

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:22-cv-00101-CJN**

MORRIS v. DEL TORO et al
 Assigned to: Judge Carl J. Nichols
 Cause: 05:552 Freedom of Information Act

Date Filed: 01/14/2022
 Date Terminated: 01/23/2023
 Jury Demand: None
 Nature of Suit: 895 Freedom of Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

TERRY MORRIS
CAPTAIN; USN

represented by **David Patrick Sheldon**
 LAW OFFICES OF DAVID P. SHELDON, PLLC
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

CARLOS DEL TORO
The Honorable; in his official capacity as the Secretary of the Navy

represented by **Patricia K. McBride**
 U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
 555 Fourth Street, NW
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Defendant

LLOYD J. AUSTIN, III
The Honorable; in his official capacity as the Secretary of Defense

represented by **Patricia K. McBride**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

UNITED STATES NAVY

represented by **Patricia K. McBride**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/14/2022	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ADCDC-8981495) filed by TERRY MORRIS. (Attachments: # <u>1</u> Exhibit Exhibit 1: Awards and Medals of Capt. Terry Morris, # <u>2</u> Exhibit Exhibit 2: Records of NCIS Investigation, # <u>3</u> Exhibit Exhibit 3: Notification of Non-Judicial Punishment, # <u>4</u> Exhibit Exhibit 4: Notification of Board of Inquiry, # <u>5</u> Exhibit Exhibit 5: Testimony of Ms. Kurta to NCIS dated July 13, 2016, # <u>6</u> Exhibit Exhibit 6: Letter of Deficiency to Board of Inquiry, # <u>7</u> Exhibit Exhibit 7: Findings of Board of Inquiry, # <u>8</u> Exhibit

		Exhibit 8: Statement of Choosing to not Contest Separation, # <u>9</u> Exhibit Exhibit 9: December 11, 2017, Memorandum Recommending Separation, # <u>10</u> Exhibit Exhibit 10, Plaintiff's Application to the BCNR, # <u>11</u> Exhibit Exhibit 11, Close-Out of Application by the BCNR, # <u>12</u> Exhibit Exhibit 12, Plaintiff's FOIA Application Dated June 26, 2020, # <u>13</u> Exhibit Exhibit 13, Navy FOIA Response dated November 19, 2020, # <u>14</u> Exhibit Exhibit 14, Navy FOIA Response Dated March 25, 2021, # <u>15</u> Exhibit Exhibit 15, Response to Letter of Deficiency, # <u>16</u> Exhibit Exhibit 16, Email from Legal Advisory to the Board to Counsel for Capt. Morris, # <u>17</u> Exhibit Exhibit 17, NCIS Interview Report dated August 26, 2016, # <u>18</u> Exhibit Exhibit 18, Secretary of the Navy Separation Decision, # <u>19</u> Civil Cover Sheet Morris v. Del Toro Civil Cover Sheet, # <u>20</u> Summons Summons for AG Garland, # <u>21</u> Summons Summons for Sec. Def. Austin, # <u>22</u> Summons Summons for Sec. Nav. Del Toro, # <u>23</u> Summons Summons for USAO Graves)(Sheldon, David) (Entered: 01/14/2022)
01/18/2022		NOTICE OF ERROR re <u>1</u> Complaint; emailed to davidsheldon@militarydefense.com, cc'd 0 associated attorneys --- The PDF file you docketed contained errors: 1. Noncompliance with LCvR 5.1(c). Please file an errata correcting the initiating pleading to include the name & full residence address of each party using the event Errata., 2. COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied. (znmng,) (Entered: 01/18/2022)
01/18/2022	<u>2</u>	ERRATA <i>Corrected Complaint</i> by TERRY MORRIS re: <u>1</u> Complaint. (Sheldon, David) Modified on 1/19/2022 to add linkage (znmng). (Entered: 01/18/2022)
01/19/2022		Case Assigned to Judge Carl J. Nichols. (znmng) (Entered: 01/19/2022)
01/19/2022	<u>3</u>	SUMMONS (4) Issued Electronically as to LLOYD J. AUSTIN, III, CARLOS DEL TORO, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(znmng) (Entered: 01/19/2022)
02/10/2022	<u>4</u>	NOTICE of Appearance by Patricia K. McBride on behalf of All Defendants (McBride, Patricia) (Entered: 02/10/2022)
02/24/2022	<u>5</u>	Unopposed MOTION for Extension of Time to File Answer by LLOYD J. AUSTIN, III, CARLOS DEL TORO, UNITED STATES NAVY. (McBride, Patricia) (Entered: 02/24/2022)
02/26/2022		MINUTE ORDER. Upon consideration of the Defendants' <u>5</u> Motion for Enlargement of Time, it is ORDERED that the Motion is GRANTED. It is further ORDERED that Defendants shall respond to the Complaint by April 7, 2022. Signed by Judge Carl J. Nichols on February 26, 2022. (lccjn1) (Entered: 02/26/2022)
04/07/2022	<u>6</u>	ANSWER to Complaint by LLOYD J. AUSTIN, III, CARLOS DEL TORO, UNITED STATES NAVY.(McBride, Patricia) (Entered: 04/07/2022)
04/15/2022		MINUTE ORDER. Before the Court in this Freedom of Information Act case are a Complaint and an Answer. Pursuant to Local Civil Rule 16.3, the requirements of Federal Rule of Civil Procedure 26(f) are inapplicable. It is hereby ORDERED that the Parties shall confer and file a Joint Status Report on or before May 6, 2022. The Joint Status Report shall address: (1) the status of Plaintiff's FOIA requests; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); (5) the possibility of prioritizing documents responsive to Plaintiff's requests and any discussions regarding whether Plaintiff's requests can be narrowed; and (6) whether the Parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on April 15, 2022. (lccjn1) (Entered: 04/15/2022)
05/10/2022	<u>7</u>	Joint MOTION for Leave to File <i>Joint Status Report</i> by LLOYD J. AUSTIN, III, CARLOS DEL TORO, UNITED STATES NAVY. (Attachments: # <u>1</u> Exhibit Joint Status Report)(McBride, Patricia) (Entered: 05/10/2022)
05/16/2022		MINUTE ORDER. Upon consideration of the <u>7</u> Joint Motion for Leave to file a Joint Status Report, it is ORDERED that the Motion is GRANTED. It is further ORDERED that the Joint Status Report is accepted for filing. It is further ORDERED that the

		Parties shall file, by July 5, 2022, an additional joint status report, including a proposal for further proceedings. Signed by Judge Carl J. Nichols on May 16, 2022. (lccjn1) (Entered: 05/16/2022)
05/16/2022		Set/Reset Deadlines: Joint Status Report due by 7/5/2022. (zcal) (Entered: 05/16/2022)
07/05/2022	<u>8</u>	Joint STATUS REPORT by LLOYD J. AUSTIN, III, CARLOS DEL TORO, UNITED STATES NAVY. (McBride, Patricia) (Entered: 07/05/2022)
07/11/2022		MINUTE ORDER. Upon consideration of the <u>8</u> Joint Status Report, it is ORDERED that the Parties shall file, by September 10, 2022, an additional joint status report, including a proposal for further proceedings. Signed by Judge Carl J. Nichols on July 11, 2022. (lccjn1) (Entered: 07/11/2022)
08/20/2022	<u>9</u>	STANDING ORDER. Signed by Judge Carl J. Nichols on August 20, 2022. (lccjn1) (Entered: 08/20/2022)
09/01/2022		ENTERED IN ERROR.....MINUTE ORDER. In light of the recent reassignment of Lucas v. AFGE (22-cv-1540), the status conference set for September 12, 2022 in cases Lucas v. Guzman (21-cv-296), Lucas v. Guzman (22-cv-2101), and Lucas v. AFGE (22-cv-777) will now be for Lucas v. AFGE (22-cv-1540) as well. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/01/2022. (lcabj2) Modified on 9/1/2022 to reflect that this was docketed in the incorrect case. (jth). (Entered: 09/01/2022)
09/01/2022		NOTICE OF ERROR – The Minute Order issued this date was docketed in the incorrect case and has been reissued in the correct case. The parties should disregard this order. (jth) (Entered: 09/01/2022)
09/09/2022	<u>10</u>	Joint STATUS REPORT by LLOYD J. AUSTIN, III, CARLOS DEL TORO, UNITED STATES NAVY. (McBride, Patricia) (Entered: 09/09/2022)
09/12/2022		MINUTE ORDER. Upon consideration of the <u>10</u> Joint Status Report, it is ORDERED that the Parties shall submit an additional joint status report by November 10, 2022, and every 60 days thereafter until either party moves for a briefing schedule for dispositive motions, files a dispositive motion, or the case is terminated. Signed by Judge Carl J. Nichols on September 12, 2022. (lccjn1) (Entered: 09/12/2022)
09/12/2022		Set/Reset Deadlines: Joint Status Report due by 11/10/2022. (zcal) (Entered: 09/14/2022)
11/14/2022	<u>11</u>	Joint STATUS REPORT by LLOYD J. AUSTIN, III, CARLOS DEL TORO, UNITED STATES NAVY. (McBride, Patricia) (Entered: 11/14/2022)
01/19/2023	<u>12</u>	STIPULATION of Dismissal by TERRY MORRIS. (Sheldon, David) (Entered: 01/19/2023)