

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:20-cv-03649-EGS

NATIONAL SECURITY ARCHIVE v. DEPARTMENT OF STATE

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

Date Filed: 12/14/2020
Date Terminated: 02/23/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**NATIONAL SECURITY ARCHIVE**

represented by **Malik Baker**
2208 Parkwest Drive NW
Albuquerque, NM 87120
505-688-0305
Email: mabaker@gwu.edu
ATTORNEY TO BE NOTICED

David L. Sobel
LAW OFFICE OF DAVID L. SOBEL
5335 Wisconsin Ave., NW
Suite 640
Washington, DC 20015
(202) 246-6180
Fax: (415) 436-9993
Email: sobel@att.net
ATTORNEY TO BE NOTICED

V.

Defendant**DEPARTMENT OF STATE**

represented by **Benton Gregory Peterson**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2534
Fax: (202) 252-2599
Email: benton.peterson@usdoj.gov
TERMINATED: 01/26/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fithawi Berhane
USAO
601 D Street NW
Suite 7-210
Washington, DC 20001
202-809-5367
Email: fithawi.berhane@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/14/2020	<u>1</u>	COMPLAINT <i>for Injunctive Relief</i> against DEPARTMENT OF STATE (Filing fee \$ 402 receipt number ADCDC-7954029) filed by NATIONAL SECURITY ARCHIVE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons State, # <u>3</u> Summons US Attorney, # <u>4</u> Summons Attorney General, # <u>5</u> Rule 7.1 Certificate)(Sobel, David) (Entered: 12/14/2020)

		12/14/2020)
12/14/2020	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATIONAL SECURITY ARCHIVE (adh,) (Entered: 12/14/2020)
12/14/2020		Case Assigned to Judge Emmet G. Sullivan. (adh,) (Entered: 12/14/2020)
12/15/2020	<u>3</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons 2, # <u>2</u> Summons 3, # <u>3</u> Notice and Consent) (zmd) (Entered: 12/15/2020)
12/17/2020	<u>4</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 12/17/20. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 12/17/2020)
01/06/2021	<u>5</u>	NOTICE of Appearance by Benton Gregory Peterson on behalf of DEPARTMENT OF STATE (Peterson, Benton) (Entered: 01/06/2021)
01/14/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/22/2020. Answer due for ALL FEDERAL DEFENDANTS by 1/21/2021. (Attachments: # <u>1</u> Affidavit of Mailing)(Sobel, David) (Entered: 01/14/2021)
01/19/2021	<u>7</u>	Unopposed MOTION for Extension of Time to File by DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Main Document 7 replaced on 1/22/2021) (zjf). (Attachment 1 replaced on 1/22/2021) (zjf). (Entered: 01/19/2021)
02/05/2021		MINUTE ORDER granting, nunc pro tunc, <u>7</u> defendant's unopposed Motion for Extension of Time to File Answer. The defendant shall file its answer or other response to the complaint by no later than February 11, 2021. Signed by Judge Emmet G. Sullivan on 2/5/2021. (lcegs2) (Entered: 02/05/2021)
02/06/2021		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To The Complaint due by 2/11/2021. (mac) (Entered: 02/06/2021)
02/11/2021	<u>8</u>	ANSWER to Complaint by DEPARTMENT OF STATE.(Peterson, Benton) (Entered: 02/11/2021)
02/12/2021		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 March 12, 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), if any, 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 2/12/2021. (lcegs2) (Entered: 02/12/2021)
02/13/2021		Set/Reset Deadlines: Joint Scheduling Order due by 3/12/2021. (mac) (Entered: 02/13/2021)
03/11/2021	<u>9</u>	Joint STATUS REPORT by DEPARTMENT OF STATE. (Peterson, Benton) (Entered: 03/11/2021)
03/12/2021		MINUTE ORDER. In view of <u>9</u> Joint Status Report, the parties shall file a further joint status report by no later than April 11, 2021. Signed by Judge Emmet G. Sullivan on 3/12/2021. (lcegs2) (Entered: 03/12/2021)
03/13/2021		Set/Reset Deadlines: Joint Status Report due by 4/11/2021 (mac) (Entered: 03/13/2021)

04/12/2021	<u>10</u>	Joint STATUS REPORT by DEPARTMENT OF STATE. (Peterson, Benton) (Entered: 04/12/2021)
04/12/2021		MINUTE ORDER. In view of <u>10</u> Joint Status Report, the parties are directed to file a further joint status report by no later than May 12, 2021. Signed by Judge Emmet G. Sullivan on 4/12/2021. (lcegs2) (Entered: 04/12/2021)
04/13/2021		Set/Reset Deadlines: Joint Status Report due by 5/12/2021 (mac) (Entered: 04/13/2021)
05/12/2021	<u>11</u>	Joint STATUS REPORT by DEPARTMENT OF STATE. (Peterson, Benton) (Entered: 05/12/2021)
05/17/2021		MINUTE ORDER. In view of <u>11</u> Joint Status Report, the parties are directed to file another joint status report by no later than June 12, 2021. Signed by Judge Emmet G. Sullivan on 5/17/2021. (lcegs2) (Entered: 05/17/2021)
05/17/2021		Set/Reset Deadlines: Joint Status Report due by 6/12/2021 (mac) (Entered: 05/17/2021)
06/11/2021	<u>12</u>	Joint STATUS REPORT by DEPARTMENT OF STATE. (Peterson, Benton) (Entered: 06/11/2021)
06/14/2021		MINUTE ORDER. In view of <u>12</u> Joint Status Report, the parties are directed to file another joint status report by no later than July 12, 2021. Signed by Judge Emmet G. Sullivan on 6/14/2021. (lcegs2) (Entered: 06/14/2021)
06/15/2021		Set/Reset Deadlines: Joint Status Report due by 7/12/2021 (mac) (Entered: 06/15/2021)
07/12/2021	<u>13</u>	Joint STATUS REPORT by DEPARTMENT OF STATE. (Peterson, Benton) (Entered: 07/12/2021)
07/12/2021		MINUTE ORDER. In view of <u>13</u> Joint Status Report, the parties shall file another joint status report by no later than September 10, 2021. Signed by Judge Emmet G. Sullivan on 7/12/2021. (lcegs2) (Entered: 07/12/2021)
07/13/2021		Set/Reset Deadlines: Joint Status Report due by 9/10/2021. (mac) (Entered: 07/13/2021)
09/13/2021	<u>14</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Sobel, David) (Entered: 09/13/2021)
10/11/2021		MINUTE ORDER. In view of <u>14</u> Joint Status Report, the parties shall file another joint status report by no later than November 9, 2021. Signed by Judge Emmet G. Sullivan on 10/11/2021. (lcegs2) (Entered: 10/11/2021)
10/12/2021		Set/Reset Deadlines: Joint Status Report due by 11/9/2021 (mac) (Entered: 10/12/2021)
10/26/2021	<u>15</u>	NOTICE of Appearance by Malik Baker on behalf of NATIONAL SECURITY ARCHIVE (Baker, Malik) (Entered: 10/26/2021)
11/09/2021	<u>16</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Sobel, David) (Entered: 11/09/2021)
12/03/2021		MINUTE ORDER. In view of <u>16</u> Joint Status Report, the parties shall file another joint status report by no later than January 10, 2022. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation by that time. Signed by Judge Emmet G. Sullivan on 12/3/2021. (lcegs1) (Entered: 12/03/2021)
12/03/2021		ENTERED IN ERROR.....MINUTE ORDER. In view of <u>12</u> Joint Status Report, this case shall remain STAYED. If the parties have not already filed a stipulation of dismissal, they shall file another joint status report by no later than December 20, 2021, with recommendations for further proceedings. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation by that time. Signed by Judge Emmet G. Sullivan on 12/3/2021. (lcegs1) (Entered: 12/03/2021)

12/06/2021		ENTERED IN ERROR.....Set/Reset Deadlines: Stipulation Or Joint Status Report due by 12/20/2021 (mac) (Entered: 12/06/2021)
12/06/2021		Set/Reset Deadlines: Joint Status Report Or Party Individual Recommendation due by 1/10/2022 (mac) (Entered: 12/06/2021)
12/06/2021		Case Stayed (mac) (Entered: 12/06/2021)
01/07/2022	<u>17</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Sobel, David) (Entered: 01/07/2022)
01/10/2022		MINUTE ORDER. In view of <u>17</u> Joint Status Report, this case shall remain stayed and the parties shall file another joint status report by no later than March 11, 2022. Signed by Judge Emmet G. Sullivan on 1/10/2022. (lcegs2) (Entered: 01/10/2022)
01/11/2022		Set/Reset Deadlines: Joint Status Report due by 3/11/2022 (mac) (Entered: 01/11/2022)
03/11/2022	<u>18</u>	Joint STATUS REPORT by DEPARTMENT OF STATE. (Peterson, Benton) (Entered: 03/11/2022)
04/05/2022		MINUTE ORDER. In view of <u>18</u> Joint Status Report, this case shall remain stayed and the parties shall file another joint status report by no later than May 10, 2022. Signed by Judge Emmet G. Sullivan on 4/5/2022. (lcegs1) (Entered: 04/05/2022)
04/05/2022		Set/Reset Deadlines: Joint Status Report due by 5/10/2022 (mac) (Entered: 04/05/2022)
05/10/2022	<u>19</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Sobel, David) (Entered: 05/10/2022)
05/25/2022		MINUTE ORDER. Pursuant to <u>19</u> Joint Status Report, this case shall remain stayed and the parties shall file another joint status report by no later than July 11, 2022. Signed by Judge Emmet G. Sullivan on 5/25/2022. (lcegs1) (Entered: 05/25/2022)
05/25/2022		Set/Reset Deadlines: Joint Status Report due by 7/11/2022 (mac) (Entered: 05/25/2022)
07/11/2022	<u>20</u>	Joint STATUS REPORT by DEPARTMENT OF STATE. (Peterson, Benton) (Entered: 07/11/2022)
07/26/2022		MINUTE ORDER. Pursuant to <u>20</u> Joint Status Report, the parties shall submit another joint status report with recommendations for further proceedings by no later than September 12, 2022. Signed by Judge Emmet G. Sullivan on 7/26/2022. (lcegs1) (Entered: 07/26/2022)
07/28/2022		Set/Reset Deadlines: Joint Status Report due by 9/12/2022 (mac) (Entered: 07/28/2022)
10/20/2022		MINUTE ORDER. The parties failed to file the Joint Status Report that was due on September 12, 2022. The parties are ORDERED to file a joint status report by no later than November 3, 2022. Signed by Judge Emmet G. Sullivan on 10/20/2022. (lcegs1) (Entered: 10/20/2022)
10/20/2022		Set/Reset Deadlines: Joint Status Report due by 11/3/2022 (mac) (Entered: 10/20/2022)
11/03/2022	<u>21</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Sobel, David) (Entered: 11/03/2022)
11/04/2022		MINUTE ORDER. In view of <u>21</u> Joint Status Report, the parties shall submit a Joint Status Report with recommendations for further proceedings by no later than January 9, 2023. Signed by Judge Emmet G. Sullivan on 11/4/2022. (lcegs1) (Entered: 11/04/2022)
11/07/2022		Set/Reset Deadlines: Joint Status Report due by 1/9/2023. (mac) (Entered: 11/07/2022)
01/09/2023	<u>22</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Sobel, David) (Entered: 01/09/2023)

01/10/2023		MINUTE ORDER. In view of <u>22</u> Joint Status Report, the following deadlines shall govern this matter: (1) Defendant shall file its motion for summary judgment by no later than February 23, 2023; (2) Plaintiff shall file its opposition and cross-motion by no later than March 23, 2023; (3) Defendant shall file its reply and cross-opposition by no later than April 13, 2023; and (4) Plaintiff shall file its reply by no later than April 28, 2023. Signed by Judge Emmet G. Sullivan on 1/10/2023. (lcegs1) (Entered: 01/10/2023)
01/17/2023		Set/Reset Deadlines: Defendant Motion For Summary Judgment due by 02/23/2023. Plaintiff Opposition And Cross-Motion due by 3/23/2023. Defendant Reply And Cross-Opposition due by 4/13/2023. Plaintiff Reply due by 04/28/2023. (mac) (Entered: 01/17/2023)
01/26/2023	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Fithawi Berhane on behalf of DEPARTMENT OF STATE Substituting for attorney Benton G. Peterson (Berhane, Fithawi) (Entered: 01/26/2023)
02/22/2023	<u>24</u>	STIPULATION of Dismissal by DEPARTMENT OF STATE. (Berhane, Fithawi) (Entered: 02/22/2023)