

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:98-cv-00280-JR**

DC TECH ASST, et al v. HUD  
Assigned to: Judge James Robertson  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/04/1998  
Date Terminated: 02/24/2000  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**DC TECHNICAL ASSISTANCE  
ORGANIZATION, INC.**

represented by **David Louis Rose**  
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**Plaintiff**

**OTTO HETZEL**

represented by **David Louis Rose**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David M. Wachtel**  
(See above for address)  
*LEAD ATTORNEY*  
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V.

**Defendant**

**DEPARTMENT OF HOUSING &  
URBAN DEVELOPMENT**

represented by **Rudolph Contreras**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/04/1998	1	COMPLAINT filed by plaintiff DC TECH ASST , plaintiff OTTO HETZEL (JMF) (Entered: 02/09/1998)
02/04/1998		SUMMONS (3) issued to federal party(s) federal defendant HUD , and non-parties: U.S. Attorney and U.S. Attorney General. (JMF) (Entered: 02/09/1998)
03/11/1998	2	ANSWER TO COMPLAINT [1-1] by federal defendant HUD . (JMF) (Entered: 03/11/1998)
03/12/1998	3	ORDER by Judge James Robertson: directing the defendant to file a dispositive motion, or in the alternative a report setting forth the schedule according to which it will complete its production of documents to plaintiff due within 30 days. (N) (jeb) (Entered: 03/12/1998)
04/10/1998	4	MOTION filed by federal defendant HUD to extend time to 4/17/98 to respond to this court's order of March 12, 1998 (JMF) (Entered: 04/14/1998)
04/16/1998	5	ORDER by Judge James Robertson : granting motion to extend time to 4/17/98 to respond to this court's order of March 12, 1998 [4-1] by HUD (N) (jeb) (Entered: 04/16/1998)
04/20/1998	6	ORDER by Judge James Robertson: defendant to provide plaintiff with a list of withheld documents due 4/20/98; plaintiffs have to 5/4/98 to inform defendant whether they continue to challenge the defendant's productin or withholdings; if plaintiffs contests production or withholdings, defendant to file motion for summary judgment due 5/26/98 ; (N) (jeb) Modified on 05/20/1998 (Entered: 04/21/1998)
05/26/1998	7	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 5/28/98 to file motion for summary judgment (JMF) (Entered: 05/27/1998)
05/27/1998	10	ORDER by Judge James Robertson : granting defendant's motion to extend time to 5/28/98 to file motion for summary judgment [7-1] ; plaintiff's response to defendant's motion for summary judgment due 6/10/98 ; (N) (gew) (Entered: 06/01/1998)
05/28/1998	8	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 5/29/98 to file a motion for summary judgment (JMF) (Entered: 05/29/1998)

05/29/1998	9	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 6/1/98 to file motion for summary judgment (JMF) (Entered: 06/01/1998)
06/01/1998	11	MOTION filed by federal defendant HUD for summary judgment ; exhibits (3) (JMF) (Entered: 06/02/1998)
06/01/1998	12	ORDER by Judge James Robertson : granting motion to extend time to 6/1/98 to file motion for summary judgment [9-1] by HUD plaintiff's response to defendant's motion for summary judgment due 6/12/98 ; (N) (gew) (Entered: 06/04/1998)
06/01/1998	13	ORDER by Judge James Robertson : granting motion to extend time to 5/29/98 to file a motion for summary judgment [8-1] by HUD; plaintiff's response to defendant's motion(s) for summary judgment due by 6/10/98 ; (N) (gew) (Entered: 06/04/1998)
06/09/1998	14	MOTION (UNOPPOSED) filed by plaintiff DC TECH ASST to extend time to 6/17/98 to respond to summary judgment (JMF) (Entered: 06/10/1998)
06/12/1998	15	ORDER by Judge James Robertson : granting motion to extend time to 6/22/98 to respond to summary judgment [14-1] by DC TECH ASST (N) (jeb) Modified on 06/15/1998 (Entered: 06/15/1998)
06/22/1998	16	MOTION (UNOPPOSED) filed by plaintiff DC TECH ASST , plaintiff OTTO HETZEL to extend time to seven days to respond to defendant's motion for summary judgment (st) Modified on 06/23/1998 (Entered: 06/23/1998)
06/23/1998	17	ORDER by Judge James Robertson : granting motion to extend time to seven days to respond to defendant's motion for summary judgment [16-1] by OTTO HETZEL, DC TECH ASST; directing that plaintiffs shall have to 6/26/98 to file their opposition to the motion for summary judgment; directing that the defendant shall have to 7/10/98 to file its reply brief. (N) (jeb) (Entered: 06/24/1998)
06/26/1998	18	CROSS MOTIONS by plaintiff DC TECH ASST , plaintiff OTTO HETZEL for partial summary judgment (JMF) (Entered: 07/01/1998)
06/26/1998	19	MEMORANDUM by plaintiff DC TECH ASST , plaintiff OTTO HETZEL in opposition to motion for summary judgment [11-1] by HUD; exhibits (42) (JMF) (Entered: 07/01/1998)
06/26/1998	20	MEMORANDUM by plaintiff DC TECH ASST , plaintiff OTTO HETZEL in support of cross motion for partial summary judgment [18-1] by OTTO HETZEL, DC TECH ASST (JMF) (Entered: 07/01/1998)
07/07/1998	21	NOTICE OF FILING by plaintiff DC TECH ASST of declaration of Marie Whitfield; Attachments. (lkn) (Entered: 07/08/1998)
07/10/1998	22	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 7/17/98 to file reply brief (lkn) (Entered: 07/13/1998)
07/13/1998	23	MEMORANDUM (CORRECTED) by plaintiff DC TECH ASST , plaintiff OTTO HETZEL in opposition to motion for summary judgment [11-1]. (tw) Modified on 07/14/1998 (Entered: 07/14/1998)
07/13/1998	24	MEMORANDUM (CORRECTED) by plaintiff DC TECH ASST , plaintiff OTTO HETZEL in support of cross motion for partial summary judgment [18-1] by OTTO HETZEL, DC TECH ASST (tw) (Entered: 07/14/1998)

07/15/1998	25	ORDER by Judge James Robertson : granting motion to extend time to 7/17/98 to file reply brief [22-1] by HUD (N) (jeb) (Entered: 07/15/1998)
07/17/1998	29	MOTION filed by federal defendant HUD to extend time to 7/17/98 to file reply brief to plaintiff's opposition to defendant's motion for summary judgment (cjp) (Entered: 07/23/1998)
07/20/1998	26	ORDER by Judge James Robertson : extending time to 7/21/98 for defendant to file its reply brief in support of its motion for summary judgment and opposition to plaintiffs' cross-motion for summary judgment. (N) (jeb) Modified on 07/22/1998 (Entered: 07/20/1998)
07/21/1998	27	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 7/24/98 within which to file its reply brief to plaintiffs' opposition to defendant's motion for summary judgment. (tw) Modified on 07/22/1998 (Entered: 07/22/1998)
07/22/1998	28	ORDER by Judge James Robertson : granting motion to extend time to 7/24/98 within which to file its reply brief in support of its motion for summary judgment and opposition to to plaintiffs' cross motion for summary judgment. [27-1] by HUD (N) (jeb) (Entered: 07/22/1998)
07/27/1998	30	RESPONSE by federal defendant HUD in opposition to cross motion for partial summary judgment [18-1] by OTTO HETZEL, DC TECH ASST ; exhibits (2) (JMF) (Entered: 07/27/1998)
08/03/1998	31	MOTION filed by plaintiff DC TECH ASST , federal defendant HUD for leave to respond to HUD's second set of declarations or, in the alternative, strike (JMF) (Entered: 08/05/1998)
08/03/1998	32	REPLY by plaintiff DC TECH ASST , plaintiff OTTO HETZEL in support of cross motion for partial summary judgment [18-1] (JMF) (Entered: 08/05/1998)
08/10/1998	33	MOTION (UNOPPOSED) filed by plaintiff DC TECH ASST , plaintiff OTTO HETZEL for leave to respond to HUD's second set of declarations ; EXHIBIT (surreply) (tw) Modified on 08/11/1998 (Entered: 08/11/1998)
08/27/1998	34	ORDER by Judge James Robertson : granting motion for leave to respond to HUD's second set of declarations [33-1] by OTTO HETZEL, DC TECH ASST ; directing that the sur-reply brief be deemed filed. (N) (jeb) (Entered: 08/27/1998)
08/27/1998	35	SURREPLY by plaintiff DC TECH ASST , plaintiff OTTO HETZEL to motion for summary judgment [11-1] by HUD (JMF) (Entered: 09/22/1998)
09/04/1998		SCHEDULING NOTICE: motion hearing set for 2:00 10/2/98 ; before Judge James Robertson as posted on the first floor. (jeb) (Entered: 09/04/1998)
10/14/1998		MOTION HEARING before Judge James Robertson: cross motion for partial summary judgment by OTTO HETZEL, DC TECH ASST heard and taken under advisement [18-1]; cross motion of HUD [1-1] heard and take under advisement; defendant to do a supplemental electronic search of documents and file a pleading with the Court. Reporter: Dennis Dinkel (jeb) (Entered: 10/14/1998)

10/30/1998	36	STATEMENT filed by plaintiff DC TECH ASST , regarding: submission of newly discovered evidence of failure to release records. (JMF) (Entered: 11/02/1998)
11/13/1998	37	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 11/18/98 to respond to Court's order dated 10/14/98 (jf) (Entered: 11/16/1998)
11/16/1998	39	RESPONSE by federal defendant HUD to plaintiff's submission of newly discovered evidence [36-1] by DC TECH ASST (tw) (Entered: 11/17/1998)
11/16/1998	40	RESPONSE by federal defendant HUD to court's order on October 14, 1998 concerning the search of its electronic files. (tw) (Entered: 11/17/1998)
11/17/1998	38	ORDER by Judge James Robertson : granting motion to extend time to 11/18/98 to respond to Court's order dated 10/14/98 [37-1] by HUD (N) (jeb) (Entered: 11/17/1998)
11/23/1998	41	MOTION (UNOPPOSED) filed by plaintiff DC TECH ASST , plaintiff OTTO HETZEL to extend time to 12/01/98 to file a reply to memoranda on electronic records and newly discovered evidence (jf) Modified on 11/25/1998 (Entered: 11/24/1998)
11/25/1998	42	ORDER by Judge James Robertson : granting motion to extend time to 12/01/98 to file a reply to memoranda on electronic records and newly discovered evidence [41-1] by OTTO HETZEL, DC TECH ASST (N) (jeb) (Entered: 11/25/1998)
12/01/1998	43	REPLY by plaintiff DC TECH ASST concerning newly discovered evidence; Exhibits. (lkn) (Entered: 12/03/1998)
12/01/1998	44	OPPOSITION by plaintiff DC TECH ASST concerning search for electronic records; Attachments. (lkn) (Entered: 12/03/1998)
12/08/1998	45	ORDER by Judge James Robertson : denying motion for summary judgment [11-1] by HUD as it relates to the adequacy of its search of electronic records; directing the plaintiff to take discovery for 90 days concerning electronic records within the scope of their FOIA Request (N) (jeb) (Entered: 12/08/1998)
02/03/1999		SCHEDULING NOTICE: status hearing set for 9:00 2/19/99 ; before Judge James Robertson as posted on the first floor opposite the bank of elevators.. (jeb) (Entered: 02/03/1999)
02/08/1999	46	JOINT MOTION by plaintiff DC TECH ASST , federal defendant HUD, plaintiff OTTO HETZEL for protective order protecting the use of materials sought by the plaintiffs that defendant asserts contains confidential commercial and/or financial information. (tw) (Entered: 02/09/1999)
02/09/1999	47	PROTECTIVE ORDER by Judge James Robertson ; setting forth procedures for handling confidential material; allowing designated material to be filed under seal. (N) (jeb) (Entered: 02/09/1999)

02/22/1999		STATUS HEARING before Judge James Robertson: both parties to file simultaneous memoranda due by 3/22/99; parties to continue to complete discovery. Reporter: Dennis Dinkel (jeb) Modified on 02/23/1999 (Entered: 02/23/1999)
03/22/1999	48	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 3/24/99 to file pleading concerning search of electronic files (jf) (Entered: 03/23/1999)
03/24/1999	49	ORDER by Judge James Robertson : granting motion to extend time to 3/24/99 to file pleading concerning search of electronic files [48-1] by HUD (N) (jeb) (Entered: 03/24/1999)
03/24/1999	50	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 3/25/99 to file pleading concerning search of electronic files (tb) (Entered: 03/25/1999)
03/24/1999	53	MEMORANDUM by plaintiff DC TECH ASST , plaintiff OTTO HETZEL in opposition to summary judgment (jf) (Entered: 03/30/1999)
03/24/1999	54	CROSS MOTIONS by plaintiff DC TECH ASST , plaintiff OTTO HETZEL for partial summary judgment (jf) (Entered: 03/30/1999)
03/25/1999	52	SUPPLEMENTAL MEMORANDUM by federal defendant HUD in support of motion for summary judgment [11-1]; exhibits (7) (jf) (Entered: 03/29/1999)
03/26/1999	51	ORDER by Judge James Robertson : granting motion to extend time to 3/25/99 to file pleading concerning search of electronic files [50-1] by HUD (N) (jeb) (Entered: 03/26/1999)
03/26/1999	55	MEMORANDUM OPINION by Judge James Robertson (N) (jeb) Modified on 03/30/1999 (Entered: 03/30/1999)
03/26/1999	56	ORDER by Judge James Robertson : denying cross motion for partial summary judgment [18-1] by OTTO HETZEL, DC TECH ASST directing that the defendant has 30 days to present disputed documents for in camera inspection. (N) (jeb) (Entered: 03/30/1999)
03/31/1999		SCHEDULING NOTICE: motion hearing set for 2:30 4/8/99 ; before Judge James Robertson . (jeb) (Entered: 03/31/1999)
04/08/1999		STATUS HEARING before Judge James Robertson: plaintiff to file an amended complaint or a motion for summary judgment, and a brief regarding the fee waiver. Reporter: Jackie Wood, Miller Reporting (jeb) (Entered: 04/08/1999)
04/26/1999	57	NOTICE OF FILING by federal defendant HUD of documents in camera review (jf) (Entered: 04/28/1999)
05/21/1999	58	MOTION filed by plaintiff DC TECH ASST , plaintiff OTTO HETZEL for leave to amend complaint :EXHIBIT (Complaint) (lkn) (Entered: 05/25/1999)
05/21/1999	68	MOTION (copy filed in lieu of original, which has been misplaced) filed by plaintiff OTTO HETZEL for summary judgment on Counts II and III of the Amended Complaint (mlp) (Entered: 02/15/2000)

06/04/1999	59	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 6/14/99 to file an opposition to plaintiffs' motion for summary judgment concerning their fee waiver request (jf) (Entered: 06/07/1999)
06/07/1999	60	ORDER by Judge James Robertson : granting motion to extend time to 6/14/99 to file an opposition to plaintiffs' motion for summary judgment concerning their fee waiver request [59-1] by HUD (N) (jeb) (Entered: 06/07/1999)
06/14/1999	61	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 6/16/99 to file an opposition to plaintiffs' motion for summary judgment concerning their fee waiver requests (jf) (Entered: 06/16/1999)
06/16/1999	63	MOTION (UNOPPOSED) filed by federal defendant HUD to extend time to 6/17/99 to file opposition to plaintiff's motion for summary judgment (tb) (Entered: 06/17/1999)
06/17/1999	62	ORDER by Judge James Robertson : granting motion to extend time to 6/16/99 to file an opposition to plaintiffs' motion for summary judgment concerning their fee waiver requests [61-1] by HUD response to motion for summary judgment due 6/16/99 ; (N) (jeb) (Entered: 06/17/1999)
06/17/1999	65	MOTION filed by federal defendant HUD for summary judgment on Counts II & III of amended complaint ; exhibits (2) (jf) (Entered: 06/22/1999)
06/18/1999	64	ORDER by Judge James Robertson : granting motion to extend time to 6/17/99 to file opposition to plaintiff's motion for summary judgment [63-1] by HUD; plaintiff to reply to defendant's opposition to plaintiff's motion for summary judgment due 7/9/99 ; (N) (jeb) (Entered: 06/18/1999)
07/19/1999	66	REPLY by federal defendant HUD to plaintiffs' opposition to motion for summary judgment on Counts II & III of amended complaint [65-1] (jf) (Entered: 07/21/1999)
07/29/1999	<a href="#">67</a>	MEMORANDUM AND ORDER by Judge James Robertson: finding that all in camera documents, except one, were properly withheld under FOIA Exemptions 4,5, and 6; finding that Document 50 should be released in part as specified. (N) (N) (jeb) (Entered: 07/29/1999)
02/24/2000	<a href="#">69</a>	MEMORANDUM by Judge James Robertson. (N) (N) (mlp) (Entered: 02/24/2000)
02/24/2000	<a href="#">70</a>	ORDER by Judge James Robertson: granting motion for summary judgment on Counts II & III of amended complaint [65-1] by HUD, denying motion for summary judgment on Counts II and III of the Amended Complaint [68-1] by OTTO HETZEL. (N) (mlp) (Entered: 02/24/2000)
03/06/2000	71	MOTION filed by plaintiff DC TECH ASST, plaintiff OTTO HETZEL for reconsideration of order [70-1] (tb) (Entered: 03/08/2000)
03/10/2000	<a href="#">72</a>	ORDER by Judge James Robertson: denying motion for reconsideration of order [70-1] [71-1] by OTTO HETZEL, DC TECH ASST. (N) (mlp) (Entered: 03/10/2000)