

U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:22-cv-05964-SK

The Center for Investigative Reporting et al v. Department of
 Homeland Security
 Assigned to: Magistrate Judge Sallie Kim
 Referred to: Magistrate Judge Peter H Kang (Settlement)
 Cause: 05:552 Freedom of Information Act

Date Filed: 10/11/2022
 Date Terminated: 10/26/2023
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff**The Center for Investigative Reporting**

represented by **Diana Victoria Baranetsky**
 The Center for Investigative Reporting
 1400 65th Street, Suite 200
 Emeryville, CA 94608
 (510) 809-3160
 Fax: (510) 849-6141
 Email: vbaranetsky@revealnews.org
ATTORNEY TO BE NOTICED

Plaintiff**Najib Aminy**

represented by **Diana Victoria Baranetsky**
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**Department of Homeland Security**

represented by **John Wesley Samples**
 The United States Attorney's Office
 Northern District of California
 450 Golden Gate Avenue, 9th Floor
 San Francisco, CA 94102
 (415) 436-7073
 Email: Wes.Samples@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/11/2022	<u>1</u>	COMPLAINT against Department of Homeland Security (Filing fee \$ 402, receipt number ACANDC-17613856.). Filed byThe Center for Investigative Reporting. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O)(Baranetsky, Diana) (Filed on 10/11/2022) (Entered: 10/11/2022)
10/11/2022	<u>2</u>	Proposed Summons. (Baranetsky, Diana) (Filed on 10/11/2022) (Entered: 10/11/2022)
10/11/2022	<u>3</u>	Certificate of Interested Entities by The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 10/11/2022) (Entered: 10/11/2022)
10/11/2022	4	Case assigned to Magistrate Judge Sallie Kim. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening .

		Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 10/25/2022. (bw, COURT STAFF) (Filed on 10/11/2022) (Entered: 10/11/2022)
10/11/2022	<u>5</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 1/2/2023. Initial Case Management Conference set for 1/9/2023 01:30 PM in San Francisco, Courtroom C, 15th Floor. (dhm, COURT STAFF) (Filed on 10/11/2022) (Entered: 10/12/2022)
10/12/2022	<u>6</u>	Summons Issued as to Department of Homeland Security, U.S. Attorney and U.S. Attorney General (dhm, COURT STAFF) (Filed on 10/12/2022) (Entered: 10/12/2022)
10/17/2022	<u>7</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by The Center for Investigative Reporting.. (Baranetsky, Diana) (Filed on 10/17/2022) (Entered: 10/17/2022)
10/19/2022	<u>8</u>	CERTIFICATE OF SERVICE by The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 10/19/2022) (Entered: 10/19/2022)
11/15/2022	<u>9</u>	NOTICE of Appearance by John Wesley Samples (Samples, John) (Filed on 11/15/2022) (Entered: 11/15/2022)
11/15/2022	<u>10</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Department of Homeland Security.. (Samples, John) (Filed on 11/15/2022) (Entered: 11/15/2022)
11/15/2022	<u>11</u>	STIPULATION WITH PROPOSED ORDER filed by Department of Homeland Security. (Attachments: # <u>1</u> Declaration)(Samples, John) (Filed on 11/15/2022) (Entered: 11/15/2022)
11/16/2022	<u>12</u>	ORDER by Magistrate Judge Sallie Kim granting <u>11</u> Stipulation to Continue Deadline to Respond to Complaint and Case Management Deadlines. Responsive Pleading due by 1/13/2023. Case Management Statement due by 1/30/2023. Initial Case Management Conference reset for 2/6/2023 01:30 PM in San Francisco – Videoconference Only. (mkl, COURT STAFF) (Filed on 11/16/2022) (Entered: 11/16/2022)
01/11/2023	<u>13</u>	STIPULATION WITH PROPOSED ORDER <i>TO CONTINUE DEADLINES FOR THE UNITED STATES TO ANSWER OR OTHERWISE RESPOND, THE JOINT CASE MANAGEMENT STATEMENT, AND THE CASE MANAGEMENT CONFERENCE</i> filed by Department of Homeland Security. (Attachments: # <u>1</u> Declaration)(Samples, John) (Filed on 1/11/2023) (Entered: 01/11/2023)
01/11/2023	<u>14</u>	ORDER by Magistrate Judge Sallie Kim granting <u>13</u> Stipulation to Respond to Complaint and Case Management Deadlines. Case Management Statement due by 2/27/2023. Initial Case Management Conference reset for 3/6/2023 01:30 PM in San Francisco – Videoconference Only. (mkl, COURT STAFF) (Filed on 1/11/2023) (Entered: 01/11/2023)
02/08/2023	<u>15</u>	STIPULATION WITH PROPOSED ORDER <i>JOINT STIPULATION TO CONTINUE DEADLINES FOR THE UNITED STATES TO ANSWER OR OTHERWISE RESPOND, THE JOINT CASE MANAGEMENT STATEMENT, AND THE CASE MANAGEMENT CONFERENCE, AND [PROPOSED] ORDER</i> filed by Department of Homeland Security. (Attachments: # <u>1</u> Declaration)(Samples, John) (Filed on 2/8/2023) (Entered: 02/08/2023)
02/09/2023	<u>16</u>	ORDER by Magistrate Judge Sallie Kim granting <u>15</u> Stipulation to Continue Deadline to Respond to Complaint and Case Management Deadlines. Case Management Statement due by 4/3/2023. Initial Case Management Conference reset for 4/10/2023 01:30 PM in San Francisco – Videoconference Only. (mkl, COURT STAFF) (Filed on 2/9/2023) (Entered: 02/09/2023)
03/09/2023	<u>17</u>	STIPULATION WITH PROPOSED ORDER <i>TO CONTINUE DEADLINES FOR THE UNITED STATES TO ANSWER OR OTHERWISE RESPOND, THE JOINT CASE MANAGEMENT STATEMENT, AND THE CASE MANAGEMENT CONFERENCE</i> filed by Department of Homeland Security. (Attachments: # <u>1</u> Declaration)(Samples, John) (Filed on 3/9/2023) (Entered: 03/09/2023)
03/13/2023	<u>18</u>	ORDER by Magistrate Judge Sallie Kim granting <u>17</u> Stipulation to Continue Deadline to Respond to Complaint and Case Management Deadlines. Case Management Statement due by 6/5/2023. Initial Case Management Conference reset for 6/12/2023 01:30 PM in San Francisco – Videoconference Only. (mkl, COURT STAFF) (Filed on 3/13/2023) (Entered: 03/13/2023)
05/22/2023	<u>19</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Samples, John) (Filed on 5/22/2023) (Entered: 05/22/2023)

05/23/2023	<u>20</u>	Joint STIPULATION to Continue Deadline for Defendant to Answer or Otherwise Respond filed by Department of Homeland Security. (Samples, John) (Filed on 5/23/2023) (Entered: 05/23/2023)
05/24/2023	<u>21</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Baranetsky, Diana) (Filed on 5/24/2023) (Entered: 05/24/2023)
06/05/2023	<u>22</u>	CASE MANAGEMENT STATEMENT <i>INITIAL JOINT CASE MANAGEMENT STATEMENT</i> filed by Department of Homeland Security. (Samples, John) (Filed on 6/5/2023) (Entered: 06/05/2023)
06/07/2023	23	<p>CLERKS NOTICE SETTING ZOOM HEARING.</p> <p>Initial Case Management Conference set for 6/12/2023 01:30 PM in San Francisco. This proceeding will be held by videoconference via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/sk</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (mkl, COURT STAFF) (Filed on 6/7/2023) (Entered: 06/07/2023)</p>
06/12/2023	24	<p>Minute Entry for proceedings held by Zoom before Magistrate Judge Sallie Kim: Initial Case Management Conference held on 6/12/2023. The Court set a briefing schedule for the parties' cross–motions for summary judgment. A written order will issue containing all of the deadlines.</p> <p>CASE REFERRED to Magistrate Judge Peter H. Kang for Settlement Conference to be completed by 8/31/2023.</p> <p>Updated Case Management Statement due by 9/5/2023. Further Case Management Conference set for 9/11/2023 01:30 PM in San Francisco – Videoconference Only.</p> <p>Digital Recording Time: 1:31–1:36. Attorney for Plaintiffs: Victoria Baranetsky. Attorney for Defendant: Wes Samples.</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (mkl, COURT STAFF) (Date Filed: 6/12/2023) (Entered: 06/12/2023)</p>
06/13/2023	25	<p>----- TEXT–ONLY ORDER FOR SETTLEMENT PLANNING CONFERENCE -----</p> <p>This case has been referred to Magistrate Judge Peter H. Kang for settlement. Per Judge Kang's Standing Order for Settlement Conferences, the parties are hereby notified that a pre–settlement Planning Conference is set for Tuesday, June 27, 2023 at 11:00 AM before Magistrate Judge Peter H. Kang. The Planning Conference will be held via a non–public Zoom meeting.</p> <p>Counsel for all parties are directed to review this Court's Standing Order for Settlement Conferences prior to the Planning Conference, particularly the meet and confer requirements therein. See https://www.cand.uscourts.gov/judges/peter–h–kang–phk/. In light of the deadline for this Settlement Conference set by Minute Order [Dkt. 24] and Judge Kang's schedule in August 2023, counsel are ordered to meet and confer and be prepared to propose at least two mutually agreeable alternate dates in July 2023 for conducting this Settlement Conference.</p> <p>Appearances by Counsel: Advanced notice is required of all counsel who will be participating in the Planning Conference in order for counsel to participate in the Zoom meeting. A list of names, email addresses, and party they are representing of those counsel for each Party participating in the Planning Conference must be sent to Judge Kang's Courtroom Deputy via email at PHKcrd@cand.uscourts.gov no later than noon on Friday, June 23, 2023.</p> <p>Zoom Meeting Access: Information on how to join the Planning Conference can be found on Judge Kang's webpage under the subheading "Non–Public Hearings [Settlement Conferences]" at</p>

		<p>https://www.cand.uscourts.gov/judges/peter-h-kang-phk/</p> <p>https://cand-uscourts.zoomgov.com/j/1617131343?pwd=d3l1Qi8xUzI0UGlSaXpoM0RZd2xGZz09</p> <p>Meeting ID: 161 713 1343</p> <p>Passcode: 509530</p> <p>General Order 58: Persons granted access to Court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of Court proceedings from a location outside the Courthouse (including screenshots or other audio or visual copying of a hearing) are prohibited, absent prior written authorization from the Chief Judge. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p>Signed by Judge Peter H. Kang on 06/13/2023.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (phlc1, COURT STAFF) (Filed on 6/13/2023) (Entered: 06/13/2023)</p>
06/13/2023		Set Hearing, See Docket No. 25 : Pre-Settlement Planning Conference set for 6/27/2023 at 11:00 AM in San Francisco, – Videoconference Only before Magistrate Judge Peter H Kang. (bns, COURT STAFF) (Filed on 6/13/2023) (Entered: 06/13/2023)
06/13/2023	<u>26</u>	Case Management Order. Signed by Judge Sallie Kim on June 13, 2023. (sklc2, COURT STAFF) (Filed on 6/13/2023) (Entered: 06/13/2023)
06/14/2023		Set Deadlines/Hearings: Dispositive Motion Hearing set for 4/29/2024 09:30 AM in San Francisco, Courtroom C, 15th Floor before Magistrate Judge Sallie Kim. (mkl, COURT STAFF) (Filed on 6/14/2023) (Entered: 06/14/2023)
06/21/2023	<u>27</u>	ANSWER to Complaint by Department of Homeland Security. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Samples, John) (Filed on 6/21/2023) (Entered: 06/21/2023)
06/28/2023	28	<p>Minute Entry for pre-settlement planning conference held 6/27/2023 before Magistrate Judge Peter H Kang. Conference held. The settlement conference is set for 7/14/2023 at 1:00 PM. This in-person settlement conference shall take place in San Francisco, Courtroom F, 15th Floor. However, agency counsel for Department of Homeland Security shall be permitted to participate in the settlement conference by way of Zoom. Counsel are directed to review Judge Kang's Standing Order for Settlement Conferences. Settlement conference statements must be lodged with the court no later than 7/10/2023, via email sent to PHKSettlement@cand.uscourts.gov. (Not Reported)</p> <p>Plaintiff Attorneys: Diana Victoria Baranetsky and Dara Gray. Defendant Attorney: John Wesley Samples.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (shy, COURT STAFF) (Date Filed: 6/28/2023) (Entered: 06/28/2023)</p>
07/14/2023	<u>29</u>	STIPULATION WITH PROPOSED ORDER <i>JOINT STIPULATION & [PROPOSED] ORDER REGARDING REMAINING SCOPE OF CASE AND RELEASE OF REQUESTED INFORMATION, AND [PROPOSED] ORDER</i> filed by Department of Homeland Security. (Samples, John) (Filed on 7/14/2023) (Entered: 07/14/2023)
07/14/2023	31	<p>Minute Entry for proceedings held before Magistrate Judge Peter H Kang: Settlement Conference held on 7/14/2023.</p> <p>Case settled regarding FOIA Items 1-14; Parties narrowed remaining scope of case regarding Item 15. Parties draft and file Stipulation and Proposed Order. See Dkt. <u>29</u> .</p>

		<p>Digital Recording Time: Not reported. Total time: 5 hours. Plaintiff Attorney: D. Victoria Baranetsky. Defendant Attorney: J. Wesley Samples. Agency Counsel representative for Defendant (attending via Zoom meeting): Alan Hughes.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jaf, COURT STAFF) (Date Filed: 7/14/2023) (Entered: 07/17/2023)</p>
07/17/2023	<u>30</u>	<p>ORDER by Magistrate Judge Sallie Kim granting <u>29</u> Stipulation Regarding Remaining Scope of Case and Release of Requested Information. (mkl, COURT STAFF) (Filed on 7/17/2023) (Entered: 07/17/2023)</p>
09/05/2023	<u>32</u>	<p>STIPULATION WITH PROPOSED ORDER <i>JOINT STIPULATION TO CONTINUE JOINT CASE MANAGEMENT STATEMENT, AND THE CASE MANAGEMENT CONFERENCE</i> filed by Department of Homeland Security. (Attachments: # <u>1</u> Declaration)(Samples, John) (Filed on 9/5/2023) (Entered: 09/05/2023)</p>
09/06/2023	33	<p>CLERK'S NOTICE Continuing Case Management Conference:</p> <p>The Further Case Management Conference set for 9/11/2023 is continued to 9/25/2023 01:30 PM in San Francisco – Videoconference Only. Updated Case Management Statement due by 9/18/2023. This proceeding will be held via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/sk</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>(mkl, COURT STAFF) (Filed on 9/6/2023) (Entered: 09/06/2023)</p>
09/13/2023	34	<p>[IN CHAMBER TEXT ONLY ORDER]</p> <p>The Court has received the joint email of September 13, 2023, from the Parties regarding a Further Settlement Conference in this matter. Accordingly, IT IS HEREBY ORDERED that the Further Settlement Conference is scheduled for Friday, October 20, 2023, at 11 am (PT). Counsel for the Parties shall report to Courtroom F on the 15th floor for this in-person settlement Conference. USCIS agency counsel Alan Hughes is given leave by the Court to attend the further settlement conference by videoconference, using the Court's Zoom Meetings link (available on the Courts website). On or before October 10, 2023, the Parties shall each lodge with the Court (using the PHKsettlement@cand.uscourts.gov email address) a Confidential Further Settlement Conference Statement, each no longer than three pages long, addressing the issues in dispute, the Parties' respective positions and attempts to compromise such issues, and that Party's position on the issues, and further addressing any other topics required for Confidential Settlement Conference Statements as set forth in the Court's Standing Order for Settlement Conferences.</p> <p>Signed by Judge Peter H. Kang on 09/13/2023. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (phklc1, COURT STAFF) (Filed on 9/13/2023)</p> <p>(Entered: 09/13/2023)</p>
09/13/2023		<p>Set/Reset Hearings: Settlement Conference set for 10/20/2023 11:00 AM in San Francisco, Courtroom F, 15th Floor. (phklc1, COURT STAFF) (Filed on 9/13/2023) (Entered: 09/13/2023)</p>
09/15/2023	<u>35</u>	<p>STIPULATION WITH PROPOSED ORDER <i>JOINT STIPULATION TO CONTINUE JOINT CASE MANAGEMENT STATEMENT, AND THE CASE MANAGEMENT CONFERENCE, AND [PROPOSED] ORDER</i> filed by Department of Homeland Security. (Attachments: # <u>1</u> Declaration)(Samples, John) (Filed on 9/15/2023) (Entered: 09/15/2023)</p>
09/18/2023	<u>36</u>	<p>ORDER by Magistrate Judge Sallie Kim granting <u>35</u> Stipulation to Continue Joint Case Management Conference. Updated Case Management Statement due by 11/13/2023. Further</p>

		Case Management Conference reset for 11/20/2023 01:30 PM in San Francisco – Videoconference Only. (mkl, COURT STAFF) (Filed on 9/18/2023) (Entered: 09/18/2023)
10/20/2023	<u>37</u>	STIPULATION WITH PROPOSED ORDER filed by Department of Homeland Security. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Samples, John) (Filed on 10/20/2023) (Entered: 10/20/2023)
10/23/2023	38	Minute Entry for proceedings held before Magistrate Judge Peter H Kang: Settlement Conference held on 10/20/2023. Results: Case Settled. Joint stipulation has been filed with the Court. Total Time (Not Recorded): 11:00–3:55 (4 hrs 55 min). Plaintiff Attorney: Victoria Baranetsky. Defendant Attorney: Wesley Samples. Defendant Representative: Alan Hughes (via Zoom) <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jaf, COURT STAFF) (Date Filed: 10/23/2023) (Entered: 10/23/2023)
10/23/2023	<u>39</u>	ORDER by Magistrate Judge Sallie Kim granting <u>37</u> Stipulation Regarding Deadlines Following Settlement Conference. (mkl, COURT STAFF) (Filed on 10/23/2023) (Entered: 10/23/2023)
10/25/2023	<u>40</u>	NOTICE by Department of Homeland Security re <u>39</u> Order on Stipulation <i>CONDITIONAL DISMISSAL WITH PREJUDICE, AND [PROPOSED] ORDER</i> (Samples, John) (Filed on 10/25/2023) (Entered: 10/25/2023)
10/26/2023	<u>41</u>	ORDER OF CONDITIONAL DISMISSAL. Signed by Magistrate Judge Sallie Kim on 10/26/2023. (mkl, COURT STAFF) (Filed on 10/26/2023) (Entered: 10/26/2023)