

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:99-cv-00857-EGS**

ERVIN AND ASSOC v. HUD  
Assigned to: Judge Emmet G. Sullivan  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/02/1999  
Date Terminated: 09/22/2000  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**ERVIN AND ASSOCIATES, INC.**

represented by **Daniel M. Hawke**  
U.S. SECURITIES EXCHANGE  
COMMISSION  
Division of Enforcement, Market  
Abuse Unit  
701 Market Street  
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*TERMINATED: 08/12/1999*  
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V.

**Defendant**

**DEPARTMENT OF HOUSING &  
URBAN DEVELOPMENT**

represented by **Anne L. Weismann**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/02/1999	1	COMPLAINT filed by plaintiff ERVIN AND ASSOC; Exhibits (70). (lkn) (Entered: 04/09/1999)
04/02/1999		SUMMONS NOT ISSUED. (lkn) (Entered: 04/09/1999)
04/02/1999	2	RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff ERVIN AND ASSOC (lkn) (Entered: 04/09/1999)
04/07/1999		SUMMONS (3) issued to federal party(s) federal defendant HUD , and non-parties: U.S. Attorney and U.S. Attorney General. (lkn) (Entered: 04/09/1999)
04/12/1999		CASE REASSIGNED to Judge Emmet G. Sullivan (lkn) (Entered: 04/13/1999)
04/21/1999	3	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/9/99 upon federal defendant HUD (lkn) (Entered: 04/22/1999)
04/21/1999	4	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 4/9/99 (lkn) (Entered: 04/22/1999)
04/21/1999	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/9/99 upon federal defendant HUD (lkn) (Entered: 04/22/1999)
05/06/1999	6	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 06/09/99 to answer complaint [1-1] (lkn) (Entered: 05/07/1999)
05/11/1999	7	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 06/09/99 to answer complaint [1-1] [6-1] by HUD ; Answer extended to 6/9/99 for HUD (N) (clv) (Entered: 05/11/1999)
06/09/1999	8	ANSWER TO COMPLAINT [1-1] by federal defendant HUD . (bjsp) (Entered: 06/10/1999)

06/15/1999		SCHEDULING NOTICE: Meet Confer hearing set for 10:00 7/23/99 . Meet Confer Statement due 7/21/99 . before Judge Emmet G. Sullivan . (clv) (Entered: 06/15/1999)
07/21/1999	9	JOINT MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff ERVIN AND ASSOC, federal defendant HUD . (bjsp) (Entered: 07/22/1999)
07/23/1999		MEET AND CONFER STATUS HEARING before Judge Emmet G. Sullivan :government to file response to all requests within 60 days; Status hearing set for 10:00 9/24/99; counsel to submit order; Reporter: Frank Rangus (clv) (Entered: 07/23/1999)
07/28/1999	10	ORDER by Judge Emmet G. Sullivan : status hearing set for 10:00 9/24/99 ; (N) (clv) (Entered: 07/28/1999)
07/29/1999	11	ORDER by Judge Emmet G. Sullivan : Case assigned to the Standard track (track two). , status hearing set for 10:00 8/23/99 ; , staying discovery (N) (clv) (Entered: 07/29/1999)
07/29/1999	12	TRANSCRIPT filed for date(s) of 7/23/99. Reporter: Frank J. Rangus (bjsp) (Entered: 07/30/1999)
08/02/1999	13	JOINT MOTION by plaintiff ERVIN AND ASSOC, federal defendant HUD to substitute order dated July 28, 1999 (bjsp) (Entered: 08/03/1999)
08/09/1999	14	ORDER by Judge Emmet G. Sullivan :defendant's responses to FOIA requests due by 9/21/99; status hearing set for 10:00 9/24/99 ; (N) (clv) (Entered: 08/09/1999)
08/12/1999	15	SUBSTITUTION OF COUNSEL for plaintiff ERVIN AND ASSOC , substituting Wayne Gormly Travell for attorney Daniel Matthew Hawke for ERVIN AND ASSOC (bjsp) (Entered: 08/13/1999)
09/23/1999	17	JOINT MOTION by plaintiff ERVIN AND ASSOC, federal defendant HUD to continue the 9/24/99 status conference to a later date (bjsp) (Entered: 09/24/1999)
09/24/1999	16	ORDER by Judge Emmet G. Sullivan : granting joint motion to substitute order dated July 28, 1999 [13-1] by HUD, ERVIN AND ASSOC status hearing set for 10:00 10/22/99 ; (N) (clv) (Entered: 09/24/1999)
10/22/1999		STATUS HEARING before Judge Emmet G. Sullivan : motion for summary judgment due 11/22/99 ; response to motion for summary judgment due 12/10/99 reply motion for summary judgment due 12/20/99 ; summary judgment hearing set for 10:00 1/28/00 ; Reporter: Cheryl Gerber, Miller Reporting (clv) (Entered: 10/22/1999)
11/19/1999	18	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 12/6/99 to file its motion for summary judgment (st) (Entered: 11/22/1999)
11/23/1999	<a href="#">19</a>	ORDER by Judge Emmet G. Sullivan: granting motion to extend time to 12/6/99 to file its motion for summary judgment [18-1] by HUD motion for summary judgment due by 12/6/99; response to motion for summary judgment due 12/22/99; reply to motion for summary judgment due by 1/5/00; (N) (dam) (Entered: 11/24/1999)

12/06/1999	20	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 12/20/99 to file motion for summary judgment (tb) (Entered: 12/07/1999)
12/10/1999	21	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 12/20/99 to file motion for summary judgment [20-1] by HUD motion for summary judgment due by 12/20/99 ; response to motion for summary judgment due 1/5/00 ; reply to motion for summary judgment due by 1/19/00 ; (N) (clv) (Entered: 12/10/1999)
12/20/1999	22	MOTION filed by federal defendant HUD for summary judgment ; exhibits (39) (tb) (Entered: 12/21/1999)
01/05/2000	23	MOTION (UNOPPOSED) filed by plaintiff ERVIN AND ASSOC to extend time to 1/12/00 to file opposition to defendant's motion for summary judgment (tb) (Entered: 01/06/2000)
01/12/2000	24	RESPONSE by plaintiff ERVIN AND ASSOC in opposition to motion for summary judgment [22-1] by HUD; exhibits (1) (tb) (Entered: 01/13/2000)
01/14/2000	25	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 1/12/00 to file opposition to defendant's motion for summary judgment [23-1] by ERVIN AND ASSOC response to motion for summary judgment due 1/12/00 ; reply motion for summary judgment due 1/26/00 ; summary judgment hearing set for 10:00 2/18/00 ; (N) (clv) (Entered: 01/18/2000)
01/21/2000	26	MOTION filed by plaintiff ERVIN AND ASSOC to take discovery , and for incamera review of claimed exempt documents ; exhibits (8) (tb) Modified on 01/24/2000 (Entered: 01/22/2000)
01/27/2000	27	REPLY by federal defendant HUD in support of motion for summary judgment [22-1] by HUD (tb) (Entered: 01/29/2000)
02/01/2000	28	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 2/11/00 to file opposition to motion to take discovery and for in camera review of claimed exempt documents (jf) (Entered: 02/02/2000)
02/04/2000	29	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 2/11/00 to file opposition to motion to take discovery and for in camera review of claimed exempt documents [28-1] by HUD summary judgment hearing reset to 10:30 4/19/00 ; (N) (clv) (Entered: 02/04/2000)
02/05/2000	30	SURREPLY by plaintiff ERVIN AND ASSOC to motion for summary judgment [22-1] by HUD; "Let this be filed" J. SULLIVAN (tb) Modified on 02/07/2000 (Entered: 02/07/2000)
02/10/2000	31	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 2/18/00 to file opposition to plaintiff's motion to take discovery and for incamera review of claimed exempt documents (tb) (Entered: 02/11/2000)
02/14/2000	32	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 2/18/00 to file opposition to plaintiff's motion to take discovery and for in camera review of claimed exempt documents [31-1] by HUD (N) (bm) (Entered: 02/14/2000)

02/18/2000	33	RESPONSE by federal defendant HUD in opposition to motion to take discovery [26-1] by ERVIN AND ASSOC, motion for incamera review of claimed exempt documents [26-2] by ERVIN AND ASSOC; exhibits (5) (tb) (Entered: 02/22/2000)
02/25/2000	34	ERRATA RE: original declarations of Marylea W. Byrd, Kevin Simpson and Howard Glaser by federal defendant HUD; attachments (tb) (Entered: 02/28/2000)
04/13/2000	35	JOINT MOTION by plaintiff ERVIN AND ASSOC, federal defendant HUD to delay hearing (tb) (Entered: 04/14/2000)
04/18/2000	<a href="#">36</a>	ORDER by Judge Emmet G. Sullivan : granting joint motion to delay hearing [35-1] by HUD, ERVIN & ASSOC INC summary judgment hearing set for 2:00 5/19/00 ; (N) (clv) (Entered: 04/18/2000)
05/15/2000	37	JOINT MOTION by plaintiff ERVIN & ASSOC INC, federal defendant HUD to stay proceedings (ks) (Entered: 05/16/2000)
05/16/2000	38	ORDER by Judge Emmet G. Sullivan : granting joint motion to stay proceedings [37-1] by HUD, ERVIN & ASSOC INC; parties shall advise the Court of the status of settlement within 30 days of this order. (N) (pob) (Entered: 05/17/2000)
06/19/2000	39	JOINT STATUS REPORT by plaintiff ERVIN & ASSOC INC, federal defendant HUD (tb) (Entered: 06/20/2000)
07/19/2000	40	STATUS REPORT by federal defendant HUD regarding settlement negotiations. (td) (Entered: 07/21/2000)
07/20/2000	41	STATUS REPORT by plaintiff ERVIN & ASSOC INC regarding status of settlement negotiations. (td) (Entered: 07/24/2000)
07/24/2000		SCHEDULING NOTICE: status hearing set for 11:30 8/3/00 ; before Judge Emmet G. Sullivan . (clv) (Entered: 07/24/2000)
08/03/2000		STATUS HEARING before Judge Emmet G. Sullivan : status hearing set for 10:00 9/7/00 ; OTBP; Reporter: Kay Moomey (clv) (Entered: 08/03/2000)
08/04/2000	42	ORDER by Judge Emmet G. Sullivan : denying motion to take discovery [26-1] by ERVIN & ASSOC INC, denying motion for incamera review of claimed exempt documents [26-2] by ERVIN & ASSOC INC, denying motion for summary judgment [22-1] by HUD status hearing set for 10:00 9/7/00 ; (N) (clv) (Entered: 08/04/2000)
08/08/2000		SCHEDULING NOTICE: status hearing set for 10:00 9/21/00 ; before Judge Emmet G. Sullivan . (clv) (Entered: 08/08/2000)
09/21/2000		STATUS HEARING before Judge Emmet G. Sullivan : chambers to issue order; Reporter: Frank Rangus (clv) (Entered: 09/21/2000)
09/22/2000	43	ORDER by Judge Emmet G. Sullivan :directing that this case shall be removed from the active calendar of the Court; (N) (clv) (Entered: 09/22/2000)
10/17/2000	<a href="#">44</a>	STIPULATION filed and fiated by Judge Emmet G. Sullivan regarding dismissal. (N) (clv) (Entered: 10/17/2000)