

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:22-cv-09304-JSR**

Phillips v. United States Bureau of the Census
Assigned to: Judge Jed S. Rakoff
Cause: 05:552 Freedom of Information Act

Date Filed: 10/31/2022
Date Terminated: 04/10/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

Justin H. Phillips

represented by **Jeffrey Colin Zalesin**
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V.

Defendant

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Date Filed	#	Docket Text
10/31/2022	<u>1</u>	COMPLAINT against United States Bureau of the Census. (Filing Fee \$ 402.00, Receipt Number ANYSDC-26892526) Document filed by Justin H. Phillips. (Attachments: # <u>1</u> Exhibit A – FOIA Request).(Lee, Theresa) (Entered: 10/31/2022)
10/31/2022	<u>2</u>	CIVIL COVER SHEET filed..(Lee, Theresa) (Entered: 10/31/2022)
10/31/2022	<u>3</u>	FILING ERROR – DEFICIENT – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS as to US Census Bureau, re: <u>1</u> Complaint. Document filed by Justin H. Phillips..(Lee, Theresa) Modified on 11/1/2022 (vf). (Entered: 10/31/2022)
10/31/2022	<u>4</u>	MOTION for Ruth Merewyn Greenwood to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-26898438. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Justin H. Phillips. (Attachments: # <u>1</u> Affidavit Declaration of Ruth Merewyn Greenwood in support of motion to admit counsel pro hac vice, # <u>2</u> Text of Proposed Order Proposed Order for admission of Ruth Merewyn Greenwood pro hac vice).(Greenwood, Ruth) (Entered: 10/31/2022)
11/01/2022		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Theresa Jeane Lee. The party information for the following party/parties has been modified: US Census Bureau. The information for the party/parties has been modified for the following reason/reasons: party name entered incorrectly. (vf) (Entered: 11/01/2022)
11/01/2022		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>4</u> MOTION for Ruth Merewyn Greenwood to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-26898438. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sgz) (Entered: 11/01/2022)
11/01/2022		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Jed S. Rakoff. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(vf) (Entered: 11/01/2022)
11/01/2022		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (vf) (Entered: 11/01/2022)
11/01/2022		Case Designated ECF. (vf) (Entered: 11/01/2022)
11/01/2022		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Theresa Jeane Lee to RE-FILE Document No. <u>3</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): Docket Entry Error. Enter the the party name as to whom the summons is issued for when prompted in ECF. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (vf) (Entered: 11/01/2022)
11/01/2022	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Bureau of the Census, re: <u>1</u> Complaint. Document filed by Justin H. Phillips..(Lee, Theresa) (Entered: 11/01/2022)
11/01/2022	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to United States Bureau of the Census. (vf) (Entered: 11/01/2022)

11/04/2022	<u>7</u>	AFFIDAVIT OF SERVICE. United States Bureau of the Census served on 11/3/2022, answer due 11/25/2022. Service was made by Mail. Document filed by Justin H. Phillips..(Lee, Theresa) (Entered: 11/04/2022)
11/07/2022	<u>8</u>	NOTICE OF APPEARANCE by Jordan Ari Goldstein on behalf of Justin H. Phillips. (Attachments: # <u>1</u> Affidavit – Certificate of Service).(Goldstein, Jordan) (Entered: 11/07/2022)
11/07/2022	<u>9</u>	NOTICE OF APPEARANCE by Jeffrey Colin Zalesin on behalf of Justin H. Phillips. (Attachments: # <u>1</u> Affidavit – Certificate of Service).(Zalesin, Jeffrey) (Entered: 11/07/2022)
11/08/2022	<u>10</u>	CERTIFICATE OF SERVICE of Motion for Admission Pro Hac Vice served on United States Bureau of the Census on 11/3/2022. Service was made by Mail. Document filed by Justin H. Phillips..(Lee, Theresa) (Entered: 11/08/2022)
11/14/2022	<u>11</u>	NOTICE OF APPEARANCE by Jeannette Anne Vargas on behalf of United States Bureau of the Census..(Vargas, Jeannette) (Entered: 11/14/2022)
12/05/2022	<u>12</u>	ANSWER to <u>1</u> Complaint. Document filed by United States Bureau of the Census..(Vargas, Jeannette) (Entered: 12/05/2022)
12/07/2022	<u>13</u>	NOTICE OF COURT CONFERENCE: DATE AND PLACE OF CONFERENCE: 12–20–2022, ON A TELECONFERENCE LINE AT 11:15 am. The dial–in information for the call will be as follows: USA Toll–Free (888) 363–4735; USA Caller Paid/International Toll: (215) 446–3657; Access Code: 1086415. Initial Conference set for 12/20/2022 at 11:15 AM before Judge Jed S. Rakoff. (Signed by Judge Jed S. Rakoff on 12/7/2022) (kv) (Entered: 12/07/2022)
12/13/2022	<u>14</u>	RULE 26(f) DISCOVERY PLAN REPORT.Document filed by Justin H. Phillips. (Attachments: # <u>1</u> Exhibit A: Plaintiffs' Proposed Case Management Plan, # <u>2</u> Exhibit B: Denial Letter).(Lee, Theresa) (Entered: 12/13/2022)
12/20/2022	<u>15</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>4</u> Motion for Ruth Merewyn Greenwood to Appear Pro Hac Vice. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hac Vice in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys.. (Signed by Judge Jed S. Rakoff on 12/20/2022) (kv) (Entered: 12/20/2022)
12/20/2022		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 12/20/2022,A schedule for summary judgment is set. Defendants initial moving papers are due by no later than 2/1/2023. Responsive papers from the plaintiff are due by no later than 2/15/2023. Any reply is due by no later than 2/22/2023. Oral argument will be held at 4:30 PM on 2/24/2023, in Courtroom 14B of the Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl St., New York, NY. (Final Pretrial Conference set for 3/6/2023 at 04:30 PM before Judge Jed S. Rakoff., Oral Argument set for 2/24/2023 at 04:30 PM before Judge Jed S. Rakoff.). (Kotowski, Linda) Modified on 12/20/2022 (Kotowski, Linda). (Entered: 12/20/2022)
01/06/2023	<u>16</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 12/20/2022 before Judge Jed S. Rakoff. Court Reporter/Transcriber: George Malinowski, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/27/2023. Redacted Transcript Deadline set for 2/6/2023. Release of Transcript Restriction set for 4/6/2023..(McGuirk, Kelly) (Entered: 01/06/2023)
01/06/2023	<u>17</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 12/20/2022 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 01/06/2023)

01/06/2023		Minute Entry for proceedings held before Judge Jed S. Rakoff: (Oral Argument set for 3/6/2023 at 04:30 PM before Judge Jed S. Rakoff.)Erratum: A Minute Entry posted on 12/20/2022 erroneously states that reply papers for summary judgment are due no later than 2/22/2023 and that oral argument will be held at 4:30 PM on 2/24/2023. Those dates are incorrect. Reply papers are due by no later than 2/24/2024 and oral argument will be held at 4:30 PM on 3/6/2023.. (Kotowski, Linda) (Entered: 01/09/2023)
01/26/2023	<u>18</u>	NOTICE OF APPEARANCE by Theresa Jeane Lee on behalf of Justin H. Phillips..(Lee, Theresa) (Entered: 01/26/2023)
01/26/2023		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/26/2023,without transcription or recording. Counsel for all parties were present. The previously set summary judgment briefing schedule and and oral argument date are adjourned. Instead, summary judgment motions will now be due 4/10/23, with opposing papers due 4/24/23 and replies due 5/1/23. Oral argument will be 5/9/23 at 4:30 PM. (Oral Argument set for 5/9/2023 at 04:30 PM before Judge Jed S. Rakoff.). (Kotowski, Linda) (Entered: 01/26/2023)
04/10/2023	<u>19</u>	PROPOSED STIPULATION AND ORDER. Document filed by Justin H. Phillips..(Lee, Theresa) (Entered: 04/10/2023)
04/10/2023	<u>20</u>	STIPULATION AND ORDER OF DISMISSAL: IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows: If the Census Bureau does not publicly release the 2020 Redistricting NMF Research Data Product by August 23, then on that date the Census Bureau will produce to the Plaintiff an unsupported file containing the noisy measurements for the 2020 Census Redistricting Data (P.L. 94-171) Summary File (the "Unsupported 2020 Redistricting NMF"). Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, this action is hereby dismissed with prejudice; provided, however, that the dismissal is without prejudice to Plaintiff's right to enforce the terms of this stipulation, including the terms of paragraph 1, and the Court shall retain jurisdiction to enforce the terms of this stipulation, including the terms of paragraph 1, and to adjudicate a request by Plaintiff for attorneys' fees and costs under 5 U.S.C. § 552(a)(4)(E). Plaintiff reserves the right to file a claim for fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E), and Defendant reserves its right to oppose any such application. Any such application for fees and costs must be filed no later than 60 days following the Census Bureau's production of either the 2020 Redistricting NMF Research Data Product or the Unsupported 2020 Redistricting NMF. SO ORDERED. (Signed by Judge Jed S. Rakoff on 4/10/2023) (ama) (Entered: 04/10/2023)
04/10/2023		Terminate Transcript Deadlines (ama) (Entered: 04/10/2023)