

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:21-cv-01086-RDM**

BISTRAN v. FEDERAL BUREAU OF INVESTIGATION
 Assigned to: Judge Randolph D. Moss
 Cause: 05:552 Freedom of Information Act

Date Filed: 04/20/2021
 Date Terminated: 03/21/2022
 Jury Demand: None
 Nature of Suit: 895 Freedom of Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

PETER BISTRAN

represented by **Daniel A. Schnapp**
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V.

Defendant

FEDERAL BUREAU OF INVESTIGATION

represented by **Diana Viggiano Valdivia**
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Date Filed	#	Docket Text
04/20/2021	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 402 receipt number ADCDC-8388759) filed by PETER BISTRAN. (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, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Civil Cover Sheet, # <u>13</u> Summons Federal Bureau of Investigation, # <u>14</u> Summons US Attorney General, # <u>15</u> Summons US Attorney General of DC)(Sandweg, John) (Entered: 04/20/2021)
04/21/2021		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 04/21/2021)
04/21/2021	<u>2</u>	SUMMONS (2) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 04/21/2021)
04/21/2021	<u>3</u>	STANDING ORDER: It is hereby ORDERED that the parties shall comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 4/21/2021. (lcrdm2) (Entered: 04/21/2021)
04/23/2021	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Daniel A. Schnapp, Filing fee \$ 100, receipt number ADCDC–8397084. Fee Status: Fee Paid. by PETER BISTRAN. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Text of Proposed Order)(Sandweg, John) (Entered: 04/23/2021)
04/23/2021	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher P. Hotaling, Filing fee \$ 100, receipt number ADCDC–8397125. Fee Status: Fee Paid. by PETER BISTRAN. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Text of Proposed Order)(Sandweg, John) (Entered: 04/23/2021)
04/26/2021	<u>6</u>	ENTERED IN ERROR. . . .REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint,, filed by PETER BISTRAN. Related document: <u>1</u> Complaint,, filed by PETER BISTRAN.(Sandweg, John) Modified on 4/26/2021 (ztd). (Entered: 04/26/2021)
04/26/2021		MINUTE ORDER: Upon consideration of Plaintiff's Motions for Leave to Appear Pro Hac Vice, Dkt. <u>4</u> ; Dkt. <u>5</u> , it is hereby ORDERED that the motions are GRANTED. Daniel A. Schnapp and Christopher P. Hotaling are hereby granted leave to appear pro hac vice in this case. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for Instructions Signed by Judge Randolph D. Moss on 4/26/2021. (lcrdm2) (Entered: 04/26/2021)
04/26/2021		NOTICE OF ERROR re <u>6</u> Request for Summons to Issue; emailed to jsandweg@nixonpeabody.com, cc'd 3 associated attorneys — The PDF file you docketed contained errors: 1. A summons was previously issued for the U.S. Attorney General on 4/21/2021. (ztd,) (Entered: 04/26/2021)
04/26/2021	<u>7</u>	REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint,, filed by PETER BISTRAN. Related document: <u>1</u> Complaint,, filed by PETER BISTRAN.(Sandweg, John) (Entered: 04/26/2021)
04/27/2021	<u>8</u>	NOTICE of Appearance by Christopher Hotaling on behalf of PETER BISTRAN (Hotaling, Christopher) (Entered: 04/27/2021)
04/28/2021	<u>9</u>	SUMMONS (1) Issued Electronically as to U.S. Attorney (ztd) (Entered: 04/28/2021)
04/29/2021	<u>10</u>	NOTICE of Appearance by Daniel A. Schnapp on behalf of PETER BISTRAN (Schnapp, Daniel) (Entered: 04/29/2021)
05/03/2021	<u>11</u>	WITHDRAWN IN OPEN COURT ON 5/7/2021..... MOTION for Preliminary Injunction by PETER BISTRAN. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Of John Sandweg, # <u>3</u> Exhibit A–T, # <u>4</u> Text of Proposed Order)(Sandweg, John) Modified on 5/7/2021 (kt). (Entered: 05/03/2021)
05/03/2021		MINUTE ORDER: In light of Plaintiff's motion for preliminary injunction, Dkt. <u>11</u> , it is hereby ORDERED that Plaintiff shall promptly file proof of service, shall notify counsel for the government about the pending motion, and shall file a status report on or before May 5, 2021, at 5 p.m., updating the Court on these efforts. Signed by Judge Randolph D. Moss on 5/3/2021. (lcrdm2) (Entered: 05/03/2021)
05/04/2021	<u>12</u>	CERTIFICATE OF SERVICE by PETER BISTRAN re <u>11</u> MOTION for Preliminary Injunction . (Sandweg, John) (Entered: 05/04/2021)

05/04/2021	<u>13</u>	NOTICE of Appearance by Diana Viggiano Valdivia on behalf of FEDERAL BUREAU OF INVESTIGATION (Valdivia, Diana) (Entered: 05/04/2021)
05/04/2021	<u>14</u>	NOTICE OF CONSENT TO ASSIGNMENT TO MAGISTRATE JUDGE by FEDERAL BUREAU OF INVESTIGATION (Valdivia, Diana) (Entered: 05/04/2021)
05/05/2021		MINUTE ORDER: Upon consideration of Plaintiff's motion for preliminary injunction, Dkt. <u>11</u> , it is hereby ORDERED that the parties shall appear by telephone for a scheduling conference on May 7, 2020 at 2:30 p.m. The Courtroom Deputy Clerk will distribute the necessary dial-in information. Signed by Judge Randolph D. Moss on 5/5/2021. (lcrdm2) (Entered: 05/05/2021)
05/05/2021	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/4/2021. Answer due for ALL FEDERAL DEFENDANTS by 6/3/2021. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Sandweg, John) (Entered: 05/05/2021)
05/05/2021	<u>16</u>	NOTICE OF FILING PROOF OF SERVICE by PETER BISTRAN re <u>11</u> MOTION for Preliminary Injunction (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)(Sandweg, John) (Entered: 05/05/2021)
05/05/2021	<u>17</u>	STATUS REPORT by PETER BISTRAN. (Sandweg, John) (Entered: 05/05/2021)
05/06/2021		ENTERED IN ERROR. . . .DISREGARD THIS NOTICE OF ERROR re <u>15</u> Summons Returned Executed in FOIA as to U.S. Attorney; emailed to jsandweg@nixonpeabody.com, cc'd 6 associated attorneys -- The PDF file you docketed contained errors: 1. The Return of Services for Attorney General and the Federal Defendant need to be entered on the docket as well. (ztd,) Modified on 5/7/2021 (ztd). (Entered: 05/06/2021)
05/06/2021	<u>18</u>	ENTERED IN ERROR. . . .NOTICE Letter re filing issues of Plaintiff's Status Report by PETER BISTRAN re <u>17</u> Status Report (Sandweg, John) Modified on 5/7/2021 (ztd). (Entered: 05/06/2021)
05/07/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Scheduling Conference held on 5/7/2021. Oral motion by Plaintiff to withdraw the <u>11</u> Motion for Preliminary Injunction; GRANTED. For the reasons stated on the record, the parties shall file a Joint Status Report by 5/14/2021. (Court Reporter Jeff Hook.) (kt) (Entered: 05/07/2021)
05/07/2021		NOTICE OF ERROR re <u>18</u> Notice (Other); emailed to jsandweg@nixonpeabody.com, cc'd 6 associated attorneys -- The PDF file you docketed contained errors: 1. Please refile document, 2. Please review LCvR 5.1(a) regarding Correspondence. (ztd,) (Entered: 05/07/2021)
05/14/2021	<u>19</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Valdivia, Diana) (Entered: 05/14/2021)
05/15/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>19</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before May 21, 2021. Signed by Judge Randolph D. Moss on 5/15/2021. (lcrdm2) (Entered: 05/15/2021)
05/21/2021	<u>20</u>	Joint STATUS REPORT by PETER BISTRAN. (Sandweg, John) (Entered: 05/21/2021)
05/24/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>20</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before May 25, 2021. Signed by Judge Randolph D. Moss on 5/24/2021. (lcrdm2) (Entered: 05/24/2021)
05/25/2021	<u>21</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Valdivia, Diana) (Entered: 05/25/2021)
05/25/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>21</u> , it is hereby ORDERED that the parties' agreement is adopted, as follows: (1) the FBI's deadline to answer or otherwise respond to the complaint is held in abeyance; (2) any statute of limitations defense that the FBI could have asserted is deemed WAIVED, and any claim for attorneys' fees and costs from Plaintiff's counsel is also deemed

		WAIVED, subject to the conditions set forth in the joint status report, <i>see</i> Dkt. <u>21</u> n.2; (3) Plaintiff's January 5, 2015 FOIA request shall be construed as limited in scope to the period between 2005 and 2015, including with respect to the FBI's already concluded main file search and its ongoing cross-reference file search; (4) the FBI shall process at least 500 pages of potentially responsive records per month and shall make interim monthly productions of any non-exempt portions of those records to Plaintiff, with the first such production to be made on or before July 16, 2021; (5) within 60 days of the conclusion of the FBI's productions of records responsive to the now-limited FOIA request, the FBI shall provide Plaintiff with a Vaughn index and the parties shall meet and confer to determine whether any issues remain in this litigation; (6) the parties shall file a further joint status report on or before August 25, 2021. Signed by Judge Randolph D. Moss on 5/25/2021. (lcrdm2) (Entered: 05/25/2021)
08/25/2021	<u>22</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Valdivia, Diana) (Entered: 08/25/2021)
08/26/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>22</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before October 4, 2021. Signed by Judge Randolph D. Moss on 08/26/2021. (lcrdm2) (Entered: 08/26/2021)
10/04/2021	<u>23</u>	Joint STATUS REPORT by PETER BISTRAN. (Sandweg, John) (Entered: 10/04/2021)
10/05/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>23</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before December 3, 2021. Signed by Judge Randolph D. Moss on 10/05/2021. (lcrdm2) (Entered: 10/05/2021)
12/02/2021	<u>24</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Valdivia, Diana) (Entered: 12/02/2021)
12/06/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>24</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before February 1, 2022. Signed by Judge Randolph D. Moss on 12/6/2021. (lcrdm2) (Entered: 12/06/2021)
02/01/2022	<u>25</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Valdivia, Diana) (Entered: 02/01/2022)
02/07/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>25</u> , it is hereby ORDERED that the parties shall file a further status report on or before March 18, 2022. Signed by Judge Randolph D. Moss on 2/7/2022. (lcrdm2) (Entered: 02/07/2022)
03/18/2022	<u>26</u>	NOTICE of Voluntary Dismissal by PETER BISTRAN (Sandweg, John) (Entered: 03/18/2022)
03/21/2022		MINUTE ORDER: Upon consideration of Plaintiff's Notice of Voluntary Dismissal <u>26</u> , it is hereby ORDERED that the case is DISMISSED pursuant to Federal Rule of Civil Procedure 41(a). The Clerk of Court is directed to terminate this case. Signed by Judge Randolph D. Moss on 3/21/2022. (lcrdm2) (Entered: 03/21/2022)