

OPEN LITIGATION HOLDS
 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
 April 2015

TRACKING NUMBER	NAME OF CASE/MATTER	DESCRIPTION	EFFECTIVE DATE
2008-02	Janet Howard v. U.S. Dept of Commerce, Agency Case No. 08-67-00082	All records and other information in NOAA's possession, custody or control related to promotions, lateral transfers, employment-enhancing assignments, performance ratings, bonuses, cash awards, and quality step increases from January 1, 2007 to the present.	June 29, 2005
2010-02	DEEPWATER HORIZON Oil Spill Event of April 20, 2010	All hard copy and electronic documents and information and tangible things in NOAA's possession, custody or control that are potentially related to the DEEPWATER HORIZON event, regardless of whether the information was in NOAA's possession, custody or control before or after April 20, 2010.	historical through present
2010-04	Hudson River CERCLA Site – Potential Natural Resource Damage Claims	All information related to the Hudson River matter whether in paper or electronic form and wherever maintained.	historical through present
2010-05	Cumberland River System, May 1-4, 2010	All information related to the Cumberland River system in or near Nashville, Tennessee during May 1-4, 2010, including weather forecasts and any advisories and any related communications from April 24 through May 8, 2010	April 24-May 8, 2010; amended December 8, 2011; supplemented July 11, 2012
2011-01	Albert Pike Recreational Area, Arkansas	Any and all documents related to forecasts, warnings, or other actions concerning meteorological conditions leading up to and include the flash flood event at the APRA on June 10-11, 2010; Mount Ida Radio Transmitter (2001-present)	June 1, 2010
2011-03	Lower Fox River/ Green Bay Superfund Site -- Enforcement of U.S. claim.	EPA Unilateral Administrative Order, cost recovery claim, natural resource damages claim, and costs of natural resource assessment. Any and all documents and EIS related to the assessment of natural resource injury and damages at the Lower Fox River and Green River Assessment Area	January 3, 2011
2012-02	Passaic/Diamond Alkali Matter	Any and all documents and ESI related to Environmental Protection Agency's proposed remedial action plan	March 30, 2012
2012-03	National Weather Service financial operations	Any and all documents and ESI related to budgeting and accounting within the National Weather Service.	May 25, 2012
2012-05	Elwha Dam fish restoration plan and activities	Endangered Species Act (ESA) citizen-suit claim	August 20, 2012
2012-06	Enbridge Lakehead 6B Pipeline spills near Marshall, Michigan.	Potential claims against Enbridge Energy and related Enbridge entities for natural resource damages resulting from the July 25, 2010 pipeline rupture and resulting discharges of oil, and has requested that we preserve all "potentially relevant information" including the spills.	Sept. 7, 2012
2012-07	Columbia River Crossing Project	Any and all documents related to the biological opinion, incidental take, or any other consultation decisions involving any other authority related to this matter	Nov. 30, 2012
2013-02	Cornell-Dublier	Preservation of evidence involving the Cornell-Dublier Electronics, Inc. Site, South Plainfield, New Jersey	March 19, 2013
2013-03	Newtown Creek Superfund Site	Preservation of evidence related to NOAA's claims for natural resource damages associated with the Newtown Creek Superfund Site in Kings and Quewens Counties, New York	March 19, 2013

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2013-04	Stephen Kolian and Michael Boatright	Preservation of any and all documents and information related to claims by Stephen Kolian and Michael Boatright under the Federal Tort Claims Act averring they were injured as a result of being exposed to crude oil released from the Deepwater Horizon oil rig while collecting water samples for NOAA.	June 5, 2013
2013-05	Complete Building Corporation	The Department of Commerce Office of General Counsel (OGC) is defending claims made by Complete Building Corporation for money damages resulting from delays in the construction of the Gulf of Mexico Disaster Response Center.	August 22, 2013
2013-07	Piles Creek NRDA	All information related to the Piles Creek matter, whether in paper or electronic form and wherever maintained, must be preserved. With respect to electronically stored information, it is imperative that such information be maintained and preserved in its original "native" format.	September 9, 2013
2014-01	68 th St Superfund Dump Site	The information that must be preserved includes electronically stored information ("ESI"), hard copies of documents, and tangible items. The obligation to preserve information applies to information that already exists as well as any information that is generated in the future.	March 19, 2014
2014-2	Ideker Farms	NOAA employees and contractors who have worked in any capacity that might involve or be relevant to the U.S. Army Corps of Engineers flood management practices within the Missouri River Basin in Missouri, Iowa, Kansas, Nebraska, and South Dakota. This involvement could include, but is not limited to, all communications between NOAA and the U.S. Army Corps of Engineers that have provided weather, hydrologic, or other data related to the Missouri River Basin area, as well as NOAA products routinely available that could have been accessed by the U.S. Army Corps of Engineers. This would include, for example, assessments or studies of meteorological or climactic conditions for the Missouri River Basin which were conducted by NOAA.	March 25, 2014
2014-03	Klamath Project	NOAA employees and contractors who have worked on any aspect of the development or implementation of the 2001 Klamath Project Biological Opinion transmitted to the Bureau of Reclamation. The Department of Justice (DOJ) is defending a claim in Klamath Irrigation District v. United States, (Fed. Cl.) that the United States took the property of certain agricultural interests without payment of just compensation in violation of the Fifth Amendment. Issuance of the 2001 Klamath Project Biological Opinion out of NMFS' Arcata Office (and its implementation) is one of the events allegedly giving rise to the taking.	June 11, 2014
2014-04	DM932 Spill	NOAA employees and contractors who have worked on any aspect of the July 23, 2008, M/V TINTOMARA/tug M/V MEL OLIVER and Barge 932 collision and oil spill in the Lower Mississippi River, near New Orleans, Louisiana. The Department of Justice (DOJ) has advised NOAA to implement a litigation hold in this matter in light of the Complaint which it filed against the American Commercial Lines, LLC and D.R.D. Towing Co. LLC, owner and/or operator of the tug and barge, on August 22, 2011. U.S. v. ACL and D.R.D. Towing Co. CA#2:11-cv-2076 (E. Dist. La). Natural Resource Damages claims were asserted in that action. The matter involves claims of the United States Coast Guard, NOAA, the Department of the Interior, and natural resource trustee agencies in the State of Louisiana.	May 2, 2014
2014-05	TCY Oil Spill	NOAA employees and contractors who have worked on any aspect of the Texas City Y Oil Spill which began in the Houston Ship Channel on March 14, 2014. The spill resulted from a collision between the M/V Summer Wind and an oil barge being pushed by the UTV Miss Susan. Kirby Inland Marine has been identified as a potentially responsible party.	June 11, 2014
2014-06	La Jolla	NOAA employees and contractors who have worked on any aspect of the construction contract for the new Southwest Fisheries Science Center Laboratory in La Jolla, California. The Department of Commerce Office of General Counsel (OGC) is defending claims made by Rudolph and Sletten, Inc. for money damages resulting from delays in the construction of the laboratory.	July 9, 2014

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2014-07	Raritan Bay Slag	NOAA employees and contractors who have worked on any aspect of the Raritan Bay Slag Site, Sayerville and Old Bridge Township, Middlesex County, New Jersey. The Department of Justice (DOJ) is evaluating potential claims against multiple Potential Responsible Parties identified as potentially liable for hazardous substance releases at the Raritan Bay Slag Site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Raritan Bay Slag Site is a National Priorities List Site located between the Boroughs of Sayerville and Old Bridge Township, Middlesex County, New Jersey.	July 21, 2014
2014-08	Right Whale	NOAA employees and contractors who have worked on any aspect of the rulemaking to designate critical habitat for North Atlantic right whales following receipt of the September 2009 petition to revise critical habitat.	September 12, 2014
2014-09	Morristown NJ Plane Crash	NOAA employees and contractors must preserve information and data related to an airplane crash in Morristown, NJ on Dec 20 2011. The crash, which involved 5 fatalities, resulted in numerous administrative claims filed under the Federal Tort Claims Act (FTCA) and two third party complaints. The FTCA claims allege negligence on behalf of NWS for failure to forecast, and disseminate warnings for, severe icing conditions in the vicinity of the crash on the day of the mishap.	May 22, 2014
2014-10	Harbinger	The plaintiffs in this litigation, Harbinger Capital Partners, LLC, the parent company of its subsidiary, LightSquared, is suing the U.S. Congress, the FCC, and NTIA in the Court of Federal Claims for a breach of contract regarding alleged obligations and promises made during an application process to the FCC for the transfer of control of spectrum licenses during the acquisition of LightSquared by Harbinger. As part of the negotiations for approval of the acquisition of LightSquared (which included the spectrum licenses), Harbinger agreed to build, deploy, and operate a mobile broadband network using the spectrum, in addition to investing billions of dollars and launching satellites. However, concerns were raised with the FCC that the broadband services could adversely impact GPS and Global Navigation Satellite System (GNSS) receivers. The FCC stipulated that before LightSquared could offer commercial services it had to complete the process of addressing the GPS interference concerns. Because LightSquared was never able to address the GPS interference concerns, it could not offer commercial services, and filed for bankruptcy. Harbinger, the parent company, alleges a breach of contract, an unconstitutional taking of private property without just compensation, and a breach of implied covenant of good faith dealing. NOAA employees and contractors who have worked on any aspect of this issue or in possession of information or data must ensure its preservation.	August 15, 2014
2014-11	MyKey	NOAA employees and contractors must preserve information and data related to allegations that the US used products that infringed patents held by MyKey. At issue in particular are write blocker products, data duplication products, and data removal products.	August 13, 2014
2014-12	Holmseth	NOAA employees and contractors who have worked with, on any aspect, Mr. Timothy Holmseth, a former contract employee who performed janitorial services at the Grand Forks, North Dakota National Weather Service (NWS) building. Mr Holmseth has filed suit in U.S. District Court alleging numerous violations – one of which is a violation of his constitutional rights when he was terminated from his contractor position.	September 8, 2014
2014-14	Chenette V NASA	NOAA employees and contractors who have worked with Dr. David Chenette must preserve all evidence related to his claims against NASA for violating the Whistleblower Protection Act of 1989, 5 U.S.C. § 1211 <i>et seq.</i>	September 22, 2014
2014-15	Cliff Tracy v NMFS (US District Court District of Oregon 1:14-cv-01814-CL)	Notice is directed to NOAA employees and contractors who have worked on any aspect of the Endangered Species Act section 7 consultation that culminated in the National Marine Fisheries Service's (NMFS) Biological Opinion (BO) NWR-2010-1259 identified in Cliff Tracy v National Marine Fisheries Service in case before the US District Court District of Oregon 1:14-cv-01814-CL.	December 8, 2014

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2014-16	Linda Duggan v. United States, Civil No. 2014/ 00047	NOAA employees and contractors are asked to preserve information and data regarding a car accident involving Rebekah Stanley, a NOAA employee, and Linda Duggan. The accident occurred in front of the federal court building on St. Croix, USVI on September 6, 2012.	December 9, 2014
2015-01	Case No. 14-cv-10069, S.D. Fla. Sarah Alderson v. United States	Any and all documents related to the April 30, 2013 incident involving Sarah Alderson and a Florida Fish & Wildlife Conservation Commission Officer driving a vehicle owned by the Florida Keys National Marine Sanctuary.	January 28, 2015