

**U.S. District Court  
District of Idaho (LIVE) NextGen 1.6 (Boise – Southern)  
CIVIL DOCKET FOR CASE #: 1:20-cv-00368-BLW**

Derden et al v. US Department of Homeland Security et al  
Assigned to: Judge B. Lynn Winmill  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/22/2020  
Date Terminated: 05/28/2021  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Nicole R Derden**

represented by **Kristin F. Ruether**  
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**Plaintiff**

**Jose Guadalupe Godoy Pineda**

represented by **Kristin F. Ruether**  
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**LEAD ATTORNEY**  
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**Nicole Renee Derden**  
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V.

**Defendant**

**US Department of Homeland Security**

represented by **James Schaefer**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Immigration and Customs  
Enforcement**

represented by **James Schaefer**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Citizenship and Immigration Services**

represented by **James Schaefer**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/22/2020	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0976-2079448.), filed by All Plaintiffs. (Attachments: # <u>1</u> Civil cover sheet, # <u>2</u> Summons to DHS, # <u>3</u> Summons to ICE, # <u>4</u> Summons to USCIS)(Ruether, Kristin)
07/23/2020	<u>2</u>	Summons Issued (3) as to US Dept of Homeland Security, US Immigration and Customs Enforcement, & US Citizenship and Immigration Services (Print attached Summons for service.) (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(jp)
10/16/2020	<u>3</u>	SUMMONS Returned Executed by Jose Guadalupe Godoy Pineda, Nicole R Derden. US Department of Homeland Security served on 8/1/2020, answer due 9/30/2020. (Ruether, Kristin)
10/16/2020	<u>4</u>	SUMMONS Returned Executed by Jose Guadalupe Godoy Pineda, Nicole R Derden. U.S. Citizenship and Immigration Services served on 8/1/2020, answer due 9/30/2020. (Ruether, Kristin)
10/16/2020	<u>5</u>	SUMMONS Returned Executed by Jose Guadalupe Godoy Pineda, Nicole R Derden. U.S. Immigration and Customs Enforcement served on 8/1/2020, answer due 9/30/2020. (Ruether, Kristin)
10/26/2020	<u>6</u>	Amended Summons Issued as to U.S. Citizenship and Immigration Services, to correct address. (Print attached Summons for service.) (jd)
11/09/2020	<u>7</u>	SUMMONS Returned Executed by Jose Guadalupe Godoy Pineda, Nicole R Derden. US Department of Homeland Security served on 10/26/2020, answer due 12/28/2020. (Ruether, Kristin)
11/09/2020	<u>8</u>	SUMMONS Returned Executed by Jose Guadalupe Godoy Pineda, Nicole R Derden. U.S. Immigration and Customs Enforcement served on 10/26/2020, answer due 12/28/2020. (Ruether, Kristin)
11/09/2020	<u>9</u>	SUMMONS Returned Executed by Jose Guadalupe Godoy Pineda, Nicole R Derden. U.S. Citizenship and Immigration Services served on 10/26/2020, answer due 12/28/2020. (Ruether, Kristin)
11/12/2020	<u>10</u>	STATUS REPORT <i>on Service of Process</i> by Nicole R Derden, Jose Guadalupe Godoy Pineda. (Ruether, Kristin)
11/16/2020		<b>CORRECTIVE ENTRY – Although the ECF system states the answer is due on December 28, 2020, due to the case type (FOIA) the correct answer due date is November 25, 2020.</b> (jp)
11/16/2020		Set Deadlines/Hearings: Defendants answer due 11/25/2020. (jp)
11/23/2020	<u>11</u>	ANSWER to <u>1</u> Complaint by U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, US Department of Homeland Security.(Schaefer, James)
12/11/2020	<u>12</u>	LITIGATION ORDER AND NOTICE OF TELEPHONIC SCHEDULING CONFERENCE Telephonic Scheduling Conference set for 1/14/2021 01:30 PM,mountain time, for purpose of confirming the deadlines proposed by the parties in the joint Litigation Plan. Plaintiffs must initiate the conference call by placing it to (208) 334-9145 and must have all appropriate parties on the line. On or before January 8, 2021, the parties must file with the Court the joint Litigation Plan and Discovery Plan. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (kt)
01/04/2021		Set/Reset Hearings: Telephonic Scheduling Conference set for 1/14/2021 01:30 PM in Telephonic Hearing – Boise Chambers before Judge B. Lynn Winmill. (jlg)

01/07/2021	<u>13</u>	SCHEDULING CONFERENCE FORM – LITIGATION PLAN by Nicole R Derden, Jose Guadalupe Godoy Pineda. (Attachments: # <u>1</u> Supplement Joint litigation plan/schedule)(Ruether, Kristin)
01/15/2021	<u>14</u>	SCHEDULING ORDER TRACK: (Legal) NOW THEREFORE IT IS HEREBY ORDERED that the following recitation of deadlines and procedures will govern this litigation: Defendants' opening brief in support of a Motion for Summary Judgment must be filed by February 12, 2021. Motions to amend pleadings and join parties, except for allegations of punitive damages, must be filed on or before March 19, 2021. All fact discovery must be completed by March 19, 2021. Plaintiff's counsel must contact courtroom deputy Jamie Gearhart within one week following the entry of a decision on all pending dispositive motions to make arrangements for a telephonic trial setting conference with the Court to set pre-trial and trial deadlines. The Court will conduct telephonic status conferences with the parties. The Court will set those status conferences in a separate notice. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (kt)
01/15/2021		Set Deadlines as to Defendants Response to Plaintiffs Cross-Motion for Summary Judgment and Reply in Support of Defendants Motion for Summary Judgment must be filed by 4/9/2021. Plaintiffs Reply in Support of their Cross Motion for Summary Judgment must be filed by due by 4/30/2021. Per docket <u>14</u> (kt)
02/11/2021	<u>15</u>	MOTION for Summary Judgment James Schaefer appearing for Defendants U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, US Department of Homeland Security. Responses due by 3/4/2021 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Separate Statement of Undisputed Facts ISO MSJ, # <u>3</u> Declaration of James P. Schaefer ISO MSJ, # <u>4</u> Schaefer Declaration Exhibits A and B, # <u>5</u> Eggleston Declaration, # <u>6</u> Eggleston Declaration Attachments 1-4, # <u>7</u> Laird Declaration, # <u>8</u> Laird Declaration Exhibits A-E)(Schaefer, James)
02/23/2021	<u>16</u>	DOCKET ENTRY NOTICE OF HEARING regarding <u>15</u> Motion for Summary Judgment: A Motion Hearing is set for 5/26/2021 at 2:30 PM in Boise – Courtroom 3 before Judge B. Lynn Winmill. (jlg)
03/17/2021	<u>17</u>	MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Summary Judgment Kristin F. Ruether appearing for Plaintiffs Nicole R Derden, Jose Guadalupe Godoy Pineda. Responses due by 4/7/2021 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Jose Guadalupe Godoy Pineda, # <u>3</u> Declaration of Nicole Derden, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C)(Ruether, Kristin)
03/18/2021		Set/Reset Deadlines as to <u>17</u> MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Summary Judgment . Per docket 18, Responses due by 4/1/2021 (kt)
03/18/2021	<u>18</u>	ORDER. IT IS HEREBY ORDERED that the dispositive motion deadlines as outlined in the Scheduling Order (Dkt. 14) are SUSPENDED pending a resolution to Plaintiff's Motion for Extension of Time (Dkt. 17). IT IS FURTHER ORDERED that Defendant's response to Plaintiffs Motion for Extension of Time (Dkt. 17) be filed by April 1, 2021. The Court will notify Plaintiffs if a reply is needed for consideration of the Motion. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (kt)
04/01/2021	<u>19</u>	RESPONSE to Motion re <u>17</u> MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Summary Judgment <i>Defendant's Opposition to Plaintiff's Motion to Allow Time to Take Discovery</i> filed by U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, US Department of Homeland Security. Replies due by 4/15/2021. (Attachments: # <u>1</u> Exhibit A – Supplemental Declaration of Debra Laird)(Schaefer, James)
04/15/2021	<u>20</u>	REPLY to Response to Motion re <u>17</u> MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Summary Judgment filed by Nicole R Derden, Jose Guadalupe Godoy Pineda.Motion Ripe Deadline set for 4/16/2021. (Attachments: # <u>1</u> Affidavit 2nd Decl. of Nicole Derden, # <u>2</u> Exhibit A – Amended Discovery)(Ruether, Kristin)

04/23/2021	<u>21</u>	MEMORANDUM DECISION AND ORDER. Plaintiffs Motion for Extension of Time to File a Response/Reply is GRANTED in part and DENIED in part. Plaintiffs shall have three weeks from the entry of this order to file their response. Plaintiffs will not be permitted more time to conduct discovery. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (alw) (Entered: 04/26/2021)
04/26/2021		Set/Reset Deadlines as to <u>15</u> MOTION for Summary Judgment . Responses due by 5/17/2021 (alw)
04/26/2021	22	DOCKET ENTRY NOTICE OF VACATED HEARING: The Motion Hearing scheduled for May 26, 2021 before Judge B. Lynn Winmill is VACATED. The hearing will be reset by a separate notice. (jlg)
04/28/2021	23	DOCKET ENTRY NOTICE OF HEARING regarding <u>15</u> MOTION for Summary Judgment: A Video Motion Hearing is set for 6/23/2021 at 3:30 PM by Video – Boise to Other location (Mountain Time) before Judge B. Lynn Winmill. A Zoom link will be provided prior to the date of the hearing. (jlg)
05/11/2021	<u>24</u>	MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Summary Judgment Kristin F. Ruether appearing for Plaintiffs Nicole R Derden, Jose Guadalupe Godoy Pineda. Responses due by 6/1/2021 (Ruether, Kristin)
05/17/2021	<u>25</u>	NOTICE by U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, US Department of Homeland Security <i>Notice of Non Opposition to Plaintiff's Motion for Extension of Time (ECF No. 24)</i> (Schaefer, James)
05/18/2021	26	Good cause appearing, ORDER granting <u>24</u> Motion for Extension of Time to File Response/Reply re <u>24</u> MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Summary Judgment Responses due by 5/31/2021 Replies due by 6/14/2021.. Signed by Judge B. Lynn Winmill. (am).
05/27/2021	<u>27</u>	Joint MOTION to Dismiss ( <i>Stipulation</i> ) Kristin F. Ruether appearing for Plaintiffs Nicole R Derden, Jose Guadalupe Godoy Pineda. Responses due by 6/17/2021 (Ruether, Kristin)
05/28/2021	<u>28</u>	ORDER GRANTING THE STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE. Signed by Judge B. Lynn Winmill. (alw)