

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:20-cv-01729-TJK**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF STATE Date Filed: 06/24/2020
 Assigned to: Judge Timothy J. Kelly Date Terminated: 03/14/2023
 Cases: [1:18-cv-00300-TJK](#) Jury Demand: None
 [1:20-cv-03314-TJK](#) Nature of Suit: 895 Freedom of
 [1:20-cv-03088-TJK](#) Information Act
 Cause: 05:552 Freedom of Information Act Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **Meredith Leigh Di Liberto**
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V.

Defendant

U.S. DEPARTMENT OF STATE

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Date Filed	#	Docket Text
06/24/2020	<u>1</u>	COMPLAINT against JUDICIAL WATCH, INC. (Filing fee \$ 400 receipt number ADCDC-7265463) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Orfanedes, Paul) (Entered: 06/24/2020)
06/24/2020	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Orfanedes, Paul) (Entered: 06/24/2020)
06/24/2020	<u>3</u>	NOTICE OF RELATED CASE by JUDICIAL WATCH, INC.. Case related to Case No. 18-0300. (Orfanedes, Paul) (Entered: 06/24/2020)
06/25/2020		Case Assigned to Judge Timothy J. Kelly. (zsb) (Entered: 06/25/2020)

06/25/2020	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 06/25/2020)
07/14/2020	<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 7/6/2020. Answer due for ALL FEDERAL DEFENDANTS by 8/5/2020. (Attachments: # <u>1</u> Declaration)(Orfanedes, Paul) (Entered: 07/14/2020)
07/14/2020	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/06/2020. (Attachments: # <u>1</u> Declaration)(Orfanedes, Paul) (Entered: 07/14/2020)
07/14/2020	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF STATE served on 7/6/2020 (Attachments: # <u>1</u> Declaration)(Orfanedes, Paul) (Entered: 07/14/2020)
08/05/2020	<u>8</u>	ANSWER to Complaint by U.S. DEPARTMENT OF STATE.(Simon, Jeremy) (Entered: 08/05/2020)
08/05/2020		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by September 4, 2020. Signed by Judge Timothy J. Kelly on 8/5/20. (lctjk2) (Entered: 08/05/2020)
08/06/2020		Set/Reset Deadlines: Joint Proposed Briefing Schedule or Disclosure due by 9/4/2020. (zkh) (Entered: 08/06/2020)
08/25/2020	<u>9</u>	NOTICE of Appearance by Meredith Leigh Di Liberto on behalf of JUDICIAL WATCH, INC. (Di Liberto, Meredith) (Entered: 08/25/2020)
09/04/2020	<u>10</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 09/04/2020)
09/08/2020		MINUTE ORDER: Upon consideration of the parties' <u>10</u> Joint Status Report, the Court finds that the most efficient resolution of the preclusive effect of its prior opinion, <i>Judicial Watch, Inc. v. U.S. Dep't of State</i> , No. 18-cv-300 (TJK) (D.D.C. March 13, 2019), on Plaintiff's FOIA request is through Defendant's proposed Rule 12(c) motion for judgment on the pleadings, without Plaintiff filing a cross-motion for summary judgment. <i>See</i> Fed. R. Civ. P. 56(b) ("a party may file a motion for summary judgment at any time" "[u]nless... the court orders otherwise"). In response to Defendant's Rule 12(c) motion, Plaintiff is free to reference materials outside the pleadings that it believes are necessary for the Court to consider, which may require that the motion "be treated as one for summary judgment under Rule 56." Fed. R. Civ. P. 12(d). Accordingly, it is hereby ORDERED that (1) by October 8, 2020, Defendant shall file its Rule 12(c) motion for judgment on the pleadings; (2) by November 9, 2020, Plaintiff shall file its response to that motion; and (3) by November 24, 2020, Defendant shall file its reply. Signed by Judge Timothy J. Kelly on 9/8/20. (lctjk2) (Entered: 09/08/2020)
10/08/2020	<u>11</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Judgment on the Pleadings</i> by U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/08/2020)
10/11/2020		MINUTE ORDER granting Defendant's <u>11</u> Unopposed MOTION for Extension of Time. It is hereby ORDERED that (1) no later than October 22, 2020, Defendant shall file its Rule 12(c) motion for judgment on the pleadings; (2) no later than November 23, 2020, Plaintiff shall file its response to that motion; and (3) no later than December 8, 2020, Defendant shall file its reply. Signed by Judge Timothy J. Kelly on 10/11/20. (lctjk2) (Entered: 10/11/2020)
10/13/2020		Set/Reset Deadlines: Defendant's Motion due by 10/22/2020. (zkh) (Entered: 10/13/2020)
10/22/2020	<u>12</u>	MOTION for Judgment on the Pleadings <i>and Supporting Memorandum</i> by U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1 (May 2019 FOIA request))(Simon, Jeremy) (Entered: 10/22/2020)

11/24/2020	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION for Judgment on the Pleadings <i>and Supporting Memorandum</i> filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (with Exhibits 1–2), # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 11/24/2020)
11/24/2020	<u>14</u>	Unopposed MOTION for Order to Accept Opposition to Defendant's Motion for Judgment on the Pleadings as Timely Filed by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 11/24/2020)
11/27/2020		MINUTE ORDER granting, for good cause shown, Plaintiff's <u>14</u> Unopposed Motion to Accept Brief as Timely Filed. The Court will treat <u>13</u> Plaintiff's Opposition to Defendant's Motion for Judgment on the Pleadings as timely filed. Signed by Judge Timothy J. Kelly on 11/27/20. (lctjk2) (Entered: 11/27/2020)
12/07/2020	<u>15</u>	Consent MOTION for Extension of Time to <i>File Reply in Support of Motion for Judgment on the Pleadings</i> by U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 12/07/2020)
12/08/2020		MINUTE ORDER granting, for good cause shown, Defendant's Consent <u>15</u> Motion for Extension of Time. It is hereby ORDERED that Defendant's Motion is GRANTED and Defendant shall have up to and including December 16, 2020, to file any reply. Signed by Judge Timothy J. Kelly on 12/8/20. (lctjk2) (Entered: 12/08/2020)
12/16/2020	<u>16</u>	REPLY to opposition to motion re <u>12</u> MOTION for Judgment on the Pleadings <i>and Supporting Memorandum</i> filed by U.S. DEPARTMENT OF STATE. (Simon, Jeremy) (Entered: 12/16/2020)
12/22/2020	<u>17</u>	MOTION Supplement the Record re <u>16</u> Reply to opposition to Motion by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 12/22/2020)
12/23/2020	<u>18</u>	Memorandum in opposition to re <u>17</u> MOTION Supplement the Record re <u>16</u> Reply to opposition to Motion filed by U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 12/23/2020)
04/27/2021		MINUTE ORDER: Pending before the Court is Plaintiff's <u>17</u> Motion to Supplement the Record with a status report from another proceeding in this district: ECF No. 52 (Joint Status Report) in <i>American Ctr. for Law & Justice v. NSA</i> , No. 17–1425 (D.D.C. Dec. 10, 2020). <i>See</i> ECF No. 17. This motion seeks to supplement the record with respect to the Defendants pending <u>12</u> Motion for Judgment on the Pleadings. In ruling on a Rule 12(c) motion for judgment on the pleadings, the Court is "limited to considering facts alleged in the complaint, any documents attached to or incorporated in the complaint, matters of which the court may take judicial notice, and matters of public record." <i>Baumann v. District of Columbia</i> , 744 F. Supp. 2d 216, 222 (D.D.C. 2010); <i>see also</i> Fed R. Civ. P. 12(c). A court may take judicial notice of facts on the public record without converting the matter to the summary judgment stage. <i>See Slate v. Pub. Def. Serv. for the District of Columbia</i> , 31 F. Supp. 3d 277, 28788 (D.D.C. 2014) (citing <i>EEOC v. St. Francis Xavier Parochial Sch.</i> , 117 F.3d 621, 624 (D.C. Cir. 1997)); <i>see also</i> Fed. R. Civ. P. 12(d). Here, the Court can take notice of the status report, ECF No. 17–1, because it is a public record from a proceeding within this district. <i>See Covad Commc'ns Co. v. Bell Atl. Corp.</i> , 407 F.3d 1220, 1222 (D.C. Cir. 2005) (taking notice of opinions in other courts); <i>Does I through III v. District of Columbia</i> , 238 F. Supp. 2d 212, 216 (D.D.C. 2002) ("[I]t is well established that courts are allowed to take judicial notice of matters in the general public record, including records and reports of administrative bodies and records of prior litigation."). Supplementation of the record is unnecessary. Accordingly, it is hereby ORDERED that Plaintiff's <u>17</u> Motion is DENIED. Signed by Judge Timothy J. Kelly on 4/27/21. (lctjk2) (Entered: 04/27/2021)
06/02/2021	<u>19</u>	ORDER denying <u>12</u> Motion for Judgment on the Pleadings. See Order for details. Signed by Judge Timothy J. Kelly on 6/2/21. (lctjk2) (Entered: 06/02/2021)
06/25/2021	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Simon, Jeremy) (Entered: 06/25/2021)
06/25/2021		MINUTE ORDER: Upon consideration of the parties' <u>20</u> Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if

		necessary, a proposed briefing schedule, no later than August 24, 2021. Signed by Judge Timothy J. Kelly on 6/25/21. (lctjk2) (Entered: 06/25/2021)
08/24/2021	<u>21</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Di Liberto, Meredith) (Entered: 08/24/2021)
08/25/2021		MINUTE ORDER: Upon consideration of the parties' <u>21</u> Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if necessary, a proposed briefing schedule, no later than September 24, 2021. Signed by Judge Timothy J. Kelly on 8/25/21. (lctjk2) (Entered: 08/25/2021)
09/23/2021	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Simon, Jeremy) (Entered: 09/23/2021)
09/28/2021		MINUTE ORDER: Upon consideration of the parties' <u>21</u> Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if necessary, a proposed briefing schedule, no later than October 24, 2021. Signed by Judge Timothy J. Kelly on 9/28/21. (lctjk2) (Entered: 09/28/2021)
10/22/2021	<u>23</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Di Liberto, Meredith) (Entered: 10/22/2021)
10/23/2021		MINUTE ORDER: Upon consideration of the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if necessary, a proposed briefing schedule, no later than November 23, 2021. Signed by Judge Timothy J. Kelly on 10/23/2021. (lctjk2) (Entered: 10/23/2021)
11/23/2021	<u>24</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Di Liberto, Meredith) (Entered: 11/23/2021)
11/23/2021		MINUTE ORDER: Upon consideration of the parties' <u>24</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if necessary, a proposed briefing schedule, by December 7, 2021. Signed by Judge Timothy J. Kelly on 11/23/2021. (lctjk2) (Entered: 11/23/2021)
12/07/2021	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Simon, Jeremy) (Entered: 12/07/2021)
12/08/2021		MINUTE ORDER: Upon consideration of the parties' <u>25</u> Joint Status Report, it is hereby ORDERED that the following deadlines shall govern the summary-judgment briefing schedule in this case: Defendant will file its motion for summary judgment by January 24, 2022; Plaintiff will file its combined cross-motion for summary judgment and opposition by February 24, 2022; Defendant will file its combined reply and opposition by March 10, 2022; and Plaintiff will file its reply by March 24, 2022. Signed by Judge Timothy J. Kelly on 12/08/2021. (lctjk2) (Entered: 12/08/2021)
12/09/2021		Set/Reset Deadlines: Summary Judgment motion due by 1/24/2022. Response to Motion for Summary Judgment due by 2/24/2022. Reply to Motion for Summary Judgment due by 3/10/2022. (zkh) (Entered: 12/09/2021)
01/20/2022	<u>26</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 01/20/2022)
01/23/2022		MINUTE ORDER granting Defendant's <u>26</u> Unopposed Motion for Extension of Time to File Motion for Summary Judgment. It is hereby ORDERED, for good cause shown, that Defendant's <u>26</u> Unopposed Motion is GRANTED. It is further ORDERED that the briefing schedule set forth in the Court's Minute Order of December 8, 2021, is modified as follows: Defendant will file its motion for summary judgment by February 1, 2022; Plaintiff will file its combined cross-motion for summary judgment and opposition by March 2, 2022; Defendant will file its combined reply and opposition by March 25, 2022; and Plaintiff will file its reply by April 8, 2022. Signed by Judge Timothy J. Kelly on 01/23/2022. (lctjk2) (Entered: 01/23/2022)
02/01/2022	<u>27</u>	MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> by U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Susan C. Weetman)(Simon, Jeremy) (Entered: 02/01/2022)

03/02/2022	<u>28</u>	Memorandum in opposition to re <u>27</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum (with Plaintiff's Counter-Statement of Disputed Material Facts)</i> filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (with Exhibits 1-4), # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 03/02/2022)
03/02/2022	<u>29</u>	Cross MOTION for Summary Judgment (<i>with Plaintiff's Statement of Material Facts Not in Dispute</i>) by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (with Exhibits 1-4), # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 03/02/2022)
03/22/2022	<u>30</u>	Consent MOTION for Extension of Time to <i>File Combined Reply and Opposition</i> by U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 03/22/2022)
03/23/2022		MINUTE ORDER granting Defendant's <u>30</u> Consent Motion for Extension of Time to File Combined Reply in Support of Motion for Summary Judgment and Opposition to Cross-Motion. It is hereby ORDERED, for good cause shown, that Defendant's <u>30</u> Consent Motion is GRANTED. It is further ORDERED that the briefing schedule set forth in the Court's Minute Order of January 23, 2022, is modified as follows: Defendant will file its combined reply and opposition by March 31, 2022; and Plaintiff will file its reply by April 14, 2022. Signed by Judge Timothy J. Kelly on 03/23/2022. (lctjk2) (Entered: 03/23/2022)
03/31/2022	<u>31</u>	Memorandum in opposition to re <u>29</u> Cross MOTION for Summary Judgment (<i>with Plaintiff's Statement of Material Facts Not in Dispute</i>) filed by U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Supplemental Declaration of Susan C. Weetman, # <u>2</u> Proposed Order)(Simon, Jeremy) (Entered: 03/31/2022)
03/31/2022	<u>32</u>	REPLY to opposition to motion re <u>27</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum (duplicate of docket entry number 31)</i> filed by U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Supplemental Declaration of Susan C. Weetman, # <u>2</u> Proposed Order)(Simon, Jeremy) (Entered: 03/31/2022)
04/06/2022	<u>33</u>	REPLY to opposition to motion re <u>29</u> Cross MOTION for Summary Judgment (<i>with Plaintiff's Statement of Material Facts Not in Dispute</i>) filed by JUDICIAL WATCH, INC.. (Di Liberto, Meredith) (Entered: 04/06/2022)
09/07/2022	<u>34</u>	MEMORANDUM OPINION AND ORDER granting in part and denying without prejudice in part Defendant's <u>27</u> Motion for Summary Judgment, denying in part and denying without prejudice in part Plaintiff's <u>29</u> Cross-Motion for Summary Judgment, and ordering the parties to file a joint status report by September 28, 2022. See Memorandum Opinion and Order for details. Signed by Judge Timothy J. Kelly on 09/07/2022. (lctjk2) (Entered: 09/07/2022)
09/27/2022	<u>35</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF STATE. (Simon, Jeremy) (Entered: 09/27/2022)
09/28/2022		MINUTE ORDER: Upon consideration of the parties' <u>35</u> Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by December 16, 2022, including, if necessary, a proposed briefing schedule. Signed by Judge Timothy J. Kelly on 09/28/2022. (lctjk2) (Entered: 09/28/2022)
12/16/2022	<u>36</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Di Liberto, Meredith) (Entered: 12/16/2022)
12/18/2022		MINUTE ORDER: Upon consideration of the parties' <u>36</u> Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by February 15, 2023, including, if necessary, a proposed briefing schedule. Signed by Judge Timothy J. Kelly on 12/18/2022. (lctjk2) (Entered: 12/18/2022)
02/14/2023	<u>37</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Di Liberto, Meredith) (Entered: 02/14/2023)
02/15/2023		MINUTE ORDER: Upon consideration of the parties' <u>37</u> Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by March 15, 2023, including, if necessary, a proposed briefing schedule. Signed by Judge Timothy

		J. Kelly on 2/15/2023. (lctjk2) (Entered: 02/15/2023)
03/14/2023	<u>38</u>	STIPULATION of Dismissal (<i>Joint Stipulation of Dismissal</i>) by JUDICIAL WATCH, INC.. (Di Liberto, Meredith) (Entered: 03/14/2023)