

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:22-cv-81374-WPD**

Richmond et al v. Acting Commissioner of Social Security Administration
Assigned to: Judge William P. Dimitrouleas
Referred to: Magistrate Judge Ryon M. McCabe
Cause: 05:0552 Right to Privacy Act

Date Filed: 09/06/2022
Date Terminated: 02/16/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Terry L. Richmond

represented by **Alexander Schultz**
Alexander Schultz Attorney at Law
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ATTORNEY TO BE NOTICED

Plaintiff

Alexander Schultz

represented by **Alexander Schultz**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Acting Commissioner of Social Security Administration
Kilolo Kijakazi

represented by **Noticing Social Security US Attorney**
Email: usafis-socialsec@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
09/06/2022	<u>1</u>	COMPLAINT against All Plaintiffs. Filing fees \$ 402.00 receipt number AFLSDC-15928035, filed by TERRY L RICHMOND, Alexander Schultz. (Attachments: # <u>1</u> Exhibit Exhibit A- Death Certificates, # <u>2</u> Civil Cover Sheet Cover Sheet, # <u>3</u> Summon(s) Counsel Atlanta, # <u>4</u> Summon(s) Attorney General DC, # <u>5</u> Summon(s) US Atty WPB, # <u>6</u> Summon(s) ALJ Fort Lauderdale)(Schultz, Alexander) (Entered: 09/06/2022)
09/07/2022	2	Clerks Notice of Judge Assignment to Judge William P. Dimitrouleas. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Ryon M. McCabe is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent.

		Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (jas) (Entered: 09/07/2022)
09/07/2022	<u>3</u>	Summons Issued as to Acting Commissioner of Social Security Administration, U.S. Attorney and U.S. Attorney General. (jas) (Entered: 09/07/2022)
09/07/2022	4	Clerk's Notice to Filer re: Summons(es) cannot be issued. The party(ies) Lisette Labrousse, ALJ on the summons(es) does not match the initiating documents (jas) (Entered: 09/07/2022)
09/07/2022	<u>5</u>	ORDER REFERRING CASE to Magistrate Judge Ryon M. McCabe for appropriate disposition or Report and Recommendation. Signed by Judge William P. Dimitrouleas on 9/7/2022. <i>See attached document for full details.</i> (jas) (Entered: 09/08/2022)
10/12/2022	<u>6</u>	Defendant's MOTION for Extension of Time to File Response/Reply/Answer as to <u>1</u> Complaint, by Acting Commissioner of Social Security Administration. Attorney Carlos Javier Raurell added to party Acting Commissioner of Social Security Administration(pty:dft). (Raurell, Carlos) (Entered: 10/12/2022)
10/12/2022	7	PAPERLESS ORDER Granting Defendant's Nunc Pro Tunc Motion for Extension of Time to Respond to Plaintiffs' First Cause of Action ("Motion") <u>6</u> . After reviewing the record and the pertinent statute, 5 U.S.C. § 552(a)(4)(C), the Court finds good cause to grant the Defendant's Motion. The Defendant shall respond to the Plaintiff's Complaint on or before November 8, 2022. Signed by Magistrate Judge Ryon M. McCabe on 10/12/2022. (mw00) (Entered: 10/12/2022)
11/03/2022	<u>8</u>	Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, , MOTION for Summary Judgment by Acting Commissioner of Social Security Administration. Responses due by 11/17/2022 (Attachments: # <u>1</u> Affidavit Declaration in Support of Motion, # <u>2</u> Appendix Exhibit A to Declaration in Support of Motion)(Raurell, Carlos) (Entered: 11/03/2022)
11/03/2022	<u>9</u>	Statement of: Material Facts by Acting Commissioner of Social Security Administration re <u>8</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit Exhibit A to Declaration)(Raurell, Carlos) (Entered: 11/03/2022)
11/03/2022	<u>10</u>	NOTICE by Acting Commissioner of Social Security Administration re <u>8</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, MOTION for Summary Judgment , <u>9</u> Statement, (Attachments: # <u>1</u> Exhibit Attachment 1 to Declaration of Michelle Christ) (Raurell, Carlos) (Entered: 11/03/2022)
11/22/2022	11	PAPERLESS ORDER TO SHOW CAUSE. Plaintiffs' response to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment ("Motion") <u>8</u> was due on November 17, 2022. No response appears in the court record. Accordingly, on or before November 30, 2022, Plaintiffs shall show cause, in writing, (1) why the Motion should not be granted and (2) why Plaintiffs' failed to respond by November 17, 2022. Plaintiffs' failure to respond to this Order to Show Cause may result in the Motion being granted by default pursuant to Local Rule 7.1(c). Signed by Magistrate Judge Ryon M. McCabe on 11/22/2022. (mw00) (Entered: 11/22/2022)
11/26/2022	<u>12</u>	First REPLY to <u>9</u> Statement, <u>10</u> Notice (Other), <u>8</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, MOTION for Summary Judgment , 11 Order., by Terry L. Richmond, Alexander Schultz. (Attachments: # <u>1</u> Affidavit Plaintiffs Statement of Material Facts and Declaration of Alexander Schultz, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, # <u>6</u> Exhibit Exhibit E, # <u>7</u> Exhibit Exhibit F, # <u>8</u> Exhibit Exhibit G, # <u>9</u> Exhibit Exhibit H, # <u>10</u> Exhibit Exhibit I, # <u>11</u> Exhibit Exhibit J, # <u>12</u> Exhibit Exhibit K, # <u>13</u> Exhibit Exhibit L, # <u>14</u> Exhibit Exhibit M, # <u>15</u> Exhibit Exhibit N, # <u>16</u> Exhibit Exhibit O, # <u>17</u> Exhibit Exhibit P, # <u>18</u> Exhibit Exhibit Q, # <u>19</u> Exhibit Exhibit R, # <u>20</u> Exhibit Exhibit S, # <u>21</u> Exhibit Exhibit T, # <u>22</u> Exhibit Exhibit U, # <u>23</u> Exhibit Exhibit V, # <u>24</u> Exhibit Exhibit W, # <u>25</u> Exhibit Exhibit X, # <u>26</u> Exhibit Exhibit Y, # <u>27</u> Exhibit Exhibit Z-1, # <u>28</u> Exhibit Exhibit Z-2, # <u>29</u> Exhibit Exhibit Z-3, # <u>30</u> Exhibit Exhibit Z-4)(Schultz, Alexander) (Entered: 11/26/2022)

11/28/2022	13	PAPERLESS ORDER: The Court has carefully reviewed Plaintiffs' Response <u>12</u> to the Court's Order to Show Cause 11 . The Order to Show Cause is hereby DISCHARGED as Plaintiffs have established excusable neglect. Signed by Magistrate Judge Ryon M. McCabe on 11/28/2022. (mw00) (Entered: 11/28/2022)
12/02/2022	<u>14</u>	Defendant's REPLY to Response to Motion re <u>8</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, MOTION for Summary Judgment filed by Acting Commissioner of Social Security Administration. (Attachments: # <u>1</u> Affidavit Supplemental Decaration of Michelle Christ)(Raurell, Carlos) (Entered: 12/02/2022)
12/02/2022	15	PAPERLESS NOTICE SETTING ORAL ARGUMENT: A hearing on the Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment <u>8</u> ("Motion") shall be conducted via Zoom video teleconference (VTC) on December 8, 2022, at 2:00 PM in the West Palm Beach Division before Magistrate Judge Ryon McCabe. One hour reserved. To log in through ZoomGov Meeting, use Meeting ID: 160 562 6259 and Passcode: 508973. All participants at the hearing are expected to appear by both audio and video. (mw00) (Entered: 12/02/2022)
12/07/2022	<u>16</u>	RESPONSE to Motion re <u>8</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, MOTION for Summary Judgment <i>Plaintiffs Amended Statement of Material Facts</i> filed by Terry L. Richmond, Alexander Schultz. Replies due by 12/14/2022. (Attachments: # <u>1</u> Exhibit A)(Schultz, Alexander) (Entered: 12/07/2022)
12/08/2022	17	PAPERLESS Minute Entry for proceedings held before Magistrate Judge Ryon M. McCabe: Zoom Oral Argument Hearing held on 12/8/2022 regarding Defendant's Motion to Dismiss Or, in the Alternative, for Summary Judgment <u>8</u> Plaintiffs' Complaint [DE 1]. Total time in court: 15 minutes. Order to follow. Attorney Appearance(s): Alexander Schultz, Esq. for Plaintiffs; Carlos Javier Raurell, Esq. for Defendant. (Digital 02:00-02:15 entire Zoom Hearing) Total time in court: 0 hour(s) : 15 minutes. (mw00) (Entered: 12/08/2022)
12/08/2022	18	Paperless Order Setting Settlement Conference before the undersigned on January 17, 2023 at 10:00 am. Two hours reserved. All counsel, parties, and anyone else attending the Settlement Conference shall attend by Zoom VTC. To log in through ZoomGov Meeting, use Meeting ID: 161 209 2646 and Passcode: 644412. Prior to the settlement conference, the parties shall negotiate and make a good faith effort to settle the case without the Court's involvement. Signed by Magistrate Judge Ryon M. McCabe on 12/8/2022. (mw00) (Entered: 12/08/2022)
12/09/2022	<u>19</u>	REPORT AND RECOMMENDATIONS re <u>8</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, MOTION for Summary Judgment, Recommending that Defendants Motion be granted without prejudice with leave to file an amended complaint within ten (10) ten days of the date this Report and Recommendation becomes final. Objections to R&R due by 12/27/2022 Signed by Magistrate Judge Ryon M. McCabe on 12/9/2022. <i>See attached document for full details.</i> (jas) (Entered: 12/09/2022)
01/02/2023	<u>20</u>	First Amended Complaint by Terry L. Richmond, Alexander Schultz. (Attachments: # <u>1</u> Exhibit A)(Schultz, Alexander) (Entered: 01/02/2023)
01/03/2023	<u>21</u>	ORDER ADOPTING AND APPROVING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE re <u>19</u> Report and Recommendations; granting without prejudice <u>8</u> Motion to Dismiss or, in the alternative, <u>8</u> Motion for Summary Judgment. Signed by Judge William P. Dimitrouleas on 1/3/2023. <i>See attached document for full details.</i> (jas) (Entered: 01/03/2023)
01/10/2023	<u>22</u>	Agreed MOTION to Stay <i>Proceedings</i> by Acting Commissioner of Social Security Administration. Responses due by 1/24/2023 (Raurell, Carlos) (Entered: 01/10/2023)
01/10/2023	23	PAPERLESS ORDER: The Settlement Conference currently set for January 17, 2023 at 10:00 A.M. 18 is hereby RESET for January 17, 2023 at 3:00 P.M. **TIME CHANGE ONLY** To log in through ZoomGov Meeting, use Meeting ID: 161 209 2646 and Passcode: 644412. All participants at the Settlement Conference are expected to appear by both audio and video. Zoom Settlement Conference set for January 17, 2023 at 3:00 P.M. in West Palm Beach Division before Magistrate Judge Ryon M. McCabe. Signed by Magistrate Judge Ryon M. McCabe on 1/10/2023. (mw00) (Entered: 01/10/2023)

01/12/2023	<u>24</u>	NOTICE of Previously Set Proceeding That May Conflict With January 17th Settlement Conference by Acting Commissioner of Social Security Administration re 23 PAPERLESS ORDER. (Raurell, Carlos) (Entered: 01/12/2023)
01/12/2023	25	PAPERLESS ORDER: In light of Defendant's Notice of previously set proceeding that may conflict with January 17, 2023 settlement conference [DE 24], the parties shall contact the undersigned's Chambers by telephone (561-803-3470) or e-mail (McCabe@flsd.uscourts.gov) by or before January 17, 2023, with three mutually agreed upon dates for a Settlement Conference to be held. Signed by Magistrate Judge Ryon M. McCabe on 1/12/2023. (mw00) (Entered: 01/12/2023)
01/13/2023	<u>26</u>	NOTICE by Acting Commissioner of Social Security Administration re 25 Order, of <i>Mutually Available Dates for Settlement Conference</i> (Raurell, Carlos) (Entered: 01/13/2023)
01/17/2023	27	PAPERLESS ORDER: The Settlement Conference currently set for January 17, 2023, at 3:00 P.M. is canceled due to the unavailability of one of the parties. The Settlement Conference is rescheduled to be held on January 24, 2023, at 3:00 P.M. To log in through ZoomGov Meeting, use Meeting ID: 161 209 2646 and Passcode: 644412. All participants at the Settlement Conference are expected to appear by both audio and video. Zoom Settlement Conference set for January 24, 2023, at 3:00 P.M. in West Palm Beach Division before Magistrate Judge Ryon M. McCabe. Signed by Magistrate Judge Ryon M. McCabe on 1/17/2023. (mw00) (Entered: 01/17/2023)
01/23/2023	28	PAPERLESS ORDER. The Settlement Conference scheduled for January 24, 2023, at 3:00 P.M. is hereby converted to a status conference to discuss the status of the case. To log in through ZoomGov Meeting, use Meeting ID: 160 562 6259 and Passcode: 508973. All participants are expected to appear by both audio and video. Zoom Status Conference set for January 24, 2023, at 3:00 P.M. in West Palm Beach Division before Magistrate Judge Ryon M. McCabe. Signed by Magistrate Judge Ryon M. McCabe on 1/23/2023. (mw00) (Entered: 01/23/2023)
01/24/2023	29	PAPERLESS Minute Order for proceedings held before Magistrate Judge Ryon M. McCabe: Zoom Status Conference held on 1/24/2023 regarding Defendant's Agreed Motion For Stay of Proceedings or Extension of Time to Respond to Plaintiffs' First Amended Complaint ("Motion") <u>22</u> . Total time in court: 11 minutes. The Court hereby orders as follows: Motion is denied as moot. The Defendant has 30 days to Respond to the Plaintiffs' Amended Complaint, due on or before February 23, 2023. The Plaintiffs have 20 days to respond to the Defendant's Response, due on or before March 15, 2023. The Defendant has 14 days to file a Reply, due on or before March 29, 2023. In addition, a status conference is set to address one further status issue for Friday, February 27, 2023, at 10:00 A.M. To log in through ZoomGov Meeting, use Meeting ID: 160 562 6259 and Passcode: 508973. All participants are expected to appear by both audio and video. If this date is not amendable, the parties shall contact the undersigned's Chambers by telephone (561-803-3470) or e-mail (McCabe@flsd.uscourts.gov) by or before January 25, 2023, with three mutually agreed upon dates for a Status Conference to be held. Attorney Appearance(s): Alexander Schultz, Esq. for Plaintiffs; Carlos Raurell, Esq. for Defendant. Signed by Magistrate Judge Ryon M. McCabe on 1/24/2023. Total time in court: 00 hour(s) : 11 minutes. (Digital 02:58-03:09 entire Zoom hearing) (mw00) (Entered: 01/24/2023)
01/27/2023	30	Paperless Order: A status conference is reset to address one further status issue for Thursday, February 2, 2023, at 10:00 A.M. To log in through ZoomGov Meeting, use Meeting ID: 160 562 6259 and Passcode: 508973. All participants are expected to appear by both audio and video. If this date is not amendable, the parties shall contact the undersigned's Chambers by telephone (561-803-3470) or e-mail (McCabe@flsd.uscourts.gov) by or before January 31, 2023, with three mutually agreed upon dates for a Status Conference to be held. Signed by Magistrate Judge Ryon M. McCabe on 1/27/2023. (mw00) (Entered: 01/27/2023)
01/30/2023	31	PAPERLESS ORDER: The Zoom Status Conference currently set for February 2, 2023, at 10:00 A.M. 30 is hereby RESET for February 2, 2023, at 09:30 A.M. **TIME CHANGE ONLY** To log in through ZoomGov Meeting, use Meeting ID: 160 562 6259 and Passcode: 508973. All participants at the hearing are expected to appear by both audio and video. Zoom Status Conference set for 2/2/2023 at 9:30 A.M. in West Palm Beach Division before Magistrate Judge Ryon M. McCabe. Signed by Magistrate Judge

		Ryon M. McCabe on 1/30/2023. (mw00) (Entered: 01/30/2023)
02/02/2023	<u>32</u>	PAPERLESS Minute Entry for proceedings held before Magistrate Judge Ryon M. McCabe: Zoom Status Conference held on 02/02/2023. Total time in court: 06 minutes. Attorney Appearance(s): Alexander Schultz, Esq. for Plaintiffs; Carlos Javier Raurell, Esq. for Defendant. (Digital 09:27–09:33 entire Zoom Hearing) (mw00) (Entered: 02/02/2023)
02/03/2023	<u>33</u>	STIPULATION of Dismissal <i>Without Prejudice (Joint)</i> by Acting Commissioner of Social Security Administration (Raurell, Carlos) (Entered: 02/03/2023)
02/16/2023	<u>34</u>	ORDER OF DISMISSAL (<i>Without Prejudice</i>) . Signed by Judge William P. Dimitrouleas on 2/16/2023. <i>See attached document for full details.</i> (jas) (Entered: 02/16/2023)