

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:21-cv-02476-TNM**

CENTER FOR PUBLIC INTEGRITY v. SOUTH DAKOTA  
NATIONAL GUARD et al  
Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/22/2021  
Date Terminated: 07/03/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****CENTER FOR PUBLIC INTEGRITY**

represented by **Peter Newbatt Smith**  
CENTER FOR PUBLIC INTEGRITY  
910 17th Street, NW  
7th Floor  
Washington, DC 20006  
(202) 481-1239  
Fax: (202) 466-1102  
Email: [psmith@publicintegrity.org](mailto:psmith@publicintegrity.org)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****SOUTH DAKOTA NATIONAL  
GUARD**

represented by **Julia Alexandra Heiman**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
Poc Agostinho, Jean  
1100 L St., N.W.  
Washington, DC 20530  
202-616-8480  
Email: [julia.heiman@usdoj.gov](mailto:julia.heiman@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****U.S. DEPARTMENT OF DEFENSE**

represented by **Julia Alexandra Heiman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/22/2021	<u>1</u>	COMPLAINT against SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE ( Filing fee \$ 402 receipt number ADCDC-8749232) filed by CENTER FOR PUBLIC INTEGRITY. (Attachments: # <u>1</u> Exhibit SDNG FOIA Response, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons SDNG, # <u>4</u> Summons DOD, # <u>5</u> Summons USAtty, # <u>6</u> Summons AttyGen)(Smith, Peter) (Entered: 09/22/2021)
09/22/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR PUBLIC INTEGRITY (Smith, Peter) (Entered: 09/22/2021)
09/22/2021		Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 09/22/2021)
09/23/2021	<u>3</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 9/23/2021. (lctnm2) (Entered: 09/23/2021)

09/23/2021	<u>4</u>	SUMMONS (4) Issued Electronically as to SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh, ) (Entered: 09/23/2021)
09/24/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/23/2021. Answer due for ALL FEDERAL DEFENDANTS by 10/23/2021. (Smith, Peter) (Entered: 09/24/2021)
10/01/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. SOUTH DAKOTA NATIONAL GUARD served on 9/30/2021; U.S. DEPARTMENT OF DEFENSE served on 9/30/2021, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/27/2021. (Attachments: # <u>1</u> Exhibit Postal Return Receipt – SDNG, # <u>2</u> Exhibit Postal Return Receipt – DoD, # <u>3</u> Exhibit Postal Return Receipt – AttyGen)(Smith, Peter) (Entered: 10/01/2021)
10/19/2021	<u>7</u>	NOTICE of Appearance by Julia Alexandra Heiman on behalf of All Defendants (Heiman, Julia) (Entered: 10/19/2021)
10/19/2021	<u>8</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Heiman, Julia) (Entered: 10/19/2021)
10/20/2021		MINUTE ORDER granting <u>8</u> Consent Motion for Extension of Time. Defendants shall file their answer by December 1, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/20/21. (lctnm2) (Entered: 10/20/2021)
10/20/2021		Set/Reset Deadlines: Defendants' answer due by 12/1/2021. (hmc) (Entered: 10/20/2021)
12/01/2021	<u>9</u>	ANSWER to Complaint by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE.(Heiman, Julia) (Entered: 12/01/2021)
12/01/2021		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the report on or before January 4, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/1/21. (lctnm2) (Entered: 12/01/2021)
12/02/2021		Set/Reset Deadlines: Joint Status Report due by 1/4/2022. (ztg) (Entered: 12/02/2021)
01/04/2022	<u>10</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 01/04/2022)
01/04/2022		MINUTE ORDER. Upon consideration of the <u>10</u> Joint Status Report, the Court hereby orders the parties to submit another JSR by February 4, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/4/22. (lctnm2) (Entered: 01/04/2022)
01/06/2022		Set/Reset Deadlines: Joint Status Report due by 2/4/2022. (zhmc) (Entered: 01/06/2022)
02/04/2022	<u>11</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 02/04/2022)
02/05/2022		MINUTE ORDER. Upon consideration of the <u>11</u> Joint Status Report, the parties shall file another JSR by March 4, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/5/22. (lctnm2) (Entered: 02/05/2022)
02/07/2022		Set/Reset Deadlines: Joint Status Report due by 3/4/2022. (hmc) (Entered: 02/07/2022)
03/04/2022	<u>12</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 03/04/2022)

03/04/2022		MINUTE ORDER. Upon consideration of the <u>12</u> Joint Status Report, the Court directs the parties to file another JSR by April 4, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/4/22. (lctnm2) (Entered: 03/04/2022)
03/04/2022		Set/Reset Deadlines: Joint Status Report due by 4/4/2022. (hmc) (Entered: 03/04/2022)
04/04/2022	<u>13</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 04/04/2022)
04/05/2022		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, the Court orders the parties to submit another JSR by June 8, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/5/22. (lctnm2) (Entered: 04/05/2022)
04/05/2022		Set/Reset Deadlines: Joint Status Report due by 6/8/2022. (hmc) (Entered: 04/05/2022)
06/08/2022	<u>14</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 06/08/2022)
06/09/2022		MINUTE ORDER. Upon consideration of the <u>14</u> Joint Status Report, the Court directs the parties to file another JSR by July 14, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/9/22. (lctnm2) (Entered: 06/09/2022)
06/09/2022		Set/Reset Deadlines: Joint Status Report due by 7/14/2022. (hmc) (Entered: 06/09/2022)
07/14/2022	<u>15</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 07/14/2022)
07/15/2022		MINUTE ORDER. Upon consideration of the <u>15</u> Joint Status Report, the Court directs the parties to file another JSR by August 14, 2022 updating the Court on the status of production and proposing next steps for this case. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/15/22. (lctnm2) (Entered: 07/15/2022)
07/15/2022		Set/Reset Deadlines: Joint Status Report due by 8/14/2022. (ztg) (Entered: 07/15/2022)
08/15/2022	<u>16</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 08/15/2022)
08/16/2022		MINUTE ORDER. Upon consideration of the <u>16</u> Joint Status Report, the Court directs the parties to file another JSR by September 16, 2022. That JSR shall update the Court on the progress of production and shall suggest next steps for this litigation. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/16/22. (lctnm2) (Entered: 08/16/2022)
08/16/2022		Set/Reset Deadlines: Joint Status Report due by 9/16/2022. (hmc) (Entered: 08/16/2022)
09/16/2022	<u>17</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 09/16/2022)
09/17/2022		MINUTE ORDER. Upon consideration of the <u>17</u> Joint Status Report, the Court directs the parties to file another JSR by November 2, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/17/22. (lctnm2) (Entered: 09/17/2022)
09/19/2022		Set/Reset Deadlines: Joint Status Report due by 11/2/2022. (hmc) (Entered: 09/19/2022)
11/02/2022	<u>18</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 11/02/2022)
11/03/2022		MINUTE ORDER: Upon consideration of the <u>18</u> Joint Status Report, the parties are directed to file another JSR by December 2, 2022. If the parties reach a settlement before December 2, 2022, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/3/2022. (lctnm2) (Entered: 11/03/2022)
11/03/2022		Set/Reset Deadlines: Joint Status Report due by 12/2/2022. (hmc) (Entered: 11/03/2022)
12/02/2022	<u>19</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 12/02/2022)

12/05/2022		MINUTE ORDER: Upon consideration of the <u>19</u> Joint Status Report, the parties are directed to file another JSR by January 13, 2023. If the parties reach a settlement before January 13, 2023, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/5/2022. (lctnm2) (Entered: 12/05/2022)
12/05/2022		Set/Reset Deadlines: Joint Status Report due by 1/13/2023. (hmc) (Entered: 12/05/2022)
01/13/2023	<u>20</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 01/13/2023)
01/16/2023		MINUTE ORDER: Upon consideration of the <u>20</u> Joint Status Report, the parties are directed to file another JSR by February 13, 2023. If the parties reach a settlement before February 13, 2023, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/16/2022. (lctnm2) (Entered: 01/16/2023)
01/17/2023		Set/Reset Deadlines: Joint Status Report due by 2/13/2023. (hmc) (Entered: 01/17/2023)
02/13/2023	<u>21</u>	Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 02/13/2023)
02/14/2023		MINUTE ORDER: Upon consideration of the <u>21</u> Joint Status Report, the parties are directed to file another JSR by March 15, 2023. If the parties reach a settlement before March 15, 2023, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/14/2023. (lctnm2) (Entered: 02/14/2023)
02/14/2023		Set/Reset Deadlines: Joint Status Report due by 3/15/2023. (hmc) (Entered: 02/14/2023)
03/17/2023	<u>22</u>	Joint MOTION for Extension of Time to File <i>Status Report, Nunc Pro Tunc, and Joint Status Report</i> by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Heiman, Julia) (Entered: 03/17/2023)
03/17/2023	<u>23</u>	Joint STATUS REPORT <i>and Joint Motion for Two–Day Extension of Time, Nunc Pro Tunc</i> by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Heiman, Julia) (Entered: 03/17/2023)
03/20/2023		MINUTE ORDER granting <u>22</u> Joint Motion for Extension of Time to File Status Report, Nunc Pro Tunc. After considering the <u>23</u> Joint Status Report, the parties are directed to file another JSR by April 17, 2023. If the parties reach a settlement before then, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/20/2023. (lctnm2) (Entered: 03/20/2023)
03/21/2023		Set/Reset Deadlines: Joint Status Report due by 4/17/2023. (hmc) (Entered: 03/21/2023)
04/17/2023	<u>24</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 04/17/2023)
04/18/2023		MINUTE ORDER: After considering the <u>24</u> Joint Status Report, the parties are directed to file another JSR by May 17, 2023. If the parties reach a settlement before then, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/18/2023. (lctnm2) (Entered: 04/18/2023)
04/18/2023		Set/Reset Deadlines: Joint Status Report due by 5/17/2023. (hmc) (Entered: 04/18/2023)
05/17/2023	<u>25</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 05/17/2023)
05/18/2023		MINUTE ORDER: After considering the <u>25</u> Joint Status Report, the parties are directed to file another JSR by June 16, 2023. If the parties reach a settlement before then, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/18/2023. (lctnm2) (Entered: 05/18/2023)

05/18/2023		Set/Reset Deadlines: Joint Status Report due by 6/16/2023. (hmc) (Entered: 05/18/2023)
06/16/2023	<u>26</u>	Joint STATUS REPORT by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 06/16/2023)
06/16/2023		MINUTE ORDER: After considering the <u>26</u> Joint Status Report, the parties are directed to file another JSR by June 30, 2023. If the parties reach a settlement before then, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/16/2023. (lctnm2) (Entered: 06/16/2023)
06/20/2023		Set/Reset Deadlines: Joint Status Report due by 6/30/2023. (hmc) (Entered: 06/20/2023)
06/30/2023	<u>27</u>	STIPULATION of Dismissal by SOUTH DAKOTA NATIONAL GUARD, U.S. DEPARTMENT OF DEFENSE. (Heiman, Julia) (Entered: 06/30/2023)
07/03/2023		MINUTE ORDER: After considering the <u>27</u> Stipulation of Dismissal, this case is hereby dismissed with prejudice. See Fed. R. Civ. P. 41(a)(1)(A)(ii). SO ORDERED. Signed by Judge Trevor N. McFadden on 7/3/2023. (lctnm2) (Entered: 07/03/2023)