

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:21-cv-10888-NRB**

The New York Times Company et al v. Federal Bureau of  
Investigation  
Assigned to: Judge Naomi Reice Buchwald  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/20/2021  
Date Terminated: 09/13/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**The New York Times Company**

represented by **Al-Amyn Shiraz Sumar**  
The New York Times Company  
1627 I Street NW  
Suite 700  
Washington, DC 20006  
646-306-4201  
Email: [al-amyn.sumar@nytimes.com](mailto:al-amyn.sumar@nytimes.com)  
*ATTORNEY TO BE NOTICED*

**Sum Yi Jessica Hui**  
United States Court of Appeals for the  
Second Circuit  
157 Church Street  
New Haven, CT 06510  
203-773-7986  
Email: [jess.hui@nytimes.com](mailto:jess.hui@nytimes.com)  
*TERMINATED: 08/11/2022*

**David Edward McCraw**  
The New York Times Company (10018)  
620 Eighth Avenue  
New York, NY 10018  
(212) 556-4031  
Fax: (212) 556-1009  
Email: [mccraw@nytimes.com](mailto:mccraw@nytimes.com)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Charlie Savage**

represented by **Al-Amyn Shiraz Sumar**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sum Yi Jessica Hui**  
(See above for address)  
*TERMINATED: 08/11/2022*

**David Edward McCraw**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Federal Bureau of Investigation**

represented by **Christine Schessler Poscablo**  
U.S. Attorney Office SDNY  
86 Chambers Street  
New York, NY 10007  
(212)-637-2674

Fax: (212)–637–0033  
 Email: [christine.poscablo@usdoj.gov](mailto:christine.poscablo@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Samuel Hilliard Dolinger**  
 U.S. Attorney's Office, SDNY  
 86 Chambers Street, 3rd Floor  
 New York, NY 10007  
 (212) 637–2677  
 Email: [samuel.dolinger@usdoj.gov](mailto:samuel.dolinger@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
12/20/2021	<u>1</u>	COMPLAINT against Federal Bureau of Investigation. (Filing Fee \$ 402.00, Receipt Number ANYSDC–25490690) Document filed by The New York Times Company, Charlie Savage..(McCraw, David) (Entered: 12/20/2021)
12/20/2021	<u>2</u>	CIVIL COVER SHEET filed..(McCraw, David) (Entered: 12/20/2021)
12/20/2021	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Federal Bureau of Investigation, re: <u>1</u> Complaint. Document filed by Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 12/20/2021)
12/20/2021	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The New York Times Company..(McCraw, David) (Entered: 12/20/2021)
12/21/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Naomi Reice Buchwald. Please download and review the Individual Practices of the assigned District Judge, located at <a href="https://nysd.uscourts.gov/judges/district–judges">https://nysd.uscourts.gov/judges/district–judges</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="https://nysd.uscourts.gov/rules/ecf–related–instructions..(gp)">https://nysd.uscourts.gov/rules/ecf–related–instructions..(gp)</a> (Entered: 12/21/2021)
12/21/2021		Magistrate Judge Barbara C. Moses is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf">https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf</a> . (gp) (Entered: 12/21/2021)
12/21/2021		Case Designated ECF. (gp) (Entered: 12/21/2021)
12/21/2021	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to Federal Bureau of Investigation..(gp) (Main Document 5 replaced on 12/21/2021) (gp). (Entered: 12/21/2021)
01/10/2022	<u>6</u>	NOTICE OF APPEARANCE by Christine Schessler Poscablo on behalf of Federal Bureau of Investigation..(Poscablo, Christine) (Entered: 01/10/2022)
01/19/2022	<u>7</u>	LETTER addressed to Judge Naomi Reice Buchwald from Christine S. Poscablo dated January 19, 2022 re: Request for Extension of Time to Respond to Complaint. Document filed by Federal Bureau of Investigation..(Poscablo, Christine) (Entered: 01/19/2022)
01/20/2022	<u>8</u>	MEMO ENDORSEMENT on re: <u>7</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: Application granted. SO ORDERED. Federal Bureau of Investigation answer due 2/22/2022. (Signed by Judge Naomi Reice Buchwald on 1/20/2022) (mml) (Entered: 01/20/2022)
02/07/2022	<u>9</u>	NOTICE OF APPEARANCE by Samuel Hilliard Dolinger on behalf of Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 02/07/2022)
02/18/2022	<u>10</u>	ANSWER to <u>1</u> Complaint. Document filed by Federal Bureau of Investigation..(Poscablo, Christine) (Entered: 02/18/2022)

02/23/2022	<u>11</u>	NOTICE OF APPEARANCE by Sum Yi Jessica Hui on behalf of Charlie Savage, The New York Times Company..(Hui, Sum Yi Jessica) (Entered: 02/23/2022)
04/05/2022	<u>12</u>	LETTER addressed to Judge Naomi Reice Buchwald from Samuel Dolinger dated 4/5/2022 re: Joint proposal for processing schedule. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 04/05/2022)
04/06/2022	<u>13</u>	MEMO ENDORSEMENT on re: <u>12</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: Application granted. SO ORDERED. (Signed by Judge Naomi Reice Buchwald on 4/6/2022) (mml) (Entered: 04/06/2022)
08/08/2022	<u>14</u>	MOTION for S.Y. Jessica Hui to Withdraw as Attorney . Document filed by Charlie Savage, The New York Times Company..(Hui, Sum Yi Jessica) (Entered: 08/08/2022)
08/11/2022	<u>15</u>	MEMO ENDORSED ORDER granting <u>14</u> Motion to Withdraw as Attorney. ENDORSEMENT: SO ORDERED. Attorney Sum Yi Jessica Hui terminated. (Signed by Judge Naomi Reice Buchwald on 8/11/2022) (mml) (Entered: 08/11/2022)
08/24/2022	<u>16</u>	LETTER addressed to Judge Naomi Reice Buchwald from Samuel Dolinger dated 8/24/2022 re: joint status update. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 08/24/2022)
08/25/2022	<u>17</u>	MEMO ENDORSEMENT on re: <u>16</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: Application granted. (Signed by Judge Naomi Reice Buchwald on 8/25/2022) (mml) (Entered: 08/25/2022)
09/28/2022	<u>18</u>	LETTER addressed to Judge Naomi Reice Buchwald from Samuel Dolinger dated 9/28/2022 re: joint status update. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 09/28/2022)
09/29/2022	<u>19</u>	MEMO ENDORSEMENT on re: <u>18</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: Application granted. (Signed by Judge Naomi Reice Buchwald on 9/29/2022) (mml) (Entered: 09/29/2022)
10/05/2022	<u>20</u>	LETTER addressed to Judge Naomi Reice Buchwald from Samuel Dolinger dated 10/5/2022 re: parties' respective proposals for summary judgment schedule. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 10/05/2022)
10/06/2022	<u>21</u>	MEMO ENDORSEMENT on re: <u>20</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: So Ordered. ( Motions due by 11/9/2022., Responses due by 12/21/2022, Replies due by 1/9/2023.) (Signed by Judge Naomi Reice Buchwald on 10/6/2022) (ate) (Entered: 10/06/2022)
11/09/2022	<u>22</u>	MOTION for Summary Judgment . Document filed by Federal Bureau of Investigation. Responses due by 12/7/2022.(Dolinger, Samuel) (Entered: 11/09/2022)
11/09/2022	<u>23</u>	MEMORANDUM OF LAW in Support re: <u>22</u> MOTION for Summary Judgment . . Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 11/09/2022)
11/09/2022	<u>24</u>	DECLARATION of Michael G. Seidel in Support re: <u>22</u> MOTION for Summary Judgment .. Document filed by Federal Bureau of Investigation. (Attachments: # <u>1</u> Exhibit A – FOIA request dated Feb. 11, 2019, # <u>2</u> Exhibit B – FBI letter dated Feb. 20, 2019, # <u>3</u> Exhibit C – FBI cover letter dated May 11, 2021, # <u>4</u> Exhibit D – FOIA request dated Apr. 5, 2021, # <u>5</u> Exhibit E – FBI cover letter dated May 23, 2022, # <u>6</u> Exhibit F – FBI cover letter dated June 24, 2022, # <u>7</u> Exhibit G – FBI cover letter dated July 25, 2022, # <u>8</u> Exhibit H – FBI cover letter dated Aug. 12, 2022, # <u>9</u> Exhibit I – FBI cover letter dated Sept. 21, 2022, # <u>10</u> Exhibit J – Records Bates–marked 1–17, # <u>11</u> Exhibit K – Records Bates–marked 700–703, # <u>12</u> Exhibit L – Records Bates–marked 676, 683–684).(Dolinger, Samuel) (Entered: 11/09/2022)
11/09/2022	<u>25</u>	LETTER addressed to Judge Naomi Reice Buchwald from Samuel Dolinger dated 11/9/2022 re: Outline of arguments in FBI's motion for summary judgment. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 11/09/2022)
12/07/2022	<u>26</u>	CROSS MOTION for Summary Judgment . Document filed by Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 12/07/2022)

12/07/2022	<u>27</u>	MEMORANDUM OF LAW in Support re: <u>26</u> CROSS MOTION for Summary Judgment . . Document filed by Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 12/07/2022)
12/07/2022	<u>28</u>	DECLARATION of Al–Amin Sumar in Support re: <u>26</u> CROSS MOTION for Summary Judgment . . Document filed by Charlie Savage, The New York Times Company. (Attachments: # <u>1</u> Exhibit NYT 2013 Story, # <u>2</u> Exhibit NYT 2015 Story, # <u>3</u> Exhibit NYT 2016 Story, # <u>4</u> Exhibit Houston Chronicle Story, # <u>5</u> Exhibit DOJ OIG 2004 Report, # <u>6</u> Exhibit DOJ OIG 2009 Report, # <u>7</u> Exhibit Excerpt of Senate Transcript, # <u>8</u> Exhibit DOJ Use of Force Policy).(McCraw, David) (Entered: 12/07/2022)
12/07/2022	<u>29</u>	LETTER addressed to Judge Naomi Reice Buchwald from Al–Amin Sumar dated December 7, 2022 re: Outline of arguments in cross–motion for summary judgment. Document filed by Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 12/07/2022)
12/08/2022	<u>30</u>	NOTICE OF APPEARANCE by Al–Amin Shiraz Sumar on behalf of Charlie Savage, The New York Times Company..(Sumar, Al–Amin) (Entered: 12/08/2022)
12/14/2022	<u>31</u>	LETTER MOTION for Extension of Time <i>for remaining summary judgment briefing schedule</i> addressed to Judge Naomi Reice Buchwald from Samuel Dolinger dated 12/14/2022. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 12/14/2022)
12/14/2022	<u>32</u>	ORDER granting <u>31</u> Letter Motion for Extension of Time. Application for 30–day extension is granted. SO ORDERED. (Signed by Judge Naomi Reice Buchwald on 12/14/2022) (vfr) (Entered: 12/14/2022)
12/14/2022		Set/Reset Deadlines: Responses due by 1/20/2023 Replies due by 3/8/2023. (vfr) (Entered: 12/14/2022)
01/19/2023	<u>33</u>	LETTER MOTION for Extension of Time <i>for remaining summary judgment briefing schedule</i> addressed to Judge Naomi Reice Buchwald from Samuel Dolinger dated 1/19/2023. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 01/19/2023)
01/23/2023	<u>34</u>	ORDER granting <u>33</u> Letter Motion for Extension of Time. Application granted. SO ORDERED. (Signed by Judge Naomi Reice Buchwald on 1/23/2023) (mml) (Entered: 01/23/2023)
02/21/2023	<u>35</u>	STATUS REPORT. <i>regarding FBI's continuing review</i> Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 02/21/2023)
02/22/2023	<u>36</u>	MEMO ENDORSEMENT on re: <u>35</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application granted. (Signed by Judge Naomi Reice Buchwald on 2/22/2023) (ate) (Entered: 02/22/2023)
04/24/2023	<u>37</u>	STATUS REPORT. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 04/24/2023)
04/26/2023	<u>38</u>	MEMO ENDORSEMENT: on re: <u>37</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: Application Granted. SO ORDERED. (Signed by Judge Naomi Reice Buchwald on 4/26/2023) (ama) (Entered: 04/26/2023)
05/24/2023	<u>39</u>	STATUS REPORT. <i>and joint request to enter briefing schedule</i> Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 05/24/2023)
05/25/2023	<u>40</u>	ENDORSED LETTER addressed to Counsel from Judge Naomi Reice Buchwald dated 5/25/2023 re: Status Letter ECF No. 39. ENDORSEMENT: The Court has received your letter of May 24, 2023. ECF No. 39. The Court appreciates the parties efforts to narrow the issues. Nonetheless, the proposed briefing schedule raises some conflicts with law clerk transition. Accordingly, the Court would request that the parties submit their briefs one week ahead of the proposed schedule. (Signed by Judge Naomi Reice Buchwald on 5/25/2023) (tg) (Entered: 05/25/2023)
06/30/2023	<u>41</u>	REPLY MEMORANDUM OF LAW in Support re: <u>22</u> MOTION for Summary Judgment . <i>and in Opposition to Plaintiffs' Cross–Motion for Summary Judgment.</i> Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 06/30/2023)

		06/30/2023)
06/30/2023	<u>42</u>	DECLARATION of Michael G. Seidel (Second) in Support re: <u>22</u> MOTION for Summary Judgment .. Document filed by Federal Bureau of Investigation. (Attachments: # <u>1</u> Exhibit A – FBI OPR Precedent Reports).(Dolinger, Samuel) (Entered: 06/30/2023)
08/11/2023	<u>43</u>	REPLY MEMORANDUM OF LAW in Support re: <u>26</u> CROSS MOTION for Summary Judgment . . Document filed by Charlie Savage, The New York Times Company..(McCraw, David) (Entered: 08/11/2023)
08/23/2023	<u>44</u>	LETTER addressed to Judge Naomi Reice Buchwald from Samuel Dolinger dated 8/23/2023 re: invocation of FOIA exemption 5, first raised by Plaintiffs in their reply brief. Document filed by Federal Bureau of Investigation..(Dolinger, Samuel) (Entered: 08/23/2023)
09/13/2023	<u>45</u>	MEMORANDUM AND ORDER granting <u>22</u> Motion for Summary Judgment; terminating <u>26</u> Motion for Summary Judgment. Accordingly, for the reasons stated above, the Government's motion for summary judgment is granted. As such, the Clerk of the Court is respectfully directed to close the motions pending at ECF Nos. 22 and 26, enter judgment for the Government, and close the case. SO ORDERED. (Signed by Judge Naomi Reice Buchwald on 9/13/2023) (mml) Transmission to Orders and Judgments Clerk for processing. (Entered: 09/13/2023)
09/13/2023	<u>46</u>	CLERK'S JUDGMENT re: <u>45</u> Order on Motion for Summary Judgment. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum and Order dated September 13, 2023, the Government's motion for summary judgment is granted. Judgment is entered for the Government, and the case is closed. (Signed by Clerk of Court Ruby Krajick on 9/13/2023) (Attachments: # <u>1</u> Appeal Package) (tp) (Entered: 09/13/2023)