

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:21-cv-00016-EGS**

ARGYLE SYSTEMS INC. v. INTERNAL REVENUE  
SERVICE

Assigned to: Judge Emmet G. Sullivan  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/05/2021  
Date Terminated: 09/25/2022  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ARGYLE SYSTEMS INC.**

represented by **Barbara E. Lichman**  
BUCHALTER, A PROFESSIONAL  
CORPORATION  
18400 Von Karman Avenue  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Daniel Shimell**  
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*TERMINATED: 04/18/2022*  
*PRO HAC VICE*

**Joshua M. Robbins**  
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V.

**Defendant**

**INTERNAL REVENUE SERVICE**

represented by **Alexander Kalyniuk**  
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/05/2021	<u>1</u>	COMPLAINT against INTERNAL REVENUE SERVICE ( Filing fee \$ 402 receipt number ADCDC-8038644) filed by ARGYLE SYSTEMS INC.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Civil Cover Sheet, # <u>9</u> Summons)(Robbins, Joshua) (Entered: 01/05/2021)
01/05/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ARGYLE SYSTEMS INC. (Robbins, Joshua) (Entered: 01/05/2021)
01/05/2021	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Barbara E. Lichman, Filing fee \$ 100, receipt number ADCDC-8038856. Fee Status: Fee Paid. by ARGYLE SYSTEMS INC. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Robbins, Joshua) (Entered: 01/05/2021)
01/06/2021		Case Assigned to Judge Emmet G. Sullivan. (zsb) (Entered: 01/06/2021)
01/06/2021	<u>4</u>	SUMMONS (1) Issued Electronically as to INTERNAL REVENUE SERVICE. (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 01/06/2021)
01/06/2021		MINUTE ORDER granting <u>3</u> motion for leave to appear pro hac vice. Barbara E. Lichman is hereby admitted pro hac vice in this action. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions.</b> Signed by Judge Emmet G. Sullivan on 1/6/2021. (lcegs3) (Entered: 01/06/2021)
01/08/2021	<u>5</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 1/8/21. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 01/08/2021)
01/11/2021	<u>6</u>	NOTICE of Appearance by Barbara E. Lichman on behalf of ARGYLE SYSTEMS INC. (Lichman, Barbara) (Entered: 01/11/2021)
01/27/2021	<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 1/11/2021. Answer due for ALL FEDERAL DEFENDANTS by 2/10/2021. (Lichman, Barbara) (Entered: 01/27/2021)
01/27/2021	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 01/11/2021. (Lichman, Barbara) (Entered: 01/27/2021)
01/27/2021	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. INTERNAL REVENUE SERVICE served on 1/11/2021 (Lichman, Barbara) (Entered: 01/27/2021)
02/05/2021	<u>10</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Kalyniuk, Alexander) (Entered: 02/05/2021)
02/05/2021	<u>11</u>	NOTICE of Appearance by Stephanie Ann Sasarak on behalf of INTERNAL REVENUE SERVICE (Sasarak, Stephanie) (Entered: 02/05/2021)
02/05/2021		MINUTE ORDER granting <u>10</u> unopposed motion for extension of time. Defendant shall answer or otherwise respond to the Complaint by no later than March 10, 2021. Signed by Judge Emmet G. Sullivan on 2/5/2021. (lcegs3) (Entered: 02/05/2021)

02/06/2021		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To The Complaint due by 3/10/2021, (mac) (Entered: 02/06/2021)
03/10/2021	<u>12</u>	ANSWER to Complaint by INTERNAL REVENUE SERVICE.(Sasarak, Stephanie) (Entered: 03/10/2021)
03/15/2021		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than April 2, 2021. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 3/15/2021. (lcegs3) (Entered: 03/15/2021)
03/15/2021		Set/Reset Deadlines: Joint Scheduling Order due by 4/2/2021. (mac) (Entered: 03/15/2021)
04/01/2021	<u>13</u>	PROPOSED BRIEFING SCHEDULE – <i>Joint Proposed Scheduling Order</i> by INTERNAL REVENUE SERVICE. (Kalyniuk, Alexander) (Entered: 04/01/2021)
04/02/2021		MINUTE ORDER. In view of <u>13</u> joint proposed scheduling order, the parties shall abide by the following schedule: (1) Defendant's dispositive motion shall be filed by no later than June 11, 2021; (2) Plaintiff shall file its opposition and any cross-motion by no later than July 12, 2021; (3) Defendant shall file its reply and any opposition by no later than August 11, 2021; and (4) Plaintiff shall file a reply, if necessary, by no later than August 25, 2021. Signed by Judge Emmet G. Sullivan on 4/2/2021. (lcegs3) (Entered: 04/02/2021)
04/02/2021		Set/Reset Deadlines: Defendant's Dispositive Motion due by 6/11/2021. Plaintiff Opposition And Any Cross-Motion due by 7/12/2021. Defendant Reply And Any Opposition due by 8/11/2021. Plaintiff Reply, If Necessary, due by 8/25/2021. (mac) (Entered: 04/02/2021)
04/23/2021	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Daniel S. Shimell, Filing fee \$ 100, receipt number ADCDC–8396857. Fee Status: Fee Paid. by ARGYLE SYSTEMS INC.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Robbins, Joshua) (Entered: 04/23/2021)
05/07/2021		MINUTE ORDER granting <u>14</u> motion for leave to appear pro hac vice. Daniel S. Shimell is hereby admitted pro hac vice in this action. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions.</b> Signed by Judge Emmet G. Sullivan on 5/7/2021. (lcegs3) (Entered: 05/07/2021)
05/13/2021	<u>15</u>	NOTICE of Appearance by Daniel Shimell on behalf of ARGYLE SYSTEMS INC. (Shimell, Daniel) (Entered: 05/13/2021)
06/11/2021	<u>16</u>	MOTION for Summary Judgment by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Text of Proposed Order, # <u>4</u> Appendix – Index, # <u>5</u> Declaration of Grady Pondel Walker, # <u>6</u> Exhibit – A, Blank IRS Form 8655, # <u>7</u> Declaration of Elizabeth Erickson)(Kalyniuk, Alexander) (Entered: 06/11/2021)
07/12/2021	<u>17</u>	Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment filed by ARGYLE SYSTEMS INC.. (Attachments: # <u>1</u> Counter-Statement of Disputed Facts, # <u>2</u> Declaration of Daniel S. Shimell)(Lichman, Barbara) (Entered: 07/12/2021)
07/12/2021	<u>18</u>	Cross MOTION for Summary Judgment <i>or, in the Alternative, Partial Summary Judgment</i> by ARGYLE SYSTEMS INC.. (Attachments: # <u>1</u> Counter-Statement of Disputed Facts, # <u>2</u> Declaration of Daniel S. Shimell)(Lichman, Barbara). Added MOTION for Partial Summary Judgment on 7/13/2021 (zjf). (Entered: 07/12/2021)

08/10/2021	<u>19</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Response to Plaintiff's statement of facts)(Sasarak, Stephanie) (Entered: 08/10/2021)
08/10/2021	<u>20</u>	Memorandum in opposition to re <u>18</u> Cross MOTION for Summary Judgment <i>or, in the Alternative, Partial Summary Judgment</i> MOTION for Partial Summary Judgment filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Response to Plaintiff's statement of facts)(Sasarak, Stephanie) (Entered: 08/10/2021)
08/25/2021	<u>21</u>	REPLY to opposition to motion re <u>18</u> Cross MOTION for Summary Judgment <i>or, in the Alternative, Partial Summary Judgment</i> MOTION for Partial Summary Judgment filed by ARGYLE SYSTEMS INC.. (Lichman, Barbara) (Entered: 08/25/2021)
04/14/2022	<u>22</u>	MOTION for Judgment by ARGYLE SYSTEMS INC.. (Lichman, Barbara) (Entered: 04/14/2022)
04/18/2022	<u>23</u>	NOTICE of Change in Counsel by ARGYLE SYSTEMS INC. (Lichman, Barbara) (Entered: 04/18/2022)
09/25/2022	<u>24</u>	ORDER granting <u>16</u> Motion for Summary Judgment; denying <u>18</u> Motion for Summary Judgment. Signed by Judge Emmet G. Sullivan on 9/25/2022. (lcegs1) (Entered: 09/25/2022)
09/25/2022	<u>25</u>	MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on 9/25/2022. (lcegs1) (Entered: 09/25/2022)
09/25/2022	<u>26</u>	JUDGMENT in favor of Defendant and against Plaintiff. Signed by Judge Emmet G. Sullivan on 9/25/2022. (lcegs1) (Entered: 09/25/2022)