

**U.S. District Court  
Middle District of Florida (Ft. Myers)  
CIVIL DOCKET FOR CASE #: 2:21-cv-00180-JLB-KCD**

Carpezzi v. U.S. Department of Justice  
Assigned to: Judge John L. Badalamenti  
Referred to: Magistrate Judge Kyle C. Dudek  
Cause: 05:0552 Freedom of Information Act

Date Filed: 03/05/2021  
Date Terminated: 03/28/2023  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Robert Christopher Carpezzi**

represented by **Robert Christopher Carpezzi**  
4332 Mailbox Avenue  
North Fort Myers, FL 33903  
239/319-9858  
PRO SE

V.

**Defendant****United States Department of Justice**

represented by **Chad C. Spraker**  
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Date Filed	#	Docket Text
03/05/2021	<u>1</u>	<b>COMPLAINT</b> against U.S. Department of Justice with Jury Demand Filing fee \$402, receipt number FtM015155 filed by Robert Christopher Carpezzi. (Attachments: # <u>1</u> Civil Cover Sheet)(RMT) (Entered: 03/08/2021)
03/08/2021	2	NOTICE of Local Rule 3.02(a)(2), which requires the parties in every civil proceeding, except those described in subsection (d), to file a case management report (CMR) using the uniform form at <a href="http://www.flmd.uscourts.gov">www.flmd.uscourts.gov</a> . The CMR must be filed (1) within forty days after any defendant appears in an action originating in this court, (2) within forty days after the docketing of an action removed or transferred to this court, or (3) within seventy days after service on the United States attorney in an action against the United States, its agencies or employees. Judges may have a special CMR form for certain types of cases. These forms can be found at <a href="http://www.flmd.uscourts.gov">www.flmd.uscourts.gov</a> under the Forms tab for each judge. (Signed by Deputy Clerk). (RMT) (Entered: 03/08/2021)

03/08/2021	<u>3</u>	<b>CIVIL Action Order Signed by All Divisional Judges on 3/8/2021. (RMT)</b> (Entered: 03/08/2021)
03/08/2021	<u>4</u>	SUMMONS issued as to U.S. Department of Justice. (MLS) (Entered: 03/08/2021)
04/07/2021	<u>5</u>	PROOF of proper service by Robert Christopher Carpezzi (RMT) (Entered: 04/07/2021)
07/13/2021	<u>6</u>	REQUEST for entry of Default against U.S. Department of Justice by Robert Christopher Carpezzi. (RMT) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 07/13/2021)
07/14/2021	<u>7</u>	<b>ORDER denying without prejudice <u>6</u> Request for Entry of Default. Plaintiff must proceed to effectuate proper service of process of the Complaint (Doc. <u>1</u>) upon Defendant United States Department of Justice no later than 8/18/2021. See Order for details. Signed by Magistrate Judge Mac R. McCoy on 7/14/2021. (CM)</b> (Entered: 07/14/2021)
07/15/2021	<u>8</u>	CERTIFICATE of service by Robert Christopher Carpezzi re <u>6</u> MOTION for Clerk's Default against U.S. Department of Justice. (RMT) (Entered: 07/15/2021)
07/23/2021	<u>9</u>	SUMMONS issued as to U.S. Department of Justice. (JK) (Entered: 07/23/2021)
08/06/2021	<u>10</u>	SUMMONS issued as to U.S. Attorneys Office (RMT) (Entered: 08/06/2021)
08/06/2021	<u>11</u>	MOTION to clarify prior Court Order by Robert Christopher Carpezzi. (RMT) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 08/06/2021)
08/10/2021	<u>12</u>	<b>TEXT ORDER granting in part and denying in part <u>11</u> Pro Se Motion to Clarify Prior Court Order. The Court clarifies that Plaintiff may serve the summons previously issued as to the United States Department of Justice and Merrick Garland, U.S. Attorney General (Docs. <u>4</u>, <u>9</u>). Additionally, the Court directs the Clerk of Court to prepare an alias summons as to Karin Hoppmann, Acting U.S. Attorney for the Middle District of Florida. If Plaintiff intends to serve Karin Hoppmann, Acting U.S. Attorney, via certified mail, the documents must be sent to the civil processing clerk as required by Fed. R. Civ. P. 4(i)(1)(A)(ii), notwithstanding the name on the summons. The motion is denied to the extent it seeks any greater or different relief. As a final matter, the Court notes that Plaintiff's current deadline to serve Defendant is set to expire 8/18/2021. (Doc. <u>7</u>). If Plaintiff requires additional time to serve in light of this clarification, Plaintiff may file a motion, requesting an extension and providing a proposed deadline. Signed by Magistrate Judge Mac R. McCoy on 8/10/2021. (CM)</b> (Entered: 08/10/2021)
08/11/2021	<u>13</u>	SUMMONS issued as to U.S. Department of Justice. (RMT) (Entered: 08/11/2021)
08/13/2021	<u>14</u>	MOTION for Extension of Time by Robert Christopher Carpezzi. (JK) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 08/13/2021)
08/13/2021	<u>15</u>	<b>ENDORSED ORDER granting <u>14</u> Motion for Extention [sic] of Time. Plaintiff must serve Defendant in accordance with Fed. R. Civ. P. 4(i) and as set forth in the Court's prior Orders (see Doc. <u>7</u> at 2-3; Doc. <u>12</u>) no later than 8/31/2021. Signed by Magistrate Judge Mac R. McCoy on 8/13/2021. (CM)</b> (Entered: 08/13/2021)
08/24/2021	<u>16</u>	SUMMONS returned unexecuted by Robert Christopher Carpezzi as to U.S. Department of Justice. (RMT) (Entered: 08/24/2021)
08/24/2021	<u>17</u>	ALIAS SUMMONS issued as to U.S. Department of Justice. (RMT) (Entered: 08/24/2021)
08/30/2021	<u>18</u>	CERTIFICATE of service as to the U.S. Attorney Office by Robert Christopher Carpezzi (Attachments: # <u>1</u> Exhibit)(RMT) (Entered: 08/30/2021)
08/31/2021	<u>19</u>	PROOF of service as to Merrick Garland by Robert Christopher Carpezzi (Attachments: # <u>1</u> Exhibit)(RMT) (Entered: 08/31/2021)
09/15/2021	<u>20</u>	RETURN of service executed on August 30, 2021 by Robert Christopher Carpezzi as to U.S. Department of Justice. (RMT) (Entered: 09/15/2021)

09/29/2021	<u>21</u>	MOTION to Amend pleading and time extension by Robert Christopher Carpezzi. (RMT) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 09/29/2021)
09/30/2021	<u>22</u>	<b>ORDER granting <u>21</u> Motion to Amend Pleading and Time Extension. Plaintiff may file his Amended Complaint no later than 10/8/2021. Plaintiff must serve a copy of this Order and the Amended Complaint on Defendant's counsel in accordance with Fed. R. Civ. P. 5(b). See Order for details. Signed by Magistrate Judge Mac R. McCoy on 9/30/2021. (CM)</b> (Entered: 09/30/2021)
10/08/2021	<u>23</u>	<b>FIRST AMENDED COMPLAINT against U.S. Department of Justice filed by Robert Christopher Carpezzi. Related document: <u>1</u> Complaint filed by Robert Christopher Carpezzi.(SPB)</b> (Entered: 10/12/2021)
10/28/2021	<u>24</u>	MOTION to Dismiss First Amended Complaint by U.S. Department of Justice. (Sullivan, David) (Entered: 10/28/2021)
11/15/2021	<u>25</u>	RESPONSE in Opposition re <u>24</u> MOTION to Dismiss First Amended Complaint filed by Robert Christopher Carpezzi. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit G)(jmc) (Entered: 11/15/2021)
11/17/2021	<u>26</u>	NOTICE of hearing: TELEPHONIC Preliminary Pretrial Conference set for 2/22/2022 at 10:00 AM before Magistrate Judge Mac R. McCoy. DIAL IN INSTRUCTIONS: TOLL FREE NUMBER: 1-888-273-3658, ACCESS CODE: 8335587. Dial in at least 5 minutes before hearing time. Landline preferred. Do not use the speaker phone feature during the call. Notwithstanding any prior Order of the Court, the parties must jointly file a Case Management Report on the approved form no later than 2/8/2022. To the extent Fed. R. Civ. P. 16(b)(2) so requires, the Court finds good cause to extend the time period for entering the Case Management and Scheduling Order until after the Case Management Report is filed and the Preliminary Pretrial Conference is held. (FN) (Entered: 11/17/2021)
11/17/2021	<u>27</u>	<b>ORDER Governing Telephonic Proceedings. Signed by Magistrate Judge Mac R. McCoy on 11/17/2021. (FN)</b> (Entered: 11/17/2021)
11/17/2021	<u>28</u>	<b>ORDER Governing Preliminary Pretrial Conference. Signed by Magistrate Judge Mac R. McCoy on 11/17/2021. (FN)</b> (Entered: 11/17/2021)
11/18/2021	<u>29</u>	CERTIFICATE of service by Robert Christopher Carpezzi re <u>25</u> Response in Opposition to Motion. (jmc) (Entered: 11/18/2021)
02/08/2022	<u>30</u>	CASE MANAGEMENT REPORT. (Sullivan, David) Modified to reflect counsel notified of full use of case number on filings on 2/22/2022 (JK). (Entered: 02/08/2022)
02/22/2022	<u>31</u>	NOTICE of Lead Counsel Designation by David P. Sullivan on behalf of U.S. Department of Justice. Lead Counsel: David P. Sullivan. (Sullivan, David) Modified to reflect counsel notified of full use of case number on filings on 2/22/2022 (JK). (Entered: 02/22/2022)
02/22/2022	<u>32</u>	NOTICE of a related action per Local Rule 1.07(c) by U.S. Department of Justice. Related case(s): Yes (Sullivan, David) Modified to reflect counsel notified of full use of case number on filings on 2/22/2022 (JK). (Entered: 02/22/2022)
02/22/2022	<u>33</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>3</u> Civil Action Order by U.S. Department of Justice. (Sullivan, David) Modified to reflect counsel notified of full use of case number on filings on 2/22/2022 (JK). (Entered: 02/22/2022)
02/22/2022	<u>34</u>	ORAL MOTION by Plaintiff for Extension of Time to File Notice of Related Action by 3/8/2022. (FN) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 02/22/2022)
02/22/2022	<u>35</u>	ORAL MOTION by Plaintiff for Extension of Time to File Corporate Disclosure Statement by 3/8/2022.(FN) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 02/22/2022)
02/22/2022	<u>36</u>	Minute Entry for Telephonic Proceedings held before Magistrate Judge Mac R. McCoy: granting 34 ORAL Motion by Plaintiff for Extension of Time to File Notice of Related Action by 3/8/2022; and granting 35 ORAL Motion by Plaintiff for Extension of Time to File Corporate Disclosure Statement by 3/8/2022.

		PRELIMINARY PRETRIAL CONFERENCE held on 2/22/2022. (Digital) (FN) (Entered: 02/22/2022)
02/22/2022	<u>37</u>	<b>CASE MANAGEMENT AND SCHEDULING ORDER: Rule 26(a)(1) Mandatory Initial Disclosures to be exchanged by 3/7/2022; Motions to Add or Joint Parties or Amend Pleadings due by 4/26/2022; Plaintiff disclosure of expert report due by 3/30/2022; Defendant disclosure of expert report due by 5/3/2022; Rebuttal of expert report due by 5/30/2022; Discovery due by 6/30/2022; Dispositive motions due by 8/30/2022; Final Pretrial Meeting y 12/30/2022; Motions in Limine due by 1/6/2023; Joint Final Pretrial statement due by 1/13/2023; Final Pretrial Conference set for 1/27/2023 at 01:30 PM before Judge John L. Badalamenti; and Bench Trial set for 2/2/2023 before Judge John L. Badalamenti. Conduct mediation hearing by 7/14/2022. Lead counsel to coordinate dates. Signed by Magistrate Judge Mac R. McCoy on 2/22/2022. (FN) (Entered: 02/22/2022)</b>
02/23/2022	<u>39</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>3</u> Civil Action Order by Robert Christopher Carpezzi. (JK) (Entered: 02/23/2022)
02/23/2022	<u>40</u>	NOTICE of a related action per Local Rule 1.07(c) by Robert Christopher Carpezzi. Related case(s): Yes (JK) (Entered: 02/23/2022)
02/23/2022	<u>41</u>	NOTICE of Filing by Robert Christopher Carpezzi re <u>39</u> Certificate of Interested Persons and Corporate Disclosure Statement, <u>40</u> Notice of a Related Action (JK) (Entered: 02/23/2022)
03/07/2022	<u>42</u>	NOTICE of compliance re <u>3</u> Civil Action Order by Robert Christopher Carpezzi (JK) (Entered: 03/08/2022)
03/07/2022	<u>43</u>	NOTICE of a related action per Local Rule 1.07(c) by Robert Christopher Carpezzi. Related case(s): No (JK) (Entered: 03/08/2022)
03/07/2022	<u>44</u>	CERTIFICATE of interested persons and corporate disclosure statement by Robert Christopher Carpezzi. (JK) (Entered: 03/08/2022)
03/07/2022	<u>45</u>	STRICKEN -- Disclosure Statement by Robert Christopher Carpezzi. (JK) Motions referred to Magistrate Judge Mac R. McCoy. Modified as to docket text and to reflect STRICKEN per 46 Order on 3/8/2022 (JK). (Entered: 03/08/2022)
03/08/2022	<u>46</u>	<b>TEXT ORDER striking <u>45</u> Plaintiffs' [sic] Rule 26(a)(1) Disclosures as improperly filed discovery materials. See Fed. R. Civ. P. 5(d)(1)(A); Middle District Discovery (2021) at Section I.C.1. The Clerk of Court is directed to strike this filing and to indicate on the docket that the filing is stricken by this Order. The Court clarifies that initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) are to be served on the opposing party but not filed with the Court unless and until they are used in the proceeding, the Court orders filing, or the filing is required by law or rule. See Fed. R. Civ. P. 5(d)(1)(A); Middle District Discovery (2021) at Section I.C.1. Signed by Magistrate Judge Mac R. McCoy on 3/8/2022. (CM) (Entered: 03/08/2022)</b>
03/09/2022	<u>47</u>	SUPPLEMENT – Certificate of Service to previously filed documents re <u>43</u> Notice of a Related Action, <u>44</u> Certificate of Interested Persons and Corporate Disclosure Statement by Robert Christopher Carpezzi. (JK) (Entered: 03/09/2022)
03/17/2022	<u>48</u>	<b>ORDER granting <u>24</u> Motion to Dismiss. Signed by Judge John L. Badalamenti on 3/17/2022. (JHA) (Entered: 03/17/2022)</b>
04/04/2022	<u>49</u>	<b>SECOND AMENDED COMPLAINT against U.S. Department of Justice with Jury Demand filed by Robert Christopher Carpezzi. Related document: <u>23</u> Amended Complaint filed by Robert Christopher Carpezzi. (Attachments: # <u>1</u> Exhibit A)(JK) (Entered: 04/04/2022)</b>
04/18/2022	<u>50</u>	<b>ANSWER and affirmative defenses to <u>49</u> SECOND Amended Complaint by U.S. Department of Justice.(Spraker, Chad) Modified as to docket text on 4/19/2022 (JK). (Entered: 04/18/2022)</b>
04/26/2022	<u>51</u>	RESPONSE re <u>50</u> Answer to amended complaint by Robert Christopher Carpezzi. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(JK) (Entered: 04/26/2022)

04/27/2022	<u>52</u>	NOTICE of filing Certificate of Service of previous filing by Robert Christopher Carpezzi re <u>51</u> Response (JK) (Entered: 04/28/2022)
05/03/2022	<u>53</u>	NOTICE of Lead Counsel Designation by Chad C. Spraker on behalf of U.S. Department of Justice. Lead Counsel: Chad C. Spraker. (Spraker, Chad) (Entered: 05/03/2022)
07/01/2022	54	Case Reassigned to U.S. Magistrate Judge Kyle C Dudek. New case number: 2:21-cv-180-JLB-KCD. Magistrate Judge Mac R. McCoy no longer assigned to the case. (JK) (Entered: 07/01/2022)
07/08/2022	<u>55</u>	Joint MOTION for Miscellaneous Relief, specifically Excuse Parties from Mandatory Mediation by Robert Carpezzi, and United States Department of Justice. (Spraker, Chad) Motions referred to Magistrate Judge Kyle C. Dudek. Modified on 7/9/2022, to edit docket text. (SPB). (Entered: 07/08/2022)
07/11/2022	56	<b>ENDORSED ORDER denying <u>55</u> Joint Motion to Excuse Parties from Mandatory Mediation. The parties have not shown good cause to dispense with the mediation requirement. In addition to mailing this Order, the Clerk is directed to email a copy of this Order to Plaintiff at froozensquid@gmail.com. Signed by Magistrate Judge Kyle C. Dudek on 7/11/2022. (BLW)</b> (Entered: 07/11/2022)
07/12/2022	<u>57</u>	Joint MOTION for Miscellaneous Relief, specifically Extend Mediation Deadline by United States Department of Justice. (Spraker, Chad) Motions referred to Magistrate Judge Kyle C. Dudek. (Entered: 07/12/2022)
07/13/2022	58	<b>ENDORSED ORDER granting <u>57</u> Motion for Extension to Complete Mediation. The mediation deadline is moved to July 28, 2022. All other deadlines remain as previously set. Signed by Magistrate Judge Kyle C. Dudek on 7/13/2022. (Dudek, Kyle)</b> (Entered: 07/13/2022)
07/18/2022	<u>59</u>	NOTICE of mediation conference/hearing to be held on July 28, 2022 at 8:00 a.m. before Anne Dalton, Esq.(Spraker, Chad) (Entered: 07/18/2022)
07/28/2022	<u>60</u>	MEDIATION report Hearing held on July 28 2022. Hearing outcome: Impasse. (Dalton, Anne) (Entered: 07/28/2022)
08/19/2022	<u>61</u>	Unopposed MOTION for Extension of Time to File Dispositive Motions by United States Department of Justice. (Spraker, Chad) Motions referred to Magistrate Judge Kyle C. Dudek. (Entered: 08/19/2022)
08/22/2022	62	<b>ENDORSED ORDER granting <u>61</u> Motion for Extension of Time. Given the parties' agreement, and the Court otherwise finding good cause, the deadline for dispositive motions is extended to September 6, 2022. All other deadlines from the Court's prior scheduling order remain in effect. Signed by Magistrate Judge Kyle C. Dudek on 8/22/2022. (CGW)</b> (Entered: 08/22/2022)
09/06/2022	<u>63</u>	MOTION for Summary Judgment by United States Department of Justice. (Attachments: # <u>1</u> Exhibit One_Seidel Declaration, # <u>2</u> Exhibit Two_Index of Exhibits)(Spraker, Chad) (Entered: 09/06/2022)
10/17/2022	<u>65</u>	RESPONSE in Opposition re <u>63</u> MOTION for Summary Judgment filed by Robert Christopher Carpezzi. (Attachments: # <u>1</u> Index, # <u>2</u> Exhibit 1A, # <u>3</u> Exhibit 2A, # <u>4</u> Exhibit 3A, # <u>5</u> Exhibit 4A, # <u>6</u> Exhibit 5A, # <u>7</u> Exhibit 6A, # <u>8</u> Exhibit 7A, # <u>9</u> Exhibit 8A, # <u>10</u> Exhibit 9A, # <u>11</u> Exhibit 10A, # <u>12</u> Exhibit 11A, # <u>13</u> Exhibit 12A, # <u>14</u> Exhibit 13A, # <u>15</u> Exhibit 14A, # <u>16</u> Exhibit 15A, # <u>17</u> Exhibit 16A)(SPB) (Entered: 10/20/2022)
10/19/2022	<u>66</u>	CERTIFICATE of service by Robert Christopher Carpezzi re <u>65</u> Response in Opposition to Motion. (SPB) (Entered: 10/21/2022)
10/20/2022	<u>64</u>	SUMMARY JUDGMENT Notice and Courtesy Copies by Robert Christopher Carpezzi re <u>63</u> MOTION for Summary Judgment. (JK) (Entered: 10/20/2022)
10/31/2022	<u>67</u>	REPLY to Response to Motion re <u>63</u> MOTION for Summary Judgment filed by United States Department of Justice. (Spraker, Chad) (Entered: 10/31/2022)

11/14/2022	<u>68</u>	RESPONSE in Opposition re <u>63</u> MOTION for Summary Judgment filed by Robert Christopher Carpezzi. (Attachments: # <u>1</u> Exhibit 2A, # <u>2</u> Exhibit 3A, # <u>3</u> Exhibit 4A, # <u>4</u> Exhibit 5A, # <u>5</u> Exhibit 7A, # <u>6</u> Exhibit 11A)(JK) (Entered: 11/15/2022)
11/16/2022	<u>69</u>	CERTIFICATE of service by Robert Christopher Carpezzi re <u>68</u> Response in Opposition to Motion. (JK) (Entered: 11/16/2022)
12/14/2022	70	<b>TEXT ORDER. Pursuant to the Court's ability to modify its docket (see Fed. R. Civ. P. 16(b)(4)), the Court finds good cause to sua sponte continue the bench trial to the May trial docket. The Final Pretrial Meeting must take place by 3/31/2023. Motions in Limine will be due on 4/10/2023. The Joint Final Pretrial Statement and Trial Briefs will be due on 4/14/2023. The Final Pretrial Conference will take place on 4/28/2023. All other provisions in the <u>37</u> Case Management and Scheduling Order remain in effect. An Amended Case Management and Scheduling Order will be entered at a later date. Signed by Judge John L. Badalamenti on 12/14/2022. (RHG) (Entered: 12/14/2022)</b>
12/14/2022	<u>71</u>	<b>AMENDED CASE MANAGEMENT AND SCHEDULING ORDER: . Pretrial statement due by 4/14/2023. Motion in Limine due by 4/10/2023. Final Pretrial Conference set for 4/28/2023 at 01:30 PM before Judge John L. Badalamenti. Bench Trial set for 5/1/2023 at 09:00 AM before Judge John L. Badalamenti. Signed by Judge John L. Badalamenti on 12/14/2022. (JGG) (Entered: 12/14/2022)</b>
03/27/2023	<u>72</u>	<b>ORDER granting <u>63</u> Defendant's Motion for Summary Judgment. The Clerk of Court shall enter judgment accordingly, terminate all other pending motions and deadlines, and close the case. See Order for details. Signed by Judge John L. Badalamenti on 3/27/2023. (RHG) (Entered: 03/27/2023)</b>
03/28/2023	<u>73</u>	JUDGMENT. (Signed by Deputy Clerk) (SEH) (Entered: 03/28/2023)