

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:22-cv-10407-PBS**

American Civil Liberties Union of Massachusetts, Inc. v. U.S.
Immigration and Customs Enforcement
Assigned to: Judge Patti B. Saris
Cause: 05:552 Freedom of Information Act

Date Filed: 03/16/2022
Date Terminated: 09/19/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American Civil Liberties Union of
Massachusetts, Inc.**

represented by **Adriana Lafaille**
ACLU of Massachusetts
One Center Plaza
Suite 850
Boston
Boston, MA 02108
617-482-3170
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Krista Oehlke
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TERMINATED: 09/02/2022
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TERMINATED: 03/31/2023
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TERMINATED: 08/09/2023
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. Immigration & Customs
Enforcement**

represented by **Erin E. Brizius**
U.S. Department of Justice
US Attorney's Office for the District of

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 1 Courthouse Way Suite 9200
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 617-748-3398
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 TERMINATED: 06/06/2023
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 ATTORNEY TO BE NOTICED

Email All Attorneys
 Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
03/16/2022	<u>1</u>	COMPLAINT against U.S. Immigration and Customs Enforcement Filing fee: \$ 402, receipt number AMADC-9229495 (Fee Status: Filing Fee paid), filed by American Civil Liberties Union of Massachusetts, Inc.. (Attachments: # <u>1</u> Exhibit A FOIA request, # <u>2</u> Civil Cover Sheet, # <u>3</u> Civil Category Sheet)(Lafaille, Adriana) Docket Text Modified on 3/17/2022 (McManus, Caetlin). (Entered: 03/16/2022)
03/17/2022	<u>2</u>	ELECTRONIC NOTICE of Case Assignment. Judge Patti B. Saris assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge M. Page Kelley. (Finn, Mary) (Entered: 03/17/2022)
03/17/2022	<u>3</u>	NOTICE of Appearance by Matthew Segal on behalf of American Civil Liberties Union of Massachusetts, Inc. (Segal, Matthew) (Entered: 03/17/2022)
03/17/2022	<u>4</u>	NOTICE of Appearance by Krista Oehlke on behalf of American Civil Liberties Union of Massachusetts, Inc. (Oehlke, Krista) (Entered: 03/17/2022)
03/17/2022	<u>5</u>	Summons Issued as to U.S. Immigration & Customs Enforcement. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (McManus, Caetlin) (Entered: 03/17/2022)
03/22/2022	<u>6</u>	AFFIDAVIT OF SERVICE Executed by American Civil Liberties Union of Massachusetts, Inc.. U.S. Immigration & Customs Enforcement served on 3/21/2022, answer due 4/11/2022. Acknowledgement filed by American Civil Liberties Union of Massachusetts, Inc.. (Lafaille, Adriana) (Entered: 03/22/2022)
03/22/2022	<u>7</u>	SUMMONS Returned Executed as to US Attorney by American Civil Liberties Union of Massachusetts, Inc.. (Lafaille, Adriana) (Entered: 03/22/2022)
03/28/2022	<u>8</u>	NOTICE of Appearance by Erin E. Brizius on behalf of U.S. Immigration & Customs Enforcement (Brizius, Erin) (Entered: 03/28/2022)
04/20/2022	<u>9</u>	ANSWER to <u>1</u> Complaint, by U.S. Immigration & Customs Enforcement.(Brizius, Erin) (Entered: 04/20/2022)
04/22/2022	<u>10</u>	NOTICE OF SCHEDULING CONFERENCE BY VIDEO: SCHEDULING CONFERENCE SET FOR 6/28/2022 02:00 PM BY VIDEO before Judge Patti B. Saris.

		<p>This hearing will be conducted by VIDEO CONFERENCE. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Geraldino–Karasek, Clarilde) (Entered: 04/22/2022)</p>
06/21/2022	<u>11</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Brizius, Erin) (Entered: 06/21/2022)
06/21/2022	<u>12</u>	JOINT STATEMENT re scheduling conference . (Brizius, Erin) (Entered: 06/21/2022)
06/27/2022	<u>13</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Oehlke, Krista) (Entered: 06/27/2022)
06/28/2022	14	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Scheduling Conference held on 6/28/2022 by VIDEO. ORDERED: Joint Statement – Adopted, see joint statement for further details.(Attys present: Oehike, Brizius by video) (Court Reporter: No Court Reporter Used.) (Molloy, Maryellen) (Entered: 06/29/2022)
06/30/2022	15	<p>SET SCHEDULING ORDER DEADLINES:</p> <p>Defendant's Motion for Summary Judgment due by 10/3/2022;</p> <p>Plaintiff's Cross– Motion for Summary Judgement and Opposition to Defendant's Motion for Summary Judgment due by 10/31/2022;</p> <p>Defendant's Opposition due by 11/21/2022;</p> <p>Plaintiff's Reply due by 12/12/2022.</p> <p>(Geraldino–Karasek, Clarilde) (Entered: 06/30/2022)</p>
09/02/2022	<u>16</u>	NOTICE of Withdrawal of Appearance by Krista Oehlke (Oehlke, Krista) (Entered: 09/02/2022)
09/23/2022	<u>17</u>	Joint MOTION for Extension of Time <i>and to Amend the Scheduling Order</i> by U.S. Immigration & Customs Enforcement.(Brizius, Erin) (Entered: 09/23/2022)
09/27/2022	<u>18</u>	Judge Patti B. Saris:ENDORSED ORDER entered ALLOWED re <u>17</u> Joint Motion for Extension of Time and to Amend the Scheduling Order. (Geraldino–Karasek, Clarilde) (Entered: 09/29/2022)
09/29/2022	19	<p>RESET SCHEDULING ORDER DEADLINES:</p> <p>Defendant's Motion for Summary Judgment due by 11/17/2022;</p> <p>Plaintiff's Cross– Motion for Summary Judgement and Opposition to Defendant's Motion for Summary Judgment due by 12/15/2022;</p> <p>Defendant's Opposition due by 1/5/2023;</p> <p>Plaintiff's Reply due by 1/26/2023. (Geraldino–Karasek, Clarilde) (Entered: 09/29/2022)</p>
11/17/2022	<u>20</u>	MOTION for Summary Judgment by U.S. Immigration & Customs Enforcement.(Brizius, Erin) (Entered: 11/17/2022)
11/17/2022	<u>21</u>	MEMORANDUM in Support re <u>20</u> MOTION for Summary Judgment filed by U.S. Immigration & Customs Enforcement. (Brizius, Erin) (Entered: 11/17/2022)

11/17/2022	<u>22</u>	Statement of Material Facts L.R. 56.1 re <u>20</u> MOTION for Summary Judgment filed by U.S. Immigration & Customs Enforcement. (Attachments: # <u>1</u> Declaration of Fernando Pineiro, # <u>2</u> Exhibit 1: Vaughn Index, # <u>3</u> Exhibit 2: Documents)(Brizius, Erin) (Entered: 11/17/2022)
11/17/2022	23	ELECTRONIC NOTICE issued requesting courtesy copy for <u>20</u> MOTION for Summary Judgment, <u>22</u> Statement of Material Facts L.R. 56.1, <u>21</u> Memorandum in Support of Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 11/22/2022. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (Geraldino-Karasek, Clarilde) (Entered: 11/17/2022)
12/07/2022	<u>24</u>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Medha Swaminathan Filing fee: \$ 100, receipt number AMADC-9620392 by American Civil Liberties Union of Massachusetts, Inc.. (Attachments: # <u>1</u> Affidavit)(Lafaille, Adriana) (Entered: 12/07/2022)
12/09/2022	25	Judge Patti B. Saris: ELECTRONIC ORDER entered granting <u>24</u> Motion for Leave to Appear Pro Hac Vice Added Medha Swaminathan. Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account. You must put the docket number on your form when registering or it will be rejected. Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm . A Notice of Appearance must be entered on the docket by the newly admitted attorney. (McManus, Caetlin) (Entered: 12/09/2022)
12/13/2022	<u>26</u>	Assented to MOTION for Extension of Time to 12/22/22 to oppose Defendants summary judgment motion and file a cross-motion for summary judgment by American Civil Liberties Union of Massachusetts, Inc..(Lafaille, Adriana) (Entered: 12/13/2022)
12/13/2022	27	Judge Patti B. Saris: ELECTRONIC ORDER entered ALLOWED re <u>26</u> Assented to Motion for Extension of Time to oppose Defendants summary judgment motion and file a cross-motion for summary judgment.(Geraldino-Karasek, Clarilde) (Entered: 12/13/2022)
12/13/2022	28	RESET SCHEDULING ORDER DEADLINES: Plaintiff's opposition and cross-motion for summary judgment: December 22, 2022 Defendant's Opposition due by 1/12/2023; Plaintiff's Reply due by 2/2/2023. (Geraldino-Karasek, Clarilde) (Entered: 12/13/2022)
12/13/2022	29	ELECTRONIC NOTICE Setting Hearing on <u>20</u> MOTION for Summary Judgment AND <u>31</u> Cross MOTION for Summary Judgment : MOTION(S) HEARING SET FOR 3/23/2023 02:30 PM BY VIDEO before Judge Patti B. Saris. This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.

		<p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Geraldino–Karasek, Clarilde)</p> <p>Modified docket text on 3/8/2023 to include Motion <u>31</u> as hearing set as to both motions filed. (Geraldino–Karasek, Clarilde). (Entered: 12/13/2022)</p>
12/19/2022	<u>30</u>	NOTICE of Appearance by Medha Swaminathan on behalf of American Civil Liberties Union of Massachusetts, Inc. (Swaminathan, Medha) (Entered: 12/19/2022)
12/22/2022	<u>31</u>	Cross MOTION for Summary Judgment by American Civil Liberties Union of Massachusetts, Inc..(Lafaille, Adriana) (Entered: 12/22/2022)
12/22/2022	<u>32</u>	MEMORANDUM in Support re <u>31</u> Cross MOTION for Summary Judgment <i>and in opposition to Defendant's Motion for Summary Judgment</i> filed by American Civil Liberties Union of Massachusetts, Inc.. (Lafaille, Adriana) (Entered: 12/22/2022)
12/22/2022	<u>33</u>	Statement of Material Facts L.R. 56.1 re <u>31</u> Cross MOTION for Summary Judgment , <u>20</u> MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, Inc.. (Lafaille, Adriana) (Entered: 12/22/2022)
12/22/2022	<u>34</u>	AFFIDAVIT in Support re <u>31</u> Cross MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, Inc.. (Attachments: # <u>1</u> Exhibit)(Lafaille, Adriana) (Entered: 12/22/2022)
01/12/2023	<u>35</u>	Opposition re <u>31</u> Cross MOTION for Summary Judgment <i>and Reply in Support of Defendant's Motion for Summary Judgment</i> filed by U.S. Immigration & Customs Enforcement. (Attachments: # <u>1</u> Supplemental Pineiro Decl.)(Brizius, Erin) (Entered: 01/12/2023)
01/12/2023	<u>36</u>	Response by U.S. Immigration & Customs Enforcement to <u>33</u> Statement of Material Facts L.R. 56.1 . (Brizius, Erin) (Entered: 01/12/2023)
02/02/2023	<u>37</u>	REPLY to Response to <u>31</u> Cross MOTION for Summary Judgment , <u>20</u> MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, Inc.. (Swaminathan, Medha) (Entered: 02/02/2023)
02/02/2023	<u>38</u>	DECLARATION of <i>Betsy Ginsberg</i> by American Civil Liberties Union of Massachusetts, Inc.. (Attachments: # <u>1</u> Exhibit 1 to Declaration of Betsy Ginsberg)(Swaminathan, Medha) (Entered: 02/02/2023)
03/23/2023	40	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Motion Hearing held on 3/23/2023 re <u>31</u> Cross MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, Inc by Video Motions taken under advisement. (Court Reporter: Lee Marzilli at leemarz@aol.com.) (Molloy, Maryellen) (Entered: 03/27/2023)
03/24/2023	<u>39</u>	NOTICE of Withdrawal of Appearance by Matthew Segal (Segal, Matthew) (Entered: 03/24/2023)
03/28/2023	<u>41</u>	NOTICE by U.S. Immigration & Customs Enforcement <i>Of Submission</i> (Brizius, Erin) (Entered: 03/28/2023)
06/05/2023	<u>42</u>	NOTICE of Appearance by Rayford A. Farquhar on behalf of U.S. Immigration & Customs Enforcement (Farquhar, Rayford) (Entered: 06/05/2023)
06/05/2023	<u>43</u>	NOTICE of Withdrawal of Appearance by Erin E. Brizius (Brizius, Erin) (Entered: 06/05/2023)

08/04/2023	<u>44</u>	NOTICE of Withdrawal of Appearance by Medha Swaminathan (Swaminathan, Medha) (Entered: 08/04/2023)
08/09/2023	<u>45</u>	Judge Patti B. Saris: MEMORANDUM AND ORDER entered. Plaintiff's cross-motion for summary judgment (Dkt. <u>31</u>) is ALLOWED in part and DENIED in part. Defendant's motion for summary judgment (Dkt. <u>20</u>) is ALLOWED in part and DENIED in part. The government shall disclose the documents within 60 days, consistent with this Order. SO ORDERED. (McManus, Caetlin) (Entered: 08/09/2023)
08/15/2023	46	Judge Patti B. Saris: ELECTRONIC ORDER entered. The parties shall file a Proposed Form of Judgment on or before 8/29/2023. (Geraldino-Karasek, Clarilde) (Entered: 08/15/2023)
08/22/2023	<u>47</u>	Assented to MOTION for Extension of Time to 09/15/2023 to To File a Proposed Form of Judgment by U.S. Immigration & Customs Enforcement.(Farquhar, Rayford) (Entered: 08/22/2023)
08/22/2023	48	Judge Patti B. Saris: ELECTRONIC ORDER entered Granting <u>47</u> ASSENTED TO Motion for Extension of Time up to and including to September 15, 2023, for the parties to file a proposed form of judgment. (mm) (Entered: 08/22/2023)
09/15/2023	<u>49</u>	Proposed Document(s) submitted by American Civil Liberties Union of Massachusetts, Inc.. Document received: Joint Proposed Judgment. (Attachments: # <u>1</u> Text of Proposed Order Judgment)(Lafaille, Adriana) (Entered: 09/15/2023)
09/18/2023	<u>50</u>	Judge Patti B. Saris: ORDER entered. JUDGMENT as to American Civil Liberties Union of Massachusetts, Inc. v. U.S. Immigration and Customs Enforcement.(Geraldino-Karasek, Clarilde) (Entered: 09/19/2023)