

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-03307-TNM**

ENERGY POLICY ADVOCATES v. UNITED STATES
DEPARTMENT OF STATE
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 11/03/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ENERGY POLICY ADVOCATES

represented by **Matthew D. Hardin**
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V.

Defendant

**UNITED STATES DEPARTMENT
OF STATE**

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Date Filed	#	Docket Text
11/03/2019	<u>1</u>	COMPLAINT <i>ENERGY POLICY ADVOCATES</i> against UNITED STATES DEPARTMENT OF STATE (Filing fee \$ 400 receipt number ADCDC-6501244) filed by ENERGY POLICY ADVOCATES. (Attachments: # <u>1</u> Civil Cover Sheet Civil cover sheet, # <u>2</u> Summons US AG Summons, # <u>3</u> Summons State Dept Summons, # <u>4</u> Summons US Attorney Summons)(Horner, Christopher) (Entered: 11/03/2019)
11/03/2019	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE <i>CORRECTED</i> re <u>1</u> Complaint, filed by ENERGY POLICY ADVOCATES. Related document: <u>1</u> Complaint, filed by ENERGY POLICY ADVOCATES. (Attachments: # <u>1</u> Summons US AG Summons CORRECTED, # <u>2</u> Summons US AG Summons CORRECTED)(Horner, Christopher) (Entered: 11/03/2019)
11/03/2019	<u>3</u>	CIVIL COVER SHEET <i>CORRECTED</i> by ENERGY POLICY ADVOCATES re <u>1</u> Complaint, filed by ENERGY POLICY ADVOCATES. Related document: <u>1</u> Complaint, filed by ENERGY POLICY ADVOCATES.(Horner, Christopher) (Entered: 11/03/2019)
11/04/2019	<u>4</u>	NOTICE of Appearance by Hans Frank Bader on behalf of ENERGY POLICY ADVOCATES (Bader, Hans) (Entered: 11/04/2019)
11/04/2019	<u>5</u>	CIVIL COVER SHEET <i>corrected to substitute civil cover sheet mandated by this court, in place of the civil cover sheet used nationally that was previously submitted by ENERGY POLICY ADVOCATES</i> re <u>3</u> Cover Sheet filed by ENERGY POLICY ADVOCATES. Related document: <u>3</u> Cover Sheet filed by ENERGY POLICY ADVOCATES.(Bader, Hans) (Entered: 11/04/2019)
11/05/2019		Case Assigned to Judge Trevor N. McFadden. (zrdj) (Entered: 11/05/2019)
11/05/2019	<u>6</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrdj) (Entered: 11/05/2019)
11/05/2019	<u>7</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 11/5/2019. (lctnm3) (Entered: 11/05/2019)
11/05/2019	<u>8</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests (<i>no parent company or corporate owner</i>) by ENERGY POLICY ADVOCATES (Bader, Hans) (Entered: 11/05/2019)
11/26/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/12/2019. (Answer due for ALL FEDERAL DEFENDANTS by 12/12/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF STATE served on 11/12/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/12/2019. (Bader, Hans) (Entered: 11/26/2019)
12/02/2019	<u>10</u>	NOTICE of Appearance by Alan Burch on behalf of UNITED STATES DEPARTMENT OF STATE (Burch, Alan) (Entered: 12/02/2019)

12/13/2019	<u>11</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF STATE.(Burch, Alan) (Entered: 12/13/2019)
12/13/2019		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 January 13, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/13/2019. (lctnm3) (Entered: 12/13/2019)
12/13/2019		Set/Reset Deadlines: Joint Status Report due by 1/13/2020. (hmc) (Entered: 12/13/2019)
01/01/2020	<u>12</u>	NOTICE of Appearance by Matthew D. Hardin on behalf of All Plaintiffs (Hardin, Matthew) (Entered: 01/01/2020)
01/10/2020	<u>13</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Burch, Alan) (Entered: 01/10/2020)
01/13/2020		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Report on or before February 28, 2020, which shall update the Court about the status of production, the number of responsive records, and whether a briefing schedule should be set. Signed by Judge Trevor N. McFadden on 1/13/2020. (lctnm3) (Entered: 01/13/2020)
01/13/2020		Set/Reset Deadlines: Joint Status Report due by 2/28/2020. (hmc) (Entered: 01/13/2020)
02/28/2020	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Burch, Alan) (Entered: 02/28/2020)
02/28/2020		MINUTE ORDER. Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Report on or before April 28, 2020, which shall update the Court about the status of production and the number of responsive records. Signed by Judge Trevor N. McFadden on 2/28/2020. (lctnm3) (Entered: 02/28/2020)
03/02/2020		Set/Reset Deadlines: Joint Status Report due by 4/28/2020. (hmc) (Entered: 03/02/2020)
04/28/2020	<u>15</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Burch, Alan) (Entered: 04/28/2020)
04/28/2020		MINUTE ORDER. Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall submit another Joint Status Report by June 26, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/28/2020. (lctnm3) (Entered: 04/28/2020)
04/28/2020		Set/Reset Deadlines: Joint Status Report due by 6/26/2020. (hmc) (Entered: 04/28/2020)
06/26/2020	<u>16</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Burch, Alan) (Entered: 06/26/2020)
06/26/2020		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall submit another Joint Status Report by August 3, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/26/2020. (lctnm3) (Entered: 06/26/2020)
06/26/2020		Set/Reset Deadlines: Joint Status Report due by 8/3/2020. (hmc) (Entered: 06/26/2020)
08/03/2020	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Burch, Alan) (Entered: 08/03/2020)

08/10/2020		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before September 14, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/10/2020. (lctnm3) (Entered: 08/10/2020)
08/10/2020		Set/Reset Deadlines: Joint Status Report due by 9/14/2020. (zhmc) (Entered: 08/10/2020)
08/17/2020	<u>18</u>	MOTION for Preliminary Injunction by ENERGY POLICY ADVOCATES (Attachments: # <u>1</u> Memorandum in Support of Motion for Preliminary Injunction)(Hardin, Matthew) (Entered: 08/17/2020)
08/19/2020	<u>19</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Preliminary Injunction by UNITED STATES DEPARTMENT OF STATE (Burch, Alan) (Entered: 08/19/2020)
08/19/2020		MINUTE ORDER granting Defendant's <u>19</u> Consent Motion for Extension of Time to File Response/Reply. Defendant shall file its response to Plaintiff's <u>18</u> Motion for Preliminary Injunction on or before September 1, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/19/2020. (lctnm3) (Entered: 08/19/2020)
08/19/2020		Set/Reset Deadlines: Defendant's response to Plaintiff's <u>18</u> Motion for Preliminary Injunction due by 9/1/2020. (hmc) (Entered: 08/19/2020)
09/01/2020	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION for Preliminary Injunction filed by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Exhibit Plaintiff's request letter, # <u>2</u> Exhibit Defendant's acknowledgement letter, # <u>3</u> Declaration of Eric Stein)(Burch, Alan) (Entered: 09/01/2020)
09/01/2020		MINUTE ORDER. On August 17, 2020, Plaintiff filed a <u>18</u> Motion for Preliminary Injunction, invoking Local Civil Rule 65.1(d). On September 1, 2020, Defendant filed a <u>20</u> response to the <u>18</u> Motion for Preliminary Injunction. The parties shall appear for a hearing on the <u>18</u> Motion for Preliminary Injunction on September 9, 2020, at 2:00 p.m., before Judge McFadden. The hearing will take place by telephone. Dial-in information will be emailed to counsel. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/1/2020. (lctnm3) (Entered: 09/01/2020)
09/02/2020		Set/Reset Deadlines/Hearings: Telephonic Preliminary Injunction Hearing scheduled for 9/9/2020, at 2:00 PM before Judge Trevor N. McFadden. (ztg) (Entered: 09/02/2020)
09/08/2020	<u>21</u>	REPLY to opposition to motion re <u>18</u> MOTION for Preliminary Injunction filed by ENERGY POLICY ADVOCATES. (Hardin, Matthew) (Entered: 09/08/2020)
09/09/2020		Minute Entry for proceedings held before Judge Trevor N. McFadden: Telephonic Motion Hearing held on 9/9/2020. <u>18</u> Motion for Preliminary Injunction filed by ENERGY POLICY ADVOCATES, DENIED for reasons stated on the record. Joint Status Report due by 10/17/2020. Order forthcoming. (Court Reporter: Crystal Pilgrim.) (hmc) (Entered: 09/09/2020)
09/09/2020	<u>22</u>	ORDER denying Plaintiff's <u>18</u> Motion for a Preliminary Injunction. See attached Order for details. Signed by Judge Trevor N. McFadden on 9/9/2020. (lctnm3) (Entered: 09/09/2020)
09/23/2020	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kristin Brudy–Everett on behalf of All Defendants Substituting for attorney Alan Burch (Brudy–Everett, Kristin) (Entered: 09/23/2020)
10/19/2020	<u>24</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Brudy–Everett, Kristin) (Entered: 10/19/2020)
10/19/2020		MINUTE ORDER. Upon consideration of the parties' <u>24</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before October 22, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/19/2020. (lctnm3) (Entered: 10/19/2020)
10/19/2020		Set/Reset Deadlines: Joint Status Report due by 10/22/2020. (hmc) (Entered: 10/19/2020)

10/22/2020	<u>25</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Brudy–Everett, Kristin) (Entered: 10/22/2020)
10/22/2020		MINUTE ORDER. Upon consideration of the parties' <u>25</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before November 23, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/22/2020. (lctnm3) (Entered: 10/22/2020)
10/22/2020		Set/Reset Deadlines: Joint Status Report due by 11/23/2020. (hmc) (Entered: 10/22/2020)
10/29/2020	<u>26</u>	<p>TRANSCRIPT OF PROCEEDINGS before Judge Trevor N. McFadden held on 09/09/2020; Page Numbers: 1–47. Date of Issuance:10/29/2020. Court Reporter/Transcriber Crystal M. Pilgrim, Telephone number 202.354.3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenc ed above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 11/19/2020. Redacted Transcript Deadline set for 11/29/2020. Release of Transcript Restriction set for 1/27/2021.(Pilgrim, Crystal) (Entered: 10/29/2020)</p>
11/23/2020	<u>27</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 11/23/2020)
12/11/2020	<u>28</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Brudy–Everett, Kristin) (Entered: 12/11/2020)
12/14/2020		MINUTE ORDER. Upon consideration of the parties' <u>28</u> Joint Status Report, the parties are hereby ORDERED to appear by telephone for a status conference on December 21, 2020, at 10:00 a.m. before Judge Trevor N. McFadden. Dial–in information will be sent to counsel. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/14/2020. (lctnm3) (Entered: 12/14/2020)
12/14/2020		Set/Reset Hearings: Telephonic Status Conference set for 12/21/2020 at 10:00 AM before Judge Trevor N. McFadden. (hmc) (Entered: 12/14/2020)
12/21/2020		Minute Entry for proceedings held before Judge Trevor N. McFadden: Telephonic Status Conference held on 12/21/2020. Joint Status Report due by 2/9/2021. (Court Reporter: Crystal Pilgrim.) (hmc) (Entered: 12/21/2020)
02/09/2021	<u>29</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 02/09/2021)
02/09/2021		MINUTE ORDER. Upon consideration of the parties' <u>29</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before March 26, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/9/2021. (lctnm3) (Entered: 02/09/2021)
02/10/2021		Set/Reset Deadlines: Joint Status Report due by 3/26/2021. (hmc) (Entered: 02/10/2021)
03/26/2021	<u>30</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 03/26/2021)

03/26/2021		MINUTE ORDER. Upon consideration of the parties' <u>30</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before May 25, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/26/2021. (lctnm3) (Entered: 03/26/2021)
03/29/2021		Set/Reset Deadlines: Joint Status Report due by 5/25/2021. (hmc) (Entered: 03/29/2021)
05/25/2021	<u>31</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 05/25/2021)
05/26/2021		MINUTE ORDER. Upon consideration of the parties' <u>31</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before July 23, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/26/2021. (lctnm3) (Entered: 05/26/2021)
05/26/2021		Set/Reset Deadlines: Joint Status Report due by 7/23/2021. (hmc) (Entered: 05/26/2021)
07/06/2021	<u>32</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Dedra Seibel Curteman on behalf of All Defendants Substituting for attorney Kristin Brudy (Curteman, Dedra) (Entered: 07/06/2021)
07/23/2021	<u>33</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 07/23/2021)
07/23/2021		MINUTE ORDER. Upon consideration of the parties' <u>33</u> Joint Status Report, it is hereby ORDERED that the parties shall submit another Joint Status Report by August 23, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/23/2021. (lctnm3) (Entered: 07/23/2021)
07/26/2021		Set/Reset Deadlines: Joint Status Report due by 8/23/2021. (hmc) (Entered: 07/26/2021)
08/22/2021	<u>34</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 08/22/2021)
08/23/2021		MINUTE ORDER. Upon consideration of the parties' <u>34</u> Joint Status Report, it is hereby ORDERED that the parties shall submit another Joint Status Report by October 25, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/23/2021. (lctnm3) (Entered: 08/23/2021)
08/23/2021		Set/Reset Deadlines: Joint Status Report due by 10/25/2021. (ztg) (Entered: 08/23/2021)
10/25/2021	<u>35</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 10/25/2021)
10/26/2021		MINUTE ORDER. Upon consideration of the Parties' <u>35</u> Joint Status Report, it is hereby ORDERED that the Parties shall submit another Joint Status Report on or before January 4, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/26/2021. (lctnm3) (Entered: 10/26/2021)
10/26/2021		Set/Reset Deadlines: Joint Status Report due by 1/4/2022. (hmc) (Entered: 10/26/2021)
01/04/2022	<u>36</u>	Joint STATUS REPORT by ENERGY POLICY ADVOCATES. (Hardin, Matthew) (Entered: 01/04/2022)
01/05/2022		MINUTE ORDER. Upon consideration of the Parties' <u>36</u> Joint Status Report, it is hereby ORDERED that the Parties submit another Joint Status Report on or before January 18, 2022, with a proposal for further proceedings. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/5/2022. (lctnm3) (Entered: 01/05/2022)
01/06/2022		Set/Reset Deadlines: Joint Status Report due by 1/18/2022. (zhmc) (Entered: 01/06/2022)
01/18/2022	<u>37</u>	Joint STATUS REPORT by ENERGY POLICY ADVOCATES. (Hardin, Matthew) (Entered: 01/18/2022)

01/19/2022		MINUTE ORDER. Upon consideration of the Parties' <u>37</u> Joint Status Report, it is hereby ORDERED that the Parties file another Joint Status Report on or before February 1, 2022. The Parties shall appear for a telephonic status conference on February 4, 2022, at 10:00 a.m. Dial-in information will be emailed to the Parties. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/19/2022. (lctnm3) (Entered: 01/19/2022)
01/19/2022		Set/Reset Deadlines/Hearings: Joint Status Report due by 2/1/2022. Telephonic Status Conference set for 2/4/2022 at 10:00 AM before Judge Trevor N. McFadden. (hmc) (Entered: 01/19/2022)
02/01/2022	<u>38</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 02/01/2022)
02/01/2022	<u>39</u>	Joint MOTION for Scheduling Order by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 02/01/2022)
02/04/2022		Minute Entry for proceedings held before Judge Trevor N. McFadden: Telephonic Status Conference held on 2/4/2022. Joint Status Report due by 3/4/2022, regarding the status of production. (Court Reporter: Lorraine Herman.) (hmc) (Entered: 02/04/2022)