

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:21-cv-09566-AKH**

Emery Celli Brinckerhoff Abady Ward & Maazel LLP v. United States Department of Justice et al
Assigned to: Judge Alvin K. Hellerstein
Cause: 05:552 Freedom of Information Act

Date Filed: 11/18/2021
Date Terminated: 09/04/2022
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Emery Celli Brinckerhoff Abady Ward & Maazel LLP

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V.

Defendant

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Defendant

United States Marshals Service

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Date Filed	#	Docket Text
11/18/2021	<u>1</u>	FILING ERROR – PDF ERROR – COMPLAINT against United States Department of Justice, United States Marshals Service. (Filing Fee \$ 402.00, Receipt Number ANYSDC–25354519) Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) Modified on 11/19/2021 (jgo). (Entered: 11/18/2021)
11/18/2021	<u>2</u>	CIVIL COVER SHEET filed..(Selver, Max) (Entered: 11/18/2021)
11/18/2021	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to UNITED STATES DEPARTMENT OF JUSTICE, re: <u>1</u> Complaint. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 11/18/2021)
11/18/2021	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to UNITED STATES DEPARTMENT OF JUSTICE, re: <u>1</u> Complaint. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 11/18/2021)
11/18/2021	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to UNITED STATES MARSHALS SERVICE, re: <u>1</u> Complaint. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 11/18/2021)
11/18/2021	<u>6</u>	NOTICE OF APPEARANCE by Max Roller Selver on behalf of Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 11/18/2021)
11/18/2021	<u>7</u>	NOTICE OF APPEARANCE by Katherine R. Rosenfeld on behalf of Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Rosenfeld, Katherine) (Entered: 11/18/2021)
11/19/2021		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Max Roller Selver to RE–FILE Document No. <u>1</u> Complaint. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the pleading is not correct; the PDF must be titled to correspond with the event type used (Complaint). Re–file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. If the deficiency/deficiencies are not corrected within five (5) days per Amended Standing Order 15–mc–00131 this case will be administratively closed. Initial Pleading due by 11/24/2021. (jgo) (Entered: 11/19/2021)
11/19/2021		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Max Roller Selver to RE–FILE Document No. <u>4</u> Request for Issuance of Summons, <u>5</u> Request for Issuance of Summons, <u>3</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): refile summons request after the pleading is refiled correctly; summons request must be linked to the properly filed pleading. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (jgo) (Entered: 11/19/2021)
11/19/2021	<u>8</u>	COMPLAINT against United States Department of Justice, United States Marshals Service. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 11/19/2021)
11/19/2021	<u>9</u>	REQUEST FOR ISSUANCE OF SUMMONS as to UNITED STATES DEPARTMENT OF JUSTICE, re: <u>8</u> Complaint. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 11/19/2021)
11/19/2021	<u>10</u>	REQUEST FOR ISSUANCE OF SUMMONS as to UNITED STATES DEPARTMENT OF JUSTICE, re: <u>8</u> Complaint. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 11/19/2021)

11/19/2021	<u>11</u>	REQUEST FOR ISSUANCE OF SUMMONS as to UNITED STATES MARSHALS SERVICE, re: § Complaint. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 11/19/2021)
11/22/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Alvin K. Hellerstein. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district–judges . 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 https://nysd.uscourts.gov/rules/ecf–related–instructions ..(jgo) (Entered: 11/22/2021)
11/22/2021		Magistrate Judge Katharine H. Parker 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: https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf . (jgo) (Entered: 11/22/2021)
11/22/2021		Case Designated ECF. (jgo) (Entered: 11/22/2021)
11/22/2021	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Justice..(jgo) (Entered: 11/22/2021)
11/22/2021	<u>13</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Justice.(jgo) Modified on 12/13/2021 (gp). (Entered: 11/22/2021)
12/03/2021	<u>14</u>	CERTIFICATE OF SERVICE (FOIA CASE) of Summons and Complaint served. United States Department of Justice served on 11/23/2021, answer due 12/23/2021. Service was made by MAIL. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 12/03/2021)
12/03/2021	<u>15</u>	CERTIFICATE OF SERVICE (FOIA CASE) of Summons and Complaint served. Service was made by MAIL. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 12/03/2021)
12/13/2021		***DELETED DOCUMENT. Deleted document number [Doc #16] ELECTRONIC SUMMONS ISSUED as to United States Department of Justice. The document was incorrectly filed in this case, summons issued previously as doc #13. (gp) (Entered: 12/13/2021)
12/13/2021	<u>16</u>	ELECTRONIC SUMMONS ISSUED as to United States Marshals Service..(gp) (Entered: 12/13/2021)
12/13/2021	<u>17</u>	CERTIFICATE OF SERVICE (FOIA CASE) of Summons and Complaint served. United States Marshals Service served on 12/13/2021, answer due 1/12/2022. Service was made by MAIL. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 12/13/2021)
12/24/2021	<u>18</u>	NOTICE OF APPEARANCE by Ilan Stein on behalf of United States Department of Justice, United States Marshals Service..(Stein, Ilan) (Entered: 12/24/2021)
12/24/2021	<u>19</u>	ANSWER to § Complaint. Document filed by United States Department of Justice, United States Marshals Service..(Stein, Ilan) (Entered: 12/24/2021)
06/21/2022	<u>20</u>	SCHEDULING ORDER: The parties are hereby ordered to appear for an initial pre–trial conference on July 15, 2022 at 10:00 a.m., which will be held via the following call–in number: Call–in number: 888–363–4749 Access code: 7518680. To ensure that the call proceeds smoothly and to avoid disruption, the Court directs those calling in (other than counsel) to mute their telephones. Additionally, all participants are directed to call in 5 minutes prior to the start of the conference. Finally, no later than July 7, 2022, at 12:00 p.m., the parties shall jointly submit to the court (via the email address HellersteinNYSDCambers@nysd.uscourts.gov) a list of all counsel expected to appear on the record, along with their contact information. SO ORDERED. Initial Conference set for 7/15/2022 at 10:00 AM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 6/21/2022) (mml) (Entered: 06/21/2022)

07/07/2022	<u>21</u>	LETTER MOTION to Adjourn Conference addressed to Judge Alvin K. Hellerstein from Max Selver dated July 7, 2022. Document filed by Emery Celli Brinckerhoff Abady Ward & Maazel LLP..(Selver, Max) (Entered: 07/07/2022)
07/08/2022	<u>22</u>	ORDER terminating <u>21</u> Letter Motion to Adjourn Conference. The conference scheduled for July 15, 2022 is adjourned to September 2, 2022, at 10 a.m. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 7/8/2022) (vfr) (Entered: 07/08/2022)
07/08/2022		Set/Reset Hearings: Initial Conference set for 9/2/2022 at 10:00 AM before Judge Alvin K. Hellerstein. (vfr) (Entered: 07/08/2022)
08/30/2022	<u>23</u>	SCHEDULING ORDER: The parties are hereby ordered to appear for an initial conference on September 2, 2022 at 10:00 a.m., which will be held via the following call-in number: Call-in number: 888-363-4749, Access code: 7518680. Finally, no later than August 31, 2022, at 4:00 p.m., the parties shall jointly submit to the court (via the email address HellersteinNYSDCchambers@nysd.uscourts.gov) a list of all counsel expected to appear on the record, along with their contact information. SO ORDERED. (Initial Conference set for 9/2/2022 at 10:00 AM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 8/30/22) (yv) (Entered: 08/30/2022)
08/31/2022	<u>24</u>	SCHEDULING ORDER: The conference scheduled for September 2, 2022, is hereby adjourned to September 9, 2022, at 10:00 a.m., and will be held via the following call-in number: Call-in number: 888-363-4749, Access code: 7518680. Finally, no later than September 7, 2022, at 12:00 p.m., the parties shall jointly submit to the court (via the email address HellersteinNYSDCchambers@nysd.uscourts.gov) a list of all counsel expected to appear on the record, along with their contact information. SO ORDERED. (Initial Conference set for 9/9/2022 at 10:00 AM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 8/31/22) (yv) (Entered: 08/31/2022)
08/31/2022	<u>25</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Department of Justice, United States Marshals Service..(Issacharoff, Lucas) (Entered: 08/31/2022)
09/01/2022	<u>26</u>	NOTICE OF APPEARANCE by Lucas Estlund Issacharoff on behalf of United States Department of Justice, United States Marshals Service..(Issacharoff, Lucas) (Entered: 09/01/2022)
09/04/2022	<u>27</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL... IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows: The records produced by USMS fully resolve any and all claims Plaintiff now have or may hereafter acquire against Defendants or the United States of America ("United States"), or any department, agency, officer, or employee of Defendants and/or the United States, for the release of records arising from Plaintiff's FOIA request at issue in this action: 2021-USMS-362492. After the Court has approved and docketed this Stipulation and Order, within a reasonable period of time, USMS shall pay to Plaintiff via electronic funds transfer the sum of SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$7,000.00) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiff agrees to accept in complete satisfaction of any and all claims by Plaintiff for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. Counsel for Plaintiff will provide the necessary information for USMS to effectuate the electronic funds transfer. 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. This Stipulation and Order shall not constitute an admission of liability or fault on the part of Defendants or the United States or their agents, servants, or employees, and is entered into by all parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation. The parties agree that this Stipulation and Order will not be used as evidence or otherwise in any pending or future civil or administrative action against Defendants, the United States, or any agency or instrumentality of the United States. 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. SO ORDERED. (Signed by

