

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:22-cv-03125-CKK**

MOSCOU v. FEDERAL BUREAU OF INVESTIGATION et al Date Filed: 10/14/2022  
Assigned to: Judge Colleen Kollar-Kotelly Jury Demand: None  
Cause: 05:552 Freedom of Information Act Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**JAMES MOSCOU**

represented by **Merrick Jason Wayne**  
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V.

**Defendant**

**FEDERAL BUREAU OF INVESTIGATION**

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**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **Sam Escher**  
(See above for address)  
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Date Filed	#	Docket Text
10/14/2022	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 402 receipt number ADCDC-9599069) filed by JAMES MOSCOU. (Attachments: # <u>1</u> Exhibit Ex 1-3, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Topic, Matthew) (Entered: 10/14/2022)
10/14/2022	<u>2</u>	SEALED DOCUMENT filed by JAMES MOSCOU(This document is SEALED and only available to authorized persons.)(Topic, Matthew) (Entered: 10/14/2022)
10/14/2022	<u>3</u>	NOTICE of Appearance by Matthew Topic on behalf of JAMES MOSCOU (Topic, Matthew) (Entered: 10/14/2022)
10/14/2022	<u>4</u>	NOTICE of Appearance by Joshua Loevy on behalf of JAMES MOSCOU (Loevy, Joshua) (Entered: 10/14/2022)
10/17/2022		Case Assigned to Judge Colleen Kollar-Kotelly. (zcb, ) (Entered: 10/17/2022)
10/17/2022	<u>5</u>	SUMMONS (4) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zcb, ) (Entered: 10/17/2022)
10/20/2022	<u>6</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 10/20/2022.(DM) (Entered: 10/20/2022)
11/18/2022	<u>7</u>	Consent MOTION for Extension of Time to <i>Respond to Plaintiff's Complaint</i> by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 11/18/2022)
11/18/2022		MINUTE ORDER. The Court is in receipt of the <u>7</u> Consent Motion for Extension of Time to Respond to Plaintiff's Complaint. Defendants indicate that a heavy caseload at the U.S. Attorney's Office has led to delays and requests a 35-day extension "to discuss this matter with the relevant agency, explore whether this case may be resolved without litigation and, if not, formulate Defendants' response to Plaintiff's Complaint." The Court GRANTS IN PART Defendants' <u>7</u> Motion as for a 21-day extension. Defendants shall respond to Plaintiff's Complaint by DECEMBER 14, 2022. Additionally, Plaintiff shall file proof of service with the Court by DECEMBER 14, 2022. Signed by Judge Colleen Kollar-Kotelly on 11/18/22. (lcckk3) (Entered: 11/18/2022)
11/18/2022		Set/Reset Deadlines: Defendants shall respond to Plaintiff's Complaint by 12/14/2022. Plaintiff shall file proof of service with the Court by 12/14/2022. (dot) (Entered: 11/18/2022)
12/08/2022	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 10/31/2022 (Loevy, Joshua) (Entered: 12/08/2022)
12/08/2022	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 11/1/2022 (Loevy, Joshua) (Entered: 12/08/2022)
12/08/2022	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/01/2022. (Loevy, Joshua) (Entered: 12/08/2022)

12/08/2022	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/24/2022. Answer due for ALL FEDERAL DEFENDANTS by 11/23/2022. (Loevy, Joshua) (Entered: 12/08/2022)
12/14/2022	<u>12</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE.(Escher, Sam) (Entered: 12/14/2022)
12/14/2022	<u>13</u>	ORDER regarding Meet and Confer and Joint Status Report, proposing a schedule for proceeding in this matter, due by no later than FEBRUARY 1, 2023. Signed by Judge Colleen Kollar-Kotelly on 12/14/22. (lcckk3) (Entered: 12/14/2022)
12/14/2022		Set/Reset Deadlines: Joint Status Report, proposing a schedule for proceeding in this matter, due by no later than 2/1/2023. (dot) (Entered: 12/15/2022)
02/01/2023	<u>14</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Escher, Sam) (Entered: 02/01/2023)
02/02/2023	<u>15</u>	SCHEDULING & PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on 2/2/23. (lcckk3) (Entered: 02/02/2023)
02/02/2023		Set/Reset Deadlines: Vaughn Index due by 4/5/2023. Defendants' Summary Judgment Motion due by 4/5/2023. Response to Motion for Summary Judgment due by 5/5/2023. Reply to Motion for Summary Judgment due by 5/26/2023. Plaintiff's Cross Motion for Summary Judgment due by 5/5/2023. Response to Cross Motion for Summary Judgment due by 5/26/2023. Reply to Cross Motion for Summary Judgment due by 6/16/2023. (dot) (Entered: 02/08/2023)
03/01/2023	<u>16</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of JAMES MOSCOU (Wayne, Merrick) (Entered: 03/01/2023)
04/05/2023	<u>17</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 04/05/2023)
04/06/2023		MINUTE ORDER. The Court is in receipt of the <u>17</u> Consent Motion for Extension of Time, in which Defendants indicate that "Defendants prepared a brief and accompanying supporting papers, with the intent of filing them today" but that "during the pre-filing internal review process at the U.S. Attorney's Office for the District of Columbia, the supervisor reviewing this matter determined that significant revisions are necessary." Plaintiff consents to the motion. The Court GRANTS the Motion and ORDERS that Defendants' Motion for Summary Judgment and Vaughn Index be due no later than APRIL 12, 2023. Signed by Judge Colleen Kollar-Kotelly on 4/6/23. (lcckk3) (Entered: 04/06/2023)
04/06/2023		Set/Reset Deadlines: Defendants' Summary Judgment Motion due by 4/12/2023. Vaughn Index due by 4/12/2023. (dot) (Entered: 04/06/2023)
04/12/2023	<u>18</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of Joseph E. Bender Jr. and Exhibits, # <u>2</u> Text of Proposed Order)(Escher, Sam) (Entered: 04/12/2023)
05/04/2023	<u>19</u>	Unopposed MOTION for Extension of Time to <i>Briefing Schedule</i> by JAMES MOSCOU. (Attachments: # <u>1</u> Text of Proposed Order)(Topic, Matthew) (Entered: 05/04/2023)
05/04/2023		MINUTE ORDER. The Court is in receipt of Plaintiff's <u>19</u> Unopposed Motion for Extension of Time to outstanding deadlines set in the <u>15</u> Scheduling & Procedures Order. Plaintiff requests an additional week to complete the drafting processing while one of Plaintiff's counsel has been out on leave. Defendants do not oppose this extension. The Court notes that Plaintiff is in violation of the Court's <u>6</u> Order that requires "[m]otions for extensions of time [to] be filed at least four (4) business days prior to the first affected deadline." Notwithstanding this deficiency, the Court GRANTS the <u>19</u> Motion and AMENDS the <u>15</u> Order as follows: Plaintiff's opposition to motion for summary judgment and cross-motion for summary judgment is due no later than MAY 12, 2023; Defendants' reply in support of motion for summary judgment and opposition to cross-motion for summary judgment is due no later than

		JUNE 2, 2023; Plaintiff's reply in support of cross-motion for summary judgment is due no later than JUNE 30, 2023. Signed by Judge Colleen Kollar-Kotelly on 5/4/23. (lcckk3) (Entered: 05/04/2023)
05/04/2023		Set/Reset Deadlines: Cross Motion for Summary Judgment due by 5/12/2023. Response to Cross Motion for Summary Judgment due by 6/2/2023. Reply to Cross Motion for Summary Judgment due by 6/30/2023. Response to Motion for Summary Judgment due by 5/12/2023. Reply to Motion for Summary Judgment due by 6/2/2023. (dot) (Entered: 05/10/2023)
05/12/2023	<u>20</u>	Cross MOTION for Summary Judgment by JAMES MOSCOU. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Topic, Matthew) (Entered: 05/12/2023)
05/12/2023	<u>21</u>	Memorandum in opposition to re <u>18</u> Motion for Summary Judgment filed by JAMES MOSCOU. (Attachments: # <u>1</u> Text of Proposed Order)(Topic, Matthew) (Entered: 05/12/2023)
05/23/2023	<u>22</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Escher, Sam) (Entered: 05/23/2023)
05/23/2023	<u>23</u>	Memorandum in opposition to re <u>20</u> Motion for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Escher, Sam) (Entered: 05/23/2023)
06/29/2023	<u>24</u>	NOTICE of Appearance by Stephen Stich Match on behalf of JAMES MOSCOU (Match, Stephen) (Entered: 06/29/2023)
06/29/2023	<u>25</u>	REPLY to opposition to motion re <u>20</u> Cross MOTION for Summary Judgment filed by JAMES MOSCOU. (Match, Stephen) (Entered: 06/29/2023)