

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

THE LOS ALAMOS STUDY GROUP,

Plaintiff,

v.

Case No. 1:10-CV-0760-JH-ACT

UNITED STATES DEPARTMENT OF  
ENERGY; THE HONORABLE STEVEN  
CHU, in his capacity as SECRETARY,  
DEPARTMENT OF ENERGY;  
NATIONAL NUCLEAR SECURITY  
ADMINISTRATION; THE HONORABLE  
THOMAS PAUL D'AGOSTINO, in his  
Capacity as ADMINSTRATOR,  
NATIONAL NUCLEAR SECURITY  
ADMINISTRATION,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION TO FILE  
MATERIALS CITED IN AFFIDAVITS**

Plaintiff The Los Alamos Study Group submits this unopposed motion to file a compilation of materials cited in the two Affidavits of Gregory Mello previously filed in this litigation. As grounds for this motion, Plaintiff states:

1. On October 21, 2010, Plaintiff filed its Response to Federal Defendants' Motion to Dismiss. Docket ("Dkt.") No. 10. In support of its Response, Plaintiff filed as an exhibit the first Affidavit of Gregory Mello. That affidavit included numerous URL citations.

2. On November 12, 2010, Plaintiff filed its Motion for Preliminary Injunction and Memorandum in Support. Dkt. No. 13. Plaintiff filed the Second Affidavit of Gregory Mello as

an exhibit to the Motion for Preliminary Injunction. The second affidavit also included numerous citations to URLs and other materials.

3. Plaintiff has conferred with opposing counsel and opposing counsel does not oppose the filing of a hard-copy compilation of materials cited in the October 21 and November 12, 2010 affidavits of Gregory Mello. Plaintiff understands and agrees that by not opposing the filing of hard-copies of these documents, Federal Defendants do not waive any objections they may have to the Court considering such documents based on admissibility or other grounds. A list of the materials is attached hereto as "Exhibit A."

4. In addition, pursuant to D.N.M.LR-Civ. 10.5, opposing counsel agrees that Plaintiff's compilation of materials may exceed the fifty (50) page limitation for exhibits.

5. Plaintiff seeks to file its compilation of materials in hard-copy rather than in electronic format pursuant to D.N.M.LR-Civ. 5.1(a) and FED. R. CIV. P. 5(d)(3).

6. If this motion is granted, Plaintiff will file one (1) original and two (2) hard-copies of its compilation of materials with the Court and serve two (2) copies of the compilation to opposing counsel in accordance with D.N.M.LR-Civ. 5.2.

WHEREFORE, the Plaintiff seeks to file a hard-copy compilation of materials cited in the above-referenced affidavits of Gregory Mello.

Respectfully submitted,

*[Electronically Filed]*

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**Certificate of Service**

I hereby certify that on this 22<sup>nd</sup> day of November, 2010, I filed the foregoing *Plaintiff's Unopposed Motion to File Materials Cited in Affidavits* electronically through the CM/ECF System, which caused the following parties or counsel of record to be served by electronic means as more fully reflected in the Notice of Electronic Filing.

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/s/ Thomas M. Hnasko

Thomas M. Hnasko

**EXHIBIT A:**  
**LIST OF MATERIALS CITED IN AFFIDAVITS**

**I. Affidavit of Gregory Mello dated October 21, 2010**

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## **II. Second Affidavit of Gregory Mello dated November 12, 2010**

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