

**United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.3.4 (Chicago)
CIVIL DOCKET FOR CASE #: 1:20–cv–05464**

Vargas v. U.S. Department of Homeland Security et al
Assigned to: Honorable Thomas M. Durkin
Cause: 05:552 Freedom of Information Act

Date Filed: 09/15/2020
Date Terminated: 03/08/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Erazo Vargas

represented by **Christopher Paul Elmore**
E.Z. Law, LLC
3108 N Cicero Ave
Chicago, IL 60641
(312) 600–7273
Email: christopher@celmorelaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Homeland Security

represented by **Virginia Ovitz Hancock**
United States Attorney's Office (NDIL –
Chicago)
219 S. Dearborn Street
Suite 500
Chicago, IL 60604
(312) 353–1998
Email: virginia.hancock@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AUSA – Chicago
United States Attorney's Office (NDIL –
Chicago)
219 South Dearborn Street
Chicago, IL 60604
Email: USAILN.ECFAUSA@usdoj.gov
ATTORNEY TO BE NOTICED

Susan Willoughby Anderson
Office of the United States Attorney
219 S. Dearborn Street
5th Floor
Chicago, IL 60604
312–353–5300
Email: willoughby.anderson@usdoj.gov
TERMINATED: 06/15/2021

Defendant

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

represented by **Virginia Ovitz Hancock**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AUSA – Chicago
(See above for address)

ATTORNEY TO BE NOTICED

Susan Willoughby Anderson
 (See above for address)
TERMINATED: 06/15/2021

Defendant

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

represented by **Virginia Ovitz Hancock**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AUSA – Chicago
 (See above for address)
ATTORNEY TO BE NOTICED

Susan Willoughby Anderson
 (See above for address)
TERMINATED: 06/15/2021

Date Filed	#	Docket Text
09/15/2020	<u>1</u>	COMPLAINT filed by Jairo Erazo Vargas; Filing fee \$ 400, receipt number 0752-17438489. (Attachments: # <u>1</u> Civil Cover Sheet)(Elmore, Christopher) (Entered: 09/15/2020)
09/15/2020	<u>2</u>	ATTORNEY Appearance for Plaintiff Jairo Erazo Vargas by Christopher Paul Elmore (Attachments: # <u>1</u> Civil Cover Sheet)(Elmore, Christopher) (Entered: 09/15/2020)
09/15/2020		CASE ASSIGNED to the Honorable Thomas M. Durkin. Designated as Magistrate Judge the Honorable Heather K. McShain. Case assignment: Random assignment. (cp,) (Entered: 09/15/2020)
09/15/2020	<u>3</u>	MINUTE entry before the Honorable Thomas M. Durkin: A joint status report is to be filed by 11/24/2020. Instructions may be found on Judge Durkin's webpage under new and reassigned cases. Mailed notice. (ecw,) (Entered: 09/15/2020)
09/17/2020		SUMMONS Issued as to Defendants U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (jg,) (Entered: 09/17/2020)
09/18/2020		SUMMONS Issued as to Defendant U.S. Citizenship and Immigration Services (jg,) (Entered: 09/18/2020)
10/05/2020	<u>4</u>	SUMMONS Returned Executed by Erazo Vargas as to All Defendants on 9/18/2020, answers due 11/17/2020. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Civil Cover Sheet)(Elmore, Christopher) (Docket Text Modified by Clerk's Office on 10/6/2020) (pj,). (Entered: 10/05/2020)
10/14/2020	<u>5</u>	SUMMONS Returned Executed by Erazo Vargas as to All Defendants served on 9/29/2020, answers due 10/29/2020. (Attachments: # <u>1</u> Exhibit Summons and Corrected Return of Service to ICE – 20-cv-5464, # <u>2</u> Exhibit Summons and Corrected Return of Service to USCIS – 20-cv-5464, # <u>3</u> Civil Cover Sheet, # <u>4</u> Exhibit Certified mail receipts expenses for serving summons – 20-5464)(Elmore, Christopher) (Docket Text Modified by Clerk's Office on 10/15/2020) (pj,). (Entered: 10/14/2020)
10/22/2020	<u>6</u>	DESIGNATION of Susan Willoughby Anderson as U.S. Attorney for Defendants U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (Anderson, Susan) (Entered: 10/22/2020)
10/22/2020	<u>7</u>	MOTION by Defendants U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement for extension of time to file answer (Anderson, Susan) (Entered: 10/22/2020)
10/22/2020	<u>8</u>	NOTICE of Motion by Susan Willoughby Anderson for presentment of motion for extension of time to file answer <u>7</u> before Honorable Thomas M. Durkin on 10/28/2020

		at 09:00 AM. (Anderson, Susan) (Entered: 10/22/2020)
10/22/2020	<u>9</u>	MINUTE entry before the Honorable Thomas M. Durkin: Motion for extension of time to answer <u>7</u> is granted. Defendants are to respond to the complaint by 11/30/2020. The 11/24/2020 status report deadline is vacated. Mailed notice. (ecw,) (Entered: 10/22/2020)
11/24/2020	<u>10</u>	MOTION by Defendants U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement for extension of time to file answer (<i>Unopposed Second Motion for Extension of Time to Answer</i>) (Anderson, Susan) (Entered: 11/24/2020)
11/25/2020	<u>11</u>	MINUTE entry before the Honorable Thomas M. Durkin: Unopposed motion for extension of time to answer <u>10</u> is granted. Defendants are to file their response to the complaint by 12/18/2020. Mailed notice. (ecw,) (Entered: 11/25/2020)
12/18/2020	<u>12</u>	ANSWER to Complaint by U.S. Immigration and Customs Enforcement(Anderson, Susan) (Entered: 12/18/2020)
12/18/2020	<u>13</u>	MOTION by Defendant U.S. Citizenship and Immigration Services to dismiss (Anderson, Susan) (Entered: 12/18/2020)
12/18/2020	<u>14</u>	MEMORANDUM by U.S. Citizenship and Immigration Services in support of motion to dismiss <u>13</u> (Attachments: # <u>1</u> Exhibit A (Eggleston Affidavit))(Anderson, Susan) (Entered: 12/18/2020)
12/18/2020	<u>15</u>	MINUTE entry before the Honorable Thomas M. Durkin: A telephone status conference set for 1/5/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Mailed notice. (ecw,) (Entered: 12/18/2020)
01/05/2021	<u>16</u>	MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 1/5/2021. Plaintiff is to let the Court know whether or not they oppose the motion to dismiss <u>13</u> by Defendant U.S. Citizenship and Immigration Services, and submit a proposed briefing schedule if necessary. Motion for summary judgment is due by 2/19/2021. Response is due by 3/12/2021. Reply is due by 3/26/2021. The same schedule is to apply to case number 20 C 5468. The Court will issue its ruling by mail for both cases. A telephone status hearing is set for 5/3/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 01/05/2021)
01/14/2021	<u>17</u>	RESPONSE by Erazo Vargasin Support of MOTION by Defendant U.S. Citizenship and Immigration Services to dismiss <u>13</u> (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Certificate of Service)(Elmore, Christopher) (Entered: 01/14/2021)
02/19/2021	<u>18</u>	MOTION by Defendants U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security for summary judgment <i>ICE Motion for Summary Judgment</i> (Anderson, Susan) (Entered: 02/19/2021)
02/19/2021	<u>19</u>	MEMORANDUM by U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement in support of motion for summary judgment <u>18</u> <i>ICE Memorandum in Support of Motion for Summary Judgment</i> (Anderson, Susan) (Entered: 02/19/2021)
02/19/2021	<u>20</u>	RULE 56.1 Statement by U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement regarding motion for summary judgment <u>18</u> <i>ICE Rule 56.1 Statement of Facts</i> (Attachments: # <u>1</u> Declaration Vargas, # <u>2</u> Declaration Vazquez-Carillo)(Anderson, Susan) (Entered: 02/19/2021)
03/11/2021	<u>21</u>	MOTION by Plaintiff Erazo Vargas to set a briefing schedule <i>adjustment</i> (Elmore, Christopher) (Entered: 03/11/2021)

03/12/2021	<u>22</u>	MINUTE entry before the Honorable Thomas M. Durkin: Unopposed motion to adjust summary judgment briefing schedule <u>21</u> is granted. Plaintiff's cross motion for summary judgment and response to Defendant's motion for summary judgment is to be filed by 3/12/2021. Defendants' reply in support of motion for summary judgment and response to Plaintiff's cross motion for summary judgment is to be filed by 4/2/2021. Plaintiff's reply in support of cross motion for summary judgment is to be filed by 4/23/2021. Mailed notice. (ecw,) (Entered: 03/12/2021)
03/12/2021	<u>23</u>	RULE 56 LR 56.1(b) Statement (Elmore, Christopher) (Entered: 03/12/2021)
03/12/2021	<u>24</u>	MOTION by Plaintiff Erazo Vargas for summary judgment (Elmore, Christopher) (Entered: 03/12/2021)
03/12/2021	<u>25</u>	MEMORANDUM by Erazo Vargas in support of motion for summary judgment <u>18</u> and opposition to Defendant's motion for summary judgment (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Elmore, Christopher) (Entered: 03/12/2021)
03/12/2021	<u>26</u>	RULE 56 LR 56.1(a) Statement by Plaintiff (Elmore, Christopher) (Entered: 03/12/2021)
03/15/2021	<u>27</u>	MINUTE entry before the Honorable Thomas M. Durkin: The telephone status hearing set for 5/3/2021 is reset for 5/26/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 03/15/2021)
04/02/2021	<u>28</u>	REPLY by Defendants U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement <i>Reply in Support of Defendants' Motion for Summary Judgment and Response to Plaintiff's Cross-Motion for Summary Judgment</i> (Anderson, Susan) (Entered: 04/02/2021)
04/02/2021	<u>29</u>	RULE 56.1 Statement <i>Defendants' Additional Facts Submitted in Support of Summary Judgment</i> (Anderson, Susan) (Entered: 04/02/2021)
04/02/2021	<u>30</u>	RESPONSE by Defendants U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement <i>Defendants' Response to Plaintiffs' Rule 56.1 Statement of Facts</i> (Anderson, Susan) (Entered: 04/02/2021)
04/23/2021	<u>31</u>	RULE 56 LR 56.1(c)(2) Statement (Attachments: # <u>1</u> Exhibit)(Elmore, Christopher) (Entered: 04/23/2021)
04/23/2021	<u>32</u>	REPLY by Erazo Vargas to reply, <u>28</u> in Support of Plaintiff's Cross-Motion for Summary Judgment (Elmore, Christopher) (Entered: 04/23/2021)
05/26/2021	<u>33</u>	MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 5/26/2021. For the reasons stated on the record, the Court grants Plaintiffs' motion for summary judgment <u>24</u> and denies ICE's motion for summary judgment <u>18</u> . ICE is ordered to again search its records in accordance with the oral ruling. The case is to remain open. A telephone status hearing is set for 7/19/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 05/26/2021)
06/08/2021	<u>34</u>	TRANSCRIPT OF PROCEEDINGS held on 05/26/2021 before the Honorable Thomas M. Durkin. Order Number: 40873. Court Reporter Contact Information: Elia E. Carrion, EECarrionOfficialTranscript@gmail.com, 312-408-7782.

		<p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 6/29/2021. Redacted Transcript Deadline set for 7/9/2021. Release of Transcript Restriction set for 9/6/2021. (Carrion, Elia) (Entered: 06/08/2021)</p>
06/15/2021	<u>35</u>	WITHDRAWING <i>Susan Willoughby Anderson</i> as counsel for Defendants U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement and substituting Virginia Ovitz Hancock as counsel of record (Hancock, Virginia) (Entered: 06/15/2021)
07/07/2021	<u>36</u>	MINUTE entry before the Honorable Thomas M. Durkin: The telephone status hearing set for 7/19/2021 is reset for 7/22/2021 at 9:15 a.m. The same dial in information shall apply. Mailed notice. (ecw,) (Entered: 07/07/2021)
07/21/2021	<u>37</u>	MINUTE entry before the Honorable Thomas M. Durkin: The telephone status hearing set for 7/22/2021 is reset for 7/27/2021 at 9:15 a.m. The dial-in information will remain the same. Mailed notice. (ecw,) (Entered: 07/21/2021)
07/27/2021	<u>38</u>	MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 7/27/2021. A telephone status hearing is set for 8/23/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 07/27/2021)
08/11/2021	<u>39</u>	MINUTE entry before the Honorable Thomas M. Durkin: The telephone status hearing set for 8/23/2021 is reset for 8/26/2021 at 9:00 a.m. The dial-in information will remain the same. Mailed notice. (ecw,) (Entered: 08/11/2021)
08/26/2021	<u>40</u>	MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 8/26/2021. A telephone status hearing is set for 9/24/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 08/26/2021)
09/20/2021	<u>41</u>	MINUTE entry before the Honorable Thomas M. Durkin: Motion to dismiss <u>13</u> is denied as moot. Mailed notice. (ecw,) (Entered: 09/20/2021)
09/24/2021	<u>42</u>	MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 9/24/2021. A telephone status hearing is set for 10/22/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 09/24/2021)
10/22/2021	<u>43</u>	MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 10/22/2021. A telephone status hearing is set for 12/6/2021 at 9:00 a.m., unless a stipulation of dismissal is filed before then. To join the telephone conference, dial

		877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 10/22/2021)
12/03/2021	<u>44</u>	MINUTE entry before the Honorable Thomas M. Durkin: The parties are continuing settlement discussions. The telephone status hearing set for 12/6/2021 is reset for 1/25/2022 at 9:15 a.m., unless a stipulation of dismissal is filed before then. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 12/03/2021)
01/25/2022	<u>45</u>	MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 1/25/2022. The parties reported that they have resolved the fee issue. A telephone status hearing is set for 3/15/2022 at 9:00 a.m., unless the case is dismissed before then. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 01/25/2022)
03/03/2022	<u>46</u>	SETTLEMENT Agreement (Hancock, Virginia) (Entered: 03/03/2022)
03/08/2022	<u>47</u>	STIPULATION of Dismissal <i>Joint</i> (Elmore, Christopher) (Entered: 03/08/2022)
03/08/2022	<u>48</u>	MINUTE entry before the Honorable Thomas M. Durkin: A stipulation to dismiss has been filed. Pursuant to Federal Rule of Civil Procedure 41(a), this case is dismissed with prejudice. All pending dates before this court are stricken. Civil case terminated. Mailed notice. (ecw,) (Entered: 03/08/2022)