

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATURAL RESOURCES DEFENSE COUNCIL,)
)
Plaintiff,)
) 01-2545 (GK)
v.)
)
DEPARTMENT OF ENERGY,)
)

Defendant.)

**PLAINTIFFS' EXPEDITED MOTION FOR AN ORDER TO SHOW CAUSE
AS TO WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT
AND REQUEST FOR A STATUS HEARING**

As detailed in the accompanying Memorandum, although the Court Ordered defendant Department of Energy ("DOE") to "provide Natural Resources Defense Council with a package of non-exempt records, and parts of records, responsive to NRDC's April 2001 Freedom of Information Act (FOIA) request no later than March 25, 2002," see Order of Feb. 21, 2002, and, on that date, DOE's counsel represented that the documents would be delivered to NRDC no later than 7 pm, in fact those documents were not delivered to NRDC as required by the Court. Instead, after learning that DOE had already given copies to non-parties who had assembled at DOE headquarters, along with a 23 page self-serving "summary" of the documents' contents, NRDC finally sent two staff members there to insist that DOE provide NRDC with a copy. Only at that time did NRDC finally obtain the records Ordered by the Court to be provided to plaintiff. See Second Declaration of Sharon Buccino, ¶¶ 7-12.

In light of these, and other events, plaintiff respectfully requests that the Court issue an Order to Show Cause as to why defendant DOE should not be held in contempt. Plaintiff also seeks a Status Hearing as promptly as possible to address (a) whether DOE's production of additional materials

should be expedited in light of DOE's apparent resources and staff devoted to dealing with the FOIA request, and (b) to ensure that when additional materials are provided, they are delivered to NRDC no later than Noon on the date that production is due.

Plaintiffs' counsel has contacted defendant's counsel regarding this Motion, but has not received a response as of the time of this filing.

Respectfully submitted,

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March 27, 2002