

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT CLARKSBURG**

_____	)	
AUGUST MACK ENVIRONMENTAL,	)	
INC.,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:18-CV-12
	)	
UNITED STATES ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Defendant.	)	
_____	)	

**[Proposed] Order on Joint Motion for Remand to U.S. Environmental Protection Agency**

For good cause shown, the Court hereby **GRANTS** the Parties' Joint Motion for Remand to the U.S. Environmental Protection Agency, and **ORDERS** that this matter be remanded to EPA Chief Administrative Law Judge Susan L. Biro for further proceedings consistent with the January 7, 2021 *per curiam* opinion of the U.S. Court of Appeals for the Fourth Circuit.

DATED: August 3, 2021

*Tom S. Klee*  
\_\_\_\_\_  
HON. THOMAS S. KLEE  
United States District Judge

I hereby certify that the annexed instrument is a true and correct copy of the document filed in my office.

ATTEST: Cheryl Dean Riley  
Clerk, U.S. District Court  
Northern District of West Virginia

By: *Melody Hare*  
\_\_\_\_\_  
Deputy Clerk

**U.S. District Court  
Northern District of West Virginia (Clarksburg)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00012-TSK  
Internal Use Only**

August Mack Environmental, Inc. v. Environmental Protection Agency  
Assigned to: District Judge Thomas S. Kleeh  
Demand: \$2,661,000  
Case in other court: USCA - 4th Circuit, 19-01962  
Cause: 42:6901 Environmental Cleanup Expenses

Date Filed: 01/17/2018  
Jury Demand: Plaintiff  
Nature of Suit: 899 Other Statutes:  
Administrative Procedures Act/Review or Appeal of Agency Decision  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

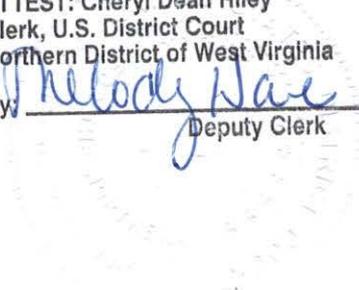
**August Mack Environmental, Inc.**

represented by **Andrew M. McNeil**  
Bose McKinney & Evans, LLP  
111 Monument Circle  
Suite 2700  
Indianapolis, IN 46204  
(317) 684-5253  
Fax: (317) 223-0253  
Email: amcneil@boselaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Bradley R. Sugarman**  
Bose McKinney & Evans, LLP  
111 Monument Circle  
Suite 2700  
Indianapolis, IN 46204  
(317) 684-5274  
Fax: (317) 223-0274  
Email: bsugarman@boselaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Brandon Jude Verdream**  
Clark Hill PLC  
One Oxford Centre  
301 Grant St., 14th Floor  
Pittsburgh, PA 15219  
(412) 394-2332  
Fax: (412) 394-2555  
Email: bverdream@clarkhill.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

I hereby certify that the annexed instrument is a true and correct copy of the document filed in my office.  
ATTEST: Cheryl Dean Riley  
Clerk, U.S. District Court  
Northern District of West Virginia  
By: Melody Wae  
Deputy Clerk



**Robert J. Ridge**

Clark Hill Thorp Reed - Wheeling  
1233 Main St.  
Suite 1700  
Wheeling, WV 26003  
(304) 233-5599  
Fax: (304) 233-5656  
Email: rridge@clarkhill.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mario R. Bordogna**

Clark Hill PLC  
1290 Suncrest Towne Centre Drive  
Morgantown, WV 26505  
304-907-2133  
Fax: 304-907-2130  
Email: mbordogna@clarkhill.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**United States Environmental Protection  
Agency**

represented by **Austin D. Saylor**  
US DOJ  
601 D. Street, N.W.  
Suite 8000  
Washington, DC 20004  
(202) 514-1880  
Fax: (202) 514-8865  
Email: austin.saylor@usdoj.gov  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Amanda Shafer Berman**

U.S. Department of Justice  
601 D Street, NW  
Suite 8000  
Washington, DC 20004  
202-514-1950  
Fax: 202-514-8865  
Email: amanda.berman@usdoj.gov  
*TERMINATED: 02/04/2019*  
*PRO HAC VICE*

**Helen Campbell Altmeyer**

U.S. Attorney's Office - Whg  
PO Box 591

Wheeling, WV 26003  
 (304) 234-0100  
 Fax: 304-234-0112  
 Email: helen.altmeyer@usdoj.gov  
**ATTORNEY TO BE NOTICED**

**Sharon L. Potter**  
 U.S. Attorney's Office - Wheeling  
 PO Box 591  
 1125 Chapline Street, Ste. 3000  
 Wheeling, WV 26003  
 (304) 232-6533  
 Fax: (304) 234-0112  
 Email: sharon.potter@usdoj.gov  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/03/2021	<u>55</u>	<b>ORDER ON JOINT MOTION FOR REMAND TO US ENVIRONMENTAL PROTECTION AGENCY granting <u>54</u> Motion to Remand; re <u>54</u> Joint MOTION to Remand to EPA Chief Administrative Law Judge filed by United States Environmental Protection Agency. Signed by District Judge Thomas S. Kleeh on 8/3/21. (Copy EPA)(mh)</b> (Entered: 08/03/2021)
08/02/2021	<u>54</u>	Joint MOTION to Remand to EPA Chief Administrative Law Judge by United States Environmental Protection Agency. (Attachments: # <u>1</u> Proposed Order) (Potter, Sharon) (Entered: 08/02/2021)
07/11/2021		<b>IMPORTANT NOTICE:</b> The United States District Court for the Northern District of West Virginia (WVND) will be upgrading its current CM/ECF system to the Next Generation of CM/ECF (NextGen CM/ECF) on July 19, 2021. Preparing for NextGen CM/ECF is a two-step process. Step One was to upgrade your PACER account. Each attorney should have their own individual upgraded PACER account at this time. Step two will be to link your upgraded PACER account to your WVND e-filing account in the new NextGen CM/ECF system on or after July 19, 2021. Instructions for linking your account can be found <a href="#">here</a> . <b>PLEASE NOTE: The WVND CM/ECF system will be unavailable from 1:00 pm on Friday July 16, 2021 until 8:00 am Monday, July 19, 2021.</b> An extension for electronic filing will be granted for all documents with court-imposed deadlines falling between 1:00 pm on Friday, July 16, 2021, and midnight on Sunday, July 18, 2021. All documents due during that period must be filed prior to 1:00 pm Friday, July 16, 2021, or on Monday, July 19, 2021. If you have any additional questions, please contact the PACER Service Center at 800-676-6856 or the WVND Clerks Office CM/ECF Help Desk at (304) 267-5682. (cmd) (ADI) (Entered: 07/11/2021)
06/19/2021		<b>IMPORTANT NOTICE:</b> The United States District Court for the Northern District of West Virginia (WVND) will be upgrading its current CM/ECF system to Next Generation of CM/ECF (NextGen CM/ECF) on Monday, July

		<p>19, 2021. Complete information regarding the WVND NextGen CM/ECF implementation can be found <a href="#">here</a>.. Preparing for NextGen Cm/ECF is a two-step process. Step one was to upgrade your PACER account. Each attorney should have their own individual upgraded PACER account at this time. Step two will be to link your upgraded PACER account to your WVND e-filing account in the new NextGen CM/ECF system on or after July 19, 2021. Please log in to the WVND CM/ECF system at <a href="https://ecf.wvnd.uscourts.gov/">https://ecf.wvnd.uscourts.gov/</a> before July 19, 2021 to make sure you know your current WVND e-filing login and password. Do not rely on your username and password being saved in your web browser, because that method will not work with the NextGen upgrade. If you do not know your login or password or have any additional questions please call the WVND Clerks CM/ECF Office Help Desk at (304) 267-5682. (cmd) (ADI) (Entered: 06/19/2021)</p>
05/30/2021		<p><b>IMPORTANT NOTICE:</b> The United States District Court for the Northern District of West Virginia (WVND) will be upgrading its current CM/ECF system to the Next Generation of CM/ECF (NextGen CM/ECF) on July 19, 2021. Complete information regarding the WVND NextGen CM/ECF implementation can be found <a href="#">here</a>.</p> <p>Currently, many attorneys within a firm may share a single PACER account. This will no longer be allowed with the New WVND NextGen CM/ECF system because each attorney must have an individual upgraded PACER account that will be linked to their e-filing account. Shared PACER accounts cannot be used by WVND e-filing attorneys once the WVND NextGen CM/ECF system is implemented. Preparing for NextGen CM/ECF is a two-step process. Step one is to upgrade your PACER account, and step two is to link your upgraded PACER account to the WVND e-filing account in the upgraded NextGen CM/ECF system. This notice only addresses the first step because the second step can't be completed until on or after July 19, 2021. The first step is to check and see if your PACER account is an upgraded PACER account. Many PACER accounts have already been upgraded. If any of the following is true, you have an upgraded PACER account and no action is required until after the WVND NextGen CM/ECF upgrade occurs on July 19, 2021: 1) You have an upgraded PACER account for another NextGen court; or 2) Your PACER account was created after August 10, 2014. If none of these are true, you must upgrade your legacy PACER account before you will be able to link your PACER account to your current WVND CM/ECF account for your new NextGen CM/ECF account. Additional notices will be sent later detailing how to handle the second step in this process. If you still have questions, please contact the PACER Service Center at 800-676-6856 or the WVND Clerks Office CM/ECF Help Desk at (304) 267-5682. (cmd) (ADI) (Entered: 05/30/2021)</p>
03/01/2021	<u>53</u>	<p>MANDATE of USCA as to <u>47</u> Notice of Appeal filed by August Mack Environmental, Inc. The judgment entered on 1/7/21 takes effect today. (mh) (Entered: 03/01/2021)</p>
01/07/2021	<u>52</u>	<p>USCA JUDGMENT as to <u>47</u> Notice of Appeal filed by August Mack Environmental, Inc. This judgment shall take effect upon issuance of the mandate in accordance with FRAP 41. (Attachments: # <u>1</u> Notice of Judgment)(mh) (Entered: 01/07/2021)</p>

01/07/2021	<u>51</u>	PER CURIAM of USCA as to <u>47</u> Notice of Appeal filed by August Mack Environmental, Inc. USCA Decision: Vacated and Remanded. (mh) (Entered: 01/07/2021)
09/06/2019	<u>50</u>	USCA Appeal Fees received \$ 505 receipt number WVNC002692 re <u>47</u> Notice of Appeal filed by August Mack Environmental, Inc. (mh) (Entered: 09/06/2019)
09/05/2019	<u>49</u>	USCA NOTICE OF APPELLATE CASE OPENING: re <u>47</u> Notice of Appeal filed by August Mack Environmental, Inc. USCA - 4th Circuit USCA Case Number: 19-1962. Case Manager: C. Halupa. (mh) (Entered: 09/05/2019)
08/30/2019	<u>48</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>47</u> Notice of Appeal. (jmm) (Entered: 09/03/2019)
08/29/2019	<u>47</u>	NOTICE OF APPEAL as to <u>46</u> Order on Motion to Dismiss, Order Dismissing Case by August Mack Environmental, Inc.. (Bordogna, Mario) (Entered: 08/29/2019)
07/11/2019	<u>46</u>	ORDER GRANTING MOTION TO DISMISS AMENDED COMPLAINT ECF NO. <u>30</u> . The Court ORDERS that this action be DISMISSED WITH PREJUDICE and STRICKEN from the Courts active docket. Signed by District Judge Thomas S. Kleeh on 7/11/19. (mh) (Entered: 07/11/2019)
02/05/2019	<u>45</u>	ORDER granting <u>44</u> Motion for Austin David Saylor to Appear Pro Hac Vice on behalf of the Defendant. Signed by District Judge Thomas S. Kleeh on 2/5/19. (mh) (Entered: 02/05/2019)
02/04/2019	<u>44</u>	MOTION for Leave to Appear Pro Hac Vice <i>for Austin David Saylor</i> by United States Environmental Protection Agency. (Attachments: # <u>1</u> Text of Proposed Order)(Altmeyer, Helen) (Entered: 02/04/2019)
02/04/2019	<u>43</u>	VERIFICATION OF ATTORNEY ADMISSION to Attorney Austin D. Saylor. (mh) (Entered: 02/04/2019)
02/04/2019	<u>42</u>	ORDER granting <u>41</u> Motion to Substitute Attorney. Added attorney Austin D. Saylor for United States Environmental Protection Agency. Attorney Amanda Shafer Berman terminated. Signed by District Judge Thomas S. Kleeh on 2/4/19. (mh) (Entered: 02/04/2019)
01/31/2019	<u>41</u>	MOTION to Substitute Attorney by United States Environmental Protection Agency. (Attachments: # <u>1</u> Text of Proposed Order)(Altmeyer, Helen) (Entered: 01/31/2019)
12/01/2018	<u>40</u>	Case Reassigned to District Judge Thomas S. Kleeh, per Order entered 11/30/2018, in 3:18mc128. Senior Judge Irene M. Keeley no longer assigned to the case. (dk) (Entered: 12/01/2018)
09/04/2018	<u>39</u>	Plaintiff-Appellant's Sur-Reply in Opposition to Defendant's Motion to Dismiss re: <u>30</u> MOTION to Dismiss <i>Amended Complaint</i> filed by August Mack Environmental, Inc. (mh) (Entered: 09/04/2018)
09/04/2018	<u>38</u>	ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE SURREPLY (DKT. NO. <u>37</u> ) The Clerk is directed to file August Mack's surreply to the motion to dismiss. Signed by Senior Judge Irene M. Keeley on 9/4/18. (mh) (Entered: 09/04/2018)

08/31/2018	<u>37</u>	MOTION for Leave to File a <i>Sur-Reply in Opposition to Defendant's Motion to Dismiss</i> by August Mack Environmental, Inc.. (Attachments: # <u>1</u> Exhibit A)(Bordogna, Mario) (Entered: 08/31/2018)
08/24/2018	<u>36</u>	RESPONSE in Support re <u>30</u> MOTION to Dismiss <i>Amended Complaint Reply</i> filed by United States Environmental Protection Agency. (Attachments: # <u>1</u> Attachment A - Request for Hearing, # <u>2</u> Attachment B - Decision Document Preauthorization of a CERCLA Section 111(a) Claim, # <u>3</u> Attachment C - Decision Document Re: Former Synergy Site, # <u>4</u> Attachment D - Order entered in U.S. District Court Eastern District of Pennsylvania)(Altmeyer, Helen) (Entered: 08/24/2018)
08/09/2018	<u>35</u>	ORDER granting <u>34</u> Motion for Extension of Time to File Response/Reply re <u>30</u> MOTION to Dismiss <i>Amended Complaint</i> . Reply is due by 8/24/2018. Signed by Senior Judge Irene M. Keeley on 8/9/18. (mh) (Entered: 08/09/2018)
08/08/2018	<u>34</u>	MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION to Dismiss <i>Amended Complaint Unopposed</i> by United States Environmental Protection Agency. (Attachments: # <u>1</u> Text of Proposed Order)(Altmeyer, Helen) (Entered: 08/08/2018)
07/27/2018	<u>33</u>	RESPONSE in Opposition re <u>30</u> MOTION to Dismiss <i>Amended Complaint</i> filed by August Mack Environmental, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Bordogna, Mario) (Entered: 07/27/2018)
06/27/2018	<u>32</u>	CERTIFICATE OF SERVICE by United States Environmental Protection Agency re <u>31</u> MEMORANDUM, <u>30</u> MOTION to Dismiss <i>Amended Complaint</i> (Altmeyer, Helen) (Entered: 06/27/2018)
06/27/2018	<u>31</u>	MEMORANDUM <i>in Support</i> by United States Environmental Protection Agency re <u>30</u> MOTION to Dismiss <i>Amended Complaint</i> . (Altmeyer, Helen) (Entered: 06/27/2018)
06/27/2018	<u>30</u>	MOTION to Dismiss <i>Amended Complaint</i> by United States Environmental Protection Agency. (Altmeyer, Helen) (Entered: 06/27/2018)
06/20/2018	<u>29</u>	ORDER granting <u>27</u> Motion for Leave to Appear Pro Hac Vice as to Andrew M. McNeil. Signed by Senior Judge Irene M. Keeley on 6/20/2018. (wrr) (Entered: 06/20/2018)
06/20/2018	 <u>28</u>	Pro Hac Vice Filing fee as to Andrew M. McNeil PAID \$ 200.00, receipt number WVNC002260. (wrr) (Entered: 06/20/2018)
06/20/2018	<u>27</u>	MOTION for Leave to Appear Pro Hac Vice <i>of Andrew M. McNeil</i> by August Mack Environmental, Inc.. (Attachments: # <u>1</u> Text of Proposed Order) (Bordogna, Mario) (Entered: 06/20/2018)
06/08/2018		(Court only) ***Deadlines terminated. (mh) (Entered: 06/08/2018)
06/08/2018	<u>26</u>	ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME (DKT. NO. <u>25</u> ) AND CONTINUING SCHEDULING CONFERENCE. Defendant's Motion is due by 6/27/2018. Plaintiff's Response is due by 7/27/2018. Defendant's Reply is due by 8/15/2018. The scheduling conference previously scheduled for 6/15/18 is continued until further notice. Signed by Senior Judge Irene M. Keeley on

		6/7/18. (mh) (Entered: 06/08/2018)
06/07/2018	<u>25</u>	MOTION for Extension of Time to File <i>Responsive Pleading, Set Briefing Schedule for Motion to Dismiss (Unopposed)</i> by United States Environmental Protection Agency. (Altmeyer, Helen) (Entered: 06/07/2018)
06/04/2018	<u>24</u>	ORDER DENYING AS MOOT MOTION TO DISMISS [DKT. NO. <u>19</u> ]: The Court DENIES WITHOUT PREJUDICE the EPA's motion to dismiss (Dkt. No. <u>19</u> ) as it is now moot. Signed by Senior Judge Irene M. Keeley on 6/4/2018. (wrr) (Entered: 06/04/2018)
06/01/2018	<u>23</u>	AMENDED COMPLAINT <i>FOR JUDICIAL REVIEW OF FINAL ADMINISTRATIVE DECISION AND REQUEST FOR JURY TRIAL</i> against United States Environmental Protection Agency, filed by August Mack Environmental, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Bordogna, Mario) (Entered: 06/01/2018)
05/31/2018	<u>22</u>	REPORT of Rule 26(f) Planning Meeting. (Altmeyer, Helen) (Entered: 05/31/2018)
05/23/2018	<u>21</u>	ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply re <u>19</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . Response is due by 6/8/2018. Reply is due due by 6/27/2018. Signed by Senior Judge Irene M. Keeley on 5/23/18. (mh) (Entered: 05/23/2018)
05/22/2018	<u>20</u>	Joint MOTION for Extension of Time to File Response/Reply <i>Deadlines</i> by United States Environmental Protection Agency. (Attachments: # <u>1</u> Text of Proposed Order)(Altmeyer, Helen) (Entered: 05/22/2018)
05/11/2018	<u>19</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by United States Environmental Protection Agency. (Altmeyer, Helen) (Entered: 05/11/2018)
03/29/2018	<u>18</u>	ORDER granting <u>17</u> Motion for Amanda Shafer Berman to Appear Pro Hac Vice on behalf of the United States. Signed by Senior Judge Irene M. Keeley on 3/29/18. (mh) (Entered: 03/29/2018)
03/28/2018	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice <i>for Amanda Shafer Berman</i> by United States Environmental Protection Agency. (Attachments: # <u>1</u> Text of Proposed Order)(Altmeyer, Helen) (Entered: 03/28/2018)
03/27/2018	<u>16</u>	ORDER granting <u>14</u> Motion for Bradley R. Sugarman to Appear Pro Hac Vice on behalf of the Plaintiff. Signed by Senior Judge Irene M. Keeley on 3/27/18. (mh) (Entered: 03/27/2018)
03/26/2018	 <u>15</u>	Pro Hac Vice Filing fee for B. Sugarman: \$ 200.00, receipt number WVNC002168. (wrr) Modified on 4/3/2018 to add docket text. (cmd). (Entered: 03/26/2018)
03/23/2018	<u>14</u>	MOTION for Leave to Appear pro hac vice <i>of Bradley R. Sugarman</i> by August Mack Environmental, Inc.. (Attachments: # <u>1</u> Text of Proposed Order) (Bordogna, Mario) (Entered: 03/23/2018)
03/21/2018	<u>13</u>	SUMMONS Returned Executed as to United States Environmental Protection Agency. (Verdream, Brandon) (Entered: 03/21/2018)

03/21/2018	<u>12</u>	SUMMONS Returned Executed as to United States Environmental Protection Agency. (Attachments: # <u>1</u> Attachment, # <u>2</u> Attachment, # <u>3</u> Attachment) (Verdream, Brandon) (Entered: 03/21/2018)
03/21/2018	<u>11</u>	ORDER -- FIRST ORDER AND NOTICE REGARDING DISCOVERY AND SCHEDULING:  <b>***NOTICE TO ATTORNEYS*** : Pursuant to <u>Rule 7.1 of the Federal Rules of Civil Procedure</u>, ALL Non-governmental CORPORATE parties must file a DISCLOSURE STATEMENT with the Court. Forms are available on the Court's Web Site at <a href="http://www.wvnd.uscourts.gov/forms.htm">http://www.wvnd.uscourts.gov/forms.htm</a>  Rule 26 Meeting to be held by 5/17/2018. Rule 26 Meeting Report due by 5/31/2018. Scheduling Conference set for 6/15/2018 02:30 PM in Clarksburg District Judge Courtroom, 2nd Floor before Senior Judge Irene M. Keeley. Discovery due by 6/22/2018. Signed by Senior Judge Irene M. Keeley on 3/21/2018. (wrr) (Entered: 03/21/2018)</b>
03/21/2018		(Court only) Staff notes : Contacted Counsel for August Mack once again to have them "refile" the executed summons under the correct event. (mh) (Entered: 03/21/2018)
03/21/2018	<u>10</u>	Suggestee Execution Returned by August Mack Environmental, Inc.. United States Environmental Protection Agency served on 3/12/2018, answer due 4/2/2018. (Attachments: # <u>1</u> Attachment, # <u>2</u> Attachment, # <u>3</u> Attachment) (Verdream, Brandon) (Entered: 03/21/2018)
03/21/2018		(Court only) Staff notes : Contacted Attorney Verdream to refile the executed summons under the correct event - "not" cert. of service. (mh) (Entered: 03/21/2018)
03/21/2018	<u>9</u>	CERTIFICATE OF SERVICE by August Mack Environmental, Inc. re <u>1</u> Complaint <i>as to Susan T. Hodges</i> (Verdream, Brandon) (Entered: 03/21/2018)
03/21/2018	<u>8</u>	CERTIFICATE OF SERVICE by August Mack Environmental, Inc. re <u>1</u> Complaint <i>as to Matt Z. Leopold</i> (Verdream, Brandon) (Entered: 03/21/2018)
03/21/2018	<u>7</u>	CERTIFICATE OF SERVICE by August Mack Environmental, Inc. re <u>1</u> Complaint <i>as to Jeff Sessions</i> (Verdream, Brandon) (Entered: 03/21/2018)
03/21/2018	<u>6</u>	CERTIFICATE OF SERVICE by August Mack Environmental, Inc. re <u>1</u> Complaint (Verdream, Brandon) (Entered: 03/21/2018)
03/05/2018	  <u>5</u>	*SEALED* SUMMONS ISSUED as to the United States Attorney William J. Powell. (Orig/copies to Counsel for execution) (mh) (Entered: 03/05/2018)
02/23/2018		(Court only) Staff notes : Attorney Bordogna is admitted to the WVND. (mh) (Entered: 02/23/2018)
02/22/2018	  <u>4</u>	*SEALED* SUMMONS ISSUED as to United States Environmental Protection Agency. Original/copies mailed to Plaintiff's counsel. (wrr) (Entered: 02/22/2018)
02/21/2018	<u>3</u>	NOTICE of Appearance by Mario R. Bordogna on behalf of August Mack Environmental, Inc. (Bordogna, Mario) (Entered: 02/21/2018)

01/18/2018		(Court only) Staff notes: Attorneys Ridge and Verdream are admitted to the WVND. (wrr) (Entered: 01/18/2018)
01/17/2018	<u>2</u>	Corporate Disclosure Statement by August Mack Environmental, Inc. (wrr) (Entered: 01/18/2018)
01/17/2018	<u>1</u>	COMPLAINT against United States Environmental Protection Agency, filed by August Mack Environmental, Inc. Filing Fee PAID \$400 - Receipt #0424-2505899. (Attachments: # <u>1</u> Exhibit A-Order on Motion to Dismiss, # <u>2</u> Civil Cover Sheet)(wrr) (Entered: 01/18/2018)

CLERK, UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
500 WEST PIKE STREET, ROOM 301  
P.O. BOX 2857  
CLARKSBURG, WV 26302-2857

OFFICIAL BUSINESS



**FIRST CLASS MAIL**

**RECEIVED**

By Office of Administrative Law Judges at 4:11 pm, Aug 16, 2021

Honorable Susan L. Biro  
Chief Admin. Law Judge  
US Environmental Protection Agency  
1300 Pennsylvania Avenue NW  
Washington DC 20460



FCF-FDAD-5

AUG 09 2021

1900 R