

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

DONJON-SMIT, LLC,

Plaintiff,

vs.

**ADMIRAL KARL L. SCHULTZ, CAPTAIN
JOHN W. REED, COMMANDER NORM C.
WITT, and COMMANDER MATTHEW J.
BAER, in their official capacity as Officers of
the UNITED STATES COAST GUARD,**

Defendants.

**CIVIL ACTION NO:
2:20-CV-00011-LGW-BWC**

PLAINTIFF'S SECOND MOTION REGARDING THE ADMINISTRATIVE RECORD

COMES NOW the Plaintiff, **DonJon-Smit, LLC**, in the above captioned matter and hereby files this Request for a reasonable time to review and respond to Defendants production of the full Administrative Record:

1. As disclosed for the first time by Defendants' counsel during summation, Defendants had only produced *portions* of the Administrative Record and this Court ordered Defendants to produce the full Administrative Record by March 3, 2020.
2. On March 1, 2020, Plaintiff's counsel emailed Defendants' counsel asking Defendants' counsel to estimate the number of pages in the Administrative Record. Defendants' counsel responded "I have been told that it is a moderate sized record but cannot say how many pages are in the record. I will ask the Coast Guard for more information and get back to you as soon as possible." See Email from Martha Mann to Joseph R. Odachowski, attached hereto as Exhibit 1.

3. The Court and Plaintiff must have the benefit of the entire Administrative Record before a determination can be made whether the Administrative Record justifies the FOCS's decision to allow a deviation of the NTVRP.
4. Plaintiff requests that the Court leave the evidence open until (i) the full Administrative Record is filed with the Court, (ii) Plaintiff is provide a complete copy of the Administrative Record, and (iii) Plaintiff has a reasonable opportunity to respond and supplement its Proposed Findings of Facts and Conclusions of Law.

Respectfully submitted this date, March 2, 2020.

**TAYLOR, ODACHOWSKI, SCHMIDT &
CROSSLAND, LLC**

/s/ Joseph R. Odachowski

Joseph R. Odachowski

Georgia State Bar No. 549470

Peter H. Schmidt, II

Georgia State Bar No. 629512

300 Oak Street, Suite 200

St. Simons Island, GA 31522

(912) 634-0955 – Telephone

(912) 638-9739 – Facsimile

jodachowski@tosclaw.com

**ATTORNEYS FOR PLAINTIFF
DONJON-SMIT, LLC**

**OF COUNSEL:
CLARK HILL PLC**

/s/ Garney Griggs

Garney Griggs

Texas State Bar No. 08491000

Clifford Bowie Husted

Texas State Bar No. 00796803

Gregorio Flores

Texas State Bar No. 24116367

909 Fannin, Suite 2300

Houston, TX 77010

(713) 951-5600 – Telephone

(713) 951-5660 – Facsimile

ggriggs@clarkhill.com

hustedc@clarkhill.com

gflores@clarkhill.com

**ATTORNEYS FOR PLAINTIFF
DONJON-SMIT, LLC**

CERTIFICATE OF SERVICE

This hereby certifies that on this day, I electronically filed the ***Plaintiff's Second Motion Regarding Administrative Record*** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

Martha C. Mann, Esq. Sydney A. Menees, Esq. UNITED STATES DEPARTMENT OF JUSTICE Environmental & Natural Resources Division Post Office Box 7611 Washington, DC 20044 Martha.mann@usdoj.gov Sydney.menees@usdoj.gov	Bradford C. Patrick, Esq ASSISTANT UNITED STATES ATTORNEY Post Office Box 8970 Savannah, Georgia 31412 Bradford.patrick@usdoj.gov
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This 2nd day of March 2020.

**TAYLOR, ODACHOWSKI, SCHMIDT &
CROSSLAND, LLC**

/s/ Joseph R. Odachowski

Joseph R. Odachowski

Georgia State Bar No: 549470

Peter H. Schmidt, II

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300 Oak Street, Suite 200
St. Simons Island, GA 31522
(912) 634-0955 – Telephone
(912) 638-9739 – Facsimile
jodachowski@tosclaw.com

Joe Odachowski

From: Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>
Sent: Sunday, March 1, 2020 10:49 AM
To: Joe Odachowski
Cc: Patrick, Bradford (USAGAS)
Subject: Re: Golden Ray/USCG Admin Record

Joe,

I have been told that it is a moderate sized record but cannot say how many pages are in the record. I will ask the Coast Guard for more information and get back to you as soon as possible.

Martha

Martha C. Mann
United States Department of Justice
Environmental Defense Section
202.514.2664

> On Mar 1, 2020, at 9:23 AM, Joe Odachowski <JOdachowski@tosclaw.com> wrote:

>

> Can you give me a sense of how many pages is in the administrative record? I'm trying to get a sense of how long it's going take me to review it.

>

> Sent from my iPhone

Exhibit 1