

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-03029-BAH**

AMERICA FIRST LEGAL FOUNDATION v. U.S.
DEPARTMENT OF AGRICULTURE et al
Assigned to: Judge Beryl A. Howell
Case: 1:22-cv-03034-BAH
Cause: 05:552 Freedom of Information Act

Date Filed: 10/06/2022
Date Terminated: 07/18/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICA FIRST LEGAL
FOUNDATION**

represented by **Reed Darrow Rubinstein**
AMERICA FIRST LEGAL
FOUNDATION
611 Pennsylvania Avenue, SE
#231
Washington, DC 20003
(202) 964-3721
Email: reed.rubinstein@aflegal.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gene Hamilton
AMERICA FIRST LEGAL
FOUNDATION
611 Pennsylvania Avenue SE
#231
Washington, DC 20003
202-964-3721
Email: gene.hamilton@aflegal.org
ATTORNEY TO BE NOTICED

Michael Ding
611 Pennsylvania Avenue, SE
#231
Washington, DC 20003
(202) 964-3721
Email: michael.ding@aflegal.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
AGRICULTURE**

represented by **Brian C. Rosen-Shaud**
U.S. DEPARTMENT OF JUSTICE
Federal Programs Branch
1100 L Street
Rm. 12022
Washington, DC 20530
202-305-7667
Email: brian.c.rosen-shaud@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
U.S. DEPARTMENT OF JUSTICE
1100 L Street
Ste 11008
Washington, DC 20530
(202) 305-8177

Fax: (202) 616-8470
Email: laurel.h.lum@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
EDUCATION**

represented by **Brian C. Rosen-Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF ENERGY

represented by **Brian C. Rosen-Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **Brian C. Rosen-Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Brian C. Rosen-Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

represented by **Brian C. Rosen-Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **Brian C. Rosen–Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF LABOR

represented by **Brian C. Rosen–Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. SMALL BUSINESS
ADMINISTRATION**

represented by **Brian C. Rosen–Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF STATE

represented by **Brian C. Rosen–Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
TRANSPORTATION**

represented by **Brian C. Rosen–Shaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel H. Lum
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/06/2022	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ADCDC-9581909) filed by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u>

		Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Exhibit, # <u>28</u> Exhibit, # <u>29</u> Exhibit, # <u>30</u> Exhibit, # <u>31</u> Exhibit, # <u>32</u> Exhibit, # <u>33</u> Exhibit, # <u>34</u> Exhibit, # <u>35</u> Exhibit, # <u>36</u> Exhibit, # <u>37</u> Civil Cover Sheet, # <u>38</u> Summons, # <u>39</u> Summons, # <u>40</u> Summons, # <u>41</u> Summons, # <u>42</u> Summons, # <u>43</u> Summons, # <u>44</u> Summons, # <u>45</u> Summons, # <u>46</u> Summons, # <u>47</u> Summons, # <u>48</u> Summons, # <u>49</u> Summons, # <u>50</u> Summons)(Ding, Michael) (Entered: 10/06/2022)
10/06/2022	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICA FIRST LEGAL FOUNDATION (Ding, Michael) (Entered: 10/06/2022)
10/07/2022		Case Assigned to Chief Judge Beryl A. Howell. (zcb,) (Entered: 10/07/2022)
10/07/2022	<u>3</u>	SUMMONS (13) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zcb,) (Entered: 10/07/2022)
10/11/2022	<u>4</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on October 11, 2022. (lcbah1) (Entered: 10/11/2022)
11/14/2022	<u>5</u>	NOTICE of Appearance by Laurel H. Lum on behalf of All Defendants (Lum, Laurel) (Entered: 11/14/2022)
11/14/2022	<u>6</u>	ANSWER to Complaint by U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF TRANSPORTATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. SMALL BUSINESS ADMINISTRATION.(Lum, Laurel) (Entered: 11/14/2022)
11/18/2022	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOMELAND SECURITY served on 10/13/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF ENERGY served on 10/13/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF THE INTERIOR served on 10/13/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<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 10/14/2022. (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF LABOR served on 10/13/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF STATE served on 10/14/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF TRANSPORTATION served on 10/13/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF EDUCATION served on 10/14/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 10/17/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>16</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. SMALL BUSINESS ADMINISTRATION served on 10/14/2022 (Attachments: # <u>1</u>

		Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>17</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF AGRICULTURE served on 10/13/2022 (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/18/2022	<u>18</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/14/2022. Answer due for ALL FEDERAL DEFENDANTS by 11/13/2022. (Attachments: # <u>1</u> Supplement)(Ding, Michael) (Entered: 11/18/2022)
11/28/2022	<u>19</u>	Joint MOTION to Consolidate Cases by U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF TRANSPORTATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. SMALL BUSINESS ADMINISTRATION. (Lum, Laurel) (Entered: 11/28/2022)
11/28/2022	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF TRANSPORTATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. SMALL BUSINESS ADMINISTRATION. (Lum, Laurel) (Entered: 11/28/2022)
11/29/2022		MINUTE ORDER (paperless) GRANTING the parties' <u>19</u> Joint Motion to Consolidate Cases and CONSOLIDATING this case, Civil Case No. 22-3029, with <i>America First Legal Foundation v. U.S. Dept of Treas.</i> , Civil Case No. 22-3034, for all purposes. See LCvR 40.5 and Fed. R. Civ. P. 42. The parties are directed that all filings in these consolidated cases should be made only in Case No. 22-3029. The Clerk of Court shall close Case No. 22-3034 and transfer whatever parties are not identical to Case No. 22-3029. It is further ORDERED that the parties shall adhere to the following SCHEDULING ORDER: (1) By January 11, 2023, defendants shall file their motion for summary judgment; (2) By February 8, 2023, Plaintiff shall file any opposition; and (3) By February 22, 2023, defendants shall file any reply. Signed by Chief Judge Beryl A. Howell on November 29, 2022. (lcbah1) (Entered: 11/29/2022)
11/30/2022		Set/Reset Deadlines: Defendants' motion for summary judgment due by 1/11/2023; plaintiff's opposition due by 2/8/2023; defendants' reply due by 2/22/2023. (ztg) (Entered: 11/30/2022)
01/11/2023	<u>21</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF TRANSPORTATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. SMALL BUSINESS ADMINISTRATION. (Attachments: # <u>1</u> Exhibit A, SBA Declaration, # <u>2</u> Exhibit B, Sauber Declaration, # <u>3</u> Exhibit C, USDA Declaration, # <u>4</u> Exhibit D, Education Declaration, # <u>5</u> Exhibit E, DHS Declaration, # <u>6</u> Exhibit F, DOI Declaration, # <u>7</u> Exhibit G, DOL Declaration, # <u>8</u> Exhibit H, DOT Declaration, # <u>9</u> Exhibit I, Treasury Declaration, # <u>10</u> Exhibit J, VA Declaration, # <u>11</u> Exhibit K, HUD Declaration, # <u>12</u> Exhibit L, State Declaration, # <u>13</u> Exhibit M, HHS Declaration, # <u>14</u> Exhibit N, Energy Declaration, # <u>15</u> Exhibit O, EPA Declaration, # <u>16</u> Statement of Facts, # <u>17</u> Text of Proposed Order)(Lum, Laurel) (Entered: 01/11/2023)
01/19/2023	<u>22</u>	MOTION for Extension of Time to File Response/Reply by AMERICA FIRST LEGAL FOUNDATION. (Ding, Michael) (Entered: 01/19/2023)
01/19/2023		MINUTE ORDER (paperless) GRANTING the parties' <u>22</u> Joint Motion for Extension of Time and MODIFYING the SCHEDULING ORDER previously entered on

		November 29, 2022 as follows: (1)by March 1, 2023, plaintiff shall file any opposition to defendants' <u>21</u> Motion for Summary Judgment; and (2)by March 29, 2023, defendants shall file any reply. Signed by Chief Judge Beryl A. Howell on January 19, 2023. (lcbah1) (Entered: 01/19/2023)
01/20/2023		Set/Reset Deadlines: Opposition to <u>21</u> Motion for Summary Judgment due by 3/1/2023; reply, if any, due by 3/29/2023. (ztg) (Entered: 01/20/2023)
02/16/2023	<u>23</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment by AMERICA FIRST LEGAL FOUNDATION. (Ding, Michael) (Entered: 02/16/2023)
02/17/2023		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>23</u> Unopposed Motion for Extension of Time and MODIFYING the SCHEDULING ORDER entered on November 29, 2022 and previously modified on January 19, 2023 as follows: (1) by March 22, 2023, plaintiff shall file any opposition to defendants' <u>21</u> Motion for Summary Judgment; and (2) by April 19, 2023, defendants shall file any reply. Signed by Chief Judge Beryl A. Howell on February 17, 2023. (lcbah1) (Entered: 02/17/2023)
02/21/2023		Set/Reset Deadlines: Plaintiff's opposition to <u>21</u> Motion for Summary Judgment due by 3/22/2023; defendants' reply due by 4/19/2023. (ztg) (Entered: 02/21/2023)
03/22/2023	<u>24</u>	NOTICE of Appearance by Reed Darrow Rubinstein on behalf of AMERICA FIRST LEGAL FOUNDATION (Rubinstein, Reed) (Entered: 03/22/2023)
03/22/2023	<u>25</u>	NOTICE of Appearance by Gene Hamilton on behalf of All Plaintiffs (Hamilton, Gene) (Entered: 03/22/2023)
03/22/2023	<u>26</u>	Memorandum in opposition to re <u>21</u> Motion for Summary Judgment,,, filed by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Ding, Michael) (Entered: 03/22/2023)
04/10/2023	<u>27</u>	NOTICE of Appearance by Brian C. Rosen–Shaud on behalf of All Defendants (Rosen–Shaud, Brian) (Entered: 04/10/2023)
04/10/2023	<u>28</u>	Consent MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF TRANSPORTATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. SMALL BUSINESS ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Rosen–Shaud, Brian) (Entered: 04/10/2023)
04/10/2023		MINUTE ORDER (paperless) GRANTING defendants' <u>28</u> Consent Motion for Extension of Time and DIRECTING defendants to file any reply in support of their <u>21</u> Motion for Summary Judgment by May 5, 2023. Signed by Judge Beryl A. Howell on April 10, 2023. (lcbah1) (Entered: 04/10/2023)
04/11/2023		Set/Reset Deadlines: Defendants' reply in support of their <u>21</u> Motion for Summary Judgment due by 5/5/2023. (ztg) (Entered: 04/11/2023)
05/01/2023	<u>29</u>	Consent MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF TRANSPORTATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. SMALL BUSINESS ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Rosen–Shaud, Brian) (Entered: 05/01/2023)

05/02/2023		MINUTE ORDER (paperless) GRANTING defendants' <u>29</u> Consent Motion for Extension of Time and DIRECTING defendants to file any reply in support of their <u>21</u> Motion for Summary Judgment by May 12, 2023. Signed by Judge Beryl A. Howell on May 2, 2023. (lcbah1) (Entered: 05/02/2023)
05/03/2023		Set/Reset Deadlines: Defendants' reply in support of <u>21</u> Motion for Summary Judgment due by 5/12/2023. (ztg) (Entered: 05/03/2023)
05/12/2023	<u>30</u>	REPLY to opposition to motion re <u>21</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF TRANSPORTATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. SMALL BUSINESS ADMINISTRATION. (Rosen-Shaud, Brian) (Entered: 05/12/2023)
06/14/2023	<u>31</u>	MOTION for Leave to File <i>Sur-Reply</i> by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support)(Ding, Michael) (Entered: 06/14/2023)
06/15/2023	<u>32</u>	Memorandum in opposition to re <u>31</u> Motion for Leave to File <i>Sur-Reply</i> filed by U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF TRANSPORTATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. SMALL BUSINESS ADMINISTRATION. (Rosen-Shaud, Brian) (Entered: 06/15/2023)
06/20/2023		MINUTE ORDER (paperless) GRANTING, over defendants' <u>32</u> Opposition to Plaintiff's Motion for Leave to File <i>Sur-Reply</i> , plaintiff's <u>31</u> Motion for Leave to File <i>Sur-Reply</i> , to allow plaintiff to respond more fully to the arguments raised in defendants' <u>21</u> Motion for Summary Judgment and <u>30</u> Reply in Support of Motion for Summary Judgment, and the fact that the Court has discretion to permit the filing of a <i>sur-reply</i> , regardless of its timing. <i>See Lu v. Lezell</i> , 45 F. Supp. 3d 86, 91 (D.D.C. 2014) ("The decision to grant or deny leave to file a <i>sur-reply</i> is committed to the sound discretion of the Court." (citing <i>American Forest & Paper Ass'n v. EPA</i> , Case No. 93-cv-694 (RMU), 1996 WL 509601, *3 (D.D.C. Sept. 4, 1996))); <i>Anand v. U.S. Dep't of Health & Human Servs.</i> , Case No. 21-cv-1635 (CKK), 2022 WL 18911137, *1 (D.D.C. 2022) ("In exercising its discretion, the court should consider whether the movant's reply in fact raises arguments or issues for the first time, whether the nonmovant's proposed <i>sur-reply</i> would be helpful to the resolution of the pending motion, and whether the movant would be unduly prejudiced were leave to be granted."). Signed by Judge Beryl A. Howell on June 20, 2023. (lcbah1) (Entered: 06/20/2023)
06/21/2023	<u>33</u>	SURREPLY to re <u>31</u> MOTION for Leave to File <i>Sur-Reply</i> , <u>21</u> MOTION for Summary Judgment filed by AMERICA FIRST LEGAL FOUNDATION. (Ding, Michael) (Entered: 06/21/2023)
07/18/2023	<u>34</u>	ORDER GRANTING the defendants' <u>21</u> Motion for Summary Judgment. See Order for further details. The Clerk of the Court is directed to close this case. Signed by Judge Beryl A. Howell on July 18, 2023. (lcbah1) (Entered: 07/18/2023)
07/18/2023	<u>35</u>	MEMORANDUM OPINION regarding the defendants' <u>21</u> Motion for Summary Judgment. Signed by Judge Beryl A. Howell on July 18, 2023. (lcbah1) (Entered: 07/18/2023)