

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:22-cv-11532-DJC**

American Civil Liberties Union of Massachusetts, Inc. v.
Central Intelligence Agency et al
Assigned to: Judge Denise J. Casper
Cause: 05:552 Freedom of Information Act

Date Filed: 09/19/2022
Date Terminated: 06/28/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American Civil Liberties Union of
Massachusetts, Inc.**

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Defendant

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Defendant

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Email All Attorneys
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Date Filed	#	Docket Text
09/19/2022	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 402, receipt number AMADC-9502609 (Fee Status: Filing Fee paid), filed by American Civil Liberties Union of Massachusetts, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Civil Category Sheet)(Panariello, Natalie) (Entered: 09/19/2022)
09/19/2022	<u>2</u>	ELECTRONIC NOTICE of Case Assignment. Judge Denise J. Casper assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Jennifer C. Boal. (Finn, Mary) (Entered: 09/19/2022)
09/19/2022	<u>3</u>	Summons Issued as to Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Warnock, Douglas) (Entered: 09/19/2022)
09/20/2022	<u>4</u>	NOTICE of Appearance by Natalie F. Panariello on behalf of American Civil Liberties Union of Massachusetts, Inc. (Panariello, Natalie) (Entered: 09/20/2022)
09/22/2022	<u>5</u>	NOTICE of Appearance by Daniel L. McFadden on behalf of American Civil Liberties Union of Massachusetts, Inc. (McFadden, Daniel) (Entered: 09/22/2022)
09/27/2022	<u>6</u>	SUMMONS Returned Executed by American Civil Liberties Union of Massachusetts, Inc., AFFIDAVIT OF SERVICE Executed by American Civil Liberties Union of Massachusetts, Inc.. Central Intelligence Agency served on 9/20/2022, answer due 10/20/2022; National Security Agency served on 9/20/2022, answer due 10/20/2022; Office of the Director of National Intelligence served on 9/20/2022, answer due 10/20/2022; United States Department of Defense served on 9/20/2022, answer due 10/20/2022. Acknowledgement filed by American Civil Liberties Union of Massachusetts, Inc.. (Attachments: # <u>1</u> Summons Returned Executed)(Panariello, Natalie) (Entered: 09/27/2022)
10/18/2022	<u>7</u>	NOTICE of Appearance by Erin E. Brizius on behalf of Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense (Brizius, Erin) (Entered: 10/18/2022)
10/21/2022	<u>8</u>	NOTICE of Appearance by Julia Heiman on behalf of Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense (Heiman, Julia) (Entered: 10/21/2022)
10/21/2022	<u>9</u>	ANSWER to <u>1</u> Complaint, by Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Heiman, Julia) (Entered: 10/21/2022)
10/24/2022	<u>10</u>	NOTICE of Scheduling Conference. Scheduling Conference set for 11/28/2022 02:00 PM in Courtroom 11 (Remote only) before Judge Denise J. Casper. This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy

		<p>as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Hourihan, Lisa) (Entered: 10/24/2022)</p>
10/24/2022	<u>11</u>	Judge Denise J. Casper: ORDER entered. Standing Order Re: Courtroom Opportunities for Relatively Inexperienced Attorneys(Hourihan, Lisa) (Entered: 10/24/2022)
10/24/2022	<u>12</u>	Judge Denise J. Casper: Standing Order Regarding Appearance of Counsel Via Telephone or Video Conference(Hourihan, Lisa) (Entered: 10/24/2022)
11/21/2022	<u>13</u>	CERTIFICATION pursuant to Local Rule 16.1 . (McFadden, Daniel) (Entered: 11/21/2022)
11/21/2022	<u>14</u>	JOINT STATEMENT re scheduling conference . (Panariello, Natalie) (Entered: 11/21/2022)
11/21/2022	<u>15</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Heiman, Julia) (Entered: 11/21/2022)
11/28/2022	<u>16</u>	NOTICE of Appearance by Christopher Escobedo Hart on behalf of American Civil Liberties Union of Massachusetts, Inc. (Hart, Christopher) (Entered: 11/28/2022)
11/28/2022	<u>17</u>	NOTICE of Appearance by Matthew Segal on behalf of American Civil Liberties Union of Massachusetts, Inc. (Segal, Matthew) (Entered: 11/28/2022)
11/28/2022	18	Electronic Clerk's Notes for proceedings held before Judge Denise J. Casper: Scheduling Conference held on 11/28/2022 by video conference. Government to file its motion for summary judgment, including any <i>Vaughn</i> index by 1/16/23. Plaintiff's opposition and any cross-motion to be filed by 2/6/23. Government's reply and any cross-opposition to be filed by 2/23/23. Plaintiff's cross-reply to be filed by 2/27/23. Hearing set for 3/28/23 at 2:00PM. (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Daniel McFadden, Matthew Segal and Natalie Panariello for the plaintiff. Julia Heiman for the defendants.) (Hourihan, Lisa) (Entered: 11/29/2022)
11/29/2022	19	ELECTRONIC NOTICE Setting Hearing on Cross Motions for Summary Judgment. Motion Hearing set for 3/28/2023 02:00 PM in Courtroom 11 (In person only) before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 11/29/2022)
01/13/2023	<u>20</u>	Consent MOTION for Extension of Time to January 30, 2023 to File <i>Defendants' Summary Judgment Motion</i> by Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Heiman, Julia) (Entered: 01/13/2023)
01/20/2023	21	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>20</u> Motion for Extension of Time to File Summary Judgment Motions. Government to file its motion for summary judgment, including any <i>Vaughn</i> index by 1/30/23. Plaintiff's opposition and any cross-motion to be filed by 2/20/23. Government's reply and any cross-opposition to be filed by 3/9/23. Plaintiff's cross-reply to be filed by 3/13/23. The 3/28/23 hearing date remains in place. (Hourihan, Lisa) (Entered: 01/20/2023)
01/27/2023	<u>22</u>	Consent MOTION for Extension of Time to February 6, 2023 to File <i>Defendants' Motion for Summary Judgment</i> by Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Heiman, Julia) (Entered: 01/27/2023)
01/31/2023	23	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>22</u> Motion for Extension of Time to File Summary Judgment. Government to file its motion for summary judgment, including any <i>Vaughn</i> index by 2/6/23. Plaintiff's opposition and

		any cross-motion to be filed by 2/27/23. Government's reply and any cross-opposition to be filed by 3/16/23. Plaintiff's cross-reply to be filed by 3/20/23. The 3/28/23 hearing date remains in place (Hourihan, Lisa) (Entered: 01/31/2023)
02/06/2023	<u>24</u>	MOTION for Summary Judgment by Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Declaration of Michael G. Seidel, # <u>3</u> Statement of Undisputed Material Facts, # <u>4</u> Text of Proposed Order)(Heiman, Julia) (Entered: 02/06/2023)
02/26/2023	<u>25</u>	MOTION for Extension of Time to March 6, 2023 to File Plaintiff's Opposition and Cross-Motion for Summary Judgment by American Civil Liberties Union of Massachusetts, Inc..(Panariello, Natalie) (Entered: 02/26/2023)
02/28/2023	26	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>25</u> Motion for Extension of Time. Plaintiff's opposition and any cross-motion to be filed by 3/6/23. Government's reply and any cross-opposition to be filed by 3/24/23. Plaintiff's cross-reply to be filed by 3/31/23. The 3/28/23 hearing date remains in place. (Hourihan, Lisa) (Entered: 02/28/2023)
03/06/2023	<u>27</u>	Cross MOTION for Summary Judgment by American Civil Liberties Union of Massachusetts, Inc.. (Attachments: # <u>1</u> Memorandum of Law in Support of Plaintiff's Cross-Motion for Summary Judgment, # <u>2</u> Plaintiff's Response to Defendants' Statement of Facts and Statement of Additional Facts, # <u>3</u> Declaration of Daniel McFadden, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J, # <u>14</u> Exhibit K, # <u>15</u> Exhibit L, # <u>16</u> Exhibit M, # <u>17</u> Exhibit N, # <u>18</u> Exhibit O)(Panariello, Natalie) (Entered: 03/06/2023)
03/14/2023	28	ELECTRONIC NOTICE TO COUNSEL re <u>24</u> MOTION for Summary Judgment and <u>27</u> Cross MOTION for Summary Judgment : Pursuant to the CM/ECF Administrative Procedures Section (G) Number (4): Any memorandum of law or other attachment filed in support of a main document shall be filed as a separate document. For future filings, please make sure all memorandums in support and any statements of material facts are filed correctly in their own separate entries using the correct event. (Currie, Haley) (Entered: 03/14/2023)
03/24/2023	<u>29</u>	NOTICE of Withdrawal of Appearance by Matthew Segal (Segal, Matthew) (Entered: 03/24/2023)
03/24/2023	<u>30</u>	Opposition re <u>27</u> Cross MOTION for Summary Judgment <i>and Reply in Support of Defendants' Motion for Summary Judgment</i> filed by Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Response to Plaintiff's Statement of Additional Material Facts)(Heiman, Julia) (Entered: 03/24/2023)
03/28/2023	<u>31</u>	REPLY to Response to <u>27</u> Cross MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, Inc.. (Hart, Christopher) (Entered: 03/28/2023)
03/28/2023	32	Electronic Clerk's Notes for proceedings held before Judge Denise J. Casper: Motion Hearing held on 3/28/2023 re <u>24</u> MOTION for Summary Judgment filed by United States Department of Defense, Central Intelligence Agency, Office of the Director of National Intelligence, National Security Agency., <u>27</u> Cross MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, Inc., Arguments. Court takes under advisement <u>24</u> MOTION for Summary Judgment United States Department of Defense, Central Intelligence Agency, Office of the Director of National Intelligence, National Security Agency. and <u>27</u> Cross MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, Inc. (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Natalie Panariello, Christopher Hart and Daniel McFadden for the Plaintiff. Julia Heiman and Elizabeth Shapiro for Defendants.) (Currie, Haley) (Entered: 03/28/2023)
05/11/2023	<u>33</u>	Judge Denise J. Casper: ORDER entered. MEMORANDUM AND ORDER – The Court DENIES Defendants' motion for summary judgment, D. 24, and ALLOWS the ACLUM's cross-motion for summary judgment on the limited issue of whether

		Defendants "improperly refused to confirm or deny the existence of records responsive to [the] ACLUM's [FOIA] requests," D. 27. Defendants are hereby ORDERED to confirm or deny the existence of records responsive to the ACLUM's August 15, 2022 and August 16, 2022 FOIA requests by May 25, 2023. The parties are further ordered to confer and submit a joint scheduling proposal to the Court for any further deadlines for disposition of this case. Such proposal shall be filed with the Court by June 1, 2023.(Hourihan, Lisa) (Entered: 05/11/2023)
05/15/2023	<u>34</u>	MOTION for Extension of Time to June 26, 2023 to Comply with the Court's May 11, 2023 Order by Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Heiman, Julia) (Entered: 05/15/2023)
05/16/2023	<u>35</u>	Opposition re <u>34</u> MOTION for Extension of Time to June 26, 2023 to Comply with the Court's May 11, 2023 Order filed by American Civil Liberties Union of Massachusetts, Inc.. (Panariello, Natalie) (Entered: 05/16/2023)
05/22/2023	36	Judge Denise J. Casper: ELECTRONIC ORDER entered re: <u>34</u> Motion for Extension of Time. Having considered Defendants' motion for a 30-day extension of the deadline set in D. 33, D. 34, and Plaintiffs' opposition to same, D. 35, the Court ALLOWS the motion, but only to the following extent. Defendants have until 6/26/23 to respond as directed in D. 33. To the extent that Defendants suggest that they may seek a stay pending any appeal it files, the Court does not have that matter before it and allowing this motion does not indicate what ruling the Court may issue as to any stay that may or may not be sought (one that the Court will not consider until briefed by both sides). The Court also notes that it does not anticipate further extensions of the newly adopted 6/26/23 deadline. (Hourihan, Lisa) (Entered: 05/22/2023)
06/05/2023	<u>37</u>	NOTICE of Appearance by Rayford A. Farquhar on behalf of Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense (Farquhar, Rayford) (Entered: 06/05/2023)
06/05/2023	<u>38</u>	NOTICE of Withdrawal of Appearance by Erin E. Brizius (Brizius, Erin) (Entered: 06/05/2023)
06/23/2023	<u>39</u>	NOTICE by Central Intelligence Agency, National Security Agency, Office of the Director of National Intelligence, United States Department of Defense <i>Notice of Compliance</i> (Heiman, Julia) (Entered: 06/23/2023)
06/27/2023	40	Judge Denise J. Casper: ELECTRONIC ORDER entered. re <u>39</u> Notice filed by United States Department of Defense, Central Intelligence Agency, Office of the Director of National Intelligence, National Security Agency. In light of the filing of the Defendants' notice, D. 39, and having not received a proposed scheduling order from the parties as ordered, D. 33, the Court assumes that no proceedings are necessary in this matter. Unless the Court hears otherwise from the parties by July 11, 2023, the Court intends to close the case. (Hourihan, Lisa) (Entered: 06/27/2023)
06/27/2023	<u>41</u>	STIPULATION of Dismissal by American Civil Liberties Union of Massachusetts, Inc.. (Panariello, Natalie) (Entered: 06/27/2023)