

**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:21-cv-00640-WQH-KSC**

Buckovetz et al v. The Department of the Navy  
Assigned to: District Judge William Q. Hayes  
Referred to: Magistrate Judge Karen S. Crawford  
Related Case: 3:18-cv-02736-MDD-KSC  
Cause: 05:0552fi Freedom of Information Act

Date Filed: 04/13/2021  
Date Terminated: 03/09/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Dennis M. Buckovetz**  
*an individual*

represented by **Travis John Anderson**  
Sheppard, Mullin, Richter & Hampton LLP  
12275 El Camino Real  
Suite 200  
San Diego, CA 92130-2006  
(858) 720-8940  
Fax: (858) 509-3691  
Email: [tanderson@sheppardmullin.com](mailto:tanderson@sheppardmullin.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Trevor Sean Mann-O'Halloran**  
Sheppard Mullin  
12275 El Camino Real  
Suite 200  
San Diego, CA 92130  
858-720-8900 x17455  
Fax: 858-509-3691  
Email: [SMann-OHalloran@sheppardmullin.com](mailto:SMann-OHalloran@sheppardmullin.com)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Lynne M. Bird**  
*an individual*  
**TERMINATED: 08/05/2021**

represented by **Travis John Anderson**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**The Department of the Navy**

represented by **U S Attorney CV**  
U S Attorneys Office Southern District of  
California  
Civil Division  
880 Front Street  
Suite 6253  
San Diego, CA 92101  
(619)557-5662  
Fax: (619)557-7122  
Email: [Efile.dkt.civ@usdoj.gov](mailto:Efile.dkt.civ@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Janet A Cabral**  
U.S. Attorney's Office  
880 Front Street  
Suite 6283  
San Diego, CA 92101

(619)546-8715  
 Email: [Janet.Cabral@usdoj.gov](mailto:Janet.Cabral@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/13/2021	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 402 receipt number ACASDC-15615333.), filed by Dennis M. Buckovetz, Lynne M. Bird. (Attachments: # <u>1</u> Civil Cover Sheet)  The new case number is 3:21-cv-640-H-KSC. Judge Marilyn L. Huff and Magistrate Judge Karen S. Crawford are assigned to the case. (Anderson, Travis)(zda) (jms). (Entered: 04/13/2021)
04/13/2021	<u>2</u>	Summons Issued. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1.</b> (zda) (jms). (Entered: 04/13/2021)
05/10/2021	<u>3</u>	SUMMONS Returned Executed by Dennis M. Buckovetz, Lynne M. Bird. The Department of the Navy served. (Attachments: # <u>1</u> Affidavit Re Service)(Anderson, Travis) (jmr). (Entered: 05/10/2021)
05/26/2021	<u>4</u>	Joint MOTION for Extension of Time to File Answer by The Department of the Navy. (Cabral, Janet)Attorney Janet A Cabral added to party The Department of the Navy (pty:dft) (mme). (Entered: 05/26/2021)
05/27/2021	<u>5</u>	ORDER Granting <u>4</u> Joint Motion for Extension of Time. Defendant the Department of the Navy must file any response to Plaintiffs complaint on or before June 21, 2021. Signed by Judge Marilyn L. Huff on 5/27/2021. (mme) (Entered: 05/27/2021)
06/09/2021	<u>6</u>	Joint MOTION for Extension of Time to File Answer ( <i>Second Extension</i> ) by The Department of the Navy. (Cabral, Janet) (jmr). (Entered: 06/09/2021)
06/09/2021	<u>7</u>	ORDER granting <u>6</u> Second Joint Motion for Extension of Time. Defendant the Department of the Navy must file any response to Plaintiffs complaint on or before August 5, 2021. Signed by Judge Marilyn L. Huff on 6/9/2021. (jmr) (Entered: 06/09/2021)
07/27/2021	<u>8</u>	NOTICE OF RELATED CASE(S) by The Department of the Navy of case(s) 18cv2736 . (Cabral, Janet) (jmr). (Entered: 07/27/2021)
07/30/2021	<u>9</u>	Joint MOTION to Dismiss Party <i>Stipulation for Dismissal of Plaintiff Lynne M. Bird</i> by Lynne M. Bird, Dennis M. Buckovetz. (Anderson, Travis) (jmr). (Entered: 07/30/2021)
08/03/2021	<u>10</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to District Judge William Q. Hayes for all further proceedings. Judge Marilyn L. Huff no longer assigned to case. Create association to 3:18-cv-02736-MDD-KSC. The new case number is 21-cv-640-WQH-KSC.. Signed by Judge Marilyn L. Huff on 8/2/2021. Signed by Judge William Q. Hayes on 8/2/2021.(All non-registered users served via U.S. Mail Service)(jmr) (Entered: 08/03/2021)
08/05/2021	<u>11</u>	ORDER re <u>9</u> Motion to Dismiss Party. IT IS HEREBY STIPULATED by and between the parties hereto that Bird's claim for violation of FOIA be dismissed from the action without prejudice, and that Bird be dismissed from the action without prejudice. The parties hereto further agree that Bird's dismissal shall not operate as a waiver of her right to seek recovery of her attorneys' fees incurred in this Action from the Navy as permitted under FOIA. Signed by District Judge William Q. Hayes on 8/5/2021. (ag) (Entered: 08/05/2021)
08/05/2021	<u>12</u>	MOTION to Dismiss for Lack of Jurisdiction by The Department of the Navy. (Cabral, Janet) (ag). (Entered: 08/05/2021)
08/31/2021	<u>13</u>	RESPONSE in Opposition re <u>12</u> MOTION to Dismiss for Lack of Jurisdiction filed by Dennis M. Buckovetz. (Attachments: # <u>1</u> Declaration of Dennis M. Buckovetz ISO

		Opposition, # <u>2</u> Declaration of Travis Anderson ISO Opposition, # <u>3</u> Exhibit Exhibits and Index Thereto)(Anderson, Travis)(ag). (Entered: 08/31/2021)
09/07/2021	<u>14</u>	REPLY to Response to Motion re <u>12</u> MOTION to Dismiss for Lack of Jurisdiction filed by The Department of the Navy. (Cabral, Janet) (ag). (Entered: 09/07/2021)
09/09/2021	<u>15</u>	NOTICE of Errata with Regard to His Opposition to Defendant's Motion to Dismiss for Lack of Jurisdiction by Dennis M. Buckovetz re <u>13</u> Response in Opposition to Motion, (Anderson, Travis) Emailed attorney re Notice of Errata (ag). (Entered: 09/09/2021)
10/07/2021	<u>16</u>	ORDER: The Motion to Dismiss filed by Defendant The Department of the Navy (ECF No. <u>12</u> ) is denied. Signed by District Judge William Q. Hayes on 10/7/2021. (ag) (Entered: 10/07/2021)
10/21/2021	<u>17</u>	ANSWER to <u>1</u> Complaint, by The Department of the Navy.(Cabral, Janet) (ag). (Entered: 10/21/2021)
10/22/2021	<u>18</u>	NOTICE of Appearance by Trevor Sean Mann–O'Halloran on behalf of Dennis M. Buckovetz (Mann–O'Halloran, Trevor)Attorney Trevor Sean Mann–O'Halloran added to party Dennis M. Buckovetz(pty:pla) (ag). (Entered: 10/22/2021)
10/22/2021	<u>19</u>	NOTICE AND ORDER Setting Early Neutral Evaluation Conference; Rule 26 Compliance; and Case Management Conference. A Joint Discovery Plan is due by 11/30/2021. An Early Neutral Evaluation is set for 12/7/2021 at 2:00 PM before Magistrate Judge Karen S. Crawford. If the case does not settle during the ENE, a Case Management Conference ("CMC") pursuant to Federal Rule of Civil Procedure 16(b) will be held immediately following the conclusion of the ENE. Signed by Magistrate Judge Karen S. Crawford on 10/22/021.(ag) (Entered: 10/22/2021)
11/30/2021	<u>20</u>	<i>Joint Discovery Plan</i> by The Department of the Navy (Cabral, Janet) (ag). (Entered: 11/30/2021)
12/08/2021	21	Minute Entry for proceedings held before Magistrate Judge Karen S. Crawford:An Early Neutral Evaluation Conference was held on 12/7/2021. The case did not settle. After being apprised of the status of the case, the Court hereby CONTINUES the Case Management Conference (CMC) to January 26, 2021 at 2:00 p.m. Instructions for participating in the CMC will be issued by separate order. (Case Management Conference set for 1/26/2022 02:00 PM before Magistrate Judge Karen S. Crawford.). (Plaintiff Attorney Travis Anderson; Sean Mann–O'Halloran).(Defendant Attorney Janet Cabral). (no document attached) (src) (Entered: 12/08/2021)
01/18/2022	<u>22</u>	Joint MOTION to Continue <i>Case Management Conference</i> by Dennis M. Buckovetz. (Anderson, Travis) (ag). (Entered: 01/18/2022)
01/18/2022	23	ORDER granting in part and denying in part <u>22</u> Motion to Continue. Good cause appearing, the Court GRANTS the motion to continue the Case Management Conference. However, the Court is not available on the date selected by the parties. The Case Management Conference is hereby continued to February 8, 2022 at 2:00 p.m. Instructions for participation will follow by separate order. Any questions regarding this order or the Case Management Conference may be directed to the Court's staff at 619–446–3964. (Case Management Conference set for 2/8/2022 02:00 PM before Magistrate Judge Karen S. Crawford.) Signed by Magistrate Judge Karen S. Crawford on 1/18/21. (no document attached) (src) (Entered: 01/18/2022)
02/07/2022	24	ORDER Regarding Case Management Conference. The Case Management Conference set for February 8, 2022 at 2:00 p.m. will be held telephonically. To participate, counsel must call 1–877–873–8017 and use access code 2924630. Party attendance is not required for this conference. Any questions regarding this Order or the Case Management Conference may be directed to the Court's staff at 619–446–3964. Signed by Magistrate Judge Karen S. Crawford on 2/7/22.(no document attached) (src) (Entered: 02/07/2022)
02/08/2022	25	Minute Entry for proceedings held before Magistrate Judge Karen S. Crawford:A Case Management Conference was held on 2/8/2022. The Court sets a further Case Management Conference for March 25, 2022 at 11:30 a.m. Instructions for participating in the March 25, 2022 Case Management Conference will follow by separate order. No later than 5:00 p.m. on March 22, 2022, the parties shall lodge a

		Joint Status Report with chambers (efile_Crawford@casd.uscourts.gov). The Joint Status Report shall not exceed 6 pages. (Case Management Conference set for 3/25/2022 11:30 AM before Magistrate Judge Karen S. Crawford.). (Plaintiff Attorney Travis Anderson).(Defendant Attorney Janet Cabral). (no document attached) (src) (Entered: 02/08/2022)
03/21/2022	<u>26</u>	STATUS REPORT ( <i>Joint</i> ) by The Department of the Navy. (Cabral, Janet) (ag). (Entered: 03/21/2022)
03/24/2022	27	ORDER Regarding Case Management Conference. The Case Management Conference set for March 25, 2022 at 11:30 will be conducted telephonically. To appear at the conference, counsel must call 1-877-873-8017 and use access code 2924630 (press * if prompted for a security code). Any questions regarding the Case Management Conference or the procedures for participation should be directed to the Court's staff at 619-446-3964. Signed by Magistrate Judge Karen S. Crawford on 3/24/22.(no document attached) (src) (Entered: 03/24/2022)
03/25/2022	28	Minute Entry for proceedings held before Magistrate Judge Karen S. Crawford:A Case Management Conference was held on 3/25/2022. A briefing schedule on defendant's Motion for Summary Judgment will issue by separate order. (Plaintiff Attorney Travis Anderson).(Defendant Attorney Janet Cabral). (no document attached) (src) (Entered: 03/25/2022)
03/25/2022	<u>29</u>	ORDER Setting Briefing Schedule on Defendant's Motion for Summary Judgment. Signed by Magistrate Judge Karen S. Crawford on 3/25/2022.(ave) (Entered: 03/25/2022)
05/09/2022	<u>30</u>	MOTION for Summary Judgment by The Department of the Navy. (Attachments: # <u>1</u> Declaration of Cinthia Camacho, # <u>2</u> Declaration of Michael Lee, # <u>3</u> Statement of Facts)(Cabral, Janet)(ave). (Entered: 05/09/2022)
05/31/2022	<u>31</u>	MOTION for Discovery <i>Under Fed. R. Civ. Proc. 56(d)</i> by Dennis M. Buckovetz. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration)(Anderson, Travis)(ave). (Entered: 05/31/2022)
06/14/2022	<u>32</u>	RESPONSE in Opposition re <u>31</u> MOTION for Discovery <i>Under Fed. R. Civ. Proc. 56(d)</i> filed by The Department of the Navy. (Cabral, Janet) (ave). (Entered: 06/14/2022)
06/21/2022	<u>33</u>	REPLY to Response to Motion re <u>31</u> MOTION for Discovery <i>Under Fed. R. Civ. Proc. 56(d)</i> filed by Dennis M. Buckovetz. (Anderson, Travis) (ave). (Entered: 06/21/2022)
09/29/2022	<u>34</u>	ORDER. Signed by District Judge William Q. Hayes on 9/29/2022. (anh) (Entered: 09/29/2022)
10/07/2022	<u>35</u>	Joint MOTION for Extension of Time to File <i>Supplemental Briefing</i> by The Department of the Navy. (Cabral, Janet) QC Mailer sent for wrong judge in caption. (alns). (Entered: 10/07/2022)
10/12/2022	<u>36</u>	ORDER granting <u>35</u> Motion for Extension of Time to File. Signed by District Judge William Q. Hayes on 10/12/2022. (alns) (Entered: 10/12/2022)
11/15/2022	<u>37</u>	REPLY – Other re <u>30</u> MOTION for Summary Judgment <i>Supplemental Briefing and Declarations Per Court's 9/29/22 Order</i> filed by The Department of the Navy. (Attachments: # <u>1</u> Declaration Karl Rosenbaum, # <u>2</u> Declaration LtCol McConnell)(Cabral, Janet) (alns). (Entered: 11/15/2022)
12/07/2022	<u>38</u>	SUPPLEMENTAL BRIEFING by Plaintiff Dennis M. Buckovetz re <u>37</u> Reply – Other, <u>34</u> Order on Motion for Discovery <i>in Support of Motion for Summary Judgment</i> . (Anderson, Travis)(alns). (Entered: 12/07/2022)
01/03/2023	39	MINUTE ORDER: The Court will hear oral argument on Defendant's Motion for Summary Judgment (ECF No. <u>30</u> ) on Friday, February 10, 2023, at 11:00 a.m. in Courtroom 14B before the Honorable William Q. Hayes. ( Motion Hearing set for 2/10/2023 11:00 AM before District Judge William Q. Hayes.)(no document attached) (cx11) (Entered: 01/04/2023)

02/10/2023	40	Minute Entry for proceedings held before District Judge William Q. Hayes: Motion Hearing held on 2/10/2023 re <u>30</u> MOTION for Summary Judgment filed by The Department of the Navy. Court to issue a written decision. (Court Reporter/ECR Melinda Setterman). (Plaintiff Attorney Travis John Anderson). (Defendant Attorney Janet A Cabral). (no document attached) (kas) (Entered: 02/10/2023)
03/08/2023	<u>41</u>	ORDER. Signed by District Judge William Q. Hayes on 3/8/2023. (alns) (jms). (Entered: 03/09/2023)
03/09/2023	<u>42</u>	CLERK'S JUDGMENT. IT IS SO ORDERED AND ADJUDGED that judgment is in favor of The Department of the Navy against Dennis M. Buckovetz(alns) (jms). (Entered: 03/09/2023)