

ACCO,(RAOx),CLOSED,DISCOVERY,MANADR
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:21-cv-05087-MCS-RAO

First Look Institute, Inc. et al v. U. S. Marine Corps
Assigned to: Judge Mark C. Scarsi
Referred to: Magistrate Judge Rozella A. Oliver
Cause: 05:552 Freedom of Information Act

Date Filed: 06/22/2021
Date Terminated: 06/13/2022
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

First Look Institute, Inc.

represented by **Daniel Aaron Laidman**
Davis Wright Tremaine LLP
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ATTORNEY TO BE NOTICED

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TERMINATED: 07/01/2021
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TERMINATED: 05/27/2022

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Plaintiff

Sam Biddle

represented by **Daniel Aaron Laidman**
(See above for address)
ATTORNEY TO BE NOTICED

David S. Bralow

(See above for address)
TERMINATED: 07/01/2021
PRO HAC VICE
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Selina Jessie MacLaren
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ATTORNEY TO BE NOTICED

Victoria Jane Noble
(See above for address)
TERMINATED: 05/27/2022

Thomas Rohlfs Burke
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ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Marine Corps

represented by **Matthew Jimenez Barragan**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/23/2021	<u>1</u>	NOTICE OF DEFICIENCIES in Attorney Case Opening. The following error(s) was found: You have attempted to open this case electronically but have failed to upload successfully the required PDF version of any initiating document, such as a complaint or notice of removal. You must file an initiating document within two business days of this notice or the docket for this case number will be closed. (esa) (Entered: 06/23/2021)
06/24/2021	<u>2</u>	COMPLAINT Receipt No: ACACDC-31522003 – Fee: \$402, filed by Plaintiffs First Look Institute, Inc., Sam Biddle. (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> Civil Cover Sheet) (Attorney Thomas Rohlfs Burke added to party Sam Biddle(pty:pla), Attorney Thomas Rohlfs Burke added to party First Look Institute, Inc.(pty:pla))(Burke, Thomas) (Entered: 06/24/2021)
06/24/2021	<u>3</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>2</u> filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Burke, Thomas) (Entered: 06/24/2021)
06/24/2021	<u>4</u>	NOTICE OF ASSIGNMENT to District Judge Mark C. Scarsi and Magistrate Judge Rozella A. Oliver. (esa) (Entered: 06/24/2021)
06/24/2021	<u>5</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (esa) (Entered: 06/24/2021)
06/24/2021	<u>6</u>	NOTICE OF DEFICIENCIES in Attorney Case Opening. The following error(s) was found: No Notice of Interested Parties has been filed. A Notice of Interested Parties must be filed with every partys first appearance. See Local Rule 7.1-1. Counsel must file a Notice of Interested Parties immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (esa) (Entered: 06/24/2021)
06/24/2021	<u>7</u>	INITIAL STANDING ORDER FOR CIVIL CASES ASSIGNED TO JUDGE MARK C. SCARSI upon filing of the complaint by Judge Mark C. Scarsi. (smo) (Entered: 06/24/2021)

06/24/2021	<u>8</u>	NOTICE OF DEFICIENCIES in Request to Issue Summons. The following error(s) was found: The caption of the summons must match the caption of the complaint verbatim. If the caption is too large to fit in the space provided, enter the name of the first party and then write see attached.Next, attach a face page of the complaint or a second page addendum to the Summons. The defendant's name is misspelled. Also, in the "To" field show the defendant's name before "See Attachment...". The summons cannot be issued until this defect has been corrected. Please correct the defect and re-file your request. (esa) (Entered: 06/24/2021)
06/24/2021	<u>9</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney David S Bralow. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov. You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (esa) (Entered: 06/24/2021)
06/24/2021	<u>10</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>2</u> filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Burke, Thomas) (Entered: 06/24/2021)
06/24/2021	<u>11</u>	60 DAY Summons Issued re Complaint (Attorney Civil Case Opening), <u>2</u> as to defendant U.S. Marine Corps. (lc) (Entered: 06/24/2021)
06/25/2021	<u>12</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Victoria Jane Noble counsel for Plaintiffs Sam Biddle, First Look Institute, Inc.. Adding Victoria Jane Noble as counsel of record for First Look Institute, Inc. and Sam Biddle for the reason indicated in the G-123 Notice. Filed by Plaintiff First Look Institute, Inc. and Sam Biddle. (Noble, Victoria) (Entered: 06/25/2021)
06/25/2021	<u>13</u>	CORPORATE DISCLOSURE STATEMENT filed by Plaintiffs Sam Biddle, First Look Institute, Inc. (Burke, Thomas) (Entered: 06/25/2021)
06/25/2021	<u>14</u>	NOTICE of Interested Parties filed by Plaintiffs Sam Biddle, First Look Institute, Inc., (Burke, Thomas) (Entered: 06/25/2021)
06/30/2021	<u>15</u>	APPLICATION of Non-Resident Attorney David S. Bralow to Appear Pro Hac Vice on behalf of Plaintiffs Sam Biddle, First Look Institute, Inc. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-31558158) filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Attachments: # <u>1</u> Proposed Order) (Attorney Selina Jessie MacLaren added to party Sam Biddle(pty:pla), Attorney Selina Jessie MacLaren added to party First Look Institute, Inc.(pty:pla)) (MacLaren, Selina) (Entered: 06/30/2021)
07/01/2021	<u>16</u>	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney David S. Bralow to Appear Pro Hac Vice on behalf of Plaintiffs Sam Biddle, First Look Institute, Inc. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-31558158) <u>15</u> . The following error(s) was/were found: Local Rule 5-4.3.4 Application not hand-signed. Local Rule 83-2.1.3.3(a) Application not complete: state courts to which the applicant has been admitted are not listed. Local Rule 83-2.1.3.3(d) Certificate of Good Standing not attached for every state court listed to which the applicant has been admitted. Other error(s) with document(s): Certificates of Good Standing have been required since 9/08. See LR 83-2.1.3.3. See Instructions for Applicants (1) (G-64). (lt) (Entered: 07/01/2021)
07/01/2021	<u>17</u>	ORDER by Judge Mark C. Scarsi: DENYING <u>15</u> Non-Resident Attorney David S. Bralow APPLICATION to Appear Pro Hac Vice on behalf of plaintiffs First Look Institute, Inc. and Sam Biddle. Terming Attorney David S. Bralow. (lc) (Entered: 07/01/2021)
07/27/2021	<u>18</u>	PROOF OF SERVICE Executed First Look Institute, Inc., Sam Biddle, upon Defendant U.S. Marine Corps served on 7/13/2021, answer due 8/12/2021. Service of the Summons and Complaint were executed upon the United States Attorneys Office by delivering a copy to N/A. Executed upon the Attorney Generals Office of the United States by delivering a copy to N/A. Executed upon the officer agency or

		corporation by delivering a copy to Renata Witcher. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration attached. Registered or certified mail return receipt NOT attached. Original Summons NOT returned. (Attachments: # <u>1</u> Declaration of Due Diligence, # <u>2</u> Affidavit of Service of Summons and Complaint as to USMC Headquarters, # <u>3</u> Affidavit of Service of Summons and Complaint as to USMC FOIA/PA Section, # <u>4</u> Affidavit of Service of Summons and Complaint as to US Attorney General)(Burke, Thomas) (Entered: 07/27/2021)
08/05/2021	<u>19</u>	STIPULATION Extending Time to Answer the complaint as to U.S. Marine Corps answer now due 9/10/2021, re Complaint (Attorney Civil Case Opening), <u>2</u> filed by Defendant U.S. Marine Corps.(Attorney Matthew Jimenez Barragan added to party U.S. Marine Corps(pty:dft))(Barragan, Matthew) (Entered: 08/05/2021)
09/10/2021	<u>20</u>	ANSWER to Complaint (Attorney Civil Case Opening), <u>2</u> filed by Defendant U.S. Marine Corps.(Barragan, Matthew) (Entered: 09/10/2021)
09/10/2021	<u>21</u>	ORDER SETTING SCHEDULING CONFERENCE by Judge Mark C. Scarsi. Scheduling Conference set for 11/1/2021 at 10:00 AM before Judge Mark C. Scarsi. (smo) (Entered: 09/10/2021)
10/18/2021	<u>22</u>	JOINT RULE 26(F) REPORT filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Attachments: # <u>1</u> Worksheet)(Noble, Victoria) (Entered: 10/18/2021)
10/21/2021	<u>23</u>	TEXT ONLY ENTRY (IN CHAMBERS) ORDER TAKING SCHEDULING CONFERENCE UNDER SUBMISSION by Judge Mark C. Scarsi: The Court has considered the parties' Joint Rule 16(b)/26(f) Report with respect to the Scheduling Conference and has concluded that the hearing on 11/1/2021 is not necessary. Accordingly, the Scheduling Conference is taken off calendar and under submission. No appearance by counsel is necessary. A separate order will issue setting the deadlines and dates for this case. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vv) (Entered: 10/21/2021)
10/21/2021	<u>24</u>	SCHEDULING ORDER by Judge Mark C. Scarsi: The Court has reviewed the parties' Joint Rule 26(f) Report and sets the dates and deadlines below. The Court will set additional dates, if necessary, after deciding the cross-motions for summary judgment. To the extent applicable, the Court orders the parties to comply with the Order Re: Jury/Court Trial available on the Court's website. Defendant's deadline to file motion for summary judgment: December 20, 2021; Plaintiff's Opposition to defendants motion and any cross motion for summary judgment: January 24, 2022; defendant's opposition to plaintiffs motions and reply: February 7, 2022; plaintiff's reply in support of its motion: February 22, 2022; Hearing on cross motions for summary judgment: March 7, 2022 9:00 AM. (lc) (Entered: 10/21/2021)
12/16/2021	<u>25</u>	First STIPULATION to Continue summary judgment deadlines in this FOIA action; Defendant will file and serve a Motion for Summary Judgment from 12/20/21 to 1/10/22 filed by Defendant U.S. Marine Corps. (Attachments: # <u>1</u> Proposed Order)(Barragan, Matthew) (Entered: 12/16/2021)
12/28/2021	<u>26</u>	ORDER ON FIRST STIPULATION CONTINUING SUMMARY JUDGMENT DEADLINES IN THIS FOIA ACTION <u>25</u> by Judge Mark C. Scarsi: Defendants file and serve Motion for summary judgment: 1/20/22; Plaintiffs file any cross motion and opposition: 2/24/22; Defendant file reply/opposition: 2/28/22; Plaintiffs will file any reply: 3/14/22; Hearing on cross motions: 3/28/22 9:00 AM. (lc) (Entered: 12/28/2021)
01/10/2022	<u>27</u>	NOTICE OF MOTION AND MOTION for Summary Judgment as to in favor of Defendant and against Plaintiffs ; <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF</i> filed by Defendant U.S. Marine Corps. Motion set for hearing on 3/28/2022 at 09:00 AM before Judge Mark C. Scarsi. (Attachments: # <u>1</u> Declaration of Jessica L. Masaki, # <u>2</u> Exhibit 1 – Plaintiffs FOIA Request, # <u>3</u> Exhibit 2 – USMCs e-mail to Anduril, # <u>4</u> Exhibit 3 – Andurils e-mail to USMC, # <u>5</u> Declaration of Steven K. Forjohn, # <u>6</u> Exhibit 1 – MCICOM Contract M95494-19-C-0012, # <u>7</u> Exhibit 2 – USMCs Appeal Denial, # <u>8</u> Exhibit 3 – Redacted Copy of the Guide, # <u>9</u> Declaration of J. Chase Johnson, # <u>10</u> Proposed Separate Statement of Uncontroverted Facts and Conclusions of Law, # <u>11</u> Proposed Judgment) (Barragan, Matthew) (Entered: 01/10/2022)

02/14/2022	<u>28</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Summary Judgment as to in favor of Defendant and against Plaintiffs ; <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF 27</i> filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Attachments: # <u>1</u> Declaration of Victoria J. Noble, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Request for Judicial Notice, # <u>7</u> Statement of Genuine Issues of Material Fact, # <u>8</u> Statement of Uncontroverted Facts and Conclusions of Law, # <u>9</u> Request for In Camera Review, # <u>10</u> Proposed Order re Summary Judgment)(Burke, Thomas) Modified on 6/13/2022 (lc). (Entered: 02/14/2022)
02/28/2022	<u>29</u>	REPLY IN SUPPORT OF NOTICE OF MOTION AND MOTION for Summary Judgment as to in favor of Defendant and against Plaintiffs ; <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF 27</i> filed by Defendant U.S. Marine Corps. (Attachments: # <u>1</u> DEFENDANTS STATEMENT OF GENUINE ISSUES OF MATERIAL FACT)(Barragan, Matthew) (Entered: 02/28/2022)
03/08/2022	<u>30</u>	First REQUEST for Leave of Victoria J. Noble to Appear for Telephonic Appearance filed by Plaintiff Sam Biddle, First Look Institute, Inc.. Request set for hearing on 3/28/2022 at 09:00 AM before Judge Mark C. Scarsi. (Attachments: # <u>1</u> Declaration Declaration in Support of Request to Appear Telephonically, # <u>2</u> Proposed Order Proposed Order) (Noble, Victoria) (Entered: 03/08/2022)
03/14/2022	<u>31</u>	REPLY In Support of <i>Plaintiffs Omnibus Opposition to Defendants Motion for Summary Judgment and Cross Motion for Summary Judgment</i> filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Burke, Thomas) (Entered: 03/14/2022)
03/16/2022	<u>32</u>	ORDER DENYING PLAINTIFF'S REQUEST for Leave of Victoria J. Noble to Appear for Telephonic Appearance re opposition to defendant's motion for summary judgment and in support of plaintiffs cross motion for summary judgment <u>30</u> by Judge Mark C. Scarsi (lc) (Entered: 03/16/2022)
03/18/2022	<u>33</u>	NOTICE of Appearance filed by attorney Daniel Aaron Laidman on behalf of Plaintiffs Sam Biddle, First Look Institute, Inc. (Attorney Daniel Aaron Laidman added to party Sam Biddle(pty:pla), Attorney Daniel Aaron Laidman added to party First Look Institute, Inc.(pty:pla))(Laidman, Daniel) (Entered: 03/18/2022)
03/19/2022	<u>34</u>	REQUEST for Leave to file Notice of Supplemental Authority filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Attachments: # <u>1</u> [Proposed] Notice of Supplemental Authority, # <u>2</u> [Proposed] Order on Request for Leave to File Notice of Supplemental Authority) (Noble, Victoria) (Entered: 03/19/2022)
03/28/2022	<u>35</u>	MINUTES OF Motion for Summary Judgment (ECF No. <u>27</u>) held before Judge Mark C. Scarsi. The Court takes the Motion UNDER SUBMISSION and a ruling will be issued. Court Reporter: CourtSmart. (lom) (Entered: 03/28/2022)
03/30/2022	<u>36</u>	ORDER ON REQUEST FOR LEAVE TO FILE NOTICE OF SUPPLEMENTAL AUTHORITY (ECF No. <u>34</u>) by Judge Mark C. Scarsi. The Court ORDERS that the Request be GRANTED. (lom) (Entered: 03/30/2022)
03/31/2022	<u>37</u>	NOTICE of Supplemental Authority filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Noble, Victoria) (Entered: 03/31/2022)
05/27/2022	<u>38</u>	REQUEST for Leave to file Notice of Supplemental Authority filed by Plaintiffs Sam Biddle, First Look Institute, Inc.. (Attachments: # <u>1</u> [Proposed] Notice of Supplemental Authority, # <u>2</u> [Proposed] Order on Request for Leave to File Notice of Supplemental Authority) (Noble, Victoria) (Entered: 05/27/2022)
05/27/2022	<u>39</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Victoria Jane Noble counsel for Plaintiffs Sam Biddle, First Look Institute, Inc.. Victoria Jane Noble is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by Plaintiffs First Look Institute, Inc. and Sam Biddle. (Noble, Victoria) (Entered: 05/27/2022)
06/02/2022	<u>40</u>	ORDER GRANTING PLAINTIFF'S REQUEST FOR LEAVE TO SUBMIT NOTICE OF SUPPLEMENTAL AUTHORITY <u>38</u> by Judge Mark C. Scarsi. (lc) (Entered: 06/02/2022)

06/13/2022	<u>41</u>	ORDER RE: CROSS-MOTIONS FOR SUMMARY JUDGMENT by Judge Mark C. Scarsi: The Court concludes that Defendant properly justified its invocation of exemption 4. The Court grants summary judgment to Defendant on the sole claim in Plaintiffs complaint <u>27</u> . The Court denies Plaintiffs' cross-motion for summary judgment on the same basis <u>28</u> . The Court directs the Clerk to enter judgment and close the case. (lc) (Entered: 06/13/2022)
06/13/2022	<u>42</u>	JUDGMENT by Judge Mark C. Scarsi: Judgment is entered in favor of Defendant U.S. Marine Corps and against Plaintiffs First Look Institute, Inc. and Sam Biddle on all claims in Plaintiffs' Complaint. The Court dismisses all claims with prejudice. Plaintiffs shall take nothing from this action, and Defendant is entitled to its costs of suit.Related to: Order on Motion for Summary Judgment, <u>41</u> (MD JS-6, Case Terminated). (lc) (Entered: 06/13/2022)