

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:20-cv-01756-TNM**

EMUWA et al v. UNITED STATES DEPARTMENT OF
 HOMELAND SECURITY
 Assigned to: Judge Trevor N. McFadden
 Case: 1:20-cv-01128-TNM
 Cause: 05:552 Freedom of Information Act

Date Filed: 06/29/2020
 Date Terminated: 06/03/2021
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

AMARA EMUWA

represented by **David Laundon Cleveland**
 DAVID LAUNDON CLEVELAND
 1220 L Street NW
 Ste 100
 Washington, DC 20005
 202-812-8684
 Email: 1949.david@gmail.com
ATTORNEY TO BE NOTICED

Plaintiff

MICHAUX LUKUSA

represented by **David Laundon Cleveland**
 (See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

MOHAMMED ALQARAGHULI

represented by **David Laundon Cleveland**
 (See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

FNU ALATANHUA

represented by **David Laundon Cleveland**
 (See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

LOUISE TRAUMA CENTER LLC

represented by **David Laundon Cleveland**
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT
 OF HOMELAND SECURITY**

represented by **Kristin Brudy-Everett**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 Civil Division
 555 4th Street NW
 Washington, DC 20530
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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06/29/2020	<u>1</u>	COMPLAINT AMARA EMUWA against UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 400 receipt number ADCDC-7278181) filed by AMARA EMUWA. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Civil Cover Sheet, # <u>10</u> Notice to Counsel/Party, # <u>11</u> Summons)(Cleveland, David) (Entered: 06/29/2020)
06/29/2020	<u>2</u>	NOTICE OF RELATED CASE by FNU ALATANHUA, MOHAMMED ALQARAGHULI, AMARA EMUWA, LOUISE TRAUMA CENTER LLC, MICHAUX LUKUSA. Case related to Case No. 20-cv-1128. (zmc) (Entered: 06/29/2020)
06/29/2020		Case assigned to Judge Trevor N. McFadden. (zmc) (Entered: 06/29/2020)
06/29/2020	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zmc) (Entered: 06/29/2020)
06/29/2020	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 6/29/2020. (lctnm2) (Entered: 06/29/2020)
06/30/2020	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/30/2020. Answer due for ALL FEDERAL DEFENDANTS by 7/30/2020. (Cleveland, David) (Entered: 06/30/2020)
07/03/2020	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 7/2/2020 (Cleveland, David) (Entered: 07/03/2020)
07/08/2020	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/06/2020. (Cleveland, David) (Entered: 07/08/2020)
07/28/2020	<u>8</u>	MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Brudy-Everett, Kristin) (Entered: 07/28/2020)
07/28/2020		MINUTE ORDER denying Defendant's <u>8</u> Motion for Extension of Time to File Answer. Defendant's motion fails to comply with Local Civil Rule 7(m), which requires the moving party to discuss any anticipated nondispositive motion in a civil action with opposing counsel and to "include in its motion a statement that the required discussion occurred, and a statement as to whether the motion is opposed." Defendant's motion also fails to comply with Paragraph 9(A) of the Court's <u>4</u> Standing Order, which states that motions for extension of time "must be filed at least four business days prior to the first affected deadline." SO ORDERED. Signed by Judge Trevor N. McFadden on 7/28/2020. (lctnm2) (Entered: 07/28/2020)
07/30/2020	<u>9</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Brudy-Everett, Kristin) (Entered: 07/30/2020)
07/31/2020		MINUTE ORDER. Before the Court are a Complaint and an Answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the report on or before August 31, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/31/2020. (Entered: 07/31/2020)
07/31/2020		Set/Reset Deadlines: Joint Status Report due by 8/31/2020. (hmc) (Entered: 07/31/2020)

08/31/2020	<u>10</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Brudy–Everett, Kristin) (Entered: 08/31/2020)
08/31/2020		MINUTE ORDER. Upon consideration of the <u>10</u> Joint Status Report, it is hereby ORDERED that the parties shall appear for a Status Conference on September 9, 2020, at 10:00 a.m., before Judge Trevor N. McFadden. The conference will take place by telephone. Dial–in information will be emailed to counsel. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/31/2020. (lctnm2) (Entered: 08/31/2020)
08/31/2020		Set/Reset Hearings: Telephonic Status Conference set for 9/9/2020 at 10:00 AM before Judge Trevor N. McFadden. (hmc) (Entered: 08/31/2020)
09/09/2020		Minute Entry for proceedings held before Judge Trevor N. McFadden: Telephonic Status Conference held on 9/9/2020. Defendant's Motion for Summary Judgment due by 9/30/2020. Plaintiffs' combined Cross–Motion and Opposition to Defendant's Motion for Summary Judgment due by 10/30/2020. Defendant's combined Opposition to Plaintiffs' Cross–Motion and Reply due by 11/20/2020. Plaintiffs' Reply in support of their Cross–Motion due by 12/11/2020. (Court Reporter: Crystal Pilgrim.) (hmc) (Entered: 09/09/2020)
09/22/2020	<u>11</u>	MOTION for Extension of Time to File <i>Motion for Class Certification</i> by AMARA EMUWA (Cleveland, David) (Entered: 09/22/2020)
09/22/2020		MINUTE ORDER. Before the Court is Plaintiffs' <u>11</u> Motion for Extension of Time to File Motion for Class Certification. Plaintiffs state that they sought but "did not obtain" Defendant's consent for this motion. Defendant shall respond to Plaintiffs' <u>11</u> Motion on or before September 24, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/22/2020. (lctnm2) (Entered: 09/22/2020)
09/23/2020		Set/Reset Deadlines: Defendant's response to Plaintiffs' <u>11</u> Motion due by 9/24/2020. (hmc) (Entered: 09/23/2020)
09/24/2020	<u>12</u>	RESPONSE re <u>11</u> MOTION for Extension of Time to File <i>Motion for Class Certification</i> filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Brudy–Everett, Kristin) (Entered: 09/24/2020)
09/25/2020		MINUTE ORDER denying Plaintiffs' <u>11</u> Motion for Extension of Time to File Motion for Class Certification. Plaintiffs provide no basis for their extension request and therefore fail to establish good cause for the extension. <i>See</i> Fed. R. Civ. P. 6(b)(1). SO ORDERED. Signed by Judge Trevor N. McFadden on 9/25/2020. (lctnm2) (Entered: 09/25/2020)
09/28/2020	<u>13</u>	MOTION to Certify Class by AMARA EMUWA (Cleveland, David) (Entered: 09/28/2020)
09/30/2020	<u>14</u>	MOTION for Summary Judgment <i>and Statement of Facts</i> by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Exhibit A – DHS Vaughn Index, # <u>2</u> Exhibit B – Declaration of Jill A. Eggleston, # <u>3</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 09/30/2020)
10/29/2020	<u>16</u>	MOTION for Summary Judgment by AMARA EMUWA (Attachments: # <u>1</u> Statement of Facts)(Cleveland, David) (Entered: 10/29/2020)
11/02/2020		MINUTE ORDER. The Court has placed the Plaintiff's 15 Memorandum in Opposition under seal because it contains private personal information that should have been redacted. The Plaintiffs shall file a properly redacted version of their 15 Memorandum for the public docket on or before 11/9/2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/2/2020. (lctnm2) (Entered: 11/02/2020)
11/02/2020		Set/Reset Deadlines: Plaintiffs' redacted version due by 11/9/2020. (hmc) (Entered: 11/02/2020)
11/06/2020		MINUTE ORDER. The Court has placed the Plaintiffs' 17 Errata under seal because it contains third party personally identifiable information ("PII") that has not been properly redacted. On 11/2/2020, the Court ordered the Plaintiffs to "file a properly redacted version of their 15 Memorandum for the public docket." The Plaintiffs have failed to comply with this order, as their 17 Errata contains PII that is still visible or partially visible. The Plaintiffs shall file a fully redacted version of their 15 Memorandum for the public docket on or before 11/13/2020. The Court takes

		protection of third parties' PII seriously and expects all parties to do likewise. Failure to adhere to this Order may result the imposition of sanctions. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/6/2020. (lctnm2) (Entered: 11/06/2020)
11/06/2020		Set/Reset Deadlines: Plaintiffs' redacted version due by 11/13/2020. (hmc) (Entered: 11/06/2020)
11/08/2020	<u>18</u>	ERRATA <i>Memorandum in Opposition</i> by AMARA EMUWA. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit)(Cleveland, David) (Entered: 11/08/2020)
11/20/2020	<u>19</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Brudy–Everett, Kristin) (Entered: 11/20/2020)
12/11/2020	<u>20</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by AMARA EMUWA. (Attachments: # <u>1</u> Exhibit)(Cleveland, David) (Entered: 12/11/2020)
04/15/2021	<u>21</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Brudy–Everett, Kristin) (Entered: 04/15/2021)
05/31/2021	<u>22</u>	MOTION for Leave to File <i>Sur Reply</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit)(Cleveland, David) Modified on 6/2/2021 (zeg). (Entered: 05/31/2021)
06/03/2021	<u>23</u>	MEMORANDUM OPINION re the parties' <u>14</u> and <u>16</u> Motions for Summary Judgment. Signed by Judge Trevor N. McFadden on 6/3/2021. (lctnm2) (Entered: 06/03/2021)
06/03/2021	<u>24</u>	ORDER. For the reasons stated in <u>23</u> Memorandum Opinion, Defendant's <u>14</u> Motion for Summary Judgment is GRANTED; Plaintiffs' <u>16</u> Cross–Motion for Summary Judgment is DENIED; Plaintiffs' <u>13</u> Motion for Class Certification is DENIED as moot; and Plaintiffs' <u>22</u> Motion for Leave to File a Sur–reply is GRANTED in part and DENIED in part. See attached Order for details. Signed by Judge Trevor N. McFadden on 6/3/2021. (lctnm2) (Entered: 06/03/2021)