

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:20-cv-02642-ABJ**

CAYUGA NATION v. U.S. DEPARTMENT OF INTERIOR  
Assigned to: Judge Amy Berman Jackson  
Case: 1:20-cv-01581-ABJ  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/18/2020  
Date Terminated: 06/15/2022  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****CAYUGA NATION**

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V.

**Defendant**

**U.S. DEPARTMENT OF INTERIOR**  
*Bureau of Indian Affairs*

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Date Filed	#	Docket Text
09/18/2020	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF INTERIOR ( Filing fee \$ 400 receipt number ADCDC-7609217) filed by CAYUGA NATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Related Case Form)(Nugent, Gabriel) (Entered: 09/18/2020)
09/18/2020	<u>2</u>	NOTICE OF RELATED CASE by CAYUGA NATION. Case related to Case No. 20-cv-1581-ABJ. (adh, ) (Entered: 09/22/2020)
09/22/2020		Case Assigned to Judge Amy Berman Jackson. (adh, ) (Entered: 09/22/2020)
09/22/2020	<u>3</u>	SUMMONS (1) Issued Electronically as to U.S. DEPARTMENT OF INTERIOR. (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 09/22/2020)

09/29/2020	<u>4</u>	ENTERED IN ERROR.....REQUEST FOR SUMMONS TO ISSUE <i>to USAG and DC Dist/US Atty</i> filed by CAYUGA NATION. (Attachments: # <u>1</u> Summons Summons to USAO)(Nugent, Gabriel) Modified on 10/1/2020 (zjf). (Entered: 09/29/2020)
10/01/2020		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>4</u> Request for Summons to Issue was entered in error and counsel was instructed to refile said pleading using the FOIA Summons. (zjf) (Entered: 10/01/2020)
10/02/2020	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE <i>to Attorney General and US Atty.</i> filed by CAYUGA NATION. (Attachments: # <u>1</u> Summons Summons to USAO)(Nugent, Gabriel) (Entered: 10/02/2020)
10/02/2020	<u>6</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General (zjf) (Entered: 10/02/2020)
11/13/2020	<u>7</u>	NOTICE of Appearance by Darrell C. Valdez on behalf of U.S. DEPARTMENT OF INTERIOR (Valdez, Darrell) (Entered: 11/13/2020)
11/13/2020	<u>8</u>	ANSWER to Complaint by U.S. DEPARTMENT OF INTERIOR.(Valdez, Darrell) (Entered: 11/13/2020)
11/16/2020		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before December 14, 2020. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/16/2020. (lcabj1) (Entered: 11/16/2020)
12/14/2020	<u>9</u>	STATUS REPORT by U.S. DEPARTMENT OF INTERIOR. (Valdez, Darrell) (Entered: 12/14/2020)
12/21/2020		MINUTE ORDER. The parties must submit a joint status report by January 18, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/21/2020. (lcabj1) (Entered: 12/21/2020)
01/14/2021	<u>10</u>	NOTICE of Appearance by David W. DeBruin on behalf of CAYUGA NATION (DeBruin, David) (Entered: 01/14/2021)
01/19/2021	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF INTERIOR. (Valdez, Darrell) (Entered: 01/19/2021)
01/21/2021		MINUTE ORDER. The parties must submit a joint status report by February 5, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/21/2021. (lcabj1) (Entered: 01/21/2021)
02/05/2021	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF INTERIOR. (Valdez, Darrell) (Entered: 02/05/2021)
02/05/2021		MINUTE ORDER. The parties must submit a joint status report by February 19, 2021. Signed by Judge Amy Berman Jackson on 2/5/2021. (lcabj1) (Entered: 02/05/2021)
02/19/2021	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF INTERIOR. (Valdez, Darrell) (Entered: 02/19/2021)
02/22/2021		MINUTE ORDER. Defendant must file its motion for summary judgment by April 6, 2021; plaintiff must file its combined cross-motion and opposition to defendant's motion by May 6, 2021; defendant must file its combined reply and cross-opposition by May 27, 2021; and plaintiff must file its cross-reply by June 17, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 2/22/2021. (lcabj1) (Entered: 02/22/2021)
04/02/2021	<u>14</u>	Consent MOTION for Extension of Time to File <i>Dispositive Motions</i> by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 04/02/2021)
04/06/2021		MINUTE ORDER. Consent Motion to Amend Dispositive Motions Schedule <u>14</u> is GRANTED. Defendant must submit its motion for summary judgment by May 7, 2021; plaintiff must file its combined opposition and cross-motion by June 7, 2021; defendant must file its combined reply and opposition to plaintiff's cross-motion by June 28, 2021; and plaintiff must file its reply by July 19, 2021. SO ORDERED.

		Signed by Judge Amy Berman Jackson on 4/6/2021. (lcabj1) (Entered: 04/06/2021)
04/30/2021	<u>15</u>	Consent MOTION for Extension of Time to <i>File Dispositive Motions</i> by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 04/30/2021)
05/03/2021		MINUTE ORDER. <u>15</u> Motion for Extension of Time is GRANTED. Defendant must submit its motion for summary judgment by May 21, 2021; plaintiff must file its combined opposition and cross-motion by June 21, 2021; defendant must file its combined reply and opposition to plaintiff's cross-motion by July 12, 2021; and plaintiff must file its reply by August 2, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/3/2021. (lcabj1) (Entered: 05/03/2021)
05/21/2021	<u>16</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Rebecca Smith, # <u>3</u> Declaration Cynthia Elia, # <u>4</u> Declaration SAC Terrell Leonard, # <u>5</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 05/21/2021)
06/14/2021	<u>17</u>	Consent MOTION for Extension of Time to File <i>Dispositive Motions</i> by CAYUGA NATION. (Attachments: # <u>1</u> Text of Proposed Order)(DeBruin, David) (Entered: 06/14/2021)
06/14/2021		MINUTE ORDER. <u>17</u> Motion for Extension of Time is GRANTED. Plaintiff must file its combined cross-motion and opposition to defendants' motion by July 6, 2021; defendants must file their combined reply and cross-opposition by July 27, 2021; and plaintiff must file its reply in support of the cross-motion by August 17, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/14/2021. (lcabj1) (Entered: 06/14/2021)
07/06/2021	<u>18</u>	Cross MOTION for Summary Judgment by CAYUGA NATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Gabriel M. Nugent, # <u>3</u> Exhibit A to Declaration, # <u>4</u> Exhibit B to Declaration, # <u>5</u> Exhibit C to Declaration, # <u>6</u> Exhibit D to Declaration, # <u>7</u> Exhibit E to Declaration, # <u>8</u> Exhibit F to Declaration, # <u>9</u> Exhibit G to Declaration, # <u>10</u> Exhibit H to Declaration, # <u>11</u> Exhibit I to Declaration, # <u>12</u> Exhibit J to Declaration, # <u>13</u> Exhibit K to Declaration, # <u>14</u> Exhibit L to Declaration, # <u>15</u> Exhibit M to Declaration, # <u>16</u> Statement of Material Facts Not In Genuine Dispute, # <u>17</u> Text of Proposed Order)(DeBruin, David) (Entered: 07/06/2021)
07/06/2021	<u>19</u>	Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment filed by CAYUGA NATION. (DeBruin, David) (Entered: 07/06/2021)
07/23/2021	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>18</u> Cross MOTION for Summary Judgment, <u>16</u> MOTION for Summary Judgment by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 07/23/2021)
07/26/2021		MINUTE ORDER. <u>20</u> Motion for Extension of Time is GRANTED. Defendant must file its combined reply and cross-opposition by July 30, 2021; plaintiff must file its cross-reply by August 20, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/26/2021. (lcabj1) (Entered: 07/26/2021)
07/30/2021	<u>21</u>	MOTION to Strike <u>18</u> Cross MOTION for Summary Judgment, <u>19</u> Memorandum in Opposition by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 07/30/2021)
08/02/2021		MINUTE ORDER. On July 23, 2021, defendant filed a consent motion for extension of time <u>20</u> proposing to file its combined opposition to plaintiff's cross motion for summary judgment and reply in support of its motion for summary judgment on July 30, 2021. ("Due to witness availability issues caused by holiday and summer vacation schedules Defendants have been unable to timely prepare a necessary declaration in this matter. Defendants believe that they will be able to finalize the declaration and the Reply/Cross- Opposition with a three-day extension. Accordingly, Defendants request that the Court modify the dispositive motion schedule by three days to allow Defendants time to complete their Reply/Cross-Opposition.") But on July 30, defendant filed a Motion to Strike <u>21</u> in lieu of the opposition that was due. See Minute Order dated 7/26/21. It is hereby ORDERED that further briefing of the motion <u>21</u> is STAYED pending further order of the Court, the schedule for summary

		judgment briefing is hereby SUSPENDED, and a telephonic scheduling conference on the record will be held on August 5, 2021 at 2:00 PM. The call-in information will be provided by the Court's Deputy Clerk by separate email. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/2/2021. (lcabj1) (Entered: 08/02/2021)
08/03/2021	<u>22</u>	RESPONSE re <u>21</u> MOTION to Strike <u>18</u> Cross MOTION for Summary Judgment, <u>19</u> Memorandum in Opposition filed by CAYUGA NATION. (DeBruin, David) (Entered: 08/03/2021)
08/05/2021		Minute Entry for Proceedings held before Judge Amy Berman Jackson: Telephone Scheduling Conference Call held on 8/5/2021. For the reasons stated on the record during the call, Defendant's <u>21</u> Motion to Strike is DENIED. The following revised schedule shall now apply: Defendant's Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Cross Motion for Summary Judgment is due by 8/13/2021; any Reply by Plaintiff to its Cross Motion for Summary Judgment is due by 9/3/2021. (Court Reporter: Janice Dickman) (jth) (Entered: 08/05/2021)
08/13/2021	<u>23</u>	Memorandum in opposition to re <u>18</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Smith Supp., # <u>3</u> Declaration AUSA Valdez, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Exhibit 4, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6, # <u>10</u> Exhibit 7, # <u>11</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 08/13/2021)
08/13/2021	<u>24</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF INTERIOR. (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, # <u>8</u> Exhibit, # <u>9</u> Exhibit)(Valdez, Darrell) (Entered: 08/13/2021)
09/03/2021	<u>25</u>	REPLY to opposition to motion re <u>18</u> Cross MOTION for Summary Judgment filed by CAYUGA NATION. (DeBruin, David) (Entered: 09/03/2021)
02/24/2022		MINUTE ORDER. In order to assist the Court in making a responsible de novo determination, defendant is ORDERED to submit unredacted versions of the documents that are at issue in this case (the Briefing Report and the Trip Report) for in camera inspection. See Ray v. Turner, 587 F.2d 1187, 1195 (D.C. Cir. 1978). The documents must be submitted by March 1, 2022. SO ORDERED. Signed by Judge Amy Berman Jackson on 2/24/2022. (lcabj1) (Entered: 02/24/2022)
02/25/2022		Set/Reset Deadline: In Camera submission from Defendant is due by 3/1/2022. (jth) (Entered: 02/25/2022)
02/28/2022	<u>26</u>	NOTICE of Delivery of Documents for In Camera Review by U.S. DEPARTMENT OF INTERIOR re Order,, Set Deadlines, (Valdez, Darrell) (Entered: 02/28/2022)
03/25/2022	<u>27</u>	ORDER. For the reasons stated in the accompanying Memorandum Opinion, Defendant's Motion for Summary Judgment <u>16</u> is GRANTED in part and DENIED in part, and Plaintiff's Cross-Motion for Summary Judgment <u>18</u> is also GRANTED in part and DENIED in part. See Order for details. Signed by Judge Amy Berman Jackson on 3/25/2022. (lcabj1) (Entered: 03/25/2022)
03/25/2022	<u>28</u>	MEMORANDUM OPINION. Signed by Judge Amy Berman Jackson on 3/25/2022. (lcabj1) (Entered: 03/25/2022)
04/20/2022	<u>29</u>	NOTICE of Change of Address by Darrell C. Valdez (Valdez, Darrell) (Entered: 04/20/2022)
04/20/2022	<u>30</u>	Consent MOTION for Extension of Time to <i>Comply with Court Order</i> by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 04/20/2022)
04/21/2022		MINUTE ORDER. <u>30</u> Motion for Extension is GRANTED. Defendant is ORDERED to provide plaintiff with the documents and other matters related to Count II of the Complaint by May 9, 2022. The parties must submit a joint status report concerning the results of a further search of records, per Count I of the Complaint, by May 23, 2022. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/21/2022. (lcabj1) (Entered: 04/21/2022)

04/29/2022	<u>31</u>	MOTION to Amend/Correct <u>28</u> Memorandum & Opinion, <u>27</u> Order on Motion for Summary Judgment,,,, Set/Reset Deadlines, by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 04/29/2022)
04/29/2022	<u>32</u>	MOTION for Extension of Time to <i>disclose disputed record</i> , MOTION to Clarify by U.S. DEPARTMENT OF INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell). Added MOTION to Clarify on 4/29/2022 (zjf). (Entered: 04/29/2022)
05/03/2022		MINUTE ORDER. In order to assist with consideration of the pending motions, the defendant is ORDERED to again submit unredacted versions of the documents that are at issue in this case (the Briefing Report and the Trip Report) for in camera inspection by May 6, 2022. The Court apologizes for the inconvenience. Signed by Judge Amy Berman Jackson on 5/3/2022. (lcabj1) (Entered: 05/03/2022)
05/05/2022	<u>33</u>	NOTICE of Delivery of Documents for In Camera Review by U.S. DEPARTMENT OF INTERIOR re Order,, Set Deadlines, <u>31</u> MOTION to Amend/Correct <u>28</u> Memorandum & Opinion, <u>27</u> Order on Motion for Summary Judgment,,,, Set/Reset Deadlines, (Valdez, Darrell) (Entered: 05/05/2022)
05/09/2022	<u>34</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by U.S. DEPARTMENT OF INTERIOR (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Revised Redacted Trip Report)(Valdez, Darrell) (Entered: 05/09/2022)
05/09/2022	<u>35</u>	NOTICE of Compliance with Court Order by U.S. DEPARTMENT OF INTERIOR re <u>27</u> Order on Motion for Summary Judgment,,,, Set/Reset Deadlines, (Valdez, Darrell) (Entered: 05/09/2022)
05/11/2022		MINUTE ORDER. Defendant's motion for clarification <u>31</u> is GRANTED. Defendant need not produce "[t]he first sentence of the second paragraph under 'District Office Response and Other Coordination' on page three" of the Briefing Report, as that sentence is indeed protected by FOIA Exemption 7(D). As a result, the motion for an extension of time to produce the record <u>32</u> is moot. Additionally, the Court finds that defendant's supplemental declaration [34-1] is sufficient to support the agency's invocation of FOIA Exemption b(5), and the attorney-client privilege, to withhold that portion of pages 4-5 of the Trip Report under the heading "Cayuga BIA Outreach Continued," summarizing a March 18, 2020 meeting with the then-U.S. Attorney James Kennedy. Thus, the withholdings proposed in the Revised Redacted Trip Report [34-2] are proper, and defendant's motion for summary judgment <u>16</u> will be granted with respect to that issue and the plaintiff's cross-motion <u>18</u> will be denied as to that issue. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/11/2022. (lcabj1) (Entered: 05/11/2022)
05/23/2022	<u>36</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF INTERIOR. (Valdez, Darrell) (Entered: 05/23/2022)
05/24/2022		MINUTE ORDER. Pursuant to the recent status report <u>36</u> , it is ORDERED that the parties submit a further status report by June 15, 2022 if a stipulation of dismissal is not filed by that date. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/24/22. (DMK) (Entered: 05/24/2022)
06/15/2022	<u>37</u>	STIPULATION of Dismissal by U.S. DEPARTMENT OF INTERIOR. (Valdez, Darrell) (Entered: 06/15/2022)