

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-03138-TNM**

STATE OF GEORGIA et al v. US DEPARTMENT OF JUSTICE

Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 12/01/2021

Date Terminated: 02/21/2023

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

STATE OF GEORGIA

represented by **Brian J. Field**
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Plaintiff

BRAD RAFFENSPERGER

Georgia Secretary of State, in his official capacity

represented by **Brian J. Field**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gene C. Schaerr
(See above for address)
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V.

Defendant

US DEPARTMENT OF JUSTICE

represented by **Rebecca Michelle Kopplin**
UNITED STATES DEPARTMENT OF JUSTICE
Civil Division
1100 L St. NW
Washington, DC 20005
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Date Filed	#	Docket Text
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12/01/2021	<u>1</u>	COMPLAINT against US DEPARTMENT OF JUSTICE (Filing fee \$ 402 receipt number ADCDC-8897892) filed by BRAD RAFFENSPERGER, STATE OF GEORGIA. (Attachments: # <u>1</u> Exhibit A:FOIA Request, # <u>2</u> Exhibit B: FOIA Acknowledgment, # <u>3</u> Exhibit C: JMD FOIA Acknowledgment, # <u>4</u> Exhibit D: OIP FOIA Acknowledgment, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons DOJ, # <u>7</u> Summons DOJ-M Garland, # <u>8</u> Summons US Atty)(Schaerr, Gene) (Entered: 12/01/2021)
12/01/2021	<u>2</u>	NOTICE of Appearance by Brian J. Field on behalf of All Plaintiffs (Field, Brian) (Entered: 12/01/2021)
12/01/2021		Case Assigned to Judge Trevor N. McFadden. (adh,) (Entered: 12/01/2021)
12/01/2021	<u>3</u>	SUMMONS (3) Issued Electronically as to US DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 12/01/2021)
12/02/2021	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/2/2021. (lctnm3) (Entered: 12/02/2021)
12/08/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/7/2021. Answer due for ALL FEDERAL DEFENDANTS by 1/6/2022. (Schaerr, Gene) (Entered: 12/08/2021)
12/08/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. US DEPARTMENT OF JUSTICE served on 12/7/2021 (Schaerr, Gene) (Entered: 12/08/2021)
12/08/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/07/2021. (Schaerr, Gene) (Entered: 12/08/2021)
01/06/2022	<u>8</u>	NOTICE of Appearance by Rebecca Michelle Kopplin on behalf of US DEPARTMENT OF JUSTICE (Kopplin, Rebecca) (Entered: 01/06/2022)
01/06/2022	<u>9</u>	ANSWER to Complaint by US DEPARTMENT OF JUSTICE.(Kopplin, Rebecca) (Entered: 01/06/2022)
01/06/2022		MINUTE ORDER. Before the Court are a Complaint and an Answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before February 3, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/6/2022. (lctnm3) (Entered: 01/06/2022)
01/10/2022		Set/Reset Deadlines: Joint Status Report due by 2/3/2022. (hmc) (Entered: 01/10/2022)
02/03/2022	<u>10</u>	Joint STATUS REPORT by US DEPARTMENT OF JUSTICE. (Kopplin, Rebecca) (Entered: 02/03/2022)
02/04/2022		MINUTE ORDER. Upon consideration of the parties' <u>10</u> Joint Status Report, the parties are hereby ORDERED to file another Joint Status Report on or before April 4, 2022, and every 60 days thereafter until production is complete. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/4/2022. (lctnm3) (Entered: 02/04/2022)
02/04/2022		Set/Reset Deadlines: Joint Status Report due by 4/4/2022, and every 60 days thereafter. (hmc) (Entered: 02/04/2022)
04/04/2022	<u>11</u>	Joint STATUS REPORT by US DEPARTMENT OF JUSTICE. (Kopplin, Rebecca) (Entered: 04/04/2022)
06/03/2022	<u>12</u>	Joint STATUS REPORT by US DEPARTMENT OF JUSTICE. (Kopplin, Rebecca) (Entered: 06/03/2022)

06/06/2022		MINUTE ORDER. The parties are hereby ORDERED to adhere to the following briefing schedule. Defendant shall file its motion for summary judgment on or before July 21, 2022. Plaintiffs shall file their combined cross-motion for summary judgment and opposition to Defendants motion for summary judgment on or before August 25, 2022. Defendant shall file its combined opposition and reply on or before September 15, 2022. Plaintiffs shall file their reply on or before October 6, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/6/2022. (lctnm3) (Entered: 06/06/2022)
06/07/2022		Set/Reset Deadlines: Summary Judgment motion due by 7/21/2022. Cross-Motion and Opposition due by 8/25/2022. Opposition and Reply due by 9/15/2022. Reply due by 10/6/2022. (hmc) (Entered: 06/07/2022)
07/11/2022	<u>13</u>	Consent MOTION for Extension of Time to File <i>motion for summary judgment</i> , Consent MOTION for Extension of Time to File Response/Reply <i>response / reply</i> by US DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Kopplin, Rebecca) (Entered: 07/11/2022)
07/11/2022		MINUTE ORDER granting Defendant's <u>13</u> Consent Motion for Extension of Time to File. Defendant's Motion for Summary Judgment is due on or before August 25, 2022. Plaintiffs' combined Cross Motion for Summary Judgment and Opposition is due on or before September 29, 2022. Defendant's combined Opposition and Reply is due on or before October 20, 2022. Plaintiffs' Reply is due on or before November 10, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/11/22. (lctnm3) (Entered: 07/11/2022)
08/25/2022	<u>14</u>	MOTION for Summary Judgment by US DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3)(Kopplin, Rebecca) (Entered: 08/25/2022)
09/29/2022	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by BRAD RAFFENSPERGER, STATE OF GEORGIA. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Brian J. Field with Exhibits)(Schaerr, Gene) Modified docket event/text on 9/30/2022 (zed). (Entered: 09/29/2022)
09/29/2022	<u>16</u>	Cross MOTION for Summary Judgment by BRAD RAFFENSPERGER, STATE OF GEORGIA. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Brian J. Field with Exhibits)(Schaerr, Gene) (Entered: 09/29/2022)
10/20/2022	<u>17</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by US DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A)(Kopplin, Rebecca) (Entered: 10/20/2022)
10/20/2022	<u>18</u>	Memorandum in opposition to re <u>16</u> Cross MOTION for Summary Judgment filed by US DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit Response to Plaintiffs' SUMF)(Kopplin, Rebecca) Modified docket event/text on 10/21/2022 (zed). (Entered: 10/20/2022)
10/21/2022	<u>19</u>	NOTICE of supplemental production by US DEPARTMENT OF JUSTICE (Kopplin, Rebecca) (Entered: 10/21/2022)
11/02/2022	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>16</u> Cross MOTION for Summary Judgment by BRAD RAFFENSPERGER, STATE OF GEORGIA. (Attachments: # <u>1</u> Text of Proposed Order)(Schaerr, Gene) (Entered: 11/02/2022)
11/02/2022		MINUTE ORDER granting the <u>20</u> Consent Motion for Extension of Time to File Response/Reply. Plaintiffs shall file their Reply on or before November 22, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/2/2022. (lctnm3) (Entered: 11/02/2022)
11/03/2022		Set/Reset Deadlines: Plaintiff's reply due by 11/22/2022. (hmc) (Entered: 11/03/2022)
11/22/2022	<u>21</u>	REPLY to opposition to motion re <u>16</u> Cross MOTION for Summary Judgment filed by BRAD RAFFENSPERGER, STATE OF GEORGIA. (Schaerr, Gene) (Entered: 11/22/2022)

12/01/2022		MINUTE ORDER: Upon consideration of Defendant's <u>14</u> Motion for Summary Judgment, and Plaintiff's <u>16</u> Cross-Motion for Summary Judgment, the parties are hereby ORDERED to appear for a motions hearing at 10:00 A.M. on December 19, 2022. The hearing will be in-person before Judge Trevor N. McFadden in Courtroom 2. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/1/2022. (lctnm2) Modified on 12/1/2022 to add time of hearing (hmc). (Entered: 12/01/2022)
12/01/2022		Set/Reset Hearings: Motion Hearing set for 12/19/2022 at 10:00 AM in Courtroom 2-In Person before Judge Trevor N. McFadden. (hmc) (Entered: 12/01/2022)
12/19/2022		Minute Entry for proceedings held before Judge Trevor N. McFadden: Motion Hearing held on 12/19/2022 re <u>14</u> Motion for Summary Judgment filed by US DEPARTMENT OF JUSTICE, <u>16</u> Cross Motion for Summary Judgment filed by BRAD RAFFENSPERGER, STATE OF GEORGIA. Held under advisement. (Court Reporter: Tammy Nestor.) (hmc) (Entered: 12/19/2022)
02/20/2023	<u>22</u>	MEMORANDUM OPINION re Defendants <u>14</u> Motion for Summary Judgment and Plaintiffs <u>16</u> Cross-Motion for Summary Judgment. See attached Opinion for details. Signed by Judge Trevor N. McFadden on 2/20/2023. (lctnm2) (Entered: 02/20/2023)
02/20/2023	<u>23</u>	ORDER. For the reasons stated in the <u>22</u> Memorandum Opinion, Defendant's <u>14</u> Motion for Summary Judgment is DENIED and Plaintiffs' <u>16</u> Cross-Motion for Summary Judgment is GRANTED. This is a final, appealable Order. Signed by Judge Trevor N. McFadden on 2/20/2023. (lctnm2) (Entered: 02/20/2023)