

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL WILDLIFE REFUGE
ASSOCIATION, NATIONAL PARKS
CONSERVATION ASSOCIATION,
DEFENDERS OF WILDLIFE, and
CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiffs,

v.

UNITED STATES ARMY CORPS OF
ENGINEERS and MICHAEL CONNOR, in
his official capacity as Assistant Secretary of
the Army for Civil Works,

Defendants.

Civil Action No. 1:22-cv-03498-JDB

**MOTION TO TRANSFER
BY TWIN PINES MINERALS, LLC**

Pursuant to 28 U.S.C. § 1404(a) and LCvR 7, Defendant-Intervenor Twin Pines Minerals, LLC (“Twin Pines”) hereby requests the Court transfer the above-captioned case to the United States District Court for the Southern District of Georgia, Waycross Division. In support of its Motion to Transfer, Twin Pines states as follows:

1. This case challenges a decision by the U.S. Army Corps of Engineers (“Corps”) to reinstate two “Approved Jurisdictional Determinations,” or “AJDs,” issued to Twin Pines for a mining project in Charlton County, Georgia. The AJDs were reinstated on August 22, 2022 as part of a Settlement Agreement between Twin Pines and the Corps, which resolved litigation brought by Twin Pines against the Corps in the United States District Court for the Southern District of Georgia. *See Twin Pines Minerals, LLC v. U.S. Army Corps of Engineers*, Civil Action No. 5:22-cv-36 (S.D. Ga.).

2. Plaintiffs and their counsel were aware of Twin Pines' Georgia litigation, and Plaintiffs' counsel even commented on its perceived merits in correspondence with Twin Pines, but Plaintiffs did not attempt to intervene or otherwise participate in that litigation to defend the challenged action. Instead, Plaintiffs have filed a new case in a different district collaterally attacking Twin Pines' settlement with the Corps and seeking to have the Corps' action reinstating Twin Pines' AJDs set aside.

3. As the original plaintiffs, Twin Pines filed the previous litigation in the Southern District of Georgia because it is where the mine is located, where a substantial part of the events occurred, and where the economic and environmental effects of both the mine and the litigation surrounding it would be felt.

4. This case meets the requirements for transfer under § 1404(a), and it should be transferred to the Southern District of Georgia. For the reasons explained in Twin Pines' supporting Memorandum of Law, this case might have been brought in the Southern District of Georgia, and the interests of justice weigh strongly in favor of transfer to the Southern District of Georgia. *See Alabama v. U.S. Army Corps of Eng'rs*, 304 F. Supp. 3d 56, 62 (D.D.C. 2018) (Bates, J.); *W. Watersheds Project v. Pool*, 942 F. Supp. 2d 93, 96–7 (D.D.C. 2013) (Bates, J.).

4. Pursuant to LCvR 7(m), Twin Pines has consulted with counsel for Plaintiffs and the Federal Defendants regarding this Motion to Transfer. Twin Pines reports that Plaintiffs oppose the Motion and intend to submit a response brief in opposition to the motion. The Federal Defendants reserve their position on the Motion and will timely file a response.

5. Pursuant to LCvR 7(c), a proposed order is attached to this Motion.

WHEREFORE, Twin Pines respectfully requests that this case be transferred to the Southern District of Georgia.

Respectfully submitted this 8th day of May, 2023.

/s/ Lewis B. Jones

Lewis B. Jones

John L. Fortuna

Jones Fortuna LP

111 New Street, Suite A

Decatur, GA 30030

Phone: 404-850-3835

Email: ljones@jonesfortua.com

jfortuna@jonesfortuna.com

Counsel for Twin Pines Minerals, LLC