

Luis Sancho
PO Box 411
Honolulu, HI 96728
808-964-5535
pro se

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

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LUIS SANCHO, et al.,)	Civil No. CV08-00136 HG
)	
Plaintiffs)	SCHEDULING CONFERENCE
)	STATEMENT
vs.)	
)	
US DEPARTMENT OF ENERGY, et al.,)	
)	June 16, 2008
Defendants)	9:00 AM
_____)	Hon. Kevin S.C. Chang

SCHEDULING CONFERENCE STATEMENT

1. Nature of the Case

Plaintiffs concur with the defendants Department of Energy [D.O.E.], Fermilab, and National Science Foundation [N.S.F.] in their *Nature of the Case* statement, except for the last two sentences, and augment thereon as follows:

The United States, in addition to the 38 magnets referenced, has constructed most of the superconducting magnets for the Large Hadron Collider [LHC] via its contracting through Fermilab. This work is not completed in that the United States and Fermilab continue to consult with LHC staff about the magnets, and maintain the magnets in operating condition.

In addition to plaintiffs' claims not being moot, defendants are under an affirmative duty to periodically actively review and reassess its involvement, and in particular its involvement as it pertains to environmental studies, as new facts emerge, which defendants have failed to do. To the extent that failure to comply with EU environmental standards is a violation of NEPA standards, defendants are not immune from suit for violating EU standards in addition to their NEPA violations.

2. Statement of Jurisdiction

Jurisdiction is proper in the Federal courts due to United States and Fermilab involvement and continuing participation in construction and maintenance of the LHC.

3. Demand for Jury Trial

Demand for a jury trial was not made in the initial complaint. Plaintiffs are intending to amend the complaint to add additional U.S. parties [who are private universities with United States funding], and additional causes of action, based on new information showing a secondary effort to construct a Micro Black Hole [MBH] within the continental United States by an entirely different technique, for which proper environmental assessment studies have not been performed. It is anticipated that the Amended Complaint will seek a jury trial.

4. Appropriateness of Disclosures

This case might be initially exempt from initial disclosure requirements, but plaintiffs will seek full disclosure pursuant to FRCP Rule 26, particularly so upon filing of the Amended Complaint.

5. Discovery Completed/In Progress; Motions Pending and Dates

No motions are currently pending. Plaintiffs intend to move to file an Amended Complaint, and plaintiffs intend to move for a Preliminary Injunction [Injunction] with a hearing date on or about July 27, 2008. The Injunction request must be heard, and Injunction granted, prior to defendants' completion of pre-collision preparations, which are currently ongoing with an anticipated completion date of August, 2008.

No formal discovery has been initiated. Informal discovery continues as plaintiffs learn of defendants' actions by informal means. The requested LSAG Report has not been completed as of this date, though plaintiffs have been in direct communication with participants thereon, albeit via anonymous channels. All parties named in the original complaint have been served or are represented by counsel. The certificate of service for the service on CERN will be filed once received by plaintiffs. The new parties to be named in the Amended Complaint have not yet been notified of the pending suit. Formal discovery will be initiated upon the filing of the Amended Complaint, and will seek the full spectrum of discoverable material.

6. Appropriateness of Special Proceedings

Plaintiffs have not identified the utility of any special procedures at this time.

7. Related Cases

Defendants misrepresent plaintiff Wagner's 'related' actions from 1999.

Suit was initially brought in California [*California action*] against defendant DOE. Thereafter, a nearly identical suit was brought closer to the defendant BNL's home in Long Island, New York [*New York action*], under a different case number and case name, though maintaining the DOE as a defendant.

The *New York action* was heard first. It was dismissed on a jurisdictional basis under the 'First Filed' rule, allowing solely the *California action* to proceed. Thereafter, the *California action* has heard preliminarily, and dismissed though with specific leave to refile should additional evidence develop. While additional evidence has developed, the initial California action is relatively moot¹, and a new action is required.

8. Any Additional Matters

Dr. Luis Sancho, who is lead plaintiff in this matter, respectfully requests permission to participate in the June 16, 2008 conference by telephone, and will make appropriate arrangements with the Court to do so.

Dated: June 6, 2008

Walter L. Wagner

Luis Sancho

¹ If the RHIC has been making MBHs, they are undetectable when small [as they would be at the LHC as well], and under scientific theory would require a minimum of many years to cause detectable adverse effects.