

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:21-cv-06397-MKV**

Reclaim the Records et al v. United States Citizenship and  
Immigration Services  
Assigned to: Judge Mary Kay Vyskocil  
Cause: 05:552b(g)sa Implement requirements of Govt in  
Sunshine Act

Date Filed: 07/27/2021  
Date Terminated: 04/07/2022  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Reclaim the Records**

represented by **Katherine Adams**  
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**Plaintiff****Alec Ferretti**

represented by **Katherine Adams**  
(See above for address)  
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**David Bruce Rankin**  
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V.

**Defendant****United States Citizenship and  
Immigration Services**

represented by **Alexander James Hogan**  
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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/27/2021	<u>1</u>	COMPLAINT against UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES. (Filing Fee \$ 402.00, Receipt Number ANYSDC-24849481) Document filed by RECLAIM THE RECORDS, ALEC FERRETTI. (Attachments: # <u>1</u> Exhibit 1 – Oct 20 USCIS FOIA Request for Lawsuit, # <u>2</u> Exhibit 2 – Oct 30 USCIS Denials for Lawsuit, # <u>3</u> Exhibit 3 – Nov 17 USCIS Letter to confirm denial, # <u>4</u> Exhibit 4 – Dec

		19 Gmail – Response lost in the mail, # <u>5</u> Exhibit 5 – Dec 21 Gmail – Response lost in the mail, # <u>6</u> Exhibit 6 – Dec 2 Genealogy Program FOIA Denial, # <u>7</u> Exhibit 7 – Jan 15 USCIS RTR Appeal, # <u>8</u> Exhibit 8 – Feb 2 USCIS Genealogy Program Appeal Denials).(Rankin, David) (Entered: 07/27/2021)
07/27/2021	<u>2</u>	CIVIL COVER SHEET filed..(Rankin, David) (Entered: 07/27/2021)
07/27/2021	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, re: <u>1</u> Complaint,, Document filed by ALEC FERRETTI, RECLAIM THE RECORDS..(Rankin, David) (Entered: 07/27/2021)
07/28/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Mary Kay Vyskocil. Please download and review the Individual Practices of the assigned District Judge, located at <a href="https://nysd.uscourts.gov/judges/district-judges">https://nysd.uscourts.gov/judges/district-judges</a> . 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 <a href="https://nysd.uscourts.gov/rules/ecf-related-instructions..(pc)">https://nysd.uscourts.gov/rules/ecf-related-instructions..(pc)</a> (Entered: 07/28/2021)
07/28/2021		Magistrate Judge Robert W. Lehrburger 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: <a href="https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf">https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf</a> . (pc) (Entered: 07/28/2021)
07/28/2021		Case Designated ECF. (pc) (Entered: 07/28/2021)
07/28/2021		<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney David Bruce Rankin. The party information for the following party/parties has been modified: RECLAIM THE RECORDS, ALEC FERRETTI, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES. The information for the party/parties has been modified for the following reason/reasons: party name was entered in all caps;. (pc)</b> (Entered: 07/28/2021)
07/28/2021	<u>4</u>	ELECTRONIC SUMMONS ISSUED as to United States Citizenship and Immigration Services..(pc) (Entered: 07/28/2021)
08/02/2021	<u>5</u>	SUMMONS RETURNED EXECUTED. United States Citizenship and Immigration Services served on 8/2/2021, answer due 8/23/2021. Service was made by mail. Document filed by Reclaim the Records; Alec Ferretti..(Rankin, David) (Entered: 08/02/2021)
09/07/2021	<u>6</u>	ANSWER to <u>1</u> Complaint,, Document filed by United States Citizenship and Immigration Services..(Hogan, Alexander) (Entered: 09/07/2021)
09/07/2021	<u>7</u>	NOTICE OF APPEARANCE by Katherine Adams on behalf of Alec Ferretti, Reclaim the Records..(Adams, Katherine) (Entered: 09/07/2021)
09/08/2021	<u>8</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: The Court directs counsel for all parties to appear at an Initial Pretrial Conference on November 2, 2021, at 10:00 AM. The conference will be held telephonically. To join the conference, dial 888–278–0296 and enter access code 5195844. Initial Conference set for 11/2/2021 at 10:00 AM before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay Vyskocil on 9/8/2021) (va) (Entered: 09/08/2021)
10/25/2021	<u>9</u>	LETTER MOTION to Adjourn Conference <i>and corresponding letter due on October 26</i> addressed to Judge Mary Kay Vyskocil from Alexander J. Hogan dated October 25, 2021. Document filed by United States Citizenship and Immigration Services..(Hogan, Alexander) (Entered: 10/25/2021)
10/26/2021	<u>10</u>	ORDER granting <u>9</u> Letter Motion to Adjourn Conference. GRANTED. The initial pretrial conference set for November 2, 2021 at 10:00 AM is ADJOURNED to December 2, 2021 at 11:30 AM. On or before November 25, 2021, Counsel are further directed to submit a Proposed Case Management Plan and Scheduling Order and joint letter, as required by this Courts Individual Rules of Practice in accordance with the

		Notice of Initial Pretrial Conference filed on September 8, 2021. [ECF No. 8]. SO ORDERED. Initial Conference set for 12/2/2021 at 11:30 AM before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay Vyskocil on 10/26/2021) (tg) (Entered: 10/26/2021)
11/23/2021	<u>11</u>	LETTER MOTION to Adjourn Conference <i>currently scheduled for December 2, 2021</i> addressed to Judge Mary Kay Vyskocil from Alexander J. Hogan dated November 23, 2021. Document filed by United States Citizenship and Immigration Services..(Hogan, Alexander) (Entered: 11/23/2021)
11/23/2021	<u>12</u>	ORDER granting <u>11</u> Letter Motion to Adjourn Conference. GRANTED. The initial pre-trial conference scheduled for December 2, 2021 at 11:30 AM is ADJOURNED to February 1, 2022 at 10:00 AM. SO ORDERED. Initial Conference set for 2/1/2022 at 10:00 AM before Judge Mary Kay Vyskocil. (Signed by Judge Mary Kay Vyskocil on 11/23/2021) (tg) (Entered: 11/24/2021)
12/17/2021	<u>13</u>	ORDER: Because of a conflict in the Court's Schedule, the Initial Pretrial Conference scheduled for February 1, 2022 at 10:00 AM is ADJOURNED to February 22, 2022 at 10:30 AM. SO ORDERED. ( Initial Conference set for 2/22/2022 at 10:30 AM before Judge Mary Kay Vyskocil.) (Signed by Judge Mary Kay Vyskocil on 12/17/2021) (tg) (Entered: 12/17/2021)
02/15/2022	<u>14</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Katherine Adams dated February 15, 2022 re: Status of Action and Fee Application. Document filed by Alec Ferretti, Reclaim the Records..(Adams, Katherine) (Entered: 02/15/2022)
02/22/2022		Minute Entry for proceedings held before Judge Mary Kay Vyskocil: Initial Pretrial Conference held on 2/22/2022. (rz) (Entered: 02/22/2022)
02/22/2022	<u>15</u>	ORDER: The Court held a telephonic initial pretrial conference on February 22, 2022. Counsel for all parties were in attendance. At that conference, both parties represented that Defendants have produced to Plaintiffs all documents that Plaintiffs had requested in their FOIA request. In accordance with matters discussed at the conference, IT IS HEREBY ORDERED that Plaintiffs are directed to, on or before February 25, 2022, file and serve on Defendants their fee demand. IT IS FURTHER ORDERED that on or before March 8, 2022, the parties shall file a joint letter advising the Court on the status of Plaintiff's application for fees and whether the Court needs to set a briefing schedule. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 2/22/2022) (tg) (Entered: 02/22/2022)
03/08/2022	<u>16</u>	LETTER addressed to Judge Mary Kay Vyskocil from Alexander J. Hogan dated March 8, 2022 re: status update. Document filed by United States Citizenship and Immigration Services..(Hogan, Alexander) (Entered: 03/08/2022)
03/08/2022	<u>17</u>	MEMO ENDORSEMENT on re: <u>16</u> Letter filed by United States Citizenship and Immigration Services. ENDORSEMENT: Granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 3/8/2022) (tg) (Entered: 03/08/2022)
04/06/2022	<u>18</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Citizenship and Immigration Services..(Hogan, Alexander) (Entered: 04/06/2022)
04/07/2022	<u>19</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows: 1. 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. 2. After the Court has approved and docketed this Stipulation and Order, within a reasonable period of time, Defendant shall pay to Plaintiffs the sum of \$12,000 (TWELVE THOUSAND DOLLARS) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. Section 552(a) (4)(E), which sum Plaintiffs agree to accept as full payment of any attorneys' fees and costs Plaintiffs have incurred or will incur in this action. Counsel for Plaintiffs will provide the necessary information to Defendant to effectuate payment. 3. This Stipulation and Order does not constitute, and shall not be construed as, an admission by Defendant or any other agency or component of the United States that Plaintiffs are either eligible or entitled to recover attorneys' fees or costs in connection with this matter. 4. This Stipulation shall constitute full and final satisfaction and release of any and all claims arising from the allegations set forth in

the Complaint filed in this action and any litigation or administrative proceeding that Plaintiff has brought, could bring, or could have brought regarding Plaintiff's requests for information in this case. 5. 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. 6. 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. 7. Facsimile or pdf signatures shall have the same force and effect as original signatures on this Stipulation and Order. Granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 4/7/2022) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 04/07/2022)