



TRANSMITTAL MEMORANDUM

INTRA DEPARTMENT

TO: Elizabeth Gordon, Hazardous Waste Bureau, EID, N2307

DATE: February 7, 1991

RE: United States v. State of New Mexico and New Mexico Health and Environment Department; No. 12233

The following documents are enclosed: Copy of letter dated February 1, 1991 to Patricia Manzanares, Clerk from Karen L. Egbert regarding filing Joint Status Report and copy of Joint Status Report.

PLEASE:

- File
- Record
- Serve, complete Return of Service and return to us
- Per your request
- For your information
- Approve, sign and return
- Return conformed copies
- Check for \$ _____ enclosed for proper fee
- Self-addressed, stamped envelope(s) enclosed
- Other:

Thank you very much,

GINI NELSON
Assistant General Counsel

Enclosure(s)



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90-7-1-565

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Washington, D.C. 20530

February 1, 1991

VIA OVERNIGHT MAIL

Patricia Manzanares, Clerk
New Mexico Court of Appeals
237 Don Gaspar, Room 116
Santa Fe, New Mexico 87503

Re: United States v. State of New Mexico and
New Mexico Health and Environment Department,
No. 12233

Dear Ms. Manzanares:

Please find enclosed for filing in the above-captioned matter one copy of appellants' Joint Status Report which we are filing in compliance with the Court's Order dated September 17, 1990. As indicated by the Certificate of Service, a copy has been served today on all counsel of record.

Sincerely,

Assistant Attorney General
Environment and Natural Resources Division

Karen L. Egbert

By: Karen L. Egbert, Attorney
Environmental Defense Section

Enclosure

cc: Jan Mitchell, AUSA
Benjamin Underwood, DOE

TL

IN THE COURT OF APPEALS
OF THE STATE OF NEW MEXICO

REGENTS OF THE UNIVERSITY OF CALIFORNIA,)	
)	
Apellant,)	
)	
v.)	No. 12190
)	
THE ENVIRONMENTAL IMPROVEMENT DIVISION OF THE NEW MEXICO HEALTH AND ENVIRONMENT DEPT. <u>et al.</u> ,)	
)	
Appellees,)	
)	
UNITED STATES OF AMERICA,)	
)	
Apellant,)	
)	
v.)	No. 12233
)	
STATE OF NEW MEXICO; and HEALTH AND ENVIRONMENT DEPARTMENT, Environmental Improvement Division,)	
)	
Appellees.)	

JOINT STATUS REPORT

Appellants, United States of America and the Regents of the University of California, in accordance with the Court's Order, dated September 17, 1990, hereby file the following status report:

1. On September 17, 1990, this Court stayed the appeals in No. 12233 and No. 12190, pending resolution of the United States' complaint against The State of New Mexico and Health and Environment Department, Environmental Improvement Division, in the United States District Court for the District of New Mexico.

United States v. New Mexico, CIV 90-0276 SC. This Court further directed appellants to file monthly reports on the status of the federal district court proceeding.

2. The United States filed its federal district court complaint against the state defendants on March 19, 1990. The State of New Mexico moved to dismiss the complaint on April 19, 1990. The United States responded on May 5 by opposing the motion to dismiss. The Court has not ruled on the motion.

3. On October 4, 1990, the United States filed a motion for summary judgment on its complaint. The State sought, and the Court granted, an unopposed extension to November 5, 1990, in which to file an opposition. Subsequently, the State moved for a further extension of time in which to respond to the United States' motion for summary judgment until 10 days following service of the Court's order on defendants' motion to dismiss. By Order dated November 13, 1990, the Court granted the motion.

4. No further action has occurred in the case.

Dated: February 1, 1991.

Respectfully submitted,

RICHARD B. STEWART
Assistant Attorney General
Environment & Natural Resources Division

Karen L. Egbert
KAREN L. EGBERT, Attorney
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Karen L. Egbert for 1/31/91
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Office of General Counsel
Department of Energy
Washington, D.C.

CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing Status Report was served this 15th day of February, 1991, by first class mail, postage pre-paid, on the following:

HAL STRATTON
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Karen L. Egbert
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