

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  
DOCUMENTS CITED IN AFFIDAVIT**

Plaintiff The Los Alamos Study Group submits this unopposed motion to file a compact disc ("CD") of documents cited in the Third Affidavit of Gregory Mello, filed on January 14, 2011 as Exhibit 22 to Plaintiff's Reply Memorandum in Support of Motion for Preliminary Injunction (Docket No. 30). As grounds for this motion, Plaintiff states:

1. Plaintiff has conferred with opposing counsel and opposing counsel does not oppose the filing of a CD of documents cited in the Third Affidavit of Gregory Mello. However, Plaintiff understands and agrees that by not opposing the filing 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.

2. Plaintiff seeks to file its compilation of documents on a CD rather than through the CM/ECF electronic filing system pursuant to D.N.M.LR-Civ. 5.1(a) and FED. R. CIV. P. 5(d)(3).

3. If this motion is granted, Plaintiff will file one (1) original and two (2) copies of its CD with the Court in accordance with D.N.M.LR-Civ. 5.2. Plaintiff served opposing counsel with this CD on January 21, 2011.

WHEREFORE, the Plaintiff seeks to file a CD of documents cited in the Third Affidavit of Gregory Mello.

Respectfully submitted,

*[Electronically Filed]*

HINKLE, HENSLEY, SHANOR & MARTIN, LLP

/s/ Thomas M. Hnasko

Thomas M. Hnasko  
Dulcinea Z. Hanuschak  
P.O. Box 2068  
Santa Fe, NM 87504  
(505) 982-4554

THE LAW OFFICE OF LINDSAY A. LOVEJOY, JR.  
Lindsay A. Lovejoy, Jr.  
3600 Cerrillos Road #1001A  
Santa Fe, NM 87507  
(505) 983-1800

**Certificate of Service**

I hereby certify that on this 28th day of January, 2010, I filed the foregoing *Unopposed Motion to File Documents Cited in Affidavit* 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:

Andrew A. Smith  
[andrew.smith6@usdoj.gov](mailto:andrew.smith6@usdoj.gov)

John P. Tustin  
[john.tustin@usdoj.gov](mailto:john.tustin@usdoj.gov)

/s/ Thomas M. Hnasko  
Thomas M. Hnasko