

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-02012-APM**

ENERGY POLICY ADVOCATES v. U.S. DEPARTMENT OF THE TREASURY
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 07/25/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**ENERGY POLICY ADVOCATES**

represented by **Christopher Cochran Horner**
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V.

Defendant**U.S. DEPARTMENT OF THE
TREASURY**

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Date Filed	#	Docket Text
07/25/2021	<u>1</u>	COMPLAINT against TREASURY DEPARTMENT (Filing fee \$ 402 receipt number ADCDC-8621474) filed by ENERGY POLICY ADVOCATES. (Attachments: # <u>1</u> Summons Proposed to US Attorney, US Attorney General, and Department of Treasury, # <u>2</u> Civil Cover Sheet)(Hardin, Matthew) (Entered: 07/25/2021)
07/25/2021	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint, filed by ENERGY POLICY ADVOCATES. Related document: <u>1</u> Complaint, filed by ENERGY POLICY ADVOCATES.(Hardin, Matthew) (Entered: 07/25/2021)
07/26/2021		Case Assigned to Judge Amit P. Mehta. (adh,) (Entered: 07/26/2021)
07/26/2021	<u>3</u>	SUMMONS (3) Issued Electronically as to TREASURY DEPARTMENT, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 07/26/2021)

07/26/2021	<u>4</u>	SUMMONS (1) Issued Electronically as to TREASURY DEPARTMENT. (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 07/26/2021)
07/26/2021	<u>5</u>	NOTICE of Appearance by Christopher Cochran Horner on behalf of ENERGY POLICY ADVOCATES (Horner, Christopher) (Entered: 07/26/2021)
08/06/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/3/2021. Answer due for ALL FEDERAL DEFENDANTS by 9/2/2021. (Attachments: # <u>1</u> Exhibit USPS tracking, # <u>2</u> Exhibit USPS Receipt)(Hardin, Matthew) (Main Document 6 replaced on 8/12/2021) (zeg). (Entered: 08/06/2021)
08/25/2021	<u>7</u>	NOTICE of Appearance by Dedra Seibel Curteman on behalf of All Defendants (Curteman, Dedra) (Entered: 08/25/2021)
08/25/2021	<u>8</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 08/25/2021)
08/26/2021		MINUTE ORDER granting Defendant's <u>8</u> Motion for Extension of Time to File Answer. Defendant's Answer shall now be due on or before October 4, 2021. Signed by Judge Amit P. Mehta on 8/26/2021. (lcapm2) (Entered: 08/26/2021)
10/04/2021	<u>9</u>	ANSWER to Complaint by U.S. DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Curteman, Dedra) (Entered: 10/04/2021)
10/04/2021	<u>10</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before October 18, 2021. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. See attached Order for details. Signed by Judge Amit P. Mehta on 10/4/2021. (lcapm2) (Entered: 10/04/2021)
10/18/2021	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 10/18/2021)
10/18/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by November 1, 2021. Signed by Judge Amit P. Mehta on 10/18/2021. (lcapm2) (Entered: 10/18/2021)
11/01/2021	<u>12</u>	Joint STATUS REPORT <i>Filed BY ENERGY POLICY ADVOCATES</i> by ENERGY POLICY ADVOCATES. (Horner, Christopher) (Entered: 11/01/2021)
11/01/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by December 16, 2021. Signed by Judge Amit P. Mehta on 11/1/2021. (lcapm2) (Entered: 11/01/2021)
12/16/2021	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 12/16/2021)
12/17/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by January 31, 2022. Signed by Judge Amit P. Mehta on 12/17/2021. (lcapm2) (Entered: 12/17/2021)
01/31/2022	<u>14</u>	ENTERED IN ERROR.....Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) Modified on 1/31/2022 (zeg). (Entered: 01/31/2022)
01/31/2022		NOTICE OF CORRECTED DOCKET ENTRY: re <u>14</u> Status Report was entered in error and counsel was instructed to refile said pleading with correct case number. (zeg) (Entered: 01/31/2022)
01/31/2022	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 01/31/2022)

02/01/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by March 17, 2022. Signed by Judge Amit P. Mehta on 2/1/2022. (lcapm2) (Entered: 02/01/2022)
03/17/2022	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 03/17/2022)
03/28/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by May 16, 2022, which updates the court on the processing and production of responsive records. If concerns persist about Defendant's productions, the court may then consider whether a status conference or some other process is appropriate. Signed by Judge Amit P. Mehta on 3/28/2022. (lcapm2) (Entered: 03/28/2022)
05/16/2022	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 05/16/2022)
05/17/2022		MINUTE ORDER. The parties shall appear for a status conference on May 26, 2022, at 2:15 p.m. via videoconference. The courtroom deputy shall circulate access information. Members of the public or media may access the hearing by dialing the court's toll-free public access line: (877) 848-7030, access code 321-8747. The public access line will be muted and should only be used by non-participating parties. Signed by Judge Amit P. Mehta on 5/17/2022. (lcapm2) (Entered: 05/17/2022)
05/23/2022		NOTICE of Hearing: Remote Status Conference rescheduled to May 27, 2022 at 2:15 PM before Judge Amit P. Mehta. Members of the public or media may access the hearing by dialing the court's toll-free public access line: (877) 848-7030, access code 321-8747. The public access line will be muted and should only be used by non-participating parties. (zjd) (Entered: 05/23/2022)
05/27/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held via videoconference on 5/27/2022. Status Conference set for 6/10/2022 at 10:15 AM via videoconference before Judge Amit P. Mehta. Members of the public or media may access the hearing by dialing the court's toll-free public access line: (877) 848-7030, access code 321-8747. (Court Reporter: William Zaremba) (zjd) (Entered: 05/27/2022)
06/08/2022	<u>18</u>	Joint MOTION to Continue <i>June 10, 2022 hearing</i> by ENERGY POLICY ADVOCATES. (Hardin, Matthew) (Entered: 06/08/2022)
06/09/2022		MINUTE ORDER granting <u>18</u> Joint Motion to Continue Status Hearing. The hearing currently scheduled for June 10, 2022, is hereby vacated and rescheduled for June 23, 2022, at 10:15 a.m. Signed by Judge Amit P. Mehta on 6/9/2022. (lcapm2) (Entered: 06/09/2022)
06/23/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held via videoconference on 6/23/2022. Status Conference set for 7/14/2022 at 10:00 AM via videoconference before Judge Amit P. Mehta. Members of the public or media may access the hearing by dialing the court's toll-free public access line: (877) 848-7030, access code 321-8747. (Court Reporter: William Zaremba) (zjd) (Entered: 06/23/2022)
07/14/2022		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held via videoconference on 7/14/2022. Joint Status Report due by 9/16/2022. (Court Reporter: William Zaremba) (zjd) (Entered: 07/14/2022)
09/16/2022	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 09/16/2022)
09/19/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by December 15, 2022, which updates the court on the status of processing and production of responsive records. Signed by Judge Amit P. Mehta on 9/19/2022. (lcapm2) (Entered: 09/19/2022)
12/15/2022	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 12/15/2022)
12/16/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by January 31, 2023, which updates the court on the status of processing and production of responsive records. Signed by Judge Amit P. Mehta on 12/16/2022. (lcapm2) (Entered: 12/16/2022)

		12/16/2022)
01/31/2023	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 01/31/2023)
02/01/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by March 10, 2023, which updates the court on the status of processing and production of responsive records. Upon receipt of the next Joint Status Report, the court will determine whether a deadline for completing production is warranted. Signed by Judge Amit P. Mehta on 2/1/2023. (lcapm2) (Entered: 02/01/2023)
03/10/2023	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 03/10/2023)
03/13/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by April 10, 2023, which updates the court on the status of processing and production of responsive records. The court is unmoved by Defendant's contention that it cannot control the review process by other agencies. Plaintiff directed the FOIA request to Defendant, and Defendant has an obligation to make timely production. If additional records are not disclosed by April 10, 2023, the court will impose a deadline for final production. Signed by Judge Amit P. Mehta on 3/13/2023. (lcapm2) (Entered: 03/13/2023)
04/10/2023	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 04/10/2023)
04/11/2023		MINUTE ORDER. The court appreciates Defendant's efforts to respond to the court's minute order of March 13, 2023. But the very case that Defendant cites to urge the court to grant more time before setting a production deadline establishes that (1) the agency to which a FOIA request is directed is ultimately responsible for timely disclosure of records and is not absolved of that responsibility because of the consultative process with other agencies, and (2) the court may set concrete production deadlines as appropriate. See Nat'l Pub. Radio, Inc. v. United States Dep't of the Treasury, No. 19-cv-17 (JDB), 2021 WL 1850696, at *2 (D.D.C. Mar. 31, 2021). This case has now been pending for nearly two years. The production, at some point, must come to a close. Consistent with the court's decision in National Public Radio, the court orders as follows: (1) Defendant shall process by no later than May 12, 2023, all documents for which it has received responses to its consultation/coordination requests by April 21, 2023; and it is further ordered that (2) the parties shall submit a Joint Status Report by no later than May 12, 2023, detailing the status of all remaining outstanding consultation/coordination requests including (a) number of pages; (b) the date first referred for consultation; (c) the name of the consulting agency if disclosable in accordance with 31 C.F.R. § 1.3(d)(3); (d) the consulting agency's estimated time for responding and any circumstances giving rise to that estimate; and (e) Defendant's anticipated time for processing and production thereafter. Signed by Judge Amit P. Mehta on 04/11/2023. (lcapm2) (Entered: 04/11/2023)
05/12/2023	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 05/12/2023)
05/15/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by June 12, 2023, which advises whether any disputed issues remain and, if so, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 5/15/2023. (lcapm2) (Entered: 05/15/2023)
06/12/2023	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 06/12/2023)
06/13/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by July 12, 2023, which advises whether any disputed issues remain and, if so, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 5/15/2023. (lcapm2) (Entered: 06/13/2023)
07/12/2023	<u>26</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 07/12/2023)
07/14/2023		MINUTE ORDER. Defendant shall produce a Vaughn index by September 15, 2023. The parties shall file an additional Joint Status Report by September 30, 2023, which advises whether any disputed issues remain and, if so, proposes a schedule for further

		proceedings. Signed by Judge Amit P. Mehta on 7/14/2023. (lcapm2) (Entered: 07/14/2023)
09/07/2023	<u>27</u>	Unopposed MOTION for Extension of Time to <i>Lodge Vaughn Index and for the Parties to Submit the Joint Status Report</i> by U.S. DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 09/07/2023)
09/08/2023		MINUTE ORDER granting Defendant's <u>27</u> Unopposed Motion for Enlargement of Time to Lodge Vaughn Index and Submit Joint Status Report. Defendant shall lodge the Vaughn index no later than September 29, 2023 and the parties shall submit a Joint Status Report no later than October 13, 2023. Signed by Judge Amit P. Mehta on 09/08/23. (lcapm2) (Entered: 09/08/2023)
10/11/2023	<u>28</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 10/11/2023)
10/12/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by November 13, 2023, which updates the court on the status of settlement. Signed by Judge Amit P. Mehta on 10/12/23. (lcapm1) (Entered: 10/12/2023)
11/02/2023	<u>29</u>	STIPULATION of Dismissal by U.S. DEPARTMENT OF THE TREASURY. (Curteman, Dedra) (Entered: 11/02/2023)