

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-00581-CJN**

LEOPOLD et al v. U.S. DEPARTMENT OF
TRANSPORTATION et al
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 03/04/2021
Date Terminated: 11/16/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JASON LEOPOLD

represented by **Merrick Jason Wayne**
LOEVY & LOEVY
311 N. Aberdeen Street
Third Floor
Chicago, IL 60607
(312) 243-5900
Fax: (312) 243-5902
Email: merrick@loevy.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua Loevy
LOEVY & LOEVY
311 N Aberdeen Street
3rd Floor
Chicago, IL 60607
(312) 243-5900
Fax: (312) 243-5902
Email: joshl@loevy.com
ATTORNEY TO BE NOTICED

Matthew Topic
LOEVY & LOEVY
311 N. Aberdeen Street
Third Floor
Chicago, IL 60607
(312) 243-5900
Fax: (312) 243-5902
Email: matt@loevy.com
ATTORNEY TO BE NOTICED

Plaintiff

BUZZFEED INC.

represented by **Merrick Jason Wayne**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua Loevy
(See above for address)
ATTORNEY TO BE NOTICED

Matthew Topic
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
TRANSPORTATION**

represented by **Liam Holland**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Room 11318
Washington, DC 20530
202-514-4964
Email: liam.c.holland@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL AVIATION
ADMINISTRATION**

represented by **Liam Holland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/04/2021	<u>1</u>	COMPLAINT against FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION (Filing fee \$ 402 receipt number ADCDC-8278986) filed by JASON LEOPOLD, BUZZFEED INC.. (Attachments: # <u>1</u> Exhibit A-E, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Topic, Matthew) (Entered: 03/04/2021)
03/04/2021	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of BUZZFEED INC., JASON LEOPOLD (Topic, Matthew) (Entered: 03/04/2021)
03/04/2021	<u>3</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BUZZFEED INC. (Topic, Matthew) (Entered: 03/04/2021)
03/05/2021		Case Assigned to Judge Carl J. Nichols. (adh,) (Entered: 03/05/2021)
03/05/2021	<u>4</u>	SUMMONS (4) Issued Electronically as to FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 03/05/2021)
04/05/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL AVIATION ADMINISTRATION served on 3/25/2021 (Topic, Matthew) (Entered: 04/05/2021)
04/05/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/26/2021. (Topic, Matthew) (Entered: 04/05/2021)
04/05/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/26/2021. Answer due for ALL FEDERAL DEFENDANTS by 4/25/2021. (Topic, Matthew) (Entered: 04/05/2021)
04/26/2021	<u>8</u>	ANSWER to Complaint by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION.(Holland, Liam) (Entered: 04/26/2021)
05/07/2021	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF TRANSPORTATION served on 4/23/2021 (Topic, Matthew) (Entered: 05/07/2021)
08/26/2021		MINUTE ORDER. MINUTE ORDER. Before the Court in this Freedom of Information Act case are a Complaint and an Answer. According to Local Civil Rule 16.3, the requirements of Federal Rule of Civil Procedure 26(f) are inapplicable. It is hereby ORDERED that the Parties shall confer and file a Joint Status Report on or before September 23, 2021. The Joint Status Report shall address: (1) the status of Plaintiffs FOIA request; (2) the anticipated number of documents responsive to Plaintiffs 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.</i>

		<i>Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); (5) the possibility of prioritizing documents responsive to Plaintiffs request[s] and any discussions regarding whether Plaintiffs request[s] can be narrowed; and (6) whether the Parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on August 26, 2021. (lccjn1) (Entered: 08/26/2021)
08/26/2021		Set/Reset Deadlines: Joint Status Report due by 9/23/2021. (zcal) (Entered: 08/27/2021)
09/23/2021	<u>10</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION. (Holland, Liam) (Entered: 09/23/2021)
09/27/2021		MINUTE ORDER. Upon consideration of the Parties' <u>10</u> Joint Status Report, it is ORDERED the Parties file an additional joint status report on or before November 18, 2021, including a recommendation for further proceedings. Signed by Judge Carl J. Nichols on September 27, 2021. (lccjn1) (Entered: 09/27/2021)
09/27/2021		Set/Reset Deadlines: Joint Status Report due by 11/18/2021. (zcal) (Entered: 09/28/2021)
11/18/2021	<u>11</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 11/18/2021)
11/29/2021		MINUTE ORDER. Upon Consideration of the <u>11</u> Joint Status Report, it is ORDERED that the Parties shall submit an additional joint status report by February 16, 2022, including a recommendation for further proceedings. Signed by Judge Carl J. Nichols on November 29, 2021. (lccjn1) (Entered: 11/29/2021)
02/16/2022	<u>12</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 02/16/2022)
02/17/2022		MINUTE ORDER. Upon consideration of the <u>12</u> Joint Status Report, it is ORDERED that the Parties shall file, by May 17, 2022, an additional joint status report, including a proposal for further proceedings. Signed by Judge Carl J. Nichols on February 17, 2022. (lccjn1) (Entered: 02/17/2022)
05/17/2022	<u>13</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 05/17/2022)
05/19/2022		MINUTE ORDER. Upon consideration of the <u>13</u> Joint Status Report, it is ORDERED that the Parties shall file, by August 15, 2022, an additional joint status report, including a proposal for further proceedings. Signed by Judge Carl J. Nichols on May 19, 2022. (lccjn1) (Entered: 05/19/2022)
08/15/2022	<u>14</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 08/15/2022)
08/18/2022		MINUTE ORDER. Upon consideration of the <u>14</u> Joint Status Report, it is ORDERED that the parties shall file an additional joint status report by September 14, 2022 and every 60 days thereafter until either party moves for a briefing schedule for dispositive motions, files a dispositive motion, or the case is terminated. Signed by Judge Carl J. Nichols on August 18, 2022. (lccjn1) (Entered: 08/18/2022)
09/14/2022	<u>15</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 09/14/2022)
10/14/2022	<u>16</u>	NOTICE of Appearance by Joshua Loevy on behalf of BUZZFEED INC., JASON LEOPOLD (Loevy, Joshua) (Entered: 10/14/2022)
10/14/2022	<u>17</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 10/14/2022)
11/10/2022	<u>18</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 11/10/2022)
01/12/2023	<u>19</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 01/12/2023)

02/28/2023	<u>20</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of BUZZFEED INC., JASON LEOPOLD (Wayne, Merrick) (Entered: 02/28/2023)
03/09/2023	<u>21</u>	Joint MOTION for Briefing Schedule for <i>Dispositive Motions</i> , Joint MOTION for Order <i>Waiving the Requirements of Local Civil Rule 7(h)</i> by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Text of Proposed Order)(Holland, Liam) (Entered: 03/09/2023)
03/15/2023	<u>22</u>	STANDING ORDER. Signed by Judge Carl J. Nichols on March 15, 2023. (lccjn1) (Entered: 03/15/2023)
03/15/2023		MINUTE ORDER. Upon consideration of the Parties' <u>21</u> Joint Motion for a Briefing Schedule for Dispositive Motions and for an Order Waiving the Requirements of Local Civil Rule 7(h), it is ORDERED that the Motion is GRANTED IN PART and DENIED IN PART. It is further ORDERED that Defendants shall file their Motion for Summary Judgment by May 17, 2023; Plaintiffs shall file their Opposition to Defendants' Motion for Summary Judgment and Cross-Motion for Summary Judgment by June 30, 2023; Defendants shall file their Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply in support of their Motion for Summary Judgment by August 14, 2023; and Plaintiffs shall file their Reply in support of their Cross-Motion for Summary Judgment by September 5, 2023. And it is further ORDERED that Parties shall abide by Paragraph 9 of the Court's Standing Order as it relates to the submission of statements of material facts. Signed by Judge Carl J. Nichols on March 15, 2023. (lccjn1) (Entered: 03/15/2023)
05/17/2023	<u>23</u>	MOTION for Summary Judgment by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Index of Exhibits, # <u>3</u> Vaughn Key/Index and Redacted Records at Issue, # <u>4</u> Declaration of Jessica Sypniewski, # <u>5</u> Declaration of Katherine Howard)(Holland, Liam) (Entered: 05/17/2023)
06/12/2023	<u>24</u>	Joint MOTION to Vacate <i>Briefing Schedule</i> by BUZZFEED INC., JASON LEOPOLD. (Wayne, Merrick) (Entered: 06/12/2023)
06/22/2023		MINUTE ORDER. Upon consideration of the <u>24</u> Joint Motion to Vacate Briefing Schedule, it is ORDERED that the Motion is GRANTED. It is further ORDERED that the Parties shall file a joint status report by August 8, 2023, including a proposal for further proceedings. Signed by Judge Carl J. Nichols on June 22, 2023. (lccjn1) (Entered: 06/22/2023)
08/08/2023	<u>25</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 08/08/2023)
08/18/2023		MINUTE ORDER. Upon consideration of the <u>25</u> Joint Status Report, it is ORDERED that the Parties shall file, by October 18, 2023, an additional joint status report, including a proposal for further proceedings. Signed by Judge Carl J. Nichols on August 18, 2023. (lccjn1) (Entered: 08/18/2023)
10/18/2023	<u>26</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Holland, Liam) (Entered: 10/18/2023)
10/23/2023		MINUTE ORDER. Upon consideration of the <u>26</u> Joint Status Report, it is hereby ORDERED that the Parties shall file, by November 16, 2023, an additional joint status report, including a proposal for further proceedings. So ORDERED by Judge Carl J. Nichols on October 23, 2023. (lccjn1) (Entered: 10/23/2023)
11/14/2023	<u>27</u>	STIPULATION of Dismissal by BUZZFEED INC., JASON LEOPOLD. (Wayne, Merrick) (Entered: 11/14/2023)