

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:21-cv-09337-GWG**

First Look Institute, Inc. et al v. Defense Threat Reduction
Agency
Assigned to: Magistrate Judge Gabriel W. Gorenstein
Cause: 05:552 Freedom of Information Act

Date Filed: 11/11/2021
Date Terminated: 03/08/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

First Look Institute, Inc.

represented by **Andrew G. Celli**
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Plaintiff

Sharon Lerner

represented by **Andrew G. Celli**
(See above for address)
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Victoria Noble
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Debra Lea Greenberger
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V.

Defendant

Defense Threat Reduction Agency

represented by **Danielle Judith Levine**
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/11/2021	<u>1</u>	COMPLAINT against Defense Threat Reduction Agency. (Filing Fee \$ 402.00, Receipt Number ANYSDC-25321121) Document filed by First Look Institute, Inc., Sharon Lerner. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – Acknowledgment Letter, # <u>3</u> Exhibit C – Expedited Processing Denial). (Greenberger, Debra) (Entered: 11/11/2021)
11/11/2021	<u>2</u>	CIVIL COVER SHEET filed.. (Greenberger, Debra) (Entered: 11/11/2021)
11/11/2021	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by First Look Institute, Inc... (Greenberger, Debra) (Entered: 11/11/2021)
11/11/2021	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Defense Threat Reduction Agency, re: <u>1</u> Complaint,. Document filed by First Look Institute, Inc., Sharon Lerner.. (Greenberger, Debra) (Entered: 11/11/2021)
11/12/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Analisa Torres. 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 .. (pc) (Entered: 11/12/2021)
11/12/2021		Magistrate Judge Debra C. Freeman 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 . (pc) (Entered: 11/12/2021)
11/12/2021		Case Designated ECF. (pc) (Entered: 11/12/2021)
11/12/2021	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to Defense Threat Reduction Agency.. (pc) (Entered: 11/12/2021)
11/12/2021	<u>6</u>	NOTICE OF APPEARANCE by Andrew G. Celli on behalf of First Look Institute, Inc., Sharon Lerner.. (Celli, Andrew) (Entered: 11/12/2021)
11/17/2021	<u>7</u>	INITIAL PRETRIAL SCHEDULING ORDER: Counsel for all parties are directed to submit a joint letter and a jointly proposed Case Management Plan and Scheduling Order by January 10, 2022, in accordance with Rule 16 of the Federal Rules of Civil Procedure and the instructions set forth below. (As further set forth in this Order.) SO ORDERED. (Signed by Judge Analisa Torres on 11/17/2021) (vfr) (Entered: 11/17/2021)
11/17/2021	<u>8</u>	ORDER: To protect the public health, while promoting the "just, speedy, and inexpensive determination of every action and proceeding," Fed. R. Civ. P. 1, it is ORDERED pursuant to Rules 30(b)(3) and 30(b)(4) of the Federal Rules of Civil Procedure that all depositions in this action may be taken via telephone, videoconference, or other remote means. It is further ORDERED pursuant to Rule 30(b)(5) that a deposition will be deemed to have taken place "before an officer appointed or designated under Rule 28" if such officer attends the deposition using the same remote means used to connect all other participants, so long as all participants (including the officer) can clearly hear and be heard by all other participants. The parties are encouraged to engage in discovery through remote means at every available opportunity. SO ORDERED. (Signed by Judge Analisa Torres on 11/17/2021) (vfr) (Entered: 11/17/2021)

11/17/2021	<u>9</u>	ORDER: To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge. If all parties consent to proceed before the Magistrate Judge, counsel for Defendant shall, by January 10, 2022, e-mail a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, available at https://nysd.uscomis.gov/node/754 and attached to this order, to Orders_and_Judgments@nysd.uscomis.gov. If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before me. An information sheet on proceedings before magistrate judges is also attached to this order. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit, as it would be if the consent form were not signed and so ordered. If any party does not consent to conducting all further proceedings before the assigned Magistrate Judge, the parties must file a joint letter, by January 10, 2022, advising the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent. The parties are free to withhold consent without negative consequences. SO ORDERED. (Signed by Judge Analisa Torres on 11/17/2021) (va) (Entered: 11/17/2021)
11/24/2021	<u>10</u>	CERTIFICATE OF SERVICE of Summons and Complaint,. Defense Threat Reduction Agency served on 11/15/2021, answer due 12/6/2021. Service was made by Certified Mail. Document filed by First Look Institute, Inc.; Sharon Lerner. (Attachments: # <u>1</u> Exhibit A – Certified Mail Receipts).(Greenberger, Debra) (Entered: 11/24/2021)
12/13/2021	<u>11</u>	CERTIFICATE OF SERVICE of Initial Pretrial Scheduling Order, Dkt. No. 7, dated November 17, 2021 served on Defendant Defense Threat Reduction Agency on November 30, 2021. Service was made by Certified Mail. Document filed by First Look Institute, Inc., Sharon Lerner. (Attachments: # <u>1</u> Exhibit A – Certified Mail Receipts).(Greenberger, Debra) (Entered: 12/13/2021)
12/14/2021	<u>12</u>	NOTICE OF APPEARANCE by Danielle Judith Levine on behalf of Defense Threat Reduction Agency..(Levine, Danielle) (Entered: 12/14/2021)
12/16/2021	<u>13</u>	ANSWER to <u>1</u> Complaint,. Document filed by Defense Threat Reduction Agency..(Levine, Danielle) (Entered: 12/16/2021)
12/20/2021	<u>14</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Victoria J. Noble to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–25494520. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by First Look Institute, Inc., Sharon Lerner. (Attachments: # <u>1</u> Affidavit Affidavit in Support of PHV Admission, # <u>2</u> Proposed Order for PHV Admission).(Noble, Victoria) Modified on 12/21/2021 (bcu). (Entered: 12/20/2021)
12/21/2021		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>14</u> MOTION for Victoria J. Noble to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–25494520. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California. We do not accept certificates from a state bar registrar for this state.; 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.. (bcu) (Entered: 12/21/2021)
01/10/2022	<u>15</u>	JOINT LETTER addressed to Judge Analisa Torres from Danielle J. Levine dated January 10, 2022 re: Case Management Proposal. Document filed by Defense Threat Reduction Agency..(Levine, Danielle) (Entered: 01/10/2022)
01/11/2022	<u>16</u>	MEMO ENDORSEMENT on re: <u>15</u> Letter filed by Defense Threat Reduction Agency. ENDORSEMENT: GRANTED. The deadline to submit the parties' case management plan is ADJOURNED sine die. By January 24, 2022, the parties shall submit a joint status update. SO ORDERED. (Signed by Judge Analisa Torres on 1/11/2022) (kv) (Entered: 01/11/2022)

01/12/2022	<u>17</u>	SECOND MOTION for Victoria J. Noble to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by First Look Institute, Inc., Sharon Lerner. (Attachments: # <u>1</u> Affidavit Affidavit in Support of PHV Admission, # <u>2</u> Exhibit Certificates of Good Standing (NY, CA, NY), # <u>3</u> Text of Proposed Order Proposed Order).(Noble, Victoria) (Entered: 01/12/2022)
01/13/2022		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>17</u> SECOND MOTION for Victoria J. Noble 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. (aea) (Entered: 01/13/2022)
01/18/2022		Magistrate Judge Gabriel W. Gorenstein is so redesignated. (aea) (Entered: 01/18/2022)
01/18/2022	<u>18</u>	NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE by Defense Threat Reduction Agency, First Look Institute, Inc., Sharon Lerner. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Gabriel W. Gorenstein. IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. (Signed by Judge Analisa Torres on 1/18/2022).(kv) (Entered: 01/18/2022)
01/19/2022	<u>19</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>17</u> Motion for Victoria J. Noble to Appear Pro Hac Vice. (Signed by Magistrate Judge Gabriel W. Gorenstein on 1/19/2022) (ama) (Entered: 01/19/2022)
01/21/2022	<u>20</u>	JOINT LETTER MOTION for Extension of Time to File <i>Joint Status Report</i> addressed to Magistrate Judge Gabriel W. Gorenstein from Debra L. Greenberger dated January 21, 2022. Document filed by First Look Institute, Inc., Sharon Lerner..(Greenberger, Debra) (Entered: 01/21/2022)
01/24/2022	<u>21</u>	ORDER: granting <u>20</u> Letter Motion for Extension of Time to File. Extension to February 7, 2022, Granted. SO ORDERED. (Signed by Magistrate Judge Gabriel W. Gorenstein on 1/24/2022) (ama) (Entered: 01/24/2022)
02/07/2022	<u>22</u>	JOINT LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Danielle J. Levine dated February 7, 2022 re: Status Update. Document filed by Defense Threat Reduction Agency..(Levine, Danielle) (Entered: 02/07/2022)
02/07/2022	<u>23</u>	MEMO ENDORSEMENT: on re: <u>22</u> Letter filed by Defense Threat Reduction Agency. ENDORSEMENT: Status update due March 7, 2022. SO ORDERED. (Signed by Magistrate Judge Gabriel W. Gorenstein on 2/07/2022) (ama) (Entered: 02/07/2022)
03/07/2022	<u>24</u>	PROPOSED STIPULATION AND ORDER. Document filed by Defense Threat Reduction Agency..(Levine, Danielle) (Entered: 03/07/2022)
03/08/2022	<u>25</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows: Pursuant to 5 U.S.C. § 552(a)(4)(E), as soon as reasonably practicable after the Court has endorsed and docketed this Stipulation and Order, DTRA shall pay to FLI the sum of \$2,455.19 (the "Settlement Amount"), by electronic funds transfer to an account in the name of Emery Celli Brinckerhoff Abady Ward & Maazel LLP, as attorney for FLI, using bank routing information to be supplied by counsel for FLI. FLI, through its undersigned attorney, agrees to accept the Settlement Amount as full payment of any costs and/or attorney's fees that it has incurred in connection with this matter. FLI shall be solely responsible for full compliance with all applicable Federal, state, and local tax requirements. FLI, through its undersigned attorney, executes this agreement without reliance upon any representation by DTRA as to tax consequences, and FLI is responsible for the payment of all taxes that may be associated with this settlement. FLI understands and agrees that this transaction may be reported to the Internal Revenue Service and other government agencies in the ordinary course of the business of the United States. And as set forth herein. This action is hereby dismissed with prejudice, provided that the Court shall retain jurisdiction over any issues that may arise relating to this Stipulation and Order. SO ORDERED. (Signed by Magistrate Judge Gabriel W. Gorenstein on 3/08/2022) (ama) (Entered: 03/08/2022)