



Bill Eubanks <bill@eubankslegal.com>

Physicians for Social Responsibility v. Buttigieg, No. 1:24-cv-00061-TJK (D.D.C.)

Brocker, Peter (ENRD) <Peter.Brocker@usdoj.gov>

Thu, Aug 29, 2024 at 9:15 AM

To: "randall@randallweiner.com" <randall@randallweiner.com>, Bill Eubanks <bill@eubankslegal.com>

Cc: "Tardiff, Andrew (ENRD)" <Andrew.Tardiff@usdoj.gov>

Good Morning Randy,

We've confirmed that FHWA is going to begin work as planned on September 9. There may be some staging or mobilization to the project sites before then, but ground disturbing activities will not begin until September 9.

Best,

Peter

Peter W. Brocker

Trial Attorney

United States Department of Justice

Environment & Natural Resources Division

Natural Resources Section

150 M Street NE, 3rd Floor

Washington, DC 20002

O: 202-305-8636

C: 202-598-3370

F: 202-305-0275

From: randall@randallweiner.com <randall@randallweiner.com>**Sent:** Monday, August 26, 2024 5:52 PM**To:** Brocker, Peter (ENRD) <Peter.Brocker@usdoj.gov>; 'Bill Eubanks' <bill@eubankslegal.com>**Cc:** Tardiff, Andrew (ENRD) <Andrew.Tardiff@usdoj.gov>**Subject:** RE: [EXTERNAL] Physicians for Social Responsibility v. Buttigieg, No. 1:24-cv-00061-TJK (D.D.C.)

Hi Peter and Andrew,

Might you be able to check whether the timetable that would prevent “onsite ground disturbing activities prior to Sept. 9, 2024” (discussed below) is still in effect, or whether this date has been moved back at all?

Thanks.

Randy

Randall M. Weiner

WEINER & CORDING

3100 Arapahoe Avenue, Suite 202
Boulder, CO 80303
303-440-3321; Toll Free: 866-686-3321
Fax: 720-292-1687
E-mail: randall@weinercoording.com
WEB: www.weinercoording.com

Effective July 15, 2023, my email is changing to randall@weinercoording.com. Please update your contacts.

From: Bocker, Peter (ENRD) <Peter.Bocker@usdoj.gov>
Sent: Friday, June 14, 2024 1:46 PM
To: randall@randallweiner.com; 'Bill Eubanks' <bill@eubankslegal.com>
Cc: Tardiff, Andrew (ENRD) <Andrew.Tardiff@usdoj.gov>
Subject: RE: [EXTERNAL] Physicians for Social Responsibility v. Buttigieg, No. 1:24-cv-00061-TJK (D.D.C.)

yes, thanks

From: randall@randallweiner.com <randall@randallweiner.com>
Sent: Friday, June 14, 2024 3:08 PM
To: Bocker, Peter (ENRD) <Peter.Bocker@usdoj.gov>; 'Bill Eubanks' <bill@eubankslegal.com>
Cc: Tardiff, Andrew (ENRD) <Andrew.Tardiff@usdoj.gov>
Subject: RE: [EXTERNAL] Physicians for Social Responsibility v. Buttigieg, No. 1:24-cv-00061-TJK (D.D.C.)

Hi Peter.

Did you mean FHWA rather than DOT?

Thanks.

Randy

Randall M. Weiner

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Effective July 15, 2023, my email is changing to randall@weinerCORDING.com. Please update your contacts.

From: Bocker, Peter (ENRD) <Peter.Bocker@usdoj.gov>
Sent: Friday, June 14, 2024 9:15 AM
To: randall@randallweiner.com; 'Bill Eubanks' <bill@eubankslegal.com>
Cc: Tardiff, Andrew (ENRD) <Andrew.Tardiff@usdoj.gov>
Subject: RE: [EXTERNAL] Physicians for Social Responsibility v. Buttigieg, No. 1:24-cv-00061-TJK (D.D.C.)

Hi Randall,

I checked with the DOT, and construction is not going to be starting on-site until the originally planned September start date.

Thanks,

Peter

From: randall@randallweiner.com <randall@randallweiner.com>
Sent: Wednesday, June 12, 2024 9:02 PM
To: Bocker, Peter (ENRD) <Peter.Bocker@usdoj.gov>; 'Bill Eubanks' <bill@eubankslegal.com>
Cc: Tardiff, Andrew (ENRD) <Andrew.Tardiff@usdoj.gov>
Subject: RE: [EXTERNAL] Physicians for Social Responsibility v. Buttigieg, No. 1:24-cv-00061-TJK (D.D.C.)

Hi Peter.

Mr. Kubicz stated in his declaration to the Court (attached):

Based on the preliminary construction schedule submitted by the contractor on February 2, 2024, the contractor is now proposing to start on-site ground disturbing activities for the SH128 underpass as early as June 7, 2024, and asked CFLHD via e-mail on February 2, 2024, to "consider revising the contract stipulation barring onsite ground disturbing activities prior to Sept. 9, 2024".

Would you kindly and promptly let me know if the June 7, 2024 date was approved for the start of the contractor's on-site ground disturbing activities, and when such activities are expected to commence?

Thank you.

Randy

Randall M. Weiner

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Effective July 15, 2023, my email is changing to randall@weinerCORDING.com. Please update your contacts.

From: Bocker, Peter (ENRD) <Peter.Bocker@usdoj.gov>
Sent: Thursday, June 6, 2024 7:47 AM
To: randall@randallweiner.com; 'Bill Eubanks' <bill@eubankslegal.com>
Cc: Tardiff, Andrew (ENRD) <Andrew.Tardiff@usdoj.gov>
Subject: RE: [EXTERNAL] Physicians for Social Responsibility v. Buttigieg, No. 1:24-cv-00061-TJK (D.D.C.)

Good Morning Randall,

Thank you for the notice of today's filing. I am not sure I see the point that is being made here, but Defendants will respond if necessary once they've seen the full filing including the declaration that is referenced in the document you attached to your last email.

Best,

Peter

Peter W. Bocker, Esq.

Trial Attorney

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Natural Resources Section

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Email: peter.bocker@usdoj.gov

From: randall@randallweiner.com <randall@randallweiner.com>

Sent: Wednesday, June 5, 2024 8:45 PM

To: Bocker, Peter (ENRD) <Peter.Bocker@usdoj.gov>; Tardiff, Andrew (ENRD) <Andrew.Tardiff@usdoj.gov>

Cc: 'Bill Eubanks' <bill@eubankslegal.com>

Subject: [EXTERNAL] Physicians for Social Responsibility v. Buttigieg, No. 1:24-cv-00061-TJK (D.D.C.)

Good Evening Peter.

Attached please find a draft copy of the second notice of filing we plan to file tomorrow. You've previously suggested that providing an advance courtesy copy would help avoid misunderstandings. The attached is provided with that goal in mind.

Best,

Randy

Randall M. Weiner

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