

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:21-cv-09680-HSG**

The Center for Investigative Reporting et al v. U.S.
Environmental Protection Agency
Assigned to: Judge Haywood S Gilliam, Jr
Cause: 05:552 Freedom of Information Act

Date Filed: 12/15/2021
Date Terminated: 09/09/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**The Center for Investigative Reporting**

represented by **Diana Victoria Baranetsky**
The Center for Investigative Reporting
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Emeryville, CA 94608
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shawn Musgrave
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510-809-3160
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ATTORNEY TO BE NOTICED

Plaintiff**Mohamed Al Elew**

represented by **Diana Victoria Baranetsky**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shawn Musgrave
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**U.S. Environmental Protection Agency**

represented by **Gioconda R. Molinari**
U.S. Attorney's Office, Civil Division
450 Golden Gate Avenue, 9th Floor
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Date Filed	#	Docket Text
12/15/2021	<u>1</u>	COMPLAINT FOR INJUNCTIVE RELIEF against All Defendants, (Filing Fee: \$402.00, receipt number ACANDC-16723054). Filed by The Center for Investigative Reporting, Mohamed Al Elew . (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Declaration of D. Victoria Baranetsky, # <u>3</u> Exhibit A - M, # <u>4</u> Exhibit N - W, # <u>5</u> Proposed

		Summons)(Baranetsky, Diana) (Filed on 12/15/2021) Modified on 12/17/2021 (tn, COURT STAFF). (Entered: 12/15/2021)
12/15/2021	<u>2</u>	<p>Case assigned to Magistrate Judge Donna M. Ryu.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 12/29/2021. (jlg, COURT STAFF) (Filed on 12/15/2021) (Entered: 12/15/2021)</p>
12/16/2021	<u>3</u>	Certification of Interested Entities filed by Mohamed Al Elew, The Center for Investigative Reporting, Mohamed Al Elew. (Baranetsky, Diana) (Filed on 12/16/2021) (Entered: 12/16/2021)
12/17/2021	<u>4</u>	Initial Case Management Scheduling Order with ADR Deadlines: Joint Case Management Statement due by 3/9/2022. Initial Case Management Conference set for 3/16/2022 at 1:30 PM in Oakland, Courtroom 4, 3rd Floor. (tn, COURT STAFF) (Filed on 12/17/2021) (Entered: 12/17/2021)
12/17/2021	<u>5</u>	Summons Issued as to U.S. Environmental Protection Agency. (tn, COURT STAFF) (Filed on 12/17/2021) (Entered: 12/17/2021)
12/30/2021	<u>6</u>	CLERK'S NOTICE TO PLAINTIFFS Re: Consent or Declination: Plaintiffs shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . Consent/Declination due by 1/13/2022. (ig, COURT STAFF) (Filed on 12/30/2021) (Entered: 12/30/2021)
01/03/2022	<u>7</u>	CERTIFICATE OF SERVICE by Mohamed Al Elew, The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 1/3/2022) (Entered: 01/03/2022)
01/03/2022	<u>8</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Mohamed Al Elew, The Center for Investigative Reporting.. (Baranetsky, Diana) (Filed on 1/3/2022) (Entered: 01/03/2022)
01/05/2022	<u>9</u>	NOTICE of Appearance by Gioconda R. Molinari <i>Assistant US Attorney</i> (Molinari, Gioconda) (Filed on 1/5/2022) (Entered: 01/05/2022)
01/13/2022	<u>10</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by U.S. Environmental Protection Agency.. (Molinari, Gioconda) (Filed on 1/13/2022) (Entered: 01/13/2022)
01/14/2022	<u>11</u>	<p>CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.</p> <p>ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.</p> <p><i>This is a text only docket entry; there is no document associated with this notice.</i> (ig, COURT STAFF) (Filed on 1/14/2022) (Entered: 01/14/2022)</p>
01/18/2022	<u>12</u>	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge Haywood S.

		Gilliam, Jr for all further proceedings. Magistrate Judge Donna M. Ryu no longer assigned to case, Signed by the Clerk on 1/18/2022. (anj, COURT STAFF) (Filed on 1/18/2022) (Entered: 01/18/2022)
01/18/2022	13	CLERK'S NOTICE SETTING CASE MANAGEMENT CONFERENCE FOR REASSIGNED CIVIL CASE. Notice is hereby given that a Initial Case Management Conference has been set for March 22, 2022, before Judge Haywood S. Gilliam, Jr., at 2:00 p.m., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA. Case Management Statement due by March 15th. Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . All future filings should reflect the case number as 4:21-cv-09680-HSG. (This is a text-only entry generated by the court. There is no document associated with this entry.)(bns, COURT STAFF) (Filed on 1/18/2022) (Entered: 01/18/2022)
01/19/2022	<u>14</u>	STIPULATION <i>to Respond to Complaint</i> filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 1/19/2022) (Entered: 01/19/2022)
02/25/2022	<u>15</u>	<i>Defendant's</i> ANSWER to Complaint by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 2/25/2022) (Entered: 02/25/2022)
02/25/2022	<u>16</u>	STIPULATION WITH PROPOSED ORDER <i>to Continue Case Management Conference</i> filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 2/25/2022) (Entered: 02/25/2022)
02/28/2022	<u>17</u>	ORDER (as modified) by Judge Haywood S. Gilliam, Jr. Granting <u>16</u> Stipulation to Continue Case Management Conference. Case Management Statement due by 3/29/2022 and Initial Case Management Conference set for 4/5/2022 02:00 PM. Given the ongoing COVID-19 pandemic, the parties will be advised closer to the hearing whether it will take place telephonically or in person.(ndr, COURT STAFF) (Filed on 2/28/2022) (Entered: 02/28/2022)
03/01/2022	<u>18</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>ADR Certification by Parties and Counsel</i> (Molinari, Gioconda) (Filed on 3/1/2022) (Entered: 03/01/2022)
03/01/2022	<u>19</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Plaintiffs</i> (Musgrave, Shawn) (Filed on 3/1/2022) (Entered: 03/01/2022)
03/22/2022	<u>20</u>	STIPULATION WITH PROPOSED ORDER <i>to Continue Case Management Conference</i> filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 3/22/2022) (Entered: 03/22/2022)
03/22/2022	<u>21</u>	Order as modified by Judge Haywood S. Gilliam, Jr. granting <u>20</u> stipulation to continue case management conference. Joint case management statement due by 5/17/2022. Initial case management conference set for 5/24/2022 02:00 PM in Oakland, Courtroom 2, 4th Floor. (wft, COURT STAFF) (Filed on 3/22/2022) (Entered: 03/22/2022)
03/23/2022	22	CLERK'S NOTICE RE DOCKET NO. <u>21</u> Notice is hereby given that the case management conference set for May 24, 2022 will be held telephonically. This proceeding will be held by AT&T Conference Line. The parties are advised that in the event of an audio problem, counsel should be prepared to attend the hearing via Zoom conference at the Courts direction. The court circulates the following conference number to allow the equivalent of a public hearing by telephone. For conference line information, see: https://apps.cand.uscourts.gov/telhrg/ All counsel, members of the public and press please use the following dial-in information below to access the conference line: Dial In: 888-808-6929 Access Code: 6064255 The Court may be in session with proceedings in progress when you connect to the conference line. Therefore, mute your phone if possible and wait for the Court to

		<p>address you before speaking on the line. For call clarity, parties shall NOT use speaker phone or earpieces for these calls, and where at all possible, parties shall use landlines. The parties are further advised to ensure that the Court can hear and understand them clearly before speaking at length.</p> <p>PLEASE NOTE: Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited. See General Order 58 at Paragraph III.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>(ndr, COURT STAFF) (Filed on 3/23/2022) (Entered: 03/23/2022)</p>
05/09/2022	<u>23</u>	STIPULATION WITH PROPOSED ORDER <i>to Continue Case Management Conference</i> filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 5/9/2022) (Entered: 05/09/2022)
05/09/2022	24	CLERK'S NOTICE TO COUNSEL RE DOCKET NO. <u>23</u> . Counsel is directed to re-file a revised stipulation and proposed order requesting a continuance date that is not on the Judge's list of unavailable dates. Please review the Judge's scheduling notes before selecting a new date and submitting your revised stipulation and proposed order. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ndr, COURT STAFF) (Filed on 5/9/2022) (Entered: 05/09/2022)
05/11/2022	<u>25</u>	STIPULATION WITH PROPOSED ORDER <i>to Continue Case Management Conference</i> filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 5/11/2022) (Entered: 05/11/2022)
05/11/2022		<u>23</u> STIPULATION WITH PROPOSED ORDER <i>to Continue Case Management Conference</i> Terminated, Re-filed as Docket No. <u>25</u> .*** (ndr, COURT STAFF) (Filed on 5/11/2022) (Entered: 05/11/2022)
05/11/2022	<u>26</u>	<p>ORDER GRANTING <u>25</u> STIPULATION <i>to Continue Case Management Conference. Case Management Statement due by 6/7/2022. Initial Case Management Conference set for 6/14/2022 02:00 PM.</i></p> <p>The June 14th proceeding will be held by AT&T Conference Line. The parties are advised that in the event of an audio problem, counsel should be prepared to attend the hearing via Zoom conference at the Courts direction. The court circulates the following conference number to allow the equivalent of a public hearing by telephone.</p> <p>For conference line information, see: https://apps.cand.uscourts.gov/telhrq/</p> <p>All counsel, members of the public and press please use the following dial-in information below to access the conference line:</p> <p>Dial In: 888-808-6929</p> <p>Access Code: 6064255</p> <p>The Court may be in session with proceedings in progress when you connect to the conference line. Therefore, mute your phone if possible and wait for the Court to address you before speaking on the line. For call clarity, parties shall NOT use speaker phone or earpieces for these calls, and where at all possible, parties shall use landlines. The parties are further advised to ensure that the Court can hear and understand them clearly before speaking at length.</p> <p>PLEASE NOTE: Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited. See General Order 58 at Paragraph III. Signed by Judge Haywood S. Gilliam, Jr. on 5/11/2022. (ndr, COURT STAFF) (Filed on 5/11/2022) (Entered: 05/11/2022)</p>

06/06/2022	<u>27</u>	STIPULATION WITH PROPOSED ORDER <i>Joint Stipulation and Dismissal of All FOIA Claims with Prejudice with the Exception of Attorney's Fees; [Proposed Order]</i> filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 6/6/2022) (Entered: 06/06/2022)
06/07/2022	<u>28</u>	ORDER (as modified) by Judge Haywood S. Gilliam, Jr. Granting <u>27</u> Stipulation and Dismissal of All FOIA Claims with Prejudice with the Exception of Attorney's Fees. Motion (stipulation of dismissal) due by 8/4/2022. (ndr, COURT STAFF) (Filed on 6/7/2022) (Entered: 06/07/2022)
07/29/2022	<u>29</u>	STIPULATION WITH PROPOSED ORDER <i>to Extend Time for Negotiation of Attorney's Fees</i> filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 7/29/2022) (Entered: 07/29/2022)
07/29/2022	<u>30</u>	ORDER by Judge Haywood S. Gilliam, Jr. Granting <u>29</u> Stipulation to Extend Time for Negotiation of Attorney's Fees Motion (Stipulated Dismissal or Status Report due by 8/15/2022). (ndr, COURT STAFF) (Filed on 7/29/2022) (Entered: 07/29/2022)
08/15/2022	<u>31</u>	<i>JOINT STATUS REPORT & STIPULATION; [PROPOSED ORDER]</i> filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 8/15/2022) (Entered: 08/15/2022)
08/16/2022	32	ORDER by Hon. Haywood S. Gilliam, Jr. SETTING a telephonic case management conference for September 6, 2022 at 2:00 p.m. in light of Dkt. No. <u>31</u> the parties' joint status report and stipulation. All counsel shall use the following dial-in information to access the call: Dial-In: 888-808-6929; Passcode: 6064255 The parties do not need to file a joint statement and the case management conference will be vacated if the parties submit a notice of settlement beforehand. (This is a text-only entry generated by the court. There is no document associated with this entry.) (hsglc3, COURT STAFF) (Filed on 8/16/2022) (Entered: 08/16/2022)
08/16/2022		<p>Set Hearing Re Docket No. 32 : Initial Case Management Conference set for 9/6/2022 02:00 PM.</p> <p>The 9/6/2022 proceeding will be held by AT&T Conference Line. The parties are advised that in the event of an audio problem, counsel should be prepared to attend the hearing via Zoom conference at the Courts direction. The court circulates the following conference number to allow the equivalent of a public hearing by telephone.</p> <p>For conference line information, see: https://apps.cand.uscourts.gov/telhrg/</p> <p>All counsel, members of the public and press please use the following dial-in information below to access the conference line:</p> <p>Dial In: 888-808-6929</p> <p>Access Code: 6064255</p> <p>The Court may be in session with proceedings in progress when you connect to the conference line. Therefore, mute your phone if possible and wait for the Court to address you before speaking on the line. For call clarity, parties shall NOT use speaker phone or earpieces for these calls, and where at all possible, parties shall use landlines. The parties are further advised to ensure that the Court can hear and understand them clearly before speaking at length.</p> <p>PLEASE NOTE: Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited. See General Order 58 at Paragraph III.</p> <p>(ndr, COURT STAFF) (Filed on 8/16/2022) (Entered: 08/17/2022)</p>
08/31/2022	<u>33</u>	JOINT CASE MANAGEMENT STATEMENT filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 8/31/2022) (Entered: 08/31/2022)

09/06/2022	<u>34</u>	NOTICE by U.S. Environmental Protection Agency <i>Joint Notice of Acceptance Under Fed. R. Civ. P. 68 and Stipulation to Vacate CMC [Proposed] Order</i> (Molinari, Gioconda) (Filed on 9/6/2022) (Entered: 09/06/2022)
09/06/2022	35	Minute Entry for proceedings held before Judge Haywood S. Gilliam, Jr.: Telephonic Initial Case Management Conference held on 9/6/2022. Total Time in Court: 2 minutes. Not Reported. Plaintiff Attorney: Diana Baranetsky. Defendant Attorney: Gioconda Molinari. The parties are directed to meet and confer and e-file within one week from today (September 13, 2022) a proposed stipulated judgment. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ndr, COURT STAFF) (Date Filed: 9/6/2022) (Entered: 09/06/2022)
09/08/2022	<u>36</u>	STIPULATED JUDGMENT [PROPOSED ORDER] re <u>34</u> Notice filed by U.S. Environmental Protection Agency. (Molinari, Gioconda) (Filed on 9/8/2022) (Entered: 09/08/2022)
09/09/2022	<u>37</u>	STIPULATED JUDGMENT RE DOCKET NO. <u>36</u> . ***Civil Case Terminated.*** Signed by Judge Haywood S. Gilliam, Jr. on 9/9/2022. (ndr, COURT STAFF) (Filed on 9/9/2022) (Entered: 09/09/2022)