

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:21-cv-10980-ALC-OTW**

The New York Times Company et al v. United States
Department of Defense
Assigned to: Judge Andrew L. Carter, Jr
Referred to: Magistrate Judge Ona T. Wang
Cause: 05:552 Freedom of Information Act

Date Filed: 12/22/2021
Date Terminated: 09/01/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

The New York Times Company

represented by **Sum Yi Jessica Hui**
United States Court of Appeals for the
Second Circuit
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Plaintiff

Mark Mazzetti

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Plaintiff

Charlie Savage

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V.

Defendant

United States Department of Defense

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Date Filed	#	Docket Text
12/22/2021	<u>1</u>	COMPLAINT against United States Department of Defense. (Filing Fee \$ 402.00, Receipt Number ANYSDC-25502149) Document filed by The New York Times Company, Charlie Savage, Mark Mazzetti..(McCraw, David) (Entered: 12/22/2021)
12/22/2021	<u>2</u>	CIVIL COVER SHEET filed..(McCraw, David) (Entered: 12/22/2021)
12/22/2021	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Defense, re: <u>1</u> Complaint. Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 12/22/2021)
12/22/2021	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The New York Times Company..(McCraw, David) (Entered: 12/22/2021)
12/27/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Andrew L. Carter, Jr. 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..(gp) (Entered: 12/27/2021)
12/27/2021		Magistrate Judge Ona T. Wang 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 . (gp) (Entered: 12/27/2021)
12/27/2021		Case Designated ECF. (gp) (Entered: 12/27/2021)
12/27/2021	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Defense..(gp) (Entered: 12/27/2021)
01/25/2022	<u>6</u>	LETTER MOTION for Extension of Time addressed to Judge Andrew L. Carter, Jr. from AUSA Christopher Connolly dated January 25, 2022. Document filed by United States Department of Defense..(Connolly, Christopher) (Entered: 01/25/2022)
01/26/2022	<u>7</u>	ORDER granting <u>6</u> Letter Motion for Extension of Time. SO ORDERED. Amended Pleadings due by 2/22/2022. (Signed by Judge Andrew L. Carter, Jr on 1/26/2022) (ate) (Entered: 01/26/2022)
02/01/2022	<u>8</u>	NOTICE OF APPEARANCE by Stephen Seungkun Cha-Kim on behalf of United States Department of Defense..(Cha-Kim, Stephen) (Entered: 02/01/2022)
02/03/2022	<u>9</u>	FIRST AMENDED COMPLAINT amending <u>1</u> Complaint against United States Department of Defense.Document filed by The New York Times Company, Charlie Savage, Mark Mazzetti. Related document: <u>1</u> Complaint..(McCraw, David) (Entered: 02/03/2022)
02/22/2022	<u>10</u>	ANSWER to <u>9</u> Amended Complaint. Document filed by United States Department of Defense..(Cha-Kim, Stephen) (Entered: 02/22/2022)

02/23/2022	<u>11</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Ona T. Wang. SO ORDERED. (Signed by Judge Andrew L. Carter, Jr on 2/23/2022) (vfr) (Entered: 02/23/2022)
02/23/2022	<u>12</u>	NOTICE OF APPEARANCE by Sum Yi Jessica Hui on behalf of Mark Mazzetti, Charlie Savage, The New York Times Company..(Hui, Sum Yi Jessica) (Entered: 02/23/2022)
03/01/2022	<u>13</u>	INITIAL CASE MANAGEMENT CONFERENCE ORDER: An Initial Pretrial Conference in accordance with Rule 16(b) of the Federal Rules of Civil Procedure will be held on Wednesday, April 27, 2022 at 10:00 a.m. in Courtroom 20D, 500 Pearl Street, New York, NY 10007. Initial Conference set for 4/27/2022 at 10:00 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Ona T. Wang. (Signed by Magistrate Judge Ona T. Wang on 3/1/2022) (rro) (Entered: 03/01/2022)
04/20/2022	<u>14</u>	LETTER MOTION to Adjourn Conference addressed to Magistrate Judge Ona T. Wang from David McCraw dated April 20, 2022. Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 04/20/2022)
04/25/2022	15	ORDER granting <u>14</u> Letter Motion to Adjourn Conference. Application GRANTED. The April 27, 2022 conference is adjourned sine die. The parties are directed to file a joint status report on May 6, 2022. (HEREBY ORDERED by Magistrate Judge Ona T. Wang)(Text Only Order) (kds) (Entered: 04/25/2022)
05/06/2022	<u>16</u>	STATUS REPORT. Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 05/06/2022)
05/11/2022	<u>17</u>	MEMO ENDORSEMENT on re: <u>16</u> Status Report filed by The New York Times Company, Charlie Savage, Mark Mazzetti. ENDORSEMENT: Application GRANTED. The parties are directed to file a status letter on May 22, 2022. (Signed by Magistrate Judge Ona T. Wang on 5/11/2022) (rro) (Entered: 05/11/2022)
05/19/2022	<u>18</u>	STATUS REPORT. Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 05/19/2022)
05/20/2022	19	ORDER The parties are directed to submit a status report on Friday, June 3, 2022. (HEREBY ORDERED by Magistrate Judge Ona T. Wang) (Text Only Order) (kds) (Entered: 05/20/2022)
06/03/2022	<u>20</u>	STATUS REPORT. Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 06/03/2022)
06/06/2022	21	ORDER The Court adopts the parties' proposed schedule in ECF 20. The parties are directed to submit a joint status letter on July 29, 2022. (HEREBY ORDERED by Magistrate Judge Ona T. Wang) (Text Only Order) (kds) (Entered: 06/06/2022)
07/28/2022	<u>22</u>	JOINT LETTER addressed to Magistrate Judge Ona T. Wang from David McCraw dated July 28, 2022 Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 07/28/2022)
08/02/2022	<u>23</u>	MEMO ENDORSEMENT on re: <u>22</u> Letter filed by The New York Times Company, Charlie Savage, Mark Mazzetti ENDORSEMENT: Application GRANTED. SO ORDERED (Signed by Magistrate Judge Ona T. Wang on 8/2/2022) (ks) (Entered: 08/02/2022)
08/09/2022	<u>24</u>	MOTION for S.Y. Jessica Hui to Withdraw as Attorney . Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(Hui, Sum Yi Jessica) (Entered: 08/09/2022)
08/29/2022	<u>25</u>	JOINT LETTER addressed to Magistrate Judge Ona T. Wang from David McCraw dated August 29, 2022 re: Dismissal. Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 08/29/2022)
08/30/2022	<u>26</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by

		and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) All Parties and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by The New York Times Company, Charlie Savage, Mark Mazzetti. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers)... (McCraw, David) Modified on 8/31/2022 (tp). (Entered: 08/30/2022)
08/31/2022		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney David McCraw to RE-FILE Document <u>26</u> Stipulation of Voluntary Dismissal. Use the event type Proposed Stipulation and Order found under the event list Proposed Orders. (tp) (Entered: 08/31/2022)
08/31/2022	<u>27</u>	PROPOSED STIPULATION AND ORDER. Document filed by Mark Mazzetti, Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 08/31/2022)
09/01/2022	<u>28</u>	STIPULATION AND ORDER OF DISMISSAL: IT IS HEREBY STIPULATED, by and between the parties, as follows: 1. DOD's production and final determination resolve any and all claims that The Times now has or may hereinafter acquire against DOD or the United States of America ("United States"), or any department, agency, officer, or employee of DOD and/or the United States, related to or arising out of the two FOIA requests. 2. The claims brought by The Times are hereby dismissed with prejudice pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii), with each party to bear its own fees and costs. 3. 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 have any force or effect. 4. Nothing in this Stipulation and Order affects, or shall be construed to affect, the rights of The Times to pursue further release of information or documents from DOD through other FOIA requests. SO ORDERED. (Signed by Judge Andrew L. Carter, Jr on 9/1/2022) (ate) (Entered: 09/01/2022)