

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00502-ABJ**

45COMMITTEE, INC. v. FEDERAL ELECTION
COMMISSION
Assigned to: Judge Amy Berman Jackson
Case: 1:20-cv-00809-ABJ
Cause: 05:552 Freedom of Information Act

Date Filed: 02/25/2022
Date Terminated: 09/13/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

45COMMITTEE, INC.

represented by **Brett A. Shumate**
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V.

Defendant

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COMMISSION**

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TERMINATED: 05/02/2022

Date Filed	#	Docket Text
02/25/2022	<u>1</u>	COMPLAINT against FEDERAL ELECTION COMMISSION (Filing fee \$ 402 receipt number ADCDC-9066962) filed by 45COMMITTEE, INC.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Civil Cover Sheet, # <u>5</u> Related Case Form, # <u>6</u> Summons - U.S. Attorney General, # <u>7</u> Summons - FEC, # <u>8</u> Summons - USAO)(Shumate, Brett) Modified defendant on 2/28/2022 (znmw). (Entered: 02/25/2022)
02/25/2022	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by 45COMMITTEE, INC. (Shumate, Brett) (Entered: 02/25/2022)
02/28/2022		NOTICE OF ERROR re <u>1</u> Complaint re: Notice of Related Case; emailed to bshumate@jonesday.com, cc'd 2 associated attorneys -- The PDF file you docketed contained errors: 1. Pleading filed as attachment. Please file pleading as separate entry., 2. Notice of Related Case should be filed as a separate entry., 3. COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied. (znmw,) (Entered: 02/28/2022)
02/28/2022	<u>3</u>	NOTICE OF RELATED CASE by 45COMMITTEE, INC.. Case related to Case No. 20-0809. (Shumate, Brett) (Entered: 02/28/2022)
02/28/2022		Case Assigned to Judge Randolph D. Moss. (znmw) (Entered: 02/28/2022)
02/28/2022	<u>4</u>	SUMMONS (3) Issued Electronically as to FEDERAL ELECTION COMMISSION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(znmw) (Entered: 02/28/2022)
02/28/2022		Case Assigned to Judge Amy Berman Jackson. Judge Randolph D. Moss is no longer assigned to the case. (znmw) (Entered: 02/28/2022)
03/11/2022	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/7/2022. (Shumate, Brett) (Entered: 03/11/2022)
03/11/2022	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL ELECTION COMMISSION served on 3/1/2022 (Shumate, Brett) (Entered: 03/11/2022)
03/11/2022	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/1/2022. Answer due for ALL FEDERAL DEFENDANTS by 3/31/2022. (Shumate, Brett) (Entered: 03/11/2022)
03/31/2022	<u>8</u>	NOTICE of Appearance by Diana Viggiano Valdivia on behalf of FEDERAL ELECTION COMMISSION (Valdivia, Diana) (Entered: 03/31/2022)
03/31/2022	<u>9</u>	NOTICE of Appearance by Gregory John Mueller on behalf of FEDERAL ELECTION COMMISSION (Mueller, Gregory) (Entered: 03/31/2022)
03/31/2022	<u>10</u>	NOTICE of Appearance by Harry Jacobs Summers on behalf of FEDERAL ELECTION COMMISSION (Summers, Harry) (Entered: 03/31/2022)

03/31/2022	<u>11</u>	NOTICE of Appearance by Kevin Deeley on behalf of FEDERAL ELECTION COMMISSION (Deeley, Kevin) (Entered: 03/31/2022)
03/31/2022	<u>12</u>	ANSWER to Complaint by FEDERAL ELECTION COMMISSION.(Valdivia, Diana) (Entered: 03/31/2022)
04/05/2022		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 May 3, 2022. Signed by Judge Amy Berman Jackson on 4/5/2022. (lcabj1) (Entered: 04/05/2022)
05/02/2022	<u>13</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to FEDERAL ELECTION COMMISSION. Attorney Diana Viggiano Valdivia terminated. (Valdivia, Diana) (Entered: 05/02/2022)
05/03/2022	<u>14</u>	STATUS REPORT by FEDERAL ELECTION COMMISSION. (Mueller, Gregory) (Entered: 05/03/2022)
05/03/2022	<u>15</u>	MOTION to Strike <u>14</u> Status Report by 45COMMITTEE, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Shumate, Brett) (Entered: 05/03/2022)
05/04/2022		MINUTE ORDER. On April 5, 2022, the Court issued a standard FOIA Minute Order which stated: "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 May 3, 2022." On May 3, 2022, the agency filed a timely response <u>14</u> informing the Court that it had already produced some materials and withheld others, and respectfully requesting an additional 30 days to inform the Court of its determination of whether it would file a dispositive motion or propose a schedule for the production of additional materials. This report was not inconsistent with the Court's order, and in light of the request for additional time, the agency is hereby ORDERED to file a status report on June 2, 2022 proposing either a schedule for the briefing of dispositive motions or a schedule for the completion of its document production. The parties must meet and confer in advance of the filing of the status report, and the report must include the plaintiff's position with respect to the proposed schedule. The motion to strike <u>15</u> the status report, which was largely petty and unnecessary, is hereby DENIED as moot. Signed by Judge Amy Berman Jackson on 5/4/2022. (lcabj1) (Entered: 05/04/2022)
05/23/2022	<u>16</u>	NOTICE of Appearance by Stephen J. Kenny on behalf of 45COMMITTEE, INC. (Kenny, Stephen) (Entered: 05/23/2022)
06/02/2022	<u>17</u>	STATUS REPORT by FEDERAL ELECTION COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Mueller, Gregory) (Entered: 06/02/2022)
06/06/2022		MINUTE ORDER. Pursuant to the status report <u>17</u> , the following schedule is set in this case. Defendant's motion for summary judgment must be submitted by June 24, 2022. Plaintiff's combined cross-motion and opposition to defendant's motion, supported by a single memorandum of points and authorities, must be submitted by July 15, 2022. Defendant's combined reply and cross-opposition, also supported by a single memorandum of points and authorities, must be submitted by August 5, 2022. Plaintiff's cross-reply must be submitted by August 26, 2022. Given the extremely narrow nature of the dispute, the parties are strongly encouraged to submit briefs well under the page limits set forth in the local rules, and the Court notes that statements of material facts not in dispute are not needed in FOIA cases. All footnotes must comply with Local Civil Rule 5.1(d). SO ORDERED. Signed by Judge Amy Berman Jackson on 6/6/2022. (lcabj1) (Entered: 06/06/2022)
06/24/2022	<u>18</u>	MOTION for Summary Judgment <i>with Memorandum in Support Thereof</i> by FEDERAL ELECTION COMMISSION. (Attachments: # <u>1</u> Declaration of Steve N. Hajjar, # <u>2</u> Vaughn Index, # <u>3</u> Text of Proposed Order)(Mueller, Gregory) (Entered: 06/24/2022)
07/15/2022	<u>19</u>	Cross MOTION for Summary Judgment by 45COMMITTEE, INC.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Text of Proposed

		Order)(Shumate, Brett) (Entered: 07/15/2022)
07/15/2022	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment <i>with Memorandum in Support Thereof</i> filed by 45COMMITTEE, INC.. (Attachments: # <u>1</u> Opposition to Defendant's Motion for Summary Judgment, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Text of Proposed Order)(Shumate, Brett) (Entered: 07/15/2022)
08/05/2022	<u>21</u>	Memorandum in opposition to re <u>19</u> Motion for Summary Judgment filed by FEDERAL ELECTION COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Mueller, Gregory) (Entered: 08/05/2022)
08/05/2022	<u>22</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment <i>with Memorandum in Support Thereof</i> filed by FEDERAL ELECTION COMMISSION. (Mueller, Gregory) (Entered: 08/05/2022)
08/26/2022	<u>23</u>	REPLY to opposition to motion re <u>21</u> Memorandum in Opposition filed by 45COMMITTEE, INC.. (Shumate, Brett) (Entered: 08/26/2022)
09/01/2022	<u>24</u>	NOTICE of <i>Subsequent Developments</i> by FEDERAL ELECTION COMMISSION (Mueller, Gregory) (Entered: 09/01/2022)
09/09/2022		MINUTE ORDER. The parties must submit a joint status report by October 10, 2022, if the case has not been dismissed by that point. Signed by Judge Amy Berman Jackson on 9/9/2022. (lcabj1) (Entered: 09/09/2022)
09/13/2022	<u>25</u>	STIPULATION of Dismissal by 45COMMITTEE, INC.. (Shumate, Brett) (Entered: 09/13/2022)