

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SIMON V. KINSELLA	:	
	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
BUREAU OF OCEAN ENERGY MANAGEMENT;	:	Civil Action No.: 22-cv-02147-JMC
DEB HAALAND, Secretary of the Interior,	:	
U.S. DEPARTMENT OF THE INTERIOR;	:	
MICHAEL S. REGAN, Administrator, U.S.	:	
ENVIRONMENTAL PROTECTION AGENCY;	:	
:	:	
<i>Defendants,</i>	:	
:	:	
SOUTH FORK WIND LLC;	:	
LONG ISLAND POWER AUTHORITY;	:	
	:	
<i>Nominal Joinder Parties</i>	:	
	:	

**CROSS-MOTION BY PLAINTIFF FOR
PARTIAL SUMMARY JUDGEMENT**

I, Simon V. Kinsella, Plaintiff *Pro Se*, pursuant to Federal Rule of Civil Procedure 56 and U.S. District Court for the District of Columbia Rule 7, respectfully cross-moves for partial summary judgment on the claims, move the Court to retain jurisdiction, and seek an expedited hearing as follows—

- First and seventh claim— that Defendants DOI, BEOM, and EPA failed to include *adverse* economic and environmental impacts according to the National Environmental Policy Act (42. U.S.C. §§ 4321, *et seq.*) and its implementing regulations (1978, as amended in 1986 and 2005) (“NEPA”), and the Outer

Continental Shelf Lands Act (43 U.S.C. §§ 1331, *et seq.*) (“OCSLA”) related to an economic analysis that Defendant DOI and Defendant BOEM did *not* consider the two-billion-dollar (\$2 billion) Project cost; and Defendants DOI, BEOM, and EPA that did *not* consider in their environmental analysis pervasive PFAS contamination of soil and groundwater *within* the proposed construction site that poses a risk to the environment and public health— on the grounds that there are no material facts in dispute, and Plaintiff is entitled to judgment as a matter of law;

- Second claim— that Defendant E.P.A. failed to assume responsibility for developing information and preparing environmental analyses related to environmental contamination of which the cooperating agency has special expertise according to NEPA and its implementing regulations— on the grounds that there are no material facts in dispute, and Plaintiff is entitled to judgment as a matter of law;
- Third claim— that Defendant BOEM failed to evaluate and verify information related to environmental contamination according to NEPA and its implementing regulations— on the grounds that there are no material facts in dispute, and Plaintiff is entitled to judgment as a matter of law; and
- Eight claim— that Defendants DOI and BOEM failed to ensure the development was subject to environmental safeguards, including those activities such as geophysical activity, drilling, and operation of all onshore support facilities according to the OCSLA— on the grounds that there are no material facts in dispute, and Plaintiff is entitled to judgment as a matter of law.

In support of this motion, I rely on the accompanying Statement of Material Facts that show no genuine dispute (with linked references to the record) and the Memorandum in Support. A proposed order is also being filed herewith. This Cross-Motion for Partial Summary Judgment on the claims is filed together with Plaintiff's Response to Defendants' Motion to Transfer Venue. I respectfully request that the Court hears these matters concurrently.

DATED: this 22nd day of September 2022.

Respectfully submitted,

A handwritten signature in black ink that reads "S. v. Kinsella". The signature is written in a cursive, somewhat stylized font. The "S" is large and loops around the "v.". The "Kinsella" is written in a similar cursive style.

Simon v. Kinsella, Plaintiff *Pro Se*
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