

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-01361-ABJ**

FAIR LINES AMERICA FOUNDATION INC. v. US
DEPARTMENT OF COMMERCE et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2021
Date Terminated: 08/02/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

**FAIR LINES AMERICA
FOUNDATION INC.**

represented by **Jason B. Torchinsky**
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V.

Defendant

US DEPARTMENT OF COMMERCE

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Defendant

US BUREAU OF THE CENSUS

represented by

Jonathan D. Kossak
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2021	<u>1</u>	COMPLAINT against Fair Lines America Foundation Inc <i>US DEPARTMENT OF COMMERCE et al</i> (Filing fee \$ 402 receipt number ADCDC-8459372) filed by Fair Lines America Foundation Inc. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Civil Cover Sheet, # <u>8</u> Summons, # <u>9</u> Summons, # <u>10</u> Summons, # <u>11</u> Summons)(Torchinsky, Jason) (Entered: 05/18/2021)
05/18/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by Fair Lines America Foundation Inc (Torchinsky, Jason) (Entered: 05/18/2021)
05/18/2021		Case Assigned to Judge Amy Berman Jackson. (adh,) (Entered: 05/18/2021)
05/19/2021	<u>3</u>	NOTICE of Appearance by Jonathan Philip Lienhard on behalf of FAIR LINES AMERICA FOUNDATION INC. (Lienhard, Jonathan) (Main Document 3 replaced on 5/19/2021) (zjf). (Entered: 05/19/2021)
05/19/2021	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Kenneth Daines, Filing fee \$ 100, receipt number ADCDC-8463358. Fee Status: Fee Paid. by FAIR LINES AMERICA FOUNDATION INC.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Certificate of Good Standing)(Torchinsky, Jason) (Entered: 05/19/2021)
05/20/2021	<u>5</u>	SUMMONS (4) Issued Electronically as to US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Main Document 5 replaced on 5/20/2021) (adh,). (Entered: 05/20/2021)
05/24/2021		MINUTE ORDER granting <u>4</u> Motion for Leave of Kenneth Daines to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. 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 Amy Berman Jackson on 5/24/21. (DMK) (Entered: 05/24/2021)
06/04/2021	<u>6</u>	NOTICE of Appearance by Kenneth Clark Daines on behalf of FAIR LINES AMERICA FOUNDATION INC. (Daines, Kenneth) (Entered: 06/04/2021)
06/21/2021	<u>7</u>	ANSWER to Complaint by US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE.(Kossak, Jonathan) (Entered: 06/21/2021)
06/22/2021		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 July 20, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/22/2021. (lcbj1) (Entered: 06/22/2021)
07/19/2021	<u>8</u>	WITHDRAWN PURSUANT TO <u>11</u> NOTICE OF WITHDRAWAL.....MOTION for Preliminary Injunction by FAIR LINES AMERICA FOUNDATION INC.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4 – part 1, # <u>6</u> Exhibit 4 – part 2, # <u>7</u> Exhibit 4 – part 3, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6, # <u>10</u> Exhibit 7, # <u>11</u> Text of Proposed Order)(Torchinsky, Jason) Modified on 7/28/2021 (zjf). (Entered: 07/19/2021)
07/20/2021	<u>9</u>	First STATUS REPORT by US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Exhibit 1)(Kossak, Jonathan) (Entered: 07/20/2021)
07/26/2021	<u>10</u>	Memorandum in opposition to re <u>8</u> MOTION for Preliminary Injunction filed by US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE. (Attachments:

		# <u>1</u> Exhibit 1, Decl. of John M. Abowd, # <u>2</u> Exhibit 2, Decl. of Vernon E. Curry)(Kossak, Jonathan) (Entered: 07/26/2021)
07/28/2021	<u>11</u>	NOTICE OF WITHDRAWAL OF MOTION by FAIR LINES AMERICA FOUNDATION INC. re <u>8</u> MOTION for Preliminary Injunction (Torchinsky, Jason) (Entered: 07/28/2021)
07/29/2021		MINUTE ORDER. The parties must meet and confer and by August 6, 2021, submit a proposed schedule for further proceedings. If the parties propose to brief summary judgment motions, the schedule should include a date for a motion for summary judgment, a second date for any opposition and cross-motion, supported by a single memorandum of points and authorities, and so on, as opposed to parallel motions, oppositions, and replies. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/29/2021. (lcabj1) (Entered: 07/29/2021)
08/06/2021	<u>12</u>	PROPOSED BRIEFING SCHEDULE <i>on behalf of the Parties</i> filed by US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE. (Kossak, Jonathan) (Entered: 08/06/2021)
08/06/2021		MINUTE ORDER. Defendants' motion for summary judgment must be submitted by September 10, 2021. Plaintiff's combined opposition and cross-motion, to be supported by a single memorandum of points and authorities, must be submitted by October 1, 2021. Defendants' combined reply and opposition to the cross-motion, also supported by a single memorandum of points and authorities, must be submitted by October 22, 2021. Plaintiff's cross-reply must be submitted by November 12, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/6/2021. (lcabj1) (Entered: 08/06/2021)
09/10/2021	<u>13</u>	MOTION for Summary Judgment by US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Dr. John M. Abowd, # <u>4</u> Declaration of Vernon E. Curry, # <u>5</u> Text of Proposed Order)(Kossak, Jonathan) (Entered: 09/10/2021)
10/01/2021	<u>14</u>	Cross MOTION for Summary Judgment by FAIR LINES AMERICA FOUNDATION INC.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit 1 – Declaration of Adam Kincaid, # <u>4</u> Exhibit 2 – Declaration of Dr. Steven Ruggles, # <u>5</u> Text of Proposed Order)(Torchinsky, Jason) (Entered: 10/01/2021)
10/01/2021	<u>15</u>	Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment filed by FAIR LINES AMERICA FOUNDATION INC.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit 1 – Declaration of Adam Kincaid, # <u>4</u> Exhibit 2 – Declaration of Dr. Steven Ruggles, # <u>5</u> Text of Proposed Order)(Torchinsky, Jason) (Entered: 10/01/2021)
10/15/2021	<u>16</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> Cross MOTION for Summary Judgment by US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Text of Proposed Order)(Kossak, Jonathan) (Entered: 10/15/2021)
10/18/2021		MINUTE ORDER. <u>16</u> Motion for Extension of Time is GRANTED. Defendants' combined reply and cross-opposition must be submitted by November 2, 2021. Plaintiff's cross-reply must be submitted by November 23, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/18/2021. (lcabj1) (Entered: 10/18/2021)
11/02/2021	<u>17</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Exhibit A to Reply, # <u>2</u> Statement of Facts (Response to Plaintiff's Statement of Facts Not in Genuine Dispute))(Kossak, Jonathan) (Entered: 11/02/2021)
11/02/2021	<u>18</u>	RESPONSE re <u>14</u> Cross MOTION for Summary Judgment filed by US BUREAU OF THE CENSUS, US DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Exhibit A to Opposition, # <u>2</u> Statement of Facts (Response to Plaintiff's Statement of Facts Not In Genuine Dispute))(Kossak, Jonathan) (Entered: 11/02/2021)
11/23/2021	<u>19</u>	REPLY re [14 Cross MOTION for Summary Judgment filed by FAIR LINES AMERICA FOUNDATION INC.. (Attachments: # <u>1</u> Exhibit)(Torchinsky, Jason) Modified to add link on 12/1/2021 (znmw). (Entered: 11/23/2021)

08/02/2022	<u>20</u>	ORDER. For the reasons stated in the accompanying Memorandum Opinion, Defendants' Motion for Summary Judgment <u>13</u> is GRANTED, and Plaintiff's Cross-Motion for Summary Judgment <u>14</u> is DENIED. Signed by Judge Amy Berman Jackson on 8/2/2022. (lcabj1) (Entered: 08/02/2022)
08/02/2022	<u>21</u>	MEMORANDUM OPINION. Signed by Judge Amy Berman Jackson on 8/2/2022. (lcabj1) (Entered: 08/02/2022)