

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:22-cv-01194-APM**

DEFENDING RIGHTS & DISSENT v. NATIONAL  
GEOSPATIAL-INTELLIGENCE AGENCY et al  
Assigned to: Judge Amit P. Mehta  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/29/2022  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**DEFENDING RIGHTS & DISSENT**

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V.

**Defendant**

**NATIONAL  
GEOSPATIAL-INTELLIGENCE  
AGENCY**

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**Defendant**

**U.S. DEPARTMENT OF DEFENSE**

represented by **Daniel Alan Schiffer**  
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**Sean Michael Tepe**  
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**Defendant**

**FEDERAL BUREAU OF  
INVESTIGATION**

represented by **Daniel Alan Schiffer**  
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*TERMINATED: 08/01/2023*  
*LEAD ATTORNEY*  
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**Kaitlin Kerry Eckrote**  
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**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

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**Defendant**

**NATIONAL SECURITY AGENCY**

represented by **Daniel Alan Schiffer**  
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LEAD ATTORNEY  
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**Kaitlin Kerry Eckrote**  
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**Sean Michael Tepe**  
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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/29/2022	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 402 receipt number ADCDC-9204893) filed by DEFENDING RIGHTS & DISSENT. (Attachments: # <u>1</u> Exhibit Ex 1-8, # <u>2</u> Exhibit Ex 9-17, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons)(Topic, Matthew) (Entered: 04/29/2022)
04/29/2022	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of DEFENDING RIGHTS & DISSENT (Topic, Matthew) (Entered: 04/29/2022)
04/29/2022	<u>3</u>	NOTICE of Appearance by Joshua Loevy on behalf of DEFENDING RIGHTS & DISSENT (Loevy, Joshua) (Entered: 04/29/2022)
05/02/2022		Case Assigned to Judge Amit P. Mehta. (zjm) (Entered: 05/02/2022)
05/02/2022	<u>4</u>	SUMMONS (7) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zjm). (Entered: 05/02/2022)
06/03/2022	<u>5</u>	NOTICE of Appearance by Sean Michael Tepe on behalf of All Defendants (Tepe, Sean) (Entered: 06/03/2022)
06/07/2022	<u>6</u>	Consent MOTION for Extension of Time to File Answer <i>or Otherwise Respond</i> by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Tepe, Sean) (Entered: 06/07/2022)
06/09/2022		MINUTE ORDER granting Defendants' <u>6</u> Consent Motion for Extension of Time to Answer or Otherwise Respond to Complaint. The Government shall answer or otherwise respond to the <u>1</u> Complaint by July 13, 2022. Signed by Judge Amit P. Mehta on 06/09/2022. (lcapm3) (Entered: 06/09/2022)
07/13/2022	<u>7</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF

		JUSTICE.(Tepe, Sean) (Entered: 07/13/2022)
07/14/2022	<u>8</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 July 27, 2022. 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 <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Please see attached Order for further details. Signed by Judge Amit P. Mehta on 07/14/2022. (lcapm3) (Entered: 07/14/2022)
07/27/2022	<u>9</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Tepe, Sean) (Entered: 07/27/2022)
07/28/2022		MINUTE ORDER. The parties shall submit an additional Joint Status Report by August 26, 2022, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 07/28/2022. (lcapm2) (Entered: 07/28/2022)
08/26/2022	<u>10</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Tepe, Sean) (Entered: 08/26/2022)
08/26/2022		MINUTE ORDER. The parties shall submit an additional Joint Status Report by October 25, 2022, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 08/26/2022. (lcapm3) (Entered: 08/26/2022)
10/25/2022	<u>11</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Tepe, Sean) (Entered: 10/25/2022)
10/25/2022		MINUTE ORDER. The parties shall submit an additional Joint Status Report by December 20, 2022, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 10/25/2022. (lcapm3) (Entered: 10/25/2022)
12/20/2022	<u>12</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Tepe, Sean) (Entered: 12/20/2022)
12/21/2022		MINUTE ORDER. Based on the parties' <u>12</u> Joint Status Report, the court is uncertain whether additional materials remain to be produced in response to Plaintiff's FOIA request. The Joint Status Report indicates that the identified agencies have issued a final response, a Glomar response, or a no-records response. None of the agencies have indicated they intend to produce more records. The parties shall file a Joint Status Report by January 4, 2023, which advises whether Defendants expect to produce additional records and, if not, whether there remain disputes that require summary judgment briefing. If the parties have not resolved all disputes, they shall propose a schedule for further proceedings. Signed by Judge Amit P. Mehta on 12/21/2022. (lcapm3) (Entered: 12/21/2022)
01/04/2023	<u>13</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Tepe, Sean) (Entered: 01/04/2023)
01/07/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by February 17, 2023, which proposes a schedule for further proceedings, if required. Signed by Judge Amit P. Mehta on 01/07/2023. (Entered: 01/07/2023)

02/17/2023	<u>14</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Tepe, Sean) (Entered: 02/17/2023)
02/20/2023		MINUTE ORDER. The following deadlines shall apply in this case: Defendants' Summary Judgment Motion shall be due on or before May 5, 2023. Plaintiff's Summary Judgment Opposition and potential cross-motion shall be due on or before June 5, 2023. Defendants' Summary Judgment Reply and cross-opposition shall be due on or before July 7, 2023. Plaintiff's cross-reply shall be due on or before July 28, 2023. Signed by Judge Amit P. Mehta on 02/20/2023. (lcapm3) (Entered: 02/20/2023)
04/26/2023	<u>15</u>	Consent MOTION for Briefing Schedule <i>Motion to Revise Summary Judgment Briefing Schedule</i> by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Tepe, Sean) (Entered: 04/26/2023)
04/27/2023	<u>16</u>	ORDER granting <u>15</u> Consent Motion to Revise Summary Judgment Briefing Schedule. The following deadlines shall now apply: Defendants' Summary Judgment Motion is due by July 5, 2023; Plaintiff's Summary Judgment Opposition and potential cross-motion is due by August 4, 2023; Defendants' Summary Judgment Reply and cross-opposition is due by September 5, 2023; Plaintiff's cross-reply is due by September 25, 2023. Please see attached Order. Signed by Judge Amit P. Mehta on 04/26/2023. (lcapm3) (Entered: 04/27/2023)
06/22/2023	<u>17</u>	NOTICE of Appearance by Daniel Alan Schiffer on behalf of All Defendants (Schiffer, Daniel) (Entered: 06/22/2023)
06/28/2023	<u>18</u>	Consent MOTION for Extension of Time to <i>Brief Summary Judgment</i> by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Schiffer, Daniel) (Entered: 06/28/2023)
07/05/2023		MINUTE ORDER granting <u>18</u> Consent Motion to Revise Summary Judgment Briefing Schedule. Defendants' Summary Judgment Motion shall be due on or before July 26, 2023. Plaintiff's Summary Judgment Opposition and Cross-Motion shall be due on or before September 8, 2023. Defendants' Summary Judgment Reply and Cross-Opposition shall be due on or before October 10, 2023. Plaintiff's Cross-Reply shall be due on or before October 30, 2023. Signed by Judge Amit P. Mehta on 07/05/2023. (lcapm3) (Entered: 07/05/2023)
07/26/2023	<u>19</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Alvin L. Watson, # <u>3</u> Declaration of Michael G. Seidel, # <u>4</u> Declaration of Linda M. Kiyosaki, # <u>5</u> Declaration of Kevin G. Tiernan)(Schiffer, Daniel) (Entered: 07/26/2023)
08/01/2023	<u>20</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. Attorney Daniel Alan Schiffer terminated. (Schiffer, Daniel) (Entered: 08/01/2023)
09/01/2023	<u>21</u>	NOTICE of Appearance by Stephen Stich Match on behalf of DEFENDING RIGHTS & DISSENT (Match, Stephen) (Entered: 09/01/2023)
09/01/2023	<u>22</u>	Consent MOTION to Revise Summary Judgment Motion Briefing Schedule by DEFENDING RIGHTS & DISSENT. (Match, Stephen) (Entered: 09/01/2023)
09/05/2023		MINUTE ORDER granting <u>22</u> Consent Motion to Revise Summary Judgment Briefing Schedule. The summary judgment briefing schedule shall be revised as follows: (1) Plaintiff's Opposition and Cross-Motion for Summary Judgment shall be filed by November 7, 2023; (2) Defendants' Reply and Cross-Opposition shall be filed by December 11, 2023; and (3) Plaintiff's Cross-Reply shall be filed by January 3, 2024. Signed by Judge Amit P. Mehta on 9/5/2023. (lcapm3) (Entered: 09/05/2023)

10/24/2023	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kaitlin Kerry Eckrote on behalf of FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE Substituting for attorney Sean M. Tepe (Eckrote, Kaitlin) (Entered: 10/24/2023)
11/02/2023	<u>24</u>	STIPULATION of Dismissal by FEDERAL BUREAU OF INVESTIGATION, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE. (Eckrote, Kaitlin) (Entered: 11/02/2023)