BOEM's review concerns South Fork Wind, and the enclosed legal action may impact your company.

BOEM is supposed to oversee the administration of programs that manage the development of the Nation's offshore resources in an environmentally and economically responsible manner. BOEM's programs include leasing, plan administration, environmental studies, National Environmental Policy Act analysis, resource evaluation, economic analysis, and a Renewable Energy Program. BOEM is the lead federal agency responsible for reviewing South Fork Wind.

The Complaint alleges that BOEM—

1. Recklessly ignored PFAS contamination that poses a risk to public health and the environment and exposed construction workers and residents to such contamination without regard to safety or the environment (Complaint, ¶¶ 48-108);
2. Permitted South Fork Wind to install underground infrastructure, including vaults the size of forty-foot shipping containers (encroaching into groundwater), in a square mile with more PFAS-contaminated drinking water wells than anywhere else in Suffolk County (Complaint, ¶¶ 532-540);

3. Allowed South Fork Wind to install miles of underground concrete duct banks and vaults without regard to potential adverse impacts on the Town's sole source of drinking water (the Upper Glacial and Magothy aquifers) or the surface waters and related habitats of Georgica Pond and Wainscott Pond (Complaint, ¶¶ 365-376);

4. Failed to consider evidence (provided by South Fork Wind) stating that concrete materials used in construction may exacerbate, prolong, enhance, and spread harmful PFAS contaminants (Complaint, ¶¶ 390-404);

5. Blindly relied upon South Fork Wind's information in violation of statutory regulations mandating that BOEM independently evaluate and verify such information (Complaint, first through sixth claim for relief, ¶¶ 441-530);

6. Heedlessly relied on demonstrably false presumptions to justify fabricated purposes and needs that fatally corrupted the integrity of the review (Complaint, ¶¶ 469-483);

7. Asserted that South Fork Wind's contract with LIPA resulted from a "technology-neutral competitive bidding process" contrary to fact (Complaint, ¶¶ 281-292);

8. Turned a blind eye to bid rigging designed to stifle competition and increase the price of power to consumers (Complaint, ¶¶ 281-358);

9. Relied upon the false assertion that South Fork Wind designed its project to contribute to renewable energy legislation enacted three-and-a-half years *after* South Fork Wind submitted its proposed design for consideration in the South Fork RFP (Complaint, ¶¶ 136-150);

10. Adopted a "Contract Goal" that *expressly* excludes minorities, women, and service-disabled veterans who own businesses from participating in South Fork Wind's project (Exhibit Q- Amended PPA, at p. 16-1, PDF p. 159, section II, [click here](#));

11. Failed to consider an economically, environmentally, and technically superior alternative that would provide the same renewable energy at less than half the price (Complaint ¶¶ 252-272);

12. Endorsed a campaign designed to deceive the public into believing that the cost of energy from South Fork Wind was "about 16 cents per kWh," contradicting LIPA internal documents that show the cost to ratepayers is 22 cents per kWh (Exhibit R- News 12 Interview [click here](#), and Complaint ¶¶ 273-280);

13. Excluded the project's cost of \$2 billion from its accounting of economic impacts, thereby concealing the fact that for every dollar South Fork Wind puts into the economy, it is withdrawing out of the economy more than four times that amount (Complaint Introduction at pp. 5-6, ¶¶ 121-132, 180-203);

14. Overlooked South Fork Wind's flawed and uneconomic design that specifies the installation of four times more transmission per megawatt capacity than the average of three offshore wind projects in the same area (see Appendix 4, Table 1, [click here](#), and Complaint, ¶¶ 225-229);

15. Disregarded evidence provided by the (indirect) owners of South Fork Wind, Ørsted and Eversource, where they admit that “[s]mall initial projects are not likely to deliver cost savings. Due to diseconomies of scale, the costs per unit of energy for projects of 100 MW and 200 MW in size [South Fork Wind is 130 MW] are significantly higher than those for 400 MW projects.” (Complaint, ¶¶ 219-229);

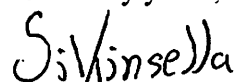
16. Ignored adverse economic impacts that fall disproportionately on lower-income families in contravention of executive orders on environmental justice (Complaint, ¶¶ 204-217); and

17. Neglected Federal Consistency CZMA Enforceable Policies 7, 27, 38, 38a, and 44 (see Complaint, ¶¶ 359-410).

The Complaint, appendices, and exhibits are also at www.oswSouthFork.info/boem).

Should you have any questions, please do not hesitate to contact me on my mobile (631) 903-9154 or via email (Si@Wainscott.Life).

Sincerely yours,


Simon Kinsella

Attachments: Complaint (paper copy of 91 pages, also on USB flash drive)
Appendix 1 through to Appendix 4 (on USB flash drive)
Exhibit A through to Exhibit P (on USB flash drive)



Dear Customer,

The following is the proof-of-delivery for tracking number: 777629096208

Delivery Information:

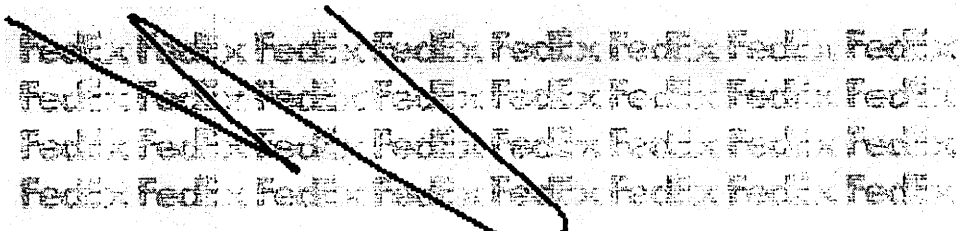
Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	M.FRANCO	Delivery Location:	600 MAMARONECK AVE 2
Service type:	FedEx Priority Overnight		
Special Handling:	Deliver Weekday; Adult Signature Required		HARRISON, NY, 10528
		Delivery date:	Aug 11, 2022 09:43

Shipping Information:

Tracking number:	777629096208	Ship Date:	Aug 10, 2022
		Weight:	0.5 LB/0.23 KG

Recipient: Andrea Elder-Howell, VP Legal, PSEG Long Island (DOS ID:4133093) C/o Corporate Creations Network Inc 600 Mamaroneck Ave #400 HARRISON, NY, US, 10528	Shipper: Simon Kinsella, 100 Wainscott Main St #792 Wainscott, NY, US, 11975
--	--

Reference PSEGLI, c/o Corp Creations Net



Thank you for choosing FedEx

Exhibit D

Affidavit of Service

Town of East Hampton

E-MAIL:

SI@OSWSOUTHFORK.INFO

SIMON V. KINSELLA

P.O. BOX 792

WAINSCOTT, N. Y. 11975

M (631) 903-9154

August 9, 2022

Supervisor Van Scoyoc
Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937

Sent via Fedex Overnight

Re: Complaint 22-cv-02147-JMC
Review of South Fork Wind by BOEM

Dear Supervisor Van Scoyoc,

Please take notice of the enclosed (paper) copy of the above-captioned Complaint against The Honorable Deb Haaland, Secretary of the Interior U.S. Department of the Interior, The Honorable Michael S. Regan, Administrator, Environmental protection Agency, and the Bureau of Ocean Energy Management (BOEM). I have also included an electronic copy of the Complaint with all appendices and exhibits on the enclosed USB flash drive.

The Complaint concerns BOEM's selective environmental review of South Fork Wind, which overlooks adverse environmental impacts in contravention of BOEM's statutorily mandated obligations. The cursory nature of BOEM's review concerns South Fork Wind's onshore export cable corridor within the jurisdiction of the Town of East Hampton.

BOEM is supposed to oversee the administration of programs that manage the development of the Nation's offshore resources in an environmentally and economically responsible manner. BOEM's programs include leasing, plan administration, environmental studies, National Environmental Policy Act analysis, resource evaluation, economic analysis, and a Renewable Energy Program. BOEM is the lead federal agency responsible for reviewing South Fork Wind.

The Complaint alleges that BOEM—

1. Recklessly ignored PFAS contamination that poses a risk to public health and the environment and exposed construction workers and residents to such contamination without regard to safety or the environment (Complaint, ¶¶ 48-108);
2. Permitted South Fork Wind to install underground infrastructure, including vaults the size of forty-foot shipping containers (encroaching into groundwater), in a square mile with more PFAS-contaminated drinking water wells than anywhere else in Suffolk County (Complaint, ¶¶ 532-540);
3. Allowed South Fork Wind to install miles of underground concrete duct banks and vaults without regard to potential adverse impacts on the Town's sole source of drinking water (the

Upper Glacial and Magothy aquifers) or the surface waters and related habitats of Georgica Pond and Wainscott Pond (Complaint, ¶¶ 365-376);

4. Failed to consider evidence (provided by South Fork Wind) stating that concrete materials used in construction may exacerbate, prolong, enhance, and spread harmful PFAS contaminants (Complaint, ¶¶ 390-404);

5. Blindly relied upon South Fork Wind's information in violation of statutory regulations mandating that BOEM independently evaluate and verify such information (Complaint, first through sixth claim for relief, ¶¶ 441-530);

6. Heedlessly relied on demonstrably false presumptions to justify fabricated purposes and needs that fatally corrupted the integrity of the review (Complaint, ¶¶ 469-483);

7. Asserted that South Fork Wind's contract with LIPA resulted from a "technology-neutral competitive bidding process" contrary to fact (Complaint, ¶¶ 281-292);

8. Turned a blind eye to bid rigging designed to stifle competition and increase the price of power to consumers (Complaint, ¶¶ 281-358);

9. Relied upon the false assertion that South Fork Wind designed its project to contribute to renewable energy legislation enacted three-and-a-half years *after* South Fork Wind submitted its proposed design for consideration in the South Fork RFP (Complaint, ¶¶ 136-150);

10. Adopted a "Contract Goal" that *expressly excludes* minorities, women, and service-disabled veterans who own businesses from participating in South Fork Wind's project (Exhibit Q- Amended PPA, at p. 16-1, PDF p. 159, section II, [click here](#));

11. Failed to consider an economically, environmentally, and technically superior alternative that would provide the same renewable energy at less than half the price (Complaint ¶¶ 252-272);

12. Endorsed a campaign designed to deceive the public into believing that the cost of energy from South Fork Wind was "about 16 cents per kWh," contradicting LIPA internal documents that show the cost to ratepayers is 22 cents per kWh (Exhibit R- News 12 Interview [click here](#), and Complaint ¶¶ 273-280);

13. Excluded the project's cost of \$2 billion from its accounting of economic impacts, thereby concealing the fact that for every dollar South Fork Wind puts into the economy, it is withdrawing out of the economy more than four times that amount (Complaint Introduction at pp. 5-6, ¶¶ 121-132, 180-203);

14. Overlooked South Fork Wind's flawed and uneconomic design that specifies the installation of four times more transmission per megawatt capacity than the average of three offshore wind projects in the same area (see Appendix 4, Table 1, [click here](#), and Complaint, ¶¶ 225-229);

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in size [South Fork Wind is 130 MW] are significantly higher than those for 400 MW projects.” (Complaint, ¶¶ 219-229);

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17. Neglected Federal Consistency CZMA Enforceable Policies 7, 27, 38, 38a, and 44 (see Complaint, ¶¶ 359-410).

The Complaint, appendices, and exhibits are also at www.oswSouthFork.info/boem.

Should you have any questions, please do not hesitate to contact me on my mobile (631) 903-9154 or via email (Si@Wainscott.Life).

Sincerely yours,


Simon Kinsella

C/c: Carole Brennan
Town Clerk
159 Pantigo Road
East Hampton, NY 11937

Attachments: Complaint (paper copy of 91 pages, also on USB flash drive)
Appendix I through to Appendix 4 (on USB flash drive)
Exhibit A through to Exhibit P (on USB flash drive)



Dear Customer,

The following is the proof-of-delivery for tracking number: 777628842214

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	W.KING	Delivery Location:	159 PANTIGO RD
Service type:	FedEx Priority Overnight		
Special Handling:	Deliver Weekday; Adult Signature Required		EAST HAMPTON, NY, 11937
		Delivery date:	Aug 11, 2022 11:08

Shipping Information:

Tracking number:	777628842214	Ship Date:	Aug 10, 2022
		Weight:	1.0 LB/0.45 KG

Recipient:
Supervisor Van Scoyoc, Town of East Hampton
Town Hall
159 Pantigo Road
EAST HAMPTON, NY, US, 11937

Shipper:
Simon Kinsella,
100 Wainscott Main St #792
Wainscott, NY, US, 11975

Reference EH Town, PVS

Thank you for choosing FedEx



Dear Customer,

The following is the proof-of-delivery for tracking number: 777628889922

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	W.KING	Delivery Location:	159 PANTIGO RD
Service type:	FedEx Priority Overnight		
Special Handling:	Deliver Weekday; Adult Signature Required		EAST HAMPTON, NY, 11937
		Delivery date:	Aug 11, 2022 11:08

Shipping Information:

Tracking number:	777628889922	Ship Date:	Aug 10, 2022
		Weight:	1.0 LB/0.45 KG

Recipient:
Town Clerk Carole Brennan, Town of East Hampton
Town Hall
159 Pantigo Road
EAST HAMPTON, NY, US, 11937

Shipper:
Simon Kinsella,
100 Wainscott Main St #792
Wainscott, NY, US, 11975

Reference EH Town, Clerk

Thank you for choosing FedEx

Exhibit E

Affidavit of Service

The Trustees of the Freeholders and
Commonalty of the Town of East Hampton

E-MAIL: SIMON V. KINSELLA
SI@OSWSOUTHFORK.INFO P.O. BOX 792
WAINSCOTT, N. Y. 11975 M (631) 903-9154

August 9, 2022

The Trustees of the Freeholders and
Commonalty of the Town of East Hampton
267 Bluff Road
Amagansett, New York 11930

Sent via Fedex Overnight
and USPS Certified

Re: Complaint 22-cv-02147-JMC
Review of South Fork Wind by BOEM

Dear Trustees,

Please take notice of the enclosed (paper) copy of the above-captioned Complaint against The Honorable Deb Haaland, Secretary of the Interior U.S. Department of the Interior, The Honorable Michael S. Regan, Administrator, Environmental protection Agency, and the Bureau of Ocean Energy Management (BOEM). I have also included an electronic copy of the Complaint with all appendices and exhibits on the enclosed USB flash drive.

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BOEM is supposed to oversee the administration of programs that manage the development of the Nation's offshore resources in an environmentally and economically responsible manner. BOEM's programs include leasing, plan administration, environmental studies, National Environmental Policy Act analysis, resource evaluation, economic analysis, and a Renewable Energy Program. BOEM is the lead federal agency responsible for reviewing South Fork Wind.

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6. Heedlessly relied on demonstrably false presumptions to justify fabricated purposes and needs that fatally corrupted the integrity of the review (Complaint, ¶¶ 469-483);

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8. Turned a blind eye to bid rigging designed to stifle competition and increase the price of power to consumers (Complaint, ¶¶ 281-358);

9. Relied upon the false assertion that South Fork Wind designed its project to contribute to renewable energy legislation enacted three-and-a-half years *after* South Fork Wind submitted its proposed design for consideration in the South Fork RFP (Complaint, ¶¶ 136-150);

10. Adopted a "Contract Goal" that *expressly* excludes minorities, women, and service-disabled veterans who own businesses from participating in South Fork Wind's project (Exhibit Q- Amended PPA, at p. 16-1, PDF p. 159, section II, [click here](#));

11. Failed to consider an economically, environmentally, and technically superior alternative that would provide the same renewable energy at less than half the price (Complaint ¶¶ 252-272);

12. Endorsed a campaign designed to deceive the public into believing that the cost of energy from South Fork Wind was "about 16 cents per kWh," contradicting LIPA internal documents that show the cost to ratepayers is 22 cents per kWh (Exhibit R- News 12 Interview [click here](#), and Complaint ¶¶ 273-280);

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15. Disregarded evidence provided by the (indirect) owners of South Fork Wind, Ørsted and Eversource, where they admit that “[s]mall initial projects are not likely to deliver cost savings. Due to diseconomies of scale, the costs per unit of energy for projects of 100 MW and 200 MW in size [South Fork Wind is 130 MW] are significantly higher than those for 400 MW projects.” (Complaint, ¶¶ 219-229);

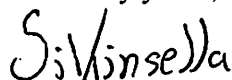
16. Ignored adverse economic impacts that fall disproportionately on lower-income families in contravention of executive orders on environmental justice (Complaint, ¶¶ 204-217); and

17. Neglected Federal Consistency CZMA Enforceable Policies 7, 27, 38, 38a, and 44 (see Complaint, ¶¶ 359-410).

The Complaint, appendices, and exhibits are also at www.oswSouthFork.info/boem).

Should you have any questions, please do not hesitate to contact me on my mobile (631) 903-9154 or via email (Si@Wainscott.Life).

Sincerely yours,


Simon Kinsella

C/c: The Trustees of the Freeholders and
Commonalty of the Town of East Hampton
P.O. Box 7073
Amagansett, New York 11930

Attachments: Complaint (paper copy of 91 pages, also on USB flash drive)
Appendix 1 through to Appendix 4 (on USB flash drive)
Exhibit A through to Exhibit P (on USB flash drive)



Dear Customer,

The following is the proof-of-delivery for tracking number: 777628982243

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	T.ESAR	Delivery Location:	267 BLUFF RD
Service type:	FedEx Priority Overnight		
Special Handling:	Deliver Weekday; Adult Signature Required		AMAGANSETT, NY, 11930
		Delivery date:	Aug 11, 2022 15:33

Shipping Information:

Tracking number:	777628982243	Ship Date:	Aug 10, 2022
		Weight:	1.0 LB/0.45 KG

Recipient:
Town Trustees, Trustees of Town of East Hampton
267 Bluff Road
AMAGANSETT, NY, US, 11930

Shipper:
Simon Kinsella,
100 Wainscott Main St #792
Wainscott, NY, US, 11975

Reference Trustees of EH Town

Thank you for choosing FedEx

Exhibit C

USCA Case #22-5317 Document #1999552 Filed: 05/16/2023 Page 1 of 7
APPEAL,CLOSED,PROSE-NP,TYPE I-FOIA

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

KINSELLA v. BUREAU OF OCEAN ENERGY
MANAGEMENT et al
[REDACTED]
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**
100 Wainscott Main Street
P.O. Box 792
Wainscott, NY 11975
631-903-9154
Email: si@oswsouthfork.info
PRO SE

V.

Defendant

**BUREAU OF OCEAN ENERGY
MANAGEMENT**

represented by **Amanda Stoner**
U.S. DEPARTMENT OF JUSTICE
Nrs
150 M Street
NE
Washington, DC 20002
202-598-0881
Email: amanda.stoner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian P. Hudak
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
601 D Street, NW
Washington, DC 20530
(202) 252-2549
Fax: (202) 252-2599
Email: brian.hudak@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

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

represented by **Amanda Stoner**
(See above for address)
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**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Movant

SOUTH FORK WIND, LLC

represented by **Janice M. Schneider**
 LATHAM & WATKINS LLP
 555 11th Street, NW
 Suite 1000
 Washington, DC 20004-1304
 202-637-2200
 Fax: 202-637-2201
 Email: janice.schneider@lw.com
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Devin M. O'Connor
 LATHAM & WATKINS LLP
 555 11th Street NW
 Suite 1000
 Washington, DC 20004
 202-637-2200
 Email: devin.o'connor@lw.com
 ATTORNEY TO BE NOTICED

Stacey Lynn VanBelleghem
 LATHAM & WATKINS LLP
 555 11th Street, NW
 Suite 1000
 Washington, DC 20004-1304
 (202) 637-2200
 Email: stacey.vanbelleghem@lw.com
 ATTORNEY TO BE NOTICED

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

USCA Case #22-5317 Document #1999552 Filed: 05/16/2023 Page 3 of 7

		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 [REDACTED] on July 25, 2022. ([REDACTED] (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 [REDACTED] 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)

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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 [REDACTED] on 9/13/2022. ([REDACTED]) (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 [REDACTED] on September 27, 2022. ([REDACTED]) (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)

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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 [REDACTED] on October 9, 2022. ([REDACTED]) (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 in their 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 [REDACTED] on October 9, 2022. ([REDACTED]) (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 delivery (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

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		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 for <i>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 Re: <i>Record of Decision (ROD), Final Environmental Impact Statement (FEIS), Construction and Operations Plan Vol I & 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 [REDACTED] on November 7, 2022. ([REDACTED]) (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 [REDACTED] on November 7, 2022. ([REDACTED]) (Entered: 11/07/2022)
11/07/2022	<u>44</u>	REPLY to opposition to <u>35</u> motion for <i>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. (ztth). (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 -

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		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,, to <i>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 [REDACTED] 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 [REDACTED] on November 10, 2022. ([REDACTED]) (Entered: 11/10/2022)
11/10/2022	<u>48</u>	MEMORANDUM OPINION re: 11 Motion to Transfer Case. See document for details. Signed by [REDACTED] on November 10, 2022. ([REDACTED]) (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 [REDACTED] on November 10, 2022. ([REDACTED]) (Entered: 11/10/2022)
11/10/2022		MINUTE ORDER re 38 Motion to Issue Summons. The Court dismisses the motion as moot. Signed by [REDACTED] on November 10, 2022. ([REDACTED]) (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)

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SIMON V. KINSELLA,

Plaintiff,

v.

BUREAU OF OCEAN ENERGY MANAGEMENT;
DEB HAALAND, Secretary of the Interior,
U.S. DEPARTMENT OF THE INTERIOR;
MICHAEL S. REGAN, Administrator, U.S.
ENVIRONMENTAL PROTECTION AGENCY,

Defendants,

and

SOUTH FORK WIND, LLC,

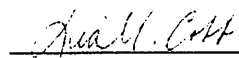
Proposed Defendant-Intervenor

Case No.: 1:22-cv-02147-JMC

ORDER

The Court having considered the Unopposed Motion of South Fork Wind, LLC to Intervene as a Defendant pursuant to Federal Rule of Civil Procedure 24(a)(2), it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Intervenor-Defendant South Fork Wind, LLC's lodged Opposition to Plaintiff's Emergency Motion for a Temporary Restraining Order, ECF 40-1, shall be docketed for consideration. It is further ORDERED that Intervenor-Defendant South Fork Wind, LLC shall file its Answer or other responsive pleading on the same date as Federal Defendants.

SO ORDERED this 7th date of November, 2022.



Honorable Jia M. Cobb
United States District Judge

Exhibit E

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5317

September Term, 2022

1:22-cv-02147-JMC

Filed On: May 17, 2023

In re: Simon V. Kinsella,

Petitioner

BEFORE: Millett, Pillard, and Rao, Circuit Judges

ORDER

Upon consideration of the amended petition for writ of mandamus, the responses thereto, and the replies; and the emergency motion for a temporary restraining order and preliminary injunction, it is

ORDERED that the emergency motion for a temporary restraining order and preliminary injunction be denied. It is

FURTHER ORDERED that the petition for writ of mandamus be denied. The district court did not abuse its discretion in transferring petitioner's case to the Eastern District of New York. See In re Tripathi, 836 F.2d 1406, 1407 (D.C. Cir. 1988) (per curiam). Petitioner does not dispute that venue is proper in the Eastern District of New York. See 28 U.S.C. § 1391(e)(1); 5 U.S.C. § 552(a)(4)(B). And upon review of the entire record, we conclude that the district court reasonably weighed the various factors for and against transfer and concluded that, on balance, transfer was warranted. Petitioner is correct that the district court did not explicitly consider or allow argument on his independent claims of fraud, which were first raised in his amended complaint. Nonetheless, we are not convinced that consideration of these claims would have altered the outcome of the district court's analysis or that vacating the district court's otherwise proper exercise of its discretion is "essential to the interests of justice." See Starnes v. McGuire, 512 F.2d 918, 929 (D.C. Cir. 1974) (en banc).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Scott H. Atchue
Deputy Clerk

Exhibit F

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NPROSE,PROSENEF

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:23-cv-02915-FB-ST**

Kinsella v. Bureau Of Ocean Energy Management et al
Assigned to: Judge Frederic Block
Referred to: Magistrate Judge Steven Tiscione
Case in other court: District of Columbia, 1:22-cv-02147
Cause: 42:4321 Review of Agency Action-Environment

Date Filed: 04/19/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Movant

South Fork Wind, LLC

represented by **Janice Schneider**
Latham & Watkins
555 Eleventh Street NW
Suite 1000
Washington, DC 20004
202-637-2200
Fax: 202-637-2201
Email: janice.schneider@lw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Janice M. Schneider
LATHAM & WATKINS LLP
555 11th Street, NW
Suite 1000
Washington, DC 20004-1304
202-637-2200
Fax: 202-637-2201
Email: janice.schneider@lw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kegan Andrew Brown
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020
212-906-1200
Fax: 212-751-4864
Email: kegan.brown@lw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey VanBelleghem
Latham & Watkins LLP

555 Eleventh St, NW
Ste 1000
Washington, DC 20004
202-637-2200
Fax: 202-637-2201
Email: stacey.vanbelleghem@lw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Devin M. O'Connor
Latham & Watkins LLP
555 11th Street NW
Suite 1000
Washington, DC 20004
202-637-2200
Email: devin.o'connor@lw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stacey Lynn VanBelleghem
LATHAM & WATKINS LLP
555 11th Street, NW
Suite 1000
Washington, DC 20004-1304
(202) 637-2200
Email: stacey.vanbelleghem@lw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Simon V. Kinsella

represented by **Simon V. Kinsella**
P.O. Box 792, Wainscott, NY 11975
2nd Address: 100 Wainscott Main Street
#792
Wainscott, NY 11975
631-903-9154
Email: Si@oswSouthFork.info
PRO SE

V.

Defendant

Bureau of Ocean Energy Management

represented by **Amanda Stoner**
U.S. DEPARTMENT OF JUSTICE
Nrs
150 M Street
NE
Washington, DC 20002
202-598-0881
Email: amanda.stoner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Vincent Lipari
United States Attorneys Office
Eastern District of New York
610 Federal Plaza, 5th Floor
Central Islip, NY 11722-4454
(631) 715-7864
Fax: (631) 715-7920
Email: vincent.lipari@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian P. Hudak
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
601 D Street, NW
Washington, DC 20530
(202) 252-2549
Fax: (202) 252-2599
Email: brian.hudak@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Deb Haaland
Secretary of the Interior, U.S.
Department of the Interior

represented by **Amanda Stoner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Vincent Lipari
(See above for address)
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**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Vincent Lipari
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Date Entered	#	Docket Text
04/19/2023	<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) [Transferred from District of Columbia on 4/19/2023.] (Entered: 04/19/2023)
04/19/2023	<u>54</u>	Case transferred in from District of District of Columbia; Case Number 1:22-cv-02147. Original file certified copy of transfer order and docket sheet received. (Entered: 04/19/2023)
04/19/2023		The case of Kinsella v. Bureau of Ocean Energy Management et al , has been transferred from U.S. District Court, District of Columbia to the Eastern District of New York. The new case number is 23-cv-2915-GRB-SIL . PLEASE NOTE: if you plan to continue representing your client(s), you must be admitted to practice before this court. You must do so by applying for Pro Hac Vice or permanent admission. To apply for Pro Hac Vice admission, you must first register for an ECF login and password. Please visit the Court's website at www.nyed.uscourts.gov/attorney-admissions for guidance. Once registered, you must electronically file a Motion to Appear Pro Hac Vice. You must pay the required pro hac vice fee online. (DC) (Entered: 04/19/2023)
04/19/2023	<u>55</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent . The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (DC) (Entered: 04/19/2023)
04/20/2023		Incomplete ACO Case Termination/Statistical/Non Reportable Closing. (DC) (Entered: 04/20/2023)
04/24/2023		District of Columbia Case number 1:22-cv-02147, Kinsella v. Bureau Of Ocean Energy Management et al, was transferred to The Eastern District of New York in error. E.D.N.Y. case number 23-cv-02915-GRB-SIL has been administratively closed. (AC) (Entered: 04/24/2023)
04/25/2023		ORDER REASSIGNING CASE. Case reassigned to Judge Frederic Block and Magistrate Judge Steven Tiscione (as related to 22-cv-1305)for all further proceedings. Judge Gary R. Brown, Magistrate Judge Steven I. Locke no longer assigned to case Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such.Ordered by Chief Judge Margo K. Brodie on 4/25/2023. (KD) (Entered: 04/25/2023)
05/01/2023		ELECTRONIC ORDER REOPENING CASE: Ordered by Judge Frederic Block on 5/1/2023. (MI) Modified on 5/18/2023 TO REFLECT THAT THERE ARE NO LONGER ANY PENDING APPEALS IN THE D.C. CIRCUIT. (MI). (Entered: 05/01/2023)

05/18/2023	<u>56</u>	MEMORANDUM AND ORDER: Plaintiffs motion <u>35</u> for a preliminary injunction is DENIED. Ordered by Judge Frederic Block on 5/18/2023. (MI) (Entered: 05/18/2023)
05/18/2023	<u>57</u>	NOTICE of Appearance by Vincent Lipari on behalf of Bureau of Ocean Energy Management, Deb Haaland, Michael S. Regan (aty to be noticed) (Lipari, Vincent) (Entered: 05/18/2023)
06/12/2023	<u>58</u>	<p>SCHEDULING ORDER: An initial conference will be held at 10:30 a.m. on July 6, 2023 before the undersigned by phone. Counsel for all parties must participate and shall connect to the conference through dial-in number 888-557-8511 with access code 3152145. The attached Discovery Plan Worksheet is to be completed by counsel and electronically filed with the Court by July 3rd.</p> <p>THE PARTIES ARE REMINDED that audio or video recording of proceedings by any party other than the Court, is strictly prohibited by Local Civil Rule 1.8. Violation of this rule may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed appropriate by the Court.</p> <p>So Ordered by Magistrate Judge Steven Tiscione on 6/12/2023. (LV) (Entered: 06/12/2023)</p>
06/13/2023	<u>59</u>	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-16793536 by South Fork Wind, LLC. (Attachments: # <u>1</u> Declaration of Janice M. Schneider in Support of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> Exhibit A - Certificates of Good Standing, # <u>3</u> Proposed Order Granting Motion to Admit Counsel Pro Hac Vice) (Schneider, Janice) (Entered: 06/13/2023)
06/13/2023	<u>60</u>	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-16793569 by South Fork Wind, LLC. (Attachments: # <u>1</u> Declaration of Stacey L. VanBelleghem in Support of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> Exhibit A - Certificates of Good Standing, # <u>3</u> Proposed Order Granting Motion to Admit Counsel Pro Hac Vice) (VanBelleghem, Stacey) (Entered: 06/13/2023)
06/13/2023	<u>61</u>	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-16793592 by South Fork Wind, LLC. (Attachments: # <u>1</u> Declaration of Devin M. O'Connor in Support of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> Exhibit A - Certificates of Good Standing, # <u>3</u> Proposed Order Granting Motion to Admit Counsel Pro Hac Vice) (O'Connor, Devin) (Entered: 06/13/2023)
06/14/2023		ORDER granting <u>59</u> Motion for Leave to Appear Pro Hac Vice. Having reviewed the Pro Hac Vice application <u>59</u> submitted by Janice M. Schneider for Defendant-Intervenor South Forth Wind, LLC and found it to be in compliance with the local rules concerning attorney admissions, the application is approved. If not already done, the attorney shall register for ECF which is available online at the NYED's homepage. Once registered, the attorney shall file a notice of appearance and ensure that he/she receives electronic notifications of activity in this case. The attorney shall ensure that the \$150 admission fee is submitted or has been submitted to the Clerk's Office. So Ordered by Magistrate Judge Steven Tiscione on 6/14/2023. (LV) (Entered: 06/14/2023)
06/14/2023		ORDER granting <u>60</u> Motion for Leave to Appear Pro Hac Vice. Having reviewed the Pro Hac Vice application <u>60</u> submitted by Stacey L. VanBelleghem for

		Defendant-Intervenor South Fork Wind, LLC and found it to be in compliance with the local rules concerning attorney admissions, the application is approved. If not already done, the attorney shall register for ECF which is available online at the NYED's homepage. Once registered, the attorney shall file a notice of appearance and ensure that he/she receives electronic notifications of activity in this case. The attorney shall ensure that the \$150 admission fee is submitted or has been submitted to the Clerk's Office. So Ordered by Magistrate Judge Steven Tiscione on 6/14/2023. (LV) (Entered: 06/14/2023)
06/14/2023		ORDER granting <u>61</u> Motion for Leave to Appear Pro Hac Vice. Having reviewed the Pro Hac Vice application <u>61</u> submitted by Devin M. O'connor for Defendant-Intervenor South Forth Wind, LLC and found it to be in compliance with the local rules concerning attorney admissions, the application is approved. If not already done, the attorney shall register for ECF which is available online at the NYED's homepage. Once registered, the attorney shall file a notice of appearance and ensure that she receives electronic notifications of activity in this case. The attorney shall ensure that the \$150 admission fee is submitted or has been submitted to the Clerk's Office. So Ordered by Magistrate Judge Steven Tiscione on 6/14/2023. (LV) (Entered: 06/14/2023)
06/16/2023	<u>62</u>	NOTICE of Appearance by Kegan Andrew Brown on behalf of South Fork Wind, LLC (aty to be noticed) (Brown, Kegan) (Entered: 06/16/2023)
06/16/2023	<u>63</u>	NOTICE of Appearance by Janice Schneider on behalf of South Fork Wind, LLC (notification declined or already on case) (Schneider, Janice) (Entered: 06/16/2023)
06/16/2023	<u>64</u>	NOTICE of Appearance by Stacey VanBelleghem on behalf of South Fork Wind, LLC (notification declined or already on case) (VanBelleghem, Stacey) (Entered: 06/16/2023)
06/16/2023	<u>65</u>	NOTICE of Appearance by Devin M. O'Connor on behalf of South Fork Wind, LLC (notification declined or already on case) (O'Connor, Devin) (Entered: 06/16/2023)
06/16/2023	<u>66</u>	Letter MOTION for pre motion conference by South Fork Wind, LLC. (Brown, Kegan) (Entered: 06/16/2023)
06/16/2023	<u>67</u>	CERTIFICATE OF SERVICE by South Fork Wind, LLC (O'Connor, Devin) (Entered: 06/16/2023)
06/21/2023	<u>68</u>	MOTION for pre motion conference by Bureau of Ocean Energy Management, Deb Haaland, Michael S. Regan. (Lipari, Vincent) (Entered: 06/21/2023)
06/21/2023	<u>69</u>	DECLARATION of service or pre motion conference letter (ECF 68) by Bureau of Ocean Energy Management, Deb Haaland, Michael S. Regan (Lipari, Vincent) (Entered: 06/21/2023)
06/30/2023	<u>70</u>	First MOTION to Adjourn Conference <i>scheduled for July 6, 2023</i> by Bureau of Ocean Energy Management, Deb Haaland, Michael S. Regan. (Lipari, Vincent) (Entered: 06/30/2023)
06/30/2023		ORDER granting <u>70</u> Motion to Adjourn Conference. The Initial Conference and submission of a proposed Discovery Plan is adjourned sine die. Counsel for Defendants is directed to immediately forward a copy of this Order to pro se Plaintiff at Plaintiff's last known mailing address and file proof of service with the Court. Ordered by Magistrate Judge Steven Tiscione on 6/30/2023. (GD) (Entered: 06/30/2023)

06/30/2023	<u>71</u>	DECLARATION of service of Federal Defendants' First motion to adjourn July 6, 2023 initial conference and Discovery Plan without date (ECF 68) and electronic order entered June 30, 2023 by Bureau of Ocean Energy Management, Deb Haaland, Michael S. Regan (Lipari, Vincent) (Entered: 06/30/2023)
07/05/2023		July 6th initial conference adjourned without date. So Ordered by Magistrate Judge Steven Tiscione on 7/5/2023. (LV) (Entered: 07/05/2023)
07/05/2023	<u>72</u>	SCHEDULING ORDER: Movant South Fork Wind's letter application <u>66</u> dated 6/16/23 and the defendants letter application <u>68</u> dated 6/20/23 are GRANTED. An in person pre motion conference is scheduled for September 13, 2023 @ 4:00PM . The Court expects the parties to be conversant with the underlying facts and prepared to discuss the legal issues arising therefrom. The parties are reminded that they are obligated to discuss the prospect of settlement and may be required to provide the Court with a report of such discussions . If this date presents a conflict counsel shall first obtain the consent from all the parties to adjourn this in person pre-motion conference and then file a letter application. Upon receipt of this email counsel shall confirm with each other of the date and time of this in person pre-motion conference. Ordered by Judge Frederic Block on 7/5/2023. (MI) (Entered: 07/05/2023)
07/05/2023		Set/Reset Hearings: In Person Pre-Motion Conference set for 9/13/2023 04:00 PM before Judge Frederic Block. (MI) (Entered: 07/05/2023)
07/07/2023	<u>73</u>	Pro Se Consent to Electronic Notification by Simon V. Kinsella. (SG) (Entered: 07/07/2023)
07/07/2023		Email Notification Test - DO NOT REPLY (SG) (Entered: 07/07/2023)
07/07/2023	<u>74</u>	MOTION for More Definite Statement / For CM/ECF Username and Password, filed by Simon V. Kinsella. Pltff moves the court for leave to participate in the Case Management/Electronic Case Files (CM/ECF) System. (SG) (Entered: 07/07/2023)
07/07/2023		ELECTRONIC ORDER: Granting pro se plaintiff's letter application <u>74</u> for consent to electronically file documents and receive ECF notifications in this case. Ordered by Judge Frederic Block on 7/7/2023. (MI) Modified on 7/7/2023 (MI). (Entered: 07/07/2023)
07/07/2023	<u>75</u>	Pro Se Plaintiff's redacted letter in response to the defendant's letters <u>66</u> & <u>68</u> requesting a pre-motion conference. (MI) (Entered: 07/07/2023)

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Billable Pages:	7	Cost:	0.70