

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

SAVANNAH RIVER SITE WATCH, TOM)
CLEMETS, THE GULLAH/GEECHEE SEA)
ISLAND COALITION, NUCLEAR WATCH)
NEW MEXICO, and TRI-VALLEY)
COMMUNITIES AGAINST A RADIOACTIVE)
ENVIRONMENT,)

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT OF)
ENERGY, JENNIFER GRANHOLM, in her)
official capacity as the Secretary, The)
NATIONAL NUCLEAR SECURITY)
ADMINISTRATION and JILL HRUBY,)
Administrator,)

Defendants.)

No. 1:21-cv-01942-MGL

**JOINT MOTION FOR MORE
TIME TO FINALIZE
COMPROMISE**

In its Memorandum Opinion, the Court ordered the parties to come up with a compromise remedy. ECF No. 208 at 23. The Court subsequently reminded the parties that they needed to “fully resolve the question of an appropriate remedy.” ECF No. 219. Counsel for the parties met-and-conferred via Teams on October 16, 21, 23, 28, and November 14. Counsel has also exchanged dozens of phone calls and emails about potential compromise remedies, including communicating almost daily (and oftentimes multiple times per day) for the last two weeks. Just this afternoon, counsel finalized a prospective compromise that could be presented to their respective principals.

Because the parties only formulated this complete set of tentative terms in the last several hours, Federal Defendants have not had sufficient time to elevate the proposed terms for review,

consideration, and a final decision by official(s) with decision making authority. In this instance that will most likely be the Assistant Attorney General.¹ Until the appropriate decision-making official provides approval, Federal Defendants cannot make any binding representations about the compromise. Moreover, the parties have not decided what written form their proposed compromise will take—whether it be a stipulated judgment, a joint recommendation to the Court on remedy, or otherwise.

The parties, therefore, respectfully request that the Court grant them until January 17, 2025, to complete the process and file the necessary documents with the Court.

Respectfully submitted this 12th day of December 2024,

TODD KIM
Assistant Attorney General

ADAIR F. BOROUGHS
UNITED STATES ATTORNEY

By: s/ J. Scott Thomas

J. SCOTT THOMAS, Trial Attorney

U.S. Department of Justice
Environment & Natural Resources Division
150 M Street NE
Washington, DC 20002
jeffrey.thomas2@usdoj.gov

Kimberly V. Hamlett (Fed ID No. 14049)
Assistant United States Attorney
United States Attorney's Office

¹ “[T]he federal government, though not independent of the court’s authority, is also not like any other litigant.” *United States v. U.S. Dist. Court for N. Mariana Islands*, 694 F.3d 1051, 1059 (9th Cir.2012). Indeed, it would be “highly impractical, if not physically impossible,” for the Assistant Attorney General and other senior government officials to prepare for and appear at all settlement conferences for all cases that he possesses the authority to settle. *Id.* Now that the parties have reached a tentative agreement, Federal Defendants will work expeditiously to obtain the necessary approvals from all officials with ultimate settlement authority.

151 Meeting Street, Suite 200
Charleston, South Carolina 29401
Phone: (843) 266-1673
Email: Kimberly.Hamlett@usdoj.gov

Attorneys for United States of America

s/ Ben Cunningham

Amy E. Armstrong (Fed ID No. 9625)
Leslie S. Lenhardt (Fed ID No. 7795)
Benjamin D. Cunningham (Fed ID No. 11905)

SOUTH CAROLINA ENVIRONMENTAL
LAW PROJECT
510 Live Oak Drive
Mount Pleasant, SC 29464

Attorneys for Plaintiffs