

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00418-JDB**

EATON v. UNITED STATES DEPARTMENT OF
AGRICULTURE et al
Assigned to: Judge John D. Bates
Cause: 05:552 Freedom of Information Act

Date Filed: 02/16/2022
Date Terminated: 08/01/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

BENJMAIN EATON

represented by **Anna Marie Sewell**
EARTHJUSTICE
1001 G Street NW
Suite 1000
Washington, DC 20001
202-797-5233
Fax: 202-667-2356
Email: asewell@earthjustice.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christophe Gagnon Courchesne
VERMONT LAW AND GRADUATE
SCHOOL
Environmental Advocacy Clinic
164 Chelsea Street
PO Box 96
South Royalton, VT 05068
802-831-1627
Email: ccourchesne@vermontlaw.edu
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gonzalo E. Rodriguez
EARTHJUSTICE
1001 G Street, NW
Suite 1000
Washington, DC 20001
202-797-5235
Email: grodriguez@earthjustice.org
TERMINATED: 09/21/2022

Michael Ray Harris
BCM ENVIRONMENTAL & LAND
LAW
Environmental Justice Clinic
3 Maple Street
Concord, NH 03301
802-356-3040
Email: mrharris@vermontlaw.edu
TERMINATED: 07/06/2023

V.

Defendant

**UNITED STATES DEPARTMENT
OF AGRICULTURE**

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW

Washington, DC 20530
(202) 252-2518
Email: john.moustakas@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Patrick Schaefer
ESBROOK P.C.
800 Main Avenue, SW
Suite 200
Washington, DC 20024
312-319-7689
Email: daniel.schaefer@esbrook.com
TERMINATED: 05/10/2023

Defendant

THOMAS J. VILSACK
Secretary of Agriculture

represented by **John Moustakas**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Patrick Schaefer
(See above for address)
TERMINATED: 05/10/2023

Date Filed	#	Docket Text
02/16/2022	<u>1</u>	COMPLAINT for Declaratory Judgment and Injunctive Relief against DEPARTMENT OF AGRICULTURE, TOM VILSACK (Filing fee \$ 402 receipt number ADCDC-9048062) filed by BENJMAIN EATON. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Sewell, Anna) (Entered: 02/16/2022)
02/16/2022		Case Assigned to Judge John D. Bates. (zsb) (Entered: 02/16/2022)
02/23/2022	<u>2</u>	SUMMONS (3) Issued Electronically as to TOM VILSACK, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 02/23/2022)
02/24/2022	<u>3</u>	NOTICE of Appearance by Michael Ray Harris on behalf of BENJMAIN EATON (Harris, Michael) (Entered: 02/24/2022)
03/29/2022	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/1/2022. Answer due for ALL FEDERAL DEFENDANTS by 3/31/2022. (Sewell, Anna) (Entered: 03/29/2022)
03/29/2022	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE served on 2/28/2022; TOM VILSACK served on 2/28/2022 (Sewell, Anna) (Entered: 03/29/2022)
03/29/2022	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/1/2022. (Sewell, Anna) (Entered: 03/29/2022)
03/30/2022	<u>7</u>	NOTICE of Appearance by Gonzalo E. Rodriguez on behalf of BENJMAIN EATON (Rodriguez, Gonzalo) (Entered: 03/30/2022)
04/01/2022	<u>8</u>	NOTICE of Appearance by Daniel Patrick Schaefer on behalf of All Defendants (Schaefer, Daniel) (Entered: 04/01/2022)
04/01/2022	<u>9</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE, TOM VILSACK.(Schaefer, Daniel) (Entered: 04/01/2022)
04/07/2022	<u>10</u>	ORDER setting deadline for parties to submit proposed briefing schedule. See text of Order for details. Signed by Judge John D. Bates on 4/7/2022. (lcjdb2) (Entered: 04/07/2022)

04/13/2022		Set/Reset Deadlines: Proposed Briefing Schedule due by 5/4/2022. (tb) (Entered: 04/13/2022)
05/04/2022	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE, TOM VILSACK. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 05/04/2022)
05/04/2022		MINUTE ORDER: Upon consideration of <u>11</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than July 13, 2022. SO ORDERED. Signed by Judge John D. Bates on 5/4/2022. (lcjdb2) (Entered: 05/04/2022)
05/10/2022		Set/Reset Deadlines: Joint Status Report due by 7/13/2022. (tb) (Entered: 05/10/2022)
07/13/2022	<u>12</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE, TOM VILSACK. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 07/13/2022)
07/13/2022		MINUTE ORDER: Upon consideration of <u>12</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than September 12, 2022. SO ORDERED. Signed by Judge John D. Bates on 7/13/2022. (lcjdb2) (Entered: 07/13/2022)
07/13/2022		Set/Reset Deadline: Joint Status Report due by 9/12/2022. (jth) (Entered: 07/13/2022)
09/12/2022	<u>13</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE, TOM VILSACK. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 09/12/2022)
09/12/2022		MINUTE ORDER: Upon consideration of <u>13</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than November 14, 2022. SO ORDERED. Signed by Judge John D. Bates on 9/12/2022. (lcjdb2) (Entered: 09/12/2022)
09/19/2022		Set/Reset Deadlines: Joint Status Report due by 11/14/2022. (tb) (Entered: 09/19/2022)
09/21/2022	<u>14</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to BENJMAIN EATON. Attorney Gonzalo E. Rodriguez terminated. (Rodriguez, Gonzalo) (Entered: 09/21/2022)
11/14/2022	<u>15</u>	Joint STATUS REPORT by BENJMAIN EATON. (Sewell, Anna) (Entered: 11/14/2022)
04/04/2023	<u>16</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE, THOMAS J. VILSACK. (Moustakas, John) (Entered: 04/04/2023)
05/10/2023		MINUTE ORDER: Upon consideration of <u>16</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than May 31, 2023. Signed by Judge John D. Bates on 5/10/2023. (lcjdb2) (Entered: 05/10/2023)
05/10/2023	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of UNITED STATES DEPARTMENT OF AGRICULTURE, THOMAS J. VILSACK Substituting for attorney Daniel Schaefer (Moustakas, John) (Entered: 05/10/2023)
05/11/2023		Set/Reset Deadlines: Joint Status Report due by 5/31/2023. (tb) (Entered: 05/11/2023)
05/31/2023	<u>18</u>	Joint STATUS REPORT by BENJMAIN EATON. (Harris, Michael) (Entered: 05/31/2023)
06/01/2023		MINUTE ORDER: Upon consideration of <u>18</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file either a stipulated motion to dismiss or a joint status report by not later than July 31, 2023. Signed by Judge John D. Bates on 6/1/2023. (lcjdb2) (Entered: 06/01/2023)
06/02/2023		Set/Reset Deadlines: Joint Status Report due by 7/31/2023. (zgf) (Entered: 06/02/2023)

07/06/2023	<u>19</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Christophe Gagnon Courchesne on behalf of BENJMAIN EATON Substituting for attorney Michael R. Harris (Courchesne, Christophe) (Entered: 07/06/2023)
07/31/2023	<u>20</u>	Consent MOTION to Dismiss by BENJMAIN EATON. (Attachments: # <u>1</u> Text of Proposed Order)(Sewell, Anna) (Entered: 07/31/2023)
08/01/2023		MINUTE ORDER: Upon consideration of <u>20</u> plaintiff's consent motion to voluntarily dismiss the case without prejudice, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the case is DISMISSED without prejudice. SO ORDERED. Signed by Judge John D. Bates on 8/1/2023. (lcjdb2) (Entered: 08/01/2023)
08/01/2023		<p>RESOLVED...NOTICE of Provisional/Government Not Certified Status re <u>20</u> Consent MOTION to Dismiss by BENJMAIN EATON. (Attachments: # 1 Text of Proposed Order)(Sewell, Anna).</p> <p>Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Civil Rule 83.9, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-renewal.</p> <p>Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 8/8/2023. (zmrl) Modified on 8/2/2023 (zmrl). (Entered: 08/01/2023)</p>