

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:21-cv-10534-VEC**

The New York Times Company et al v. Federal Bureau of Investigation
Assigned to: Judge Valerie E. Caproni
Cause: 05:552 Freedom of Information Act

Date Filed: 12/09/2021
Date Terminated: 05/30/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

The New York Times Company

represented by **Michael Linhorst**
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Ste Unit 3
New Haven, CT 06511
315-256-1602
Email: michaellinhorst@gmail.com
TERMINATED: 08/19/2022
LEAD ATTORNEY

David A. Schulz
Ballard Spahr LLP (NYC)
1675 Broadway, 19th Floor
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Email: schulzd@ballardspahr.com
ATTORNEY TO BE NOTICED

Plaintiff

Lee Levine

represented by **Michael Linhorst**
(See above for address)
TERMINATED: 08/19/2022
LEAD ATTORNEY

David A. Schulz
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Stephen Wermiel

represented by **Michael Linhorst**
(See above for address)
TERMINATED: 08/19/2022
LEAD ATTORNEY

David A. Schulz
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Federal Bureau of Investigation

represented by **Peter Max Aronoff**
United States Attorney's Office for the SDNY
86 Chambers Street
New York, NY 10007
212-637-2697
Fax: 212-637-2686

| Date Filed | # | Docket Text |
|------------|-----------|--|
| 12/09/2021 | <u>1</u> | COMPLAINT against Federal Bureau of Investigation. (Filing Fee \$ 402.00, Receipt Number ANYSDC-25447324) Document filed by The New York Times Company, Stephen Wermiel, Lee Levine. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D).(Linhorst, Michael) (Entered: 12/09/2021) |
| 12/09/2021 | <u>2</u> | CIVIL COVER SHEET filed..(Linhorst, Michael) (Entered: 12/09/2021) |
| 12/09/2021 | <u>3</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The New York Times Company..(Linhorst, Michael) (Entered: 12/09/2021) |
| 12/09/2021 | <u>4</u> | REQUEST FOR ISSUANCE OF SUMMONS as to Federal Bureau of Investigation, re: <u>1</u> Complaint,. Document filed by Lee Levine, The New York Times Company, Stephen Wermiel..(Linhorst, Michael) (Entered: 12/09/2021) |
| 12/09/2021 | <u>5</u> | NOTICE OF APPEARANCE by David A. Schulz on behalf of Lee Levine, The New York Times Company, Stephen Wermiel..(Schulz, David) (Entered: 12/09/2021) |
| 12/10/2021 | | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Valerie E. Caproni. 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..(pc) (Entered: 12/10/2021) |
| 12/10/2021 | | Magistrate Judge Katharine H. Parker 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 . (pc) (Entered: 12/10/2021) |
| 12/10/2021 | | Case Designated ECF. (pc) (Entered: 12/10/2021) |
| 12/10/2021 | <u>6</u> | ELECTRONIC SUMMONS ISSUED as to Federal Bureau of Investigation..(pc) (Entered: 12/10/2021) |
| 12/13/2021 | <u>7</u> | NOTICE OF INITIAL PRETRIAL CONFERENCE: At the scheduled time, counsel for all parties should call 888-363-4749, Access code 3121171#, Security code 0534. Initial Conference set for 2/11/2022 at 03:30 PM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 12/13/2021) (tg) (Entered: 12/13/2021) |
| 12/22/2021 | <u>8</u> | AFFIDAVIT OF SERVICE (FOIA CASE). Federal Bureau of Investigation served on 12/21/2021, answer due 1/20/2022. Service was made by Mail. Document filed by The New York Times Company; Stephen Wermiel; Lee Levine..(Linhorst, Michael) (Entered: 12/22/2021) |
| 01/13/2022 | <u>9</u> | NOTICE OF APPEARANCE by Peter Max Aronoff on behalf of Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 01/13/2022) |
| 01/18/2022 | <u>10</u> | ANSWER to <u>1</u> Complaint,. Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 01/18/2022) |
| 01/26/2022 | <u>11</u> | JOINT LETTER MOTION to Adjourn Conference <i>without date, waive requirement for proposed case management plan, and file status report by March 4, 2022</i> addressed to Judge Valerie E. Caproni from Peter Aronoff dated 1/26/2022. Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 01/26/2022) |
| 01/26/2022 | <u>12</u> | ORDER granting <u>11</u> Letter Motion to Adjourn Conference. Application GRANTED. The Initial Pre-Trial Conference currently scheduled for Friday, February 11, 2022, at 3:30 p.m. is hereby ADJOURNED sine die. The parties are relieved of the obligation |

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| | | to submit a Case Management Plan at this time. The parties must submit a joint status update of not longer than 5 pages not later than March 4, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/26/2022) (vfr) (Entered: 01/26/2022) |
| 03/04/2022 | <u>13</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by March 18, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 03/04/2022) |
| 03/07/2022 | <u>14</u> | MEMO ENDORSEMENT on re: <u>13</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties must provide the Court with a joint status report not later than March 18, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/7/2022) (tg) (Entered: 03/07/2022) |
| 03/18/2022 | <u>15</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by April 1, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 03/18/2022) |
| 03/21/2022 | <u>16</u> | MEMO ENDORSEMENT on re: <u>15</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties must file a joint status report not later than April 1, 2022. So Ordered. (Signed by Judge Valerie E. Caproni on 3/21/2022) (js) (Entered: 03/21/2022) |
| 04/01/2022 | <u>17</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by April 22, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 04/01/2022) |
| 04/04/2022 | <u>18</u> | MEMO ENDORSEMENT on re: <u>17</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties must submit a joint status update not later than April 22, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 4/4/2022) (tg) (Entered: 04/04/2022) |
| 04/22/2022 | <u>19</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by June 7, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 04/22/2022) |
| 04/22/2022 | <u>20</u> | MEMO ENDORSEMENT on re: <u>19</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties must file a joint status report not later than June 7, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 4/22/2022) (tg) (Entered: 04/22/2022) |
| 06/07/2022 | <u>21</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by July 7, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 06/07/2022) |
| 06/07/2022 | <u>22</u> | MEMO ENDORSEMENT on re: <u>21</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties must submit a joint status report not later than July 7, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/7/2022) (vfr) (Entered: 06/07/2022) |
| 07/07/2022 | <u>23</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by August 8, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 07/07/2022) |
| 07/07/2022 | <u>24</u> | MEMO ENDORSEMENT on re: <u>23</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT : Application GRANTED. The parties must submit a joint status report not later than August 8, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/7/22) (yv) (Entered: 07/07/2022) |
| 08/08/2022 | <u>25</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by September 16, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 08/08/2022) |
| 08/08/2022 | <u>26</u> | MEMO ENDORSEMENT on re: <u>25</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties must provide a joint status update to the Court not later than September 16, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/8/2022) (vfr) (Entered: 08/08/2022) |

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| 08/18/2022 | <u>27</u> | MOTION for Michael Linhorst to Withdraw as Attorney <i>for Plaintiffs</i> . Document filed by Lee Levine, The New York Times Company, Stephen Wermiel. (Attachments: # <u>1</u> Affidavit in support of motion).(Linhorst, Michael) (Entered: 08/18/2022) |
| 08/19/2022 | <u>28</u> | MEMO ENDORSEMENT granting <u>27</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application GRANTED. The Clerk of Court is respectfully directed to terminate Michael Linhorst as counsel for Plaintiffs. SO ORDERED. Attorney Michael Linhorst terminated. (Signed by Judge Valerie E. Caproni on 8/19/2022) (tg) (Entered: 08/19/2022) |
| 09/16/2022 | <u>29</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by October 14, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 09/16/2022) |
| 09/20/2022 | <u>30</u> | MEMO ENDORSEMENT: on re: <u>29</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties must file a joint status report not later than October 14, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 9/20/2022) (ama) (Entered: 09/20/2022) |
| 10/14/2022 | <u>31</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by November 14, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 10/14/2022) |
| 10/17/2022 | <u>32</u> | MEMO ENDORSEMENT on re: <u>31</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties are hereby ordered to provide another joint status update not later than November 14, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 10/17/22) (yv) (Entered: 10/17/2022) |
| 11/14/2022 | <u>33</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by December 14, 2022 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 11/14/2022) |
| 11/15/2022 | <u>34</u> | MEMO ENDORSEMENT on re: <u>33</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties are hereby ordered to submit a joint status report to the Court not later than Wednesday, December 14, 2022. SO ORDERED. (Signed by Judge Valerie E. Caproni on 11/15/2022) (tg) (Entered: 11/15/2022) |
| 12/14/2022 | <u>35</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by January 13, 2023 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 12/14/2022) |
| 12/15/2022 | <u>36</u> | MEMO ENDORSEMENT on re: <u>35</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties are hereby ordered to submit a joint status report to the Court not later than Friday, January 13, 2023. SO ORDERED. (Signed by Judge Valerie E. Caproni on 12/15/2022) (tg) (Entered: 12/15/2022) |
| 01/13/2023 | <u>37</u> | STATUS REPORT. (<i>joint</i>) and proposal for further status report by February 13, 2023 Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 01/13/2023) |
| 01/17/2023 | <u>38</u> | MEMO ENDORSEMENT on re: <u>37</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The parties must submit a further status update to the Court not later than Monday, February 13, 2023. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/17/2023) (tg) (Entered: 01/17/2023) |
| 02/13/2023 | <u>39</u> | STATUS REPORT. Document filed by Lee Levine, The New York Times Company, Stephen Wermiel..(Schulz, David) (Entered: 02/13/2023) |
| 02/14/2023 | <u>40</u> | MEMO ENDORSEMENT on re: <u>39</u> Status Report filed by The New York Times Company, Stephen Wermiel, Lee Levine. ENDORSEMENT: Application GRANTED. The parties must submit a further joint status update not later than Monday, March 13, 2023, and must continue submitting a joint status update on the 15th business day of every month thereafter. SO ORDERED. (Signed by Judge Valerie E. Caproni on 2/14/2023) (tg) (Entered: 02/14/2023) |

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| 03/13/2023 | <u>41</u> | STATUS REPORT. (<i>joint</i>) and proposal to propose summary judgment schedule by end of week Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 03/13/2023) |
| 03/14/2023 | <u>42</u> | MEMO ENDORSEMENT on re: <u>41</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. Not later than Friday, March 17, 2023, the parties must provide a proposed briefing schedule for cross-motions for summary judgment. The parties need no longer file status updates on the 15th day of every month as set forth in the Court's order at Dkt. 40. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/14/2023) (tg) (Entered: 03/14/2023) |
| 03/17/2023 | <u>43</u> | LETTER addressed to Judge Valerie E. Caproni from David A. Schulz dated March 17, 2023 re: Proposed briefing schedule. Document filed by Lee Levine, The New York Times Company, Stephen Wermiel..(Schulz, David) (Entered: 03/17/2023) |
| 03/20/2023 | <u>44</u> | MEMO ENDORSEMENT on re: <u>43</u> Letter filed by The New York Times Company, Stephen Wermiel, Lee Levine. ENDORSEMENT: Application GRANTED. Defendant's motion for summary judgment is due not later than April 28, 2023. Plaintiffs' response and cross-motion are due not later than July 7, 2023. Defendant's response and reply are due not later than July 28, 2023. Plaintiffs' reply is due not later than August 18, 2023. The parties need not file Rule 56.1 Statements of Material Fact. Due to the generous briefing schedule, extension requests are unlikely to be granted. SO ORDERED. (Cross Motions due by 7/7/2023., Motions due by 4/28/2023., Replies due by 8/18/2023., Responses due by 7/28/2023) (Signed by Judge Valerie E. Caproni on 3/20/2023) (tg) (Entered: 03/20/2023) |
| 04/26/2023 | <u>45</u> | JOINT LETTER addressed to Judge Valerie E. Caproni from Peter Aronoff dated 4/26/2023 re: notice of resolution of merits, and status report on parties' settlement discussion on plaintiffs' fee claim. Document filed by Federal Bureau of Investigation..(Aronoff, Peter) (Entered: 04/26/2023) |
| 04/27/2023 | <u>46</u> | MEMO ENDORSEMENT on re: <u>45</u> Letter, filed by Federal Bureau of Investigation. ENDORSEMENT: Application GRANTED. The summary judgment briefing schedule is hereby CANCELLED. Not later than Friday, May 26, 2023, the parties must either file a stipulation and proposed order of settlement and dismissal, or a further status report. SO ORDERED. (Signed by Judge Valerie E. Caproni on 4/27/2023) (vfr) (Entered: 04/27/2023) |
| 05/26/2023 | <u>47</u> | STATUS REPORT. Document filed by Lee Levine, The New York Times Company, Stephen Wermiel..(Schulz, David) (Entered: 05/26/2023) |
| 05/30/2023 | <u>48</u> | ORDER: IT IS HEREBY ORDERED THAT all previously scheduled conferences and other deadlines are CANCELLED. IT IS FURTHER ORDERED that this case is DISMISSED with prejudice and without costs (including attorneys' fees) to either party. The Clerk of Court is respectfully directed to terminate all open motions and to CLOSE the case. Within 30 days of this order, the parties may apply to reopen this case. Any such application must show good cause for holding the case open in light of the parties' settlement and must be filed within 30 days. Any request filed after 30 days or without a showing of good cause may be denied solely on that basis. Additionally, if the parties wish for the Court to retain jurisdiction to enforce their settlement agreement, they must submit within the same 30-day period: (1) their settlement agreement to the Court in accordance with Rule 7.A of the Court's Individual Practices and (2) a request that the Court issue an order expressly retaining jurisdiction to enforce the settlement agreement. See <i>Hendrickson v. United States</i> , 791 F.3d 354 (2d Cir. 2015). SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/30/2023) (tg) (Entered: 05/30/2023) |