

CIVIL COVER SHEET

CV 11-2599

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Federal Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED IN CLERK'S OFFICE

U.S. DISTRICT COURT E.D.N.Y.

MAY 31 2011

K/K/NIS/E

I. (a) PLAINTIFFS State of New York

DEFENDANTS United States Army Corps of Engineers (see attachment)

(b) County of Residence of First Listed Plaintiff Kings (EXCEPT IN U.S. PLAINTIFF CASES ONLY)

County of Residence of First Listed Defendant Kings (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) Eric T. Schneiderman, Attorney General of the State of New York (see attachment)

Attorneys (If Known)

ROSS, J.

POLLAK M.J.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, PERSONAL INJURY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FOREFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): National Environmental Policy Act of 1969, 42 U.S.C. 4321 et. seq. ("NEPA") (see attachment)
Brief description of cause: Defendants failed to comply with NEPA and its implementing regulations

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

RRR

CLP

11 CV 2599

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
STATE OF NEW YORK,

Plaintiff,

v.

UNITED STATES ARMY CORPS OF ENGINEERS;
BRIGADIER GENERAL PETER A. DELUCA, in his official
capacity as an officer of the United States Army Corps of
Engineers; UNITED STATES FISH AND WILDLIFE SERVICE;
ROWAN W. GOULD, in his official capacity as Acting Director
of the United States Fish and Wildlife Service; UNITED STATES
NATIONAL PARK SERVICE; JONATHAN B. JARVIS,
in his official capacity as Director of the United States National Park
Service; UNITED STATES DEPARTMENT OF the INTERIOR;
KENNETH SALAZAR, in his official capacity as Secretary of the
United States Department of the Interior; UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY; and
LISA JACKSON, in her official capacity as Administrator of the
United States Environmental Protection Agency,

Defendants,
-----X

ATTACHMENT TO
CIVIL COVER SHEET
FORM JS 44

I.(c)

Eric T. Schneiderman
Attorney General of the State of New York
Attorney for Plaintiff State of New York

Philip Bein
Assistant Attorney General
New York State Attorney General's Office
Environmental Protection Bureau
The Capitol
Albany, New York 12224
Tel: (518) 474-7178
Fax: (518) 473-2534
E-mail: philip.bein@ag.ny.gov

Defendants

United States Army Corps of Engineers;

United States Army Corps of Engineers, Brigadier General Peter A. Deluca, Division Engineer, North Atlantic Division, in his official capacity;

United States Fish and Wildlife Service;

United States Fish and Wildlife Service, Rowan W. Gould, Acting Director, in his official capacity;

United States National Park Service;

United States National Park Service, Jonathan B. Jarvis, Director, in his official capacity;

United States Department of the Interior;

United States Department of the Interior, Kenneth Salazar, Secretary, in his official capacity;

United States Environmental Protection Agency; and

United States Environmental Protection Agency, Lisa Jackson, Administrator, in her official capacity.

VI. Cause of Action

National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq. ("NEPA")

Administrative Procedure Act, 5 U.S.C. §§ 551-706 ("APA")

Delaware River Basin Compact