

EXHIBIT 1

Affidavit of Marta Adams

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AFFIDAVIT OF MARTA ADAMS

I, Marta Adams, do hereby swear that the following matters are true and correct and are based on my personal knowledge:

1. I am a Special Deputy Attorney General and am one of the attorneys representing the State of Nevada in *Nevada v. United States* (3:18-cv-569-MMD-CBC).
2. Prior to becoming a Special Deputy Attorney General, I served as Chief Deputy Attorney General in the Nevada Office of the Attorney General and represented the Nevada Agency for Nuclear Projects in nuclear matters relating to the proposed high-level nuclear waste repository at Yucca Mountain and the former Nevada Test Site, now the Nevada National Security Site (NNSS).
3. In *Nevada v. United States*, Nevada contends that the United States Department of Energy and the National Nuclear Security Administration (collectively “DOE”) propose to ship 1 metric ton of weapons-grade plutonium from its Savannah River Site (SRS) in South Carolina to the NNSS for an indefinite period of “staging.” Nevada contends that DOE’s proposed action violates the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations and DOE’s regulations.
4. Nevada has a strong interest in protecting the health and safety of its citizens from radiological injuries and in the protection of lands, including public lands, within its boundaries as well as surface and groundwater from radioactive contamination.
5. On or about December 13, 2018, David Negri, Trial Attorney for the United States Department of Justice, reached out to me to discuss a stipulated change to the briefing schedule due to the imminent holidays. I explained to Mr. Negri that I needed to confer with my clients and co-counsel before reaching any stipulated extension of time. I further

explained that Nevada, at a minimum, would require adequate assurance from DOE that no shipment of weapons-grade plutonium from the SRS to the NNSS would occur until the Court has heard Nevada's motion for preliminary injunction.

6. In an email sent on December 17, 2018, Mr. Negri provided the assurance: "Counsel for the U.S. Defendants represents that transportation of plutonium or defense plutonium materials between DOE's Savannah River Site and DOE's Nevada National Security Site to comply with the order of the United States District Court for South Carolina will not occur during the thirty (30) days following December 21, 2018, the current due date of the U.S. response to the State of Nevada's Motion for Preliminary Injunction." The document attached as Exhibit 2 to Plaintiff's Opposition represents a true and accurate copy of Mr. Negri's December 17, 2018 email.
7. On behalf of Nevada, I was authorized to assent to DOE's request for additional time provided that Nevada's motion for preliminary injunction could be heard by the Court at a definite date before January 21, 2019.
8. On or about December 20, 2018, Mr. Negri and I conducted a scheduled conference call with Peggie Vannozzi, law clerk for Judge Du, for December 20, 2018 to secure a definite hearing date for the Court to consider Nevada's motion for preliminary injunction. Despite Mr. Negri's and my sincere attempts to secure a definite hearing date before January 21, 2019, Ms. Vannozzi explained to us that the Court's normal protocol in scheduling such hearings requires receipt by the Court of the United States' opposition papers which at that point would have been due the following day, Friday, December 21, 2018.
9. Without a definite hearing date, Nevada was unable to reach a stipulation with DOE. On December 20, 2018, DOE filed a motion for

enlargement of time.

- 10. Later, on December 20, 2018, the Court issued a Minute Order granting DOE's time extension request and scheduling a hearing on the motion for preliminary injunction for January 17, 2019.
- 11. On December 27, 2018, I spoke with Mr. Negri about his plans to move the Court for an indefinite extension of time and that the January 17, 2019 hearing date be vacated because of the current government shutdown. I explained that Nevada would be willing to not oppose the motion if DOE would assure Nevada that no shipments would occur until the Court has an opportunity to hear the motion for preliminary injunction. Mr. Negri informed me that DOE would provide no such assurance.
- 12. I understand that DOE including its Office of the General Counsel, unlike the Department of Justice, has received full funding and is not subject to the current government shutdown.

Further, the Affiant sayeth not.

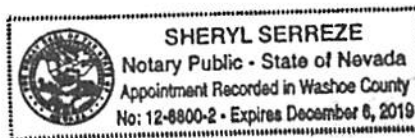
DATED this 28th day of December, 2018.

Marta Adams

STATE OF NEVADA)
 : ss.
CARSON CITY)

SIGNED and SWORN to before me
this 28th day of December, 2018,

by Marta Adams.



Sheryl Serreze
 NOTARY PUBLIC
my commission expires 12-6-2019