# U.S. District Court District of Columbia (Washington, DC) CIVIL DOCKET FOR CASE #: 1:20-cv-01143-TSC

MUSLIM ADVOCATES et al v. U.S. DEPARTMENT OF

STATE et al

Assigned to: Judge Tanya S. Chutkan

Case: 1:18-cv-01546-TSC

Cause: 05:552 Freedom of Information Act

**Plaintiff** 

**MUSLIM ADVOCATES** 

Date Filed: 05/01/2020 Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by Reem Subei

**MUSLIM ADVOCATES** 

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TERMINATED: 08/25/2021

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TERMINATED: 09/08/2020

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**Plaintiff** 

# NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC.

### **Samuel Spital**

NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC. 40 Rector Street 5th Floor New York, NY 10006 (212) 965–2200 Email: <a href="mailto:sspital@naacpldf.org">sspital@naacpldf.org</a> LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### **Ashok Chandran**

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### Matthew W. Callahan

(See above for address) *TERMINATED:* 08/25/2021

#### Nimra H. Azmi

(See above for address) *TERMINATED: 09/08/2020* 

V.

#### **Defendant**

U.S. DEPARTMENT OF STATE

## represented by U.S. DEPARTMENT OF STATE PRO SE

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### **Defendant**

# U.S. CUSTOMS AND BORDER PROTECTION

represented by U.S. CUSTOMS AND BORDER PROTECTION PRO SE

**Sean Michael Tepe** 

(See above for address)
TERMINATED: 11/02/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph F. Carilli , Jr. (See above for address) *TERMINATED: 11/17/2021* 

**Paul A. Mussenden** (See above for address) *TERMINATED: 09/02/2020* 

Date Filed	#	Docket Text
05/01/2020	1	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number ADCDC–7082058) filed by MUSLIM ADVOCATES. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D, # 5 Exhibit Exhibit E, # 6 Exhibit Exhibit F, # 7 Exhibit Exhibit G, # 8 Exhibit Exhibit H, # 9 Civil Cover Sheet Civil Cover Sheet, # 10 Summons DOS Summons, # 11 Summons CBP Summons)(Azmi, Nimra) (Entered: 05/01/2020)
05/01/2020	<u>2</u>	NOTICE OF RELATED CASE by MUSLIM ADVOCATES. Case related to Case No. 18–1546. (Azmi, Nimra) (Entered: 05/01/2020)
05/04/2020		Case assigned to Judge Tanya S. Chutkan. (zmc) (Entered: 05/04/2020)
05/04/2020	<u>3</u>	SUMMONS (2) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Attachment: # 1 Notice and Consent)(zmc) (Entered: 05/04/2020)
05/05/2020	<u>4</u>	NOTICE of Appearance by Samuel Spital on behalf of NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC. (Spital, Samuel) (Entered: 05/05/2020)
05/05/2020	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name— Ashok Chandran, Filing fee \$ 100. Fee Status: Fee Paid. by NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC. (Attachments: # 1 Declaration of Ashok Chandran, # 2 Text of Proposed Order)(Spital, Samuel) (Entered: 05/05/2020)
05/06/2020		MINUTE ORDER: Granting 5 Motion for Leave to Appear Pro Hac Vice. Ashok Chandran is hereby admitted pro hac vice to appear in this matter on behalf of Plaintiff NAACP Legal Defense & Educ. Fund, Inc. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions. Signed by Judge Tanya S. Chutkan on 5/6/2020. (DJS) (Entered: 05/06/2020)
05/11/2020	<u>6</u>	NOTICE of Appearance by Ashok Chandran on behalf of NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC. (Chandran, Ashok) (Entered: 05/11/2020)
05/26/2020	7	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by MUSLIM ADVOCATES, NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC. (Azmi, Nimra) (Entered: 05/26/2020)
05/26/2020	8	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/26/2020. (Answer due for ALL FEDERAL DEFENDANTS by 6/25/2020.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/26/2020., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS AND BORDER PROTECTION served on 5/26/2020; U.S. DEPARTMENT OF STATE served on 5/26/2020 (Azmi, Nimra) (Entered:

		05/26/2020)
06/22/2020	9	NOTICE of Appearance by Paul A. Mussenden on behalf of U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE (Mussenden, Paul) (Entered: 06/22/2020)
06/25/2020	<u>10</u>	ANSWER to Complaint by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE.(Mussenden, Paul) (Entered: 06/25/2020)
06/26/2020		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than 8/10/2020 The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 6/26/2020. (DJS) (Entered: 06/26/2020)
06/29/2020		Set/Reset Deadlines: Joint Status Report due by 8/10/2020. (tb) (Entered: 06/29/2020)
07/09/2020	11	Consent MOTION to Amend/Correct <i>Complaint</i> by MUSLIM ADVOCATES, NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC. (Attachments: # 1 Exhibit Ex. A [Proposed] First Amended Complaint, # 2 Exhibit [Proposed] Ex. A to First Amended Complaint, # 3 Exhibit [Proposed] Ex. B to First Amended Complaint, # 4 Exhibit [Proposed] Ex. C to First Amended Complaint, # 5 Exhibit [Proposed] Ex. D to First Amended Complaint, # 6 Exhibit [Proposed] Ex. E to First Amended Complaint, # 7 Exhibit [Proposed] Ex. F to First Amended Complaint, # 8 Exhibit [Proposed] Ex. G to First Amended Complaint, # 9 Text of Proposed Order)(Azmi, Nimra) (Entered: 07/09/2020)
07/17/2020		MINUTE ORDER: Granting Consent 11 Motion to Amend/Correct Complaint. The First Amended Complaint which is attached to Plaintiffs' Motion as ExhibitA is deemed filed and served as of the date this Order. Signed by Judge Tanya S. Chutkan on 7/17/2020. (DJS) (Entered: 07/17/2020)
07/17/2020	<u>12</u>	AMENDED COMPLAINT against U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE filed by MUSLIM ADVOCATES, NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC(ztd) (Entered: 07/20/2020)
07/31/2020	<u>13</u>	ANSWER to 12 Amended Complaint by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE.(Mussenden, Paul) (Entered: 07/31/2020)
08/10/2020	<u>14</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Attachments: # 1 Text of Proposed Order)(Mussenden, Paul) (Entered: 08/10/2020)
08/13/2020		MINUTE ORDER: Having considered the parties' joint status report <u>14</u> , it is hereby ordered that the parties shall file another joint status report by September 9, 2020, along with a proposed order. Signed by Judge Tanya S. Chutkan on 8/13/2020. (DJS) (Entered: 08/13/2020)
08/13/2020		Set/Reset Deadlines: Joint Status Report due by 9/9/2020. (tb) (Entered: 08/13/2020)
09/02/2020	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joseph F. Carilli, Jr on behalf of A Defendants Substituting for attorney Paul A. Mussenden (Carilli, Joseph) (Entered: 09/02/2020)
09/08/2020	<u>16</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Matthew W. Callahan on behalf of All Plaintiffs Substituting for attorney Nimra H. Azmi (Callahan, Matthew) (Entered: 09/08/2020)
09/09/2020	<u>17</u>	ENTERED IN ERROR Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph)

		Modified on 9/9/2020 (ztd). (Entered: 09/09/2020)
09/09/2020	<u>18</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 09/09/2020)
09/09/2020		NOTICE OF CORRECTED DOCKET ENTRY: re 17 Status Report was entered in error and counsel refiled said pleading in the correct case. (ztd) (Entered: 09/09/2020)
09/14/2020		MINUTE ORDER: Having considered the parties' joint status report 18, it appears that the Defendants failed to meet and confer with the Plaintiffs regarding Defendants' request that Plaintiffs narrow their search request. Additionally, the parties failed to attach a proposed order to the status report as required by this court's 08/13/2020 Minute order. Accordingly, it is hereby ordered that the parties shall meet and confer by October 9, 2020 and file a joint status report by October 30, 2020 along with a proposed order. Going forward, the parties shall meet and confer at least 10 days prior to the due date of any joint status reports. Signed by Judge Tanya S. Chutkan on 9/14/2020. (DJS) (Entered: 09/14/2020)
09/14/2020		Set/Reset Deadlines: Meet & Confer Statement due by 10/9/2020. JOint Status Report due by 10/30/2020. (tb) (Entered: 09/14/2020)
10/30/2020	<u>19</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Attachments: # 1 Text of Proposed Order)(Carilli, Joseph) (Entered: 10/30/2020)
12/17/2020		MINUTE ORDER: A telephonic status conference is hereby scheduled for 12/21/2020 at 1:00 p.m. The Judge's courtroom deputy will contact the parties with dial—in instructions. Signed by Judge Tanya S. Chutkan on 12/17/2020. (lcac) (Entered: 12/17/2020)
12/17/2020		Set/Reset Hearings: Status Conference set for 12/21/2020 at 01:00 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 12/17/2020)
12/21/2020		Minute Entry: Status Conference held on 12/21/2020 before Judge Tanya S. Chutkan: Sworn affidavits from each party due by 1/8/2021. Joint status report due by 1/29/2021. (Court Reporter Bryan Wayne) (tb) (Entered: 12/22/2020)
01/08/2021	<u>20</u>	NOTICE of Lodging by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE (Attachments: # 1 Exhibit DHS Declaration, # 2 Exhibit DoS Declaration)(Carilli, Joseph) (Entered: 01/08/2021)
01/26/2021		MINUTE ORDER: Joint Status Report due 1/29/21 and every 30 days therefore. To the extent the parties propose a production or briefing schedule, the report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 1/26/21. (DJS) (Entered: 01/26/2021)
01/26/2021		Set/Reset Deadlines: Joint Status Report due by 1/29/2021. (tb) (Entered: 01/26/2021)
01/29/2021	<u>21</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 01/29/2021)
03/01/2021	<u>22</u>	Joint STATUS REPORT (Sixth) by MUSLIM ADVOCATES. (Attachments: # 1 Text of Proposed Order)(Callahan, Matthew) (Entered: 03/01/2021)
03/31/2021	<u>23</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 03/31/2021)
04/13/2021	<u>24</u>	TRANSCRIPT OF 12/21/20 TELEPHONE CONFERENCE before Judge Tanya S. Chutkan held on December 21, 2020; Page Numbers: 1–17. Date of Issuance: 4/13/2021. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form at www.dcd.uscourts.gov. For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty—one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five

		personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 5/4/2021. Redacted Transcript Deadline set for 5/14/2021. Release of Transcript Restriction set for 7/12/2021. (Wayne, Bryan) (Entered: 04/13/2021)
04/30/2021	<u>25</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 04/30/2021)
06/01/2021	<u>26</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 06/01/2021)
07/01/2021	<u>27</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 07/01/2021)
08/02/2021	<u>28</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 08/02/2021)
08/25/2021	<u>29</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sanaa Ansari on behalf of MUSLIM ADVOCATES Substituting for attorney Matthew Callahan (Ansari, Sanaa) (Entered: 08/25/2021)
08/30/2021	<u>30</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 08/30/2021)
09/17/2021	<u>31</u>	NOTICE of Appearance by Sanaa Ansari on behalf of MUSLIM ADVOCATES (Ansari, Sanaa) (Main Document 31 replaced on 9/21/2021) (ztd). (Entered: 09/17/2021)
10/01/2021	<u>32</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 10/01/2021)
10/30/2021	<u>33</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Carilli, Joseph) (Entered: 10/30/2021)
10/31/2021		MINUTE ORDER: At least five days prior to the next scheduled status report, the parties shall meet and confer to discuss the processing of Plaintiffs' requests and Plaintiffs' pending settlement offers, the first of which was apparently made on 8/2/21. Going forward the parties shall continue to meet and confer at least 5 days prior to filing their next joint status report. Signed by Judge Tanya S. Chutkan on 10/31/21. (DJS) (Entered: 10/31/2021)
11/17/2021	<u>34</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sean Michael Tepe on behalf of All Defendants Substituting for attorney Joseph F. Carilli. Jr. (Tepe, Sean) (Entered: 11/17/2021)
11/29/2021	<u>35</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Tepe, Sean) (Entered: 11/29/2021)
12/29/2021	<u>36</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Tepe, Sean) (Entered: 12/29/2021)
08/07/2022		MINUTE ORDER: By 8/31/22 the parties shall meet, confer and file a joint status report. Signed by Judge Tanya S. Chutkan on 8/7/22. (DJS) (Entered: 08/07/2022)
08/07/2022		Set/Reset Deadlines: Joint Status Report due by 8/31/2022. (tb) (Entered: 08/07/2022)
08/31/2022	<u>37</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Tepe, Sean) (Entered: 08/31/2022)
09/30/2022	<u>38</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Tepe, Sean) (Entered: 09/30/2022)
10/03/2022		MINUTE ORDER: By 10/31/22 the parties shall meet, confer, and file a joint status report, which shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 10/3/2022. (lcwk) (Entered: 10/03/2022)
10/04/2022		Set/Reset Deadlines: Joint Status Report due by 10/31/2022. (tb) (Entered: 10/04/2022)

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10/31/2022	<u>39</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Tepe, Sean) (Entered: 10/31/2022)
11/07/2022		MINUTE ORDER: By 12/15/22 the parties shall meet, confer, and file a joint status report, which shall be accompanied by a JOINT proposed order. Signed by Judge Tanya S. Chutkan on 11/7/2022. (lcsr) (Entered: 11/07/2022)
11/08/2022		Set/Reset Deadlines: Joint Status Report due by 12/15/2022. (tb) (Entered: 11/08/2022)
11/17/2022	<u>40</u>	NOTICE of Appearance by Richard B. Katskee on behalf of MUSLIM ADVOCATES (Katskee, Richard) (Entered: 11/17/2022)
11/17/2022	41	MOTION for Leave to Appear Pro Hac Vice :Attorney Name—Reem Subei, Filing fee \$ 100, receipt number ADCDC—9681293. Fee Status: Fee Paid. by MUSLIM ADVOCATES. (Attachments: # 1 Declaration, # 2 Text of Proposed Order)(Katskee, Richard) (Entered: 11/17/2022)
12/06/2022		MINUTE ORDER: Granting the <u>41</u> Motion for Leave to Appear Pro Hac Vice. Reem Subei is hereby admitted pro hac vice to appear in this matter on behalf of Muslim Advocates. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <u>Click for instructions</u> . Signed by Judge Tanya S. Chutkan on 12/6/2022. (lcsr) (Entered: 12/06/2022)
12/15/2022	<u>42</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Tepe, Sean) (Entered: 12/15/2022)
12/16/2022		VACATED PURSUANT TO MINUTE ORDER FILED ON 01/13/23SHOW CAUSE MINUTE ORDER: The parties shall meet and confer and submit to the court their position on whether this case should be consolidated with related cases 1:17–cv–02080–TSC and 18–cv–01546–TSC, no later than January 3, 2023. The parties' joint response shall be limited to no more than seven pages and accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 12/16/2022. (lcsr) Modified on 1/18/2023 (tb). (Entered: 12/16/2022)
12/19/2022	<u>43</u>	NOTICE of Appearance by Reem Subei on behalf of MUSLIM ADVOCATES (Subei, Reem) (Entered: 12/19/2022)
12/20/2022		Set/Reset Deadlines: Status Report due by 1/3/2023 (tb) (Entered: 12/20/2022)
01/03/2023	<u>44</u>	RESPONSE TO ORDER TO SHOW CAUSE re Order, <i>Joint Response to Order to Show Cause</i> filed by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF STATE. (Tepe, Sean) (Entered: 01/03/2023)
01/05/2023		Cases Consolidated. Cases 18–1546 and 20–1143 have been consolidated with case 17–2080, pursuant to an Order entered 01/05/2023. From this date forward, all pleadings shall be filed ONLY in the lead/earlier case, Civil Action No. 17–2080. The parties are advised NOT to elect the SPREAD TEXT option when filing in ECF, as this will result in repetitive docketing. (zjm) (Entered: 01/12/2023)
01/13/2023		MINUTE ORDER: The court's 12/16/2022 Show Cause Minute Order is hereby VACATED and the parties' obligations pursuant thereto are hereby discharged. Signed by Judge Tanya S. Chutkan on 1/13/2023. (lcsr) (Entered: 01/13/2023)
11/02/2023	<u>45</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joseph F. Carilli, Jr on behalf of All Defendants Substituting for attorney Sean Tepe (Carilli, Joseph) (Entered: 11/02/2023)