

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:21-cv-03288-VEC**

Safe Passage Project v. U.S. Customs and Border Protection et al
Assigned to: Judge Valerie E. Caproni
Cause: 05:552 Freedom of Information Act

Date Filed: 04/15/2021
Date Terminated: 11/18/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Safe Passage Project

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V.

Defendant

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LEAD ATTORNEY
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Defendant**U.S. Citizenship and Immigration Services**

represented by **Rebecca Ruth Friedman**
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Date Filed	#	Docket Text
04/15/2021	<u>1</u>	COMPLAINT against U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection. (Filing Fee \$ 402.00, Receipt Number ANYSDC–24402403) Document filed by Safe Passage Project. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F).(Nash, Lindsay) (Entered: 04/15/2021)
04/15/2021	<u>2</u>	CIVIL COVER SHEET filed..(Nash, Lindsay) (Entered: 04/15/2021)
04/15/2021	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Safe Passage Project..(Nash, Lindsay) (Entered: 04/15/2021)
04/15/2021	<u>4</u>	NOTICE OF APPEARANCE by Kristin Macleod–Ball on behalf of Safe Passage Project..(Macleod–Ball, Kristin) (Entered: 04/15/2021)
04/15/2021	<u>5</u>	NOTICE OF APPEARANCE by Trina A. Realmuto on behalf of Safe Passage Project..(Realmuto, Trina) (Entered: 04/15/2021)
04/16/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Valerie E. Caproni. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district–judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf–related–instructions..(gp) (Entered: 04/16/2021)
04/16/2021		Magistrate Judge Sarah L. Cave is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf . (gp) (Entered: 04/16/2021)
04/16/2021		Case Designated ECF. (gp) (Entered: 04/16/2021)
04/16/2021	<u>6</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: In light of the COVID–19 situation, the Court will conduct the Initial Pretrial Conference ("IPTC") in accordance with Rule 16 of the Federal Rules of Civil Procedure on May 21, 2021 at 11:30 a.m. by teleconference. At the scheduled time, counsel for all parties should call 888–363–4749, Access code 3121171#, Security code 3288. Counsel should submit their proposed case management plan and joint letter as outlined below. This Court encourages plaintiffs to serve defendants promptly. Plaintiff's counsel, or the defendant's counsel in removed cases, is responsible for distributing copies of this Notice to all parties. And as set forth herein. SO ORDERED. Initial Conference set for 5/21/2021 at 11:30 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 4/16/2021) (ama) (Entered: 04/16/2021)
04/20/2021	<u>7</u>	FILING ERROR – DEFICIENT SUMMONS REQUEST – PDF ERROR REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Customs and Border Protection, re: <u>1</u> Complaint,. Document filed by Safe Passage Project..(Nash, Lindsay)

		Modified on 4/21/2021 (sj). (Entered: 04/20/2021)
04/20/2021	<u>8</u>	FILING ERROR – DEFICIENT SUMMONS REQUEST – PDF ERROR REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Citizenship and Immigration Services, re: <u>1</u> Complaint. Document filed by Safe Passage Project..(Nash, Lindsay) Modified on 4/21/2021 (sj). (Entered: 04/20/2021)
04/21/2021		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Lindsay Cotten Nash to RE-FILE Document No. <u>8</u> Request for Issuance of Summons, <u>7</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; Defendant as to whom the summons is for must be listed first in the "TO" field. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (sj) (Entered: 04/21/2021)
04/22/2021	<u>9</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Customs and Border Protection, re: <u>1</u> Complaint,. Document filed by Safe Passage Project..(Nash, Lindsay) (Entered: 04/22/2021)
04/22/2021	<u>10</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Citizenship and Immigration Services, re: <u>1</u> Complaint,. Document filed by Safe Passage Project..(Nash, Lindsay) (Entered: 04/22/2021)
04/23/2021	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Citizenship and Immigration Services..(pc) (Entered: 04/23/2021)
04/23/2021	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Customs and Border Protection..(pc) (Entered: 04/23/2021)
04/24/2021	<u>13</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Derrick James Hensley to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-24447916. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Safe Passage Project. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on Admission PHV).(Hensley, Derrick) Modified on 4/26/2021 (wb). (Entered: 04/24/2021)
04/26/2021		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>13</u> MOTION for Derrick James Hensley to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-24447916. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Affidavit is not notarized.;. Re-file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (wb) (Entered: 04/26/2021)
04/26/2021	<u>14</u>	AMENDED MOTION for Derrick James Hensley to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Safe Passage Project. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on Motion on Admission PHV).(Hensley, Derrick) (Entered: 04/26/2021)
04/26/2021		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>14</u> AMENDED MOTION for Derrick James Hensley to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 04/26/2021)
04/26/2021	<u>15</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>14</u> Motion for Derrick James Hensley to Appear Pro Hac Vice. (Signed by Judge Valerie E. Caproni on 4/26/2021) (vf) (Entered: 04/26/2021)
04/30/2021	<u>16</u>	MOTION for Frederick Evan Benz to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-24476108. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Safe Passage Project. (Attachments: # <u>1</u> Affidavit Attorney Affidavit, # <u>2</u> Proposed Order, # <u>3</u> Certificate of Good Standing).(Benz, Frederick) (Entered: 04/30/2021)

04/30/2021		>>> NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>16</u> MOTION for Frederick Evan Benz to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-24476108. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 04/30/2021)
05/03/2021	<u>17</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>16</u> Motion for Frederick Evan Benz to Appear Pro Hac Vice. (Signed by Judge Valerie E. Caproni on 5/3/2021) (vfr) (Entered: 05/03/2021)
05/11/2021	<u>18</u>	NOTICE OF APPEARANCE by Rebecca Ruth Friedman on behalf of U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection..(Friedman, Rebecca) (Entered: 05/11/2021)
05/11/2021	<u>19</u>	AFFIDAVIT OF SERVICE (FOIA CASE). U.S. Citizenship and Immigration Services served on 5/4/2021, answer due 6/3/2021; U.S. Customs and Border Protection served on 4/27/2021, answer due 5/27/2021. Service was made by Mail. Document filed by Safe Passage Project..(Nash, Lindsay) (Entered: 05/11/2021)
05/12/2021	<u>20</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Valerie E. Caproni from Kristin Macleod-Ball dated May 12, 2021. Document filed by Safe Passage Project. Return Date set for 5/21/2021 at 11:30 AM..(Macleod-Ball, Kristin) (Entered: 05/12/2021)
05/12/2021	<u>21</u>	ORDER granting <u>20</u> Letter Motion to Adjourn Conference. Application GRANTED. The initial pretrial conference is adjourned to June 25, 2021 at 10:00 a.m. The parties' joint submission is due by June 17, 2021. The parties must appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 3288. (Initial Conference set for 6/25/2021 at 10:00 AM before Judge Valerie E. Caproni.) (Signed by Judge Valerie E. Caproni on 5/12/2021) (rro) (Entered: 05/12/2021)
05/27/2021	<u>22</u>	ANSWER to <u>1</u> Complaint,. Document filed by U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection..(Friedman, Rebecca) (Entered: 05/27/2021)
06/16/2021	<u>23</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Valerie E. Caproni from Rebecca R. Friedman dated June 16, 2021. Document filed by U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection..(Friedman, Rebecca) (Entered: 06/16/2021)
06/16/2021	<u>24</u>	ORDER: granting <u>23</u> Letter Motion to Adjourn Conference. Application GRANTED. The initial pretrial conference is adjourned to August 6, 2021 at 10:00 a.m. The parties must appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 3288. The parties' joint submission is due by July 29, 2021. SO ORDERED. Initial Conference set for 8/6/2021 at 10:00 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 6/16/2021) (ama) (Entered: 06/16/2021)
07/28/2021	<u>25</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Valerie E. Caproni from Kristin Macleod-Ball dated July 28, 2021. Document filed by Safe Passage Project..(Macleod-Ball, Kristin) (Entered: 07/28/2021)
07/28/2021	<u>26</u>	ORDER: granting <u>25</u> Letter Motion to Adjourn Conference. Application GRANTED. The initial pretrial conference is adjourned to August 27, 2021 at 10:00 a.m. The parties must appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 3288. The parties' joint submission is due by August 19, 2021. SO ORDERED. Initial Conference set for 8/27/2021 at 10:00 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 7/28/2021) (ama) (Entered: 07/28/2021)
08/18/2021	<u>27</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Valerie E. Caproni from Rebecca R. Friedman dated August 18, 2021. Document filed by U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection..(Friedman, Rebecca) (Entered: 08/18/2021)
08/18/2021	<u>28</u>	ORDER granting <u>27</u> Letter Motion to Adjourn Conference. Application GRANTED. The initial pretrial conference is adjourned to September 24, 2021 at 10:00 a.m. The parties must appear for the conference by dialing 888-363-4749, using the access

		code 3121171 and the security code 3288. The parties' joint submission is due by September 17, 2021. Initial Conference set for 9/24/2021 at 10:00 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 8/18/2021) (ate) (Entered: 08/18/2021)
09/17/2021	<u>29</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Valerie E. Caproni from Kristin Macleod-Ball dated September 17, 2021. Document filed by Safe Passage Project..(Macleod-Ball, Kristin) (Entered: 09/17/2021)
09/17/2021	<u>30</u>	ORDER granting <u>29</u> Letter Motion to Adjourn Conference. Application GRANTED. The initial pretrial conference is adjourned to October 22, 2021 at 10:00 a.m. The parties must appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 3288. The parties' joint submission is due by October 14, 2021. So Ordered. Initial Conference set for 10/22/2021 at 10:00 AM before Judge Valerie E. Caproni.. (Signed by Judge Valerie E. Caproni on 9/17/2021) (js) (Entered: 09/20/2021)
10/13/2021	<u>31</u>	CONSENT LETTER MOTION to Adjourn Conference addressed to Judge Valerie E. Caproni from Rebecca R. Friedman dated October 13, 2021. Document filed by U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection..(Friedman, Rebecca) (Entered: 10/13/2021)
10/14/2021	<u>32</u>	ORDER granting <u>31</u> Letter Motion to Adjourn Conference. Application GRANTED. The initial pretrial conference is adjourned to December 10, 2021 at 10:00 a.m. The parties must appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 3288. The parties' joint submission is due by December 2, 2021. SO ORDERED. Initial Conference set for 12/10/2021 at 10:00 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 10/14/2021) (vfr) (Entered: 10/14/2021)
11/18/2021	<u>33</u>	PROPOSED STIPULATION AND ORDER. Document filed by U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection..(Friedman, Rebecca) (Entered: 11/18/2021)
11/18/2021	<u>34</u>	STIPULATION AND ORDER OF DISMISSAL: WHEREAS, IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows: 1. The documents produced by CBP and USCIS in this action fully resolve any and all claims that Plaintiff now has or may hereinafter acquire against CBP, USCIS or the United States of America (the "United States"), or any department, agency, officer, or employee of CBP, USCIS, and/or the United States, related to or arising out of the FOIA requests at issue in this action. 2. After the Court has approved and docketed this Stipulation and Order, within a reasonable period of time, USCIS and CBP shall pay to Plaintiff via electronic funds transfer the sum of seven thousand one hundred fifty dollars (\$7,150) in attorneys' fees and litigation costs pursuant to 5 U.S.C. section 552(a)(4)(E), which sum Plaintiff agrees to accept in complete satisfaction of any and all claims by Plaintiff for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. Counsel for Plaintiff will provide the necessary information for CBP and USCIS to Effectuate payment. 3. This action is hereby dismissed with prejudice, and without costs or fees other than as provided in paragraph 2 of this Stipulation and Order, provided that the Court shall retain jurisdiction for the purpose of enforcing this Stipulation and Order. 4. This Stipulation and Order shall not constitute an admission by CBP or USCIS that Plaintiff is entitled to any attorneys' fees or litigation costs. 5. The parties acknowledge that this Stipulation is entered solely for the purpose of settling the remaining merits claims in this action without further litigation, and it shall not be construed as evidence or an admission regarding any issue of law or fact, or regarding the truth or validity of any allegation or claim raised in this action. 6. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. 7. Any obligation of the Government to expend funds under this Stipulation and Order is subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. section 1341. This Stipulation and Order shall not be construed to require the Government to obligate or pay funds in contravention of the Anti-Deficiency Act. Application GRANTED. The Clerk of Court is respectfully directed to terminate this case. (Signed by Judge Valerie E. Caproni on 11/18/2021) (ate) Modified on

		11/18/2021 (ate). (Entered: 11/18/2021)
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