

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01359-RC**

NOSAL et al v. MNUCHIN
Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 05/10/2019
Date Terminated: 03/12/2021
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**CHESTER W. NOSAL**

represented by **James R. Klimaski**
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ATTORNEY TO BE NOTICED

Plaintiff**NATASCHA D. NOSAL**

represented by **James R. Klimaski**
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ATTORNEY TO BE NOTICED

V.

Defendant

STEVEN T. MNUCHIN
Secretary U.S. Department of Treasury
TERMINATED: 02/24/2020

represented by **Erin Faith Darden**
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Defendant**INTERNAL REVENUE SERVICE**

represented by **Erin Faith Darden**
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Date Filed	#	Docket Text
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05/10/2019	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF TO OBTAIN RECORDS UNDER THE FREEDOM OF INFORMATION ACT against STEVEN T. MNUCHIN regarding FOIA requests to the IRS discussed in the Complaint (Filing fee \$ 400 receipt number 0090-6116731) filed by CHESTER NOSAL, NATASCHA NOSAL. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B, # <u>3</u> Attachment C, # <u>4</u> Attachment D, # <u>5</u> Summons for Defendant Treasury Dept, # <u>6</u> Summons courtesy for USAO DC, # <u>7</u> Summons courtesy for USAG, # <u>8</u> Civil Cover Sheet)(Klimaski, James) (Entered: 05/10/2019)
05/13/2019		Case Assigned to Judge Rudolph Contreras. (zeg) (Entered: 05/13/2019)
05/14/2019		SUMMONS Not Issued as to STEVEN T. MNUCHIN. (zef,) (Entered: 05/14/2019)
05/22/2019	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE -- corrected FOIA Summonses for the Agency, the US Attorney for DC, and the US Attorney-General -- re <u>1</u> Complaint,, filed by CHESTER W. NOSAL, NATASCHA D. NOSAL. Related document: <u>1</u> Complaint,, filed by CHESTER W. NOSAL, NATASCHA D. NOSAL. (Attachments: # <u>1</u> Summons for the US Attorney for DC, # <u>2</u> Summons for the US Attorney-General)(Klimaski, James) (Entered: 05/22/2019)
05/23/2019	<u>3</u>	SUMMONS (3) Issued Electronically as to STEVEN T. MNUCHIN, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent) (tth) (Entered: 05/23/2019)
06/03/2019	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/31/2019. Answer due for ALL FEDERAL DEFENDANTS by 6/30/2019. (Klimaski, James) (Entered: 06/03/2019)
06/03/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/31/2019. (Klimaski, James) (Entered: 06/03/2019)
06/03/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. STEVEN T. MNUCHIN served on 6/3/2019 (Attachments: # <u>1</u> Summons and Complaint also served to IRS on June 3 2019)(Klimaski, James) (Entered: 06/03/2019)
06/28/2019	<u>7</u>	ANSWER to Complaint by STEVEN T. MNUCHIN.(Darden, Erin) (Entered: 06/28/2019)
06/28/2019	<u>8</u>	MOTION to Substitute Party by STEVEN T. MNUCHIN (Darden, Erin) (Entered: 06/28/2019)
07/01/2019		MINUTE ORDER: It is hereby ORDERED that, by July 15, 2019, the parties shall meet, confer, and file a joint status report that includes a proposed briefing schedule. SO ORDERED. Signed by Judge Rudolph Contreras on July 1, 2019. (lcrc2) (Entered: 07/01/2019)
07/01/2019		Set/Reset Deadlines: Status Report due by 7/15/2019. (tj) (Entered: 07/01/2019)
07/15/2019	<u>9</u>	Joint STATUS REPORT by STEVEN T. MNUCHIN. (Darden, Erin) (Entered: 07/15/2019)
07/15/2019		MINUTE ORDER: Upon consideration of <u>9</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another join status report by September 18, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on July 15, 2019. (lcrc2) (Entered: 07/15/2019)
09/18/2019	<u>10</u>	Joint STATUS REPORT by STEVEN T. MNUCHIN. (Darden, Erin) (Entered: 09/18/2019)
09/18/2019		MINUTE ORDER: Upon consideration of <u>10</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before October 31, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on 09/18/2019. (lcrc2) (Entered: 09/18/2019)
09/19/2019		Set/Reset Deadlines: Status Report due by 10/31/2019 (tj) (Entered: 09/19/2019)

10/31/2019	<u>11</u>	Joint STATUS REPORT by STEVEN T. MNUCHIN. (Darden, Erin) (Entered: 10/31/2019)
10/31/2019		MINUTE ORDER: Upon consideration of <u>11</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before December 13, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on 10/31/2019. (lcrc2) (Entered: 10/31/2019)
12/13/2019	<u>12</u>	Joint STATUS REPORT by STEVEN T. MNUCHIN. (Darden, Erin) (Entered: 12/13/2019)
12/13/2019		MINUTE ORDER: Upon consideration of <u>12</u> the parties' Joint Status Report, it is hereby ORDERED the parties shall jointly file a proposed briefing schedule on or before December 30, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on 12/13/2019. (lcrc2) (Entered: 12/13/2019)
12/17/2019		Set/Reset Deadlines: Proposed Briefing Schedule due by 12/30/2019 (tj) (Entered: 12/17/2019)
12/30/2019	<u>13</u>	PROPOSED BRIEFING SCHEDULE by STEVEN T. MNUCHIN. (Darden, Erin) (Entered: 12/30/2019)
01/02/2020	<u>14</u>	PROPOSED BRIEFING SCHEDULE re <u>13</u> Proposed Briefing Schedule <i>Amended</i> by STEVEN T. MNUCHIN. (Darden, Erin) (Entered: 01/02/2020)
01/02/2020		SCHEDULING MINUTE ORDER: Upon consideration of <u>14</u> the parties' Amended Joint Proposed Briefing Schedule, it is hereby ORDERED that the following schedule shall govern summary judgment briefing in this case: Defendant shall file its motion for summary judgment regarding the adequacy of its search and the propriety of the asserted FOIA exemptions on or before February, 21, 2020. Plaintiffs shall file their response and any cross-motion for summary judgment on or before March 20, 2020. If Plaintiffs do not file a cross-motion, Defendant shall file a reply on or before April 3, 2020. If Plaintiffs do file a cross-motion for summary judgment, Defendant shall respond to that motion and file a reply in connection with its own motion on or before April 17, 2020. SO ORDERED. Signed by Judge Rudolph Contreras on 1/2/2020. (lcrc2) (Entered: 01/02/2020)
01/02/2020		Set/Reset Deadlines: Cross Motions due by 3/20/2020. Response to Cross Motions due by 4/3/2020. Reply to Cross Motions due by 4/17/2020. Summary Judgment motions due by 2/21/2020. Response to Motion for Summary Judgment due by 3/20/2020. Reply to Motion for Summary Judgment due by 4/13/2020. (zgdf) (Entered: 01/02/2020)
02/21/2020	<u>15</u>	Unopposed MOTION for Extension of Time to <i>Move for Summary Judgment</i> by STEVEN T. MNUCHIN (Attachments: # <u>1</u> Text of Proposed Order)(Darden, Erin) (Entered: 02/21/2020)
02/21/2020		MINUTE ORDER granting <u>15</u> Unopposed Motion for Extension of Time to Move for Summary Judgment. It is hereby ORDERED that the Defendant shall have up to and including April 6, 2020 to move for summary judgment. SO ORDERED. Signed by Judge Rudolph Contreras on 2/21/2020. (lcrc2) (Entered: 02/21/2020)
02/24/2020	<u>16</u>	ORDER granting <u>8</u> Motion to Substitute Party. See document for details. Signed by Judge Rudolph Contreras on 2/24/2020. (lcrc2) (Entered: 02/24/2020)
03/03/2020		Set/Reset Deadlines: Summary Judgment motions due by 4/6/2020. (tj) (Entered: 03/03/2020)
04/06/2020	<u>17</u>	Second MOTION for Extension of Time to <i>Move for Summary Judgment and Modify Briefing Schedule</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Darden, Erin). Added MOTION to Modify on 4/7/2020 (zttt). (Entered: 04/06/2020)
04/06/2020		MINUTE ORDER granting <u>17</u> Motion for Extension of Time to Move for Summary Judgment. It is hereby ORDERED that the following schedule shall govern briefing on the Defendant's Motion for Summary Judgment: Defendant shall file its motion on or before April 24, 2020; Plaintiffs shall respond and file any cross-motion on or before May 25, 2020; Defendant shall file any reply on or before June 8, 2020, unless Plaintiffs have filed a cross-motion, in which case Defendant shall have up to and

		including June 22, 2020 for its reply. SO ORDERED. Signed by Judge Rudolph Contreras on 4/6/2020. (lrcr2) (Entered: 04/06/2020)
04/06/2020		Set/Reset Deadlines: Cross Motions due by 5/25/2020. Reply to Cross Motions due by 6/22/2020. Summary Judgment motions due by 4/24/2020. Response to Motion for Summary Judgment due by 5/25/2020. Reply to Motion for Summary Judgment due by 6/8/2020. (tj) (Entered: 04/06/2020)
04/24/2020	<u>18</u>	Third MOTION for Extension of Time to <i>Move for Summary Judgment and Modify Briefing Schedule</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Darden, Erin) (Entered: 04/24/2020)
04/24/2020		MINUTE ORDER granting <u>18</u> Motion for Extension of Time to Move for Summary Judgment. It is hereby ORDERED that the following schedule shall govern briefing on the Defendant's Motion for Summary Judgment: Defendant shall file its motion on or before May 1, 2020; Plaintiffs shall respond and file any cross-motion on or before June 1, 2020; Defendant shall file any reply on or before June 15, 2020, unless Plaintiffs have filed a cross-motion, in which case Defendant shall have up to and including June 29, 2020 for its reply. SO ORDERED. Signed by Judge Rudolph Contreras on 4/24/2020. (lrcr2) (Entered: 04/24/2020)
04/24/2020		Set/Reset Deadlines: Cross Motions due by 6/1/2020. Reply to Cross Motions due by 6/29/2020. Motions due by 5/1/2020. Responses due by 6/1/2020 Replies due by 6/15/2020. (tj) (Entered: 04/24/2020)
05/01/2020	<u>19</u>	MOTION for Summary Judgment by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Affidavit of IRS attorney Joshua R. Simmons, # <u>4</u> Exhibit Simmons Ex. A, # <u>5</u> Exhibit Simmons Ex. B, # <u>6</u> Exhibit Simmons Ex. C, # <u>7</u> Affidavit of IRS attorney Vikramsing R. Barad, # <u>8</u> Exhibit Barad Ex. A, # <u>9</u> Exhibit Barad Exhibit B, # <u>10</u> Text of Proposed Order)(Darden, Erin) (Entered: 05/01/2020)
05/15/2020	<u>20</u>	MOTION for Leave to File <i>Documents In Support of its Motion for Summary Judgment for the Court's In Camera Review</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Darden, Erin) (Entered: 05/15/2020)
05/20/2020	<u>21</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Leave to File <i>Documents In Support of its Motion for Summary Judgment for the Court's In Camera Review</i> , <u>19</u> MOTION for Summary Judgment to June 18, 2020, and to July 24, 2020, for any response from Defendant, by CHESTER W. NOSAL, NATASCHA D. NOSAL (Klimaski, James) (Entered: 05/20/2020)
05/21/2020		MINUTE ORDER granting <u>21</u> Plaintiffs' Consent Motion for Extension of Time. It is hereby ORDERED that Plaintiffs shall file any cross-motion for summary judgment and shall file their opposition to Defendant's summary judgment motion and motion for <i>in camera</i> review on or before June 18, 2020. It is FURTHER ORDERED that Defendant shall file its opposition to any cross-motion and any reply supporting Defendant's motion for summary judgment on or before July 24, 2020. SO ORDERED. Signed by Judge Rudolph Contreras on 5/21/2020. (lrcr2) (Entered: 05/21/2020)
05/22/2020		Set/Reset Deadlines: Cross Motions due by 6/18/2020. Response to Cross Motions due by 7/24/2020. Response to Motion for Summary Judgment due by 6/18/2020. Reply to Motion for Summary Judgment due by 7/24/2020. (tj) (Entered: 05/22/2020)
05/26/2020	<u>22</u>	NOTICE of Appearance by Joseph E. Hunsader on behalf of INTERNAL REVENUE SERVICE (Hunsader, Joseph) (Entered: 05/26/2020)
06/16/2020	<u>23</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Leave to File <i>Documents In Support of its Motion for Summary Judgment for the Court's In Camera Review</i> , <u>19</u> MOTION for Summary Judgment and to file a <i>summary judgment cross-motion to June 25, 2020</i> , by CHESTER W. NOSAL, NATASCHA D. NOSAL (Klimaski, James) (Entered: 06/16/2020)
06/17/2020		MINUTE ORDER granting <u>23</u> Plaintiffs' Consent Motion for Extension of Time. It is hereby ORDERED that Plaintiffs shall file any cross-motion for summary judgment and shall file their opposition to Defendant's summary judgment motion and motion for <i>in camera</i> review on or before June 25, 2020. It is FURTHER ORDERED that

		Defendant shall file its opposition to any cross-motion and any reply supporting Defendant's motion for summary judgment on or before July 31, 2020. SO ORDERED. Signed by Judge Rudolph Contreras on 6/17/2020. (lcrc2) (Entered: 06/17/2020)
06/17/2020		Set/Reset Deadlines: Cross Motions due by 6/25/2020. Response to Cross Motions due by 7/31/2020. Response to Motion for Summary Judgment due by 6/25/2020. Reply to Motion for Summary Judgment due by 7/31/2020. (tj) (Entered: 06/17/2020)
06/22/2020	<u>24</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Leave to File <i>Documents In Support of its Motion for Summary Judgment for the Court's In Camera Review</i> , <u>19</u> MOTION for Summary Judgment to July 17, 2020, and extension of time for Defendant's subsequent responses to Sept. 7, 2020, by CHESTER W. NOSAL, NATASCHA D. NOSAL (Klimaski, James) (Entered: 06/22/2020)
06/22/2020		MINUTE ORDER granting <u>24</u> Plaintiffs' Consent Motion for Extension of Time. It is hereby ORDERED that Plaintiffs shall file any cross-motion for summary judgment and shall file their opposition to Defendant's summary judgment motion and motion for in camera review on or before July 17, 2020. It is FURTHER ORDERED that Defendant shall file its opposition to any cross-motion and any reply supporting Defendant's motion for summary judgment on or before September 7, 2020. SO ORDERED. Signed by Judge Rudolph Contreras on 6/22/2020. (lcrc2) (Entered: 06/22/2020)
06/23/2020		Set/Reset Deadlines: Cross Motions due by 7/17/2020. Response to Cross Motions due by 9/7/2020. Response to Motion for Summary Judgment due by 7/17/2020. Reply to Motion for Summary Judgment due by 9/7/2020. (tj) (Entered: 06/23/2020)
07/17/2020	<u>25</u>	MOTION for Vaughn Index of items recently submitted for in camera review by CHESTER W. NOSAL, NATASCHA D. NOSAL (Klimaski, James) (Entered: 07/17/2020)
07/17/2020	<u>26</u>	RESPONSE re <u>19</u> MOTION for Summary Judgment filed by CHESTER W. NOSAL, NATASCHA D. NOSAL. (Klimaski, James) (Entered: 07/17/2020)
07/31/2020	<u>27</u>	Memorandum in opposition to re <u>25</u> MOTION for Vaughn Index of items recently submitted for in camera review filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Hunsader, Joseph) (Entered: 07/31/2020)
09/03/2020	<u>28</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by INTERNAL REVENUE SERVICE. (Hunsader, Joseph) (Entered: 09/03/2020)
03/03/2021	<u>29</u>	ORDER granting <u>19</u> Defendant's motion for summary judgment; denying as moot <u>20</u> Defendant's motion for leave to file documents for in camera review; and denying as moot <u>25</u> Plaintiffs' motion for Vaughn index. See document for details. Signed by Judge Rudolph Contreras on 3/3/2021. (lcrc3) (Entered: 03/03/2021)
03/03/2021	<u>30</u>	MEMORANDUM OPINION granting <u>19</u> Defendant's motion for summary judgment; denying as moot <u>20</u> Defendant's motion for leave to file documents for in camera review; and denying as moot <u>25</u> Plaintiffs' motion for Vaughn index. See document for details. Signed by Judge Rudolph Contreras on 3/3/2021. (lcrc3) (Entered: 03/03/2021)