

EDWARD H. KUBO, JR. (2499)  
United States Attorney  
District of Hawaii  
LAWRENCE L. TONG (3040)  
DERRICK K. WATSON (Cal. Bar No. 154427)  
Assistant United States Attorneys  
District of Hawaii  
RONALD J. TENPAS  
Assistant Attorney General  
Environment and Natural Resources Division  
BRIAN C. TOTH (Va. Bar No. 48843)  
Trial Attorney  
Natural Resources Section  
Environment and Natural Resources Division  
United States Department of Justice  
P.O. Box 663  
Washington, D.C. 20044-0663  
Telephone: (202) 305-0639  
Facsimile: (202) 305-0267  
E-mail: Brian.Toth@usdoj.gov

Attorneys for Defendants U.S. DEPARTMENT OF ENERGY  
and NATIONAL SCIENCE FOUNDATION

UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

LUIS SANCHO, WALTER L. WAGNER,	)	Civil No. 08-00136-HG-KSC
	)	
Plaintiffs,	)	<b>FEDERAL DEFENDANTS'</b>
	)	<b>DECLARATION OF</b>
v.	)	<b>JOANNA M. LIVENGOOD</b>
	)	
UNITED STATES DEPARTMENT OF	)	
ENERGY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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I, Joanna M. Livengood, hereby state as follows:

1. My name is Joanna M. Livengood. I am employed by the United States Department of Energy (“DOE”), and my current job title is Site Office Manager for the DOE site located in Batavia, Illinois, including but not limited to the DOE scientific research facility known as the Fermi National Accelerator Laboratory (“Fermilab”) that is located on the site.

2. In my role as Site Office Manager, I serve as the senior federal official for the entire Fermilab site, including but not limited to Fermilab. My duties include contract management, program implementation, stewardship of federal assets, and management of all operations at the site. I have been employed by DOE since 1984, and I have been the Site Office Manager for the entire Fermilab site since 2005.

3. The DOE currently has a contract with the Fermi Research Alliance to manage and operate Fermilab for the DOE.

4. The U.S. Government, represented by the DOE, is the sole owner of all land, buildings, equipment and other infrastructure and property located at the Fermilab site. The DOE also directs and approves every major project at Fermilab and provides funding for its operations.

5. Fermilab is not a legal entity – public or private. It is not an agency or corporation of the federal government. It is simply a collection of physical assets (such as scientific equipment and buildings) where scientific research is conducted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of June 2008.

  
\_\_\_\_\_  
JOANNA M. LIVENGOOD

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 24, 2008, by the methods of service noted below, a true and correct copy of the foregoing FEDERAL DEFENDANTS' DECLARATION OF JOANNA M. LIVENGOOD was served on the following at their last known addresses:

Served by first-class United States mail, postage prepaid:

LUIS SANCHO  
P.O. Box 411  
Honolulu, Hawaii 96728

WALTER L. WAGNER  
P.O. Box 881  
Pepeekeo, Hawaii 96783

Dated: June 24, 2008

/s/ Brian C. Toth  
BRIAN C. TOTH  
Trial Attorney  
Natural Resources Section  
Env't & Natural Resources Div.  
United States Department of Justice

Attorneys for Defendants  
U.S. Department of Energy,  
National Science Foundation, and  
Fermilab