

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-02407-RBW**

DOWNES LAW GROUP, P.A. v. UNITED STATES COAST
GUARD

Assigned to: Judge Reggie B. Walton
Cause: 05:552 Freedom of Information Act

Date Filed: 09/13/2021

Date Terminated: 11/29/2023

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

DOWNES LAW GROUP, P.A.

represented by **C. Peter Sorenson**
SORENSEN LAW OFFICE
P.O. Box 10836
Eugene, OR 97440
(541) 606-9173
Email: peter@sorensonfoialaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES COAST GUARD

represented by **Heather D. Graham-Oliver**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2520
Fax: (202) 252-2599
Email: heather.graham-oliver@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patricia K. McBride
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7123
Fax: (202) 252-2599
Email: patricia.mcbride@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/13/2021	<u>1</u>	COMPLAINT against UNITED STATES COAST GUARD (Filing fee \$ 402 receipt number ADCDC-8728410) filed by THE DOWNES LAW GROUP, P.A.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Coast Guard, # <u>3</u> Summons USAG, # <u>4</u> Summons USAO, # <u>5</u> Exhibit A, # <u>6</u> Exhibit B, # <u>7</u> Exhibit C, # <u>8</u> Exhibit D, # <u>9</u> Exhibit E, # <u>10</u> Exhibit F, # <u>11</u> Exhibit G, # <u>12</u> Exhibit H, # <u>13</u> Exhibit I, # <u>14</u> Exhibit J, # <u>15</u> Exhibit K, # <u>16</u> Exhibit L, # <u>17</u> Exhibit M, # <u>18</u> Exhibit N)(Sorenson, C.) (Entered: 09/13/2021)
09/14/2021		Case Assigned to Judge Reggie B. Walton. (zsb) (Entered: 09/14/2021)
09/15/2021	<u>2</u>	SUMMONS (3) Issued Electronically as to UNITED STATES COAST GUARD, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 09/15/2021)

10/15/2021	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/21/2021. Answer due for ALL FEDERAL DEFENDANTS by 10/21/2021. (Sorenson, C.); Modified date of service and answer deadline on 10/18/2021 (ztth). (Entered: 10/15/2021)
10/15/2021	4	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/21/2021., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES COAST GUARD served on 9/20/2021. (See Docket Entry <u>3</u> to view document) (ztth) (Entered: 10/18/2021)
10/18/2021	<u>5</u>	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on October 18, 2021. (lcrbw3) (Entered: 10/18/2021)
10/18/2021	<u>6</u>	ANSWER to Complaint by UNITED STATES COAST GUARD.(McBride, Patricia) (Entered: 10/18/2021)
10/18/2021		MINUTE ORDER. To ensure the expeditious resolution of this action, and because this qualifies as an exempted case under Local Civil Rule 16.3(b), it is hereby ORDERED that, on or before November 16, 2021, the parties shall file a joint proposed briefing schedule governing further proceedings. Signed by Judge Reggie B. Walton on October 18, 2021. (lcrbw3) (Entered: 10/18/2021)
10/19/2021		Set/Reset Deadlines: Joint Status Report due by 11/16/2021 (hs) (Entered: 10/19/2021)
11/16/2021	<u>7</u>	Joint STATUS REPORT by UNITED STATES COAST GUARD. (McBride, Patricia) (Entered: 11/16/2021)
11/18/2021		MINUTE ORDER. Upon consideration of the parties' <u>7</u> Joint Status Report, and for good cause shown, it is hereby ORDERED that the parties shall appear before the Court for a status conference on December 6, 2021, at 10:30 a.m., via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on November 18, 2021. (lcrbw3) (Entered: 11/18/2021)
11/18/2021		Set/Reset Hearings: Status Conference set for 12/6/2021 at 10:30 AM by Telephonic/VTC before Judge Reggie B. Walton. (adh) (Entered: 11/18/2021)
12/06/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 12/6/2021. A joint Status Report due by 1/14/2022. A written order will issue from chambers. (Court Reporter Cathryn Jones.) (adh) (Entered: 12/06/2021)
12/06/2021	<u>8</u>	ORDER. In accordance with the oral rulings issued by the Court at the status conference held on December 6, 2021, via teleconference, it is hereby ORDERED that, on or before January 14, 2022, the parties shall file a joint status report representing whether the case is in order to proceed with briefing and, if so, proposing a briefing schedule. Signed by Judge Reggie B. Walton on December 6, 2021. (lcrbw3) (Entered: 12/06/2021)
01/13/2022	<u>9</u>	Joint STATUS REPORT by UNITED STATES COAST GUARD. (McBride, Patricia) (Entered: 01/13/2022)
01/14/2022		MINUTE ORDER. Upon consideration of the parties' <u>9</u> Joint Status Report, and for good cause shown, it is hereby ORDERED that, on or before March 24, 2022, the defendant shall file its motion for summary judgment. It is further ORDERED that, on or before April 27, 2022, the plaintiff shall file its cross-motion for summary judgment and opposition to the defendant's motion for summary judgment. It is further ORDERED that, on or before May 26, 2022, the defendant shall file its opposition to the plaintiff's cross-motion for summary judgment. It is further ORDERED that, on or before June 27, 2022, the plaintiff shall file its reply to the defendant's opposition. Signed by Judge Reggie B. Walton on January 14, 2022. (lcrbw3) (Entered: 01/14/2022)
01/18/2022		Set/Reset Deadlines: Defendant's Summary Judgment motion due by 3/24/2022. Plaintiff's Cross Motion due by 4/27/2022. Plaintiff's Response to Motion for Summary Judgment due by 4/27/2022. Defendant's Response to Cross Motion due by

		5/26/2022. Plaintiff's Reply to Cross Motion due by 6/27/2022. (adh,) (Entered: 01/18/2022)
03/23/2022	<u>10</u>	Unopposed MOTION for Extension of Time to by UNITED STATES COAST GUARD. (McBride, Patricia) (Entered: 03/23/2022)
03/25/2022		MINUTE ORDER. Upon consideration of the defendants <u>10</u> Unopposed Motion for Extension of Scheduling Order, and for good cause shown, it is hereby ORDERED that the defendant's <u>10</u> Unopposed Motion for Extension of Scheduling Order is GRANTED. It is further ORDERED that the current briefing schedule regarding motions for summary judgment is amended as follows: on or before April 24, 2022, the defendant shall file its motion for summary judgment; on or before May 26, 2022, the plaintiff shall file its cross-motion for summary judgment and opposition to the defendant's motion for summary judgment; on or before June 27, 2022, the defendant shall file its reply to the plaintiff's opposition and its opposition to the plaintiff's cross-motion; and on or before August 1, 2022, the plaintiff shall file its reply to the defendant's opposition. Signed by Judge Reggie B. Walton on March 25, 2022. (lcrbw3) (Entered: 03/25/2022)
03/25/2022		Set/Reset Deadlines: Defendant's Summary Judgment motion due by 4/24/2022. Plaintiff's Response to Motion for Summary Judgment due by 5/26/2022. Defendant's Reply to Plaintiff's Opposition Motion for Summary Judgment due by 6/27/2022. Plaintiff's Cross Motion for Summary Judgment due by 5/26/2022. Defendant's Response to Cross Motion due by 6/27/2022. (adh,) (Entered: 03/25/2022)
04/21/2022	<u>11</u>	Consent MOTION for Extension of Time to File <i>Documents (Defendant's Consent Motion for Extension of Scheduling Order)</i> by UNITED STATES COAST GUARD. (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 04/21/2022)
04/25/2022		MINUTE ORDER. Upon consideration of the defendant's <u>11</u> Consent Motion for Extension of Scheduling Order, and for good cause shown, it is hereby ORDERED that the defendant's <u>11</u> Consent Motion for Extension of Scheduling Order is GRANTED. It is further ORDERED that the briefing schedule regarding the motions for summary judgment is modified as follows: on or before May 24, 2022, the defendant shall file its motion for summary judgment; on or before June 27, 2022, the plaintiff shall file its cross-motion for summary judgment and opposition; on or before July 24, 2022, the defendant shall file its reply and opposition to the plaintiff's cross-motion; and on or before August 23, 2022, the plaintiff shall file its reply. It is further ORDERED that the parties shall appear for a status conference on November 21, 2022, at 10:00 a.m. via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). This will serve as a target date for the resolution of the parties' motions for summary judgment. In the event that the Court is unable to resolve the motions by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on April 25, 2022. (lcrbw3) (Entered: 04/25/2022)
04/25/2022		Set/Reset Deadlines/Hearings: Summary judgment motion due by 5/24/2022; cross-motion and opposition to summary judgment motion due by 6/27/2022; opposition to cross-motion and reply to opposition to summary judgment motion due by 7/24/2022; reply to opposition to cross-motion due by 8/23/2022; Status Conference scheduled for 11/21/2022, at 10:00 AM via teleconference before Judge Reggie B. Walton. (ztg) (Entered: 04/25/2022)
05/24/2022	<u>12</u>	MOTION for Summary Judgment by UNITED STATES COAST GUARD. (Attachments: # <u>1</u> Declaration (Declaration of Brian Judge), # <u>2</u> Text of Proposed Order)(McBride, Patricia) (Entered: 05/24/2022)
06/27/2022	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION for Summary Judgment filed by DOWNS LAW GROUP, P.A.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Craig Thomas Downs, # <u>4</u> Declaration of Captain Lincoln D. Stroh, USCG (Retired), # <u>5</u> Declaration of Charles Grady, # <u>6</u> Declaration of Mr. John Campo, # <u>7</u> Text of Proposed Order)(Sorenson, C.) (Entered: 06/27/2022)
06/27/2022	<u>14</u>	Cross MOTION for Summary Judgment by DOWNS LAW GROUP, P.A.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Craig Thomas Downs, # <u>4</u> Declaration of Capt. Lincoln D. Stroh, # <u>5</u> Declaration of

		Charles Grady, # <u>6</u> Declaration of Mr. John Campo, # <u>7</u> Text of Proposed Order)(Sorenson, C.) (Entered: 06/27/2022)
07/25/2022	<u>15</u>	REPLY to opposition to motion re <u>12</u> MOTION for Summary Judgment filed by UNITED STATES COAST GUARD. (Attachments: # <u>1</u> Declaration Supp. Judge Decl., # <u>2</u> COMDTINST5260.3, # <u>3</u> DHS Inst. No. 262-11-004, # <u>4</u> ALCOAST 515/10, # <u>5</u> Text of Proposed Order)(McBride, Patricia) (Entered: 07/25/2022)
07/26/2022		NOTICE OF ERROR re <u>15</u> Reply to opposition to Motion; emailed to patricia.mcbride@usdoj.gov, cc'd 6 associated attorneys -- The PDF file you docketed contained errors: 1. Please note the following deficiency and file/refile document as instructed , 2. Two-part document; second docket entry is required, 3. FYI: Please also file using Memorandum in opposition event. (zed,) (Entered: 07/26/2022)
07/26/2022	<u>16</u>	Memorandum in opposition to re <u>14</u> Cross MOTION for Summary Judgment filed by UNITED STATES COAST GUARD. (McBride, Patricia) (Entered: 07/26/2022)
07/26/2022	<u>17</u>	ERRATA by UNITED STATES COAST GUARD re <u>15</u> Reply to opposition to Motion, filed by UNITED STATES COAST GUARD. (Attachments: # <u>1</u> Declaration Supp. Judge Decl.)(McBride, Patricia) (Entered: 07/26/2022)
08/23/2022	<u>18</u>	REPLY to opposition to motion filed by DOWNS LAW GROUP, P.A.. (Sorenson, C.) (Entered: 08/23/2022)
10/19/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motions to for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for November 21, 2022, is CONTINUED to February 20, 2023, at 10:00 a.m. Signed by Judge Reggie B. Walton on October 19, 2022. (lcrbw3) (Entered: 10/19/2022)
10/19/2022		Set/Reset Hearings: Status Conference set for 2/20/2023 at 10:00 AM in Telephonic/VTC before Judge Reggie B. Walton. (mac) (Entered: 10/19/2022)
02/07/2023	<u>19</u>	NOTICE of Appearance by Heather D. Graham-Oliver on behalf of UNITED STATES COAST GUARD (Graham-Oliver, Heather) (Entered: 02/07/2023)
02/08/2023		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for February 20, 2023, is CONTINUED to May 22, 2023, at 10:30 a.m. Signed by Judge Reggie B. Walton on February 8, 2023. (lcrbw3) (Entered: 02/08/2023)
02/08/2023		Set/Reset Hearings: Status Conference set for 5/22/2023 at 10:30 AM Via Teleconference before Judge Reggie B. Walton. (mac) (Entered: 02/08/2023)
03/31/2023	<u>20</u>	ORDER. For the reasons to be set forth in the Memorandum Opinion to be issued by the Court within the next sixty days, absent extraordinary circumstances, the Court will deny without prejudice both the defendant's motion for summary judgment and the plaintiff's cross-motion for summary judgment. Accordingly, it is hereby ORDERED that <u>12</u> Defendant's Motion for Summary Judgment is DENIED WITHOUT PREJUDICE. It is further ORDERED that the <u>14</u> Plaintiff's Cross-Motion for Summary Judgment is DENIED WITHOUT PREJUDICE. It is further ORDERED that this Order is not a final Order subject to appeal. Signed by Judge Reggie B. Walton on March 31, 2023. (lcrbw3) (Entered: 03/31/2023)
05/17/2023		MINUTE ORDER. In light of the Court's forthcoming Memorandum Opinion and Order in this case, it is hereby ORDERED that the status conference scheduled for May 22, 2023, is VACATED. Signed by Judge Reggie B. Walton on May 17, 2023. (lcrbw3) (Entered: 05/17/2023)
07/25/2023	<u>21</u>	MEMORANDUM OPINION. Signed by Judge Reggie B. Walton on July 25, 2023. (lcrbw3) (Entered: 07/25/2023)
07/25/2023	<u>22</u>	ORDER. In accordance with the Memorandum Opinion issued on this same date, it is hereby ORDERED that the <u>12</u> Defendant's Motion for Summary Judgment is DENIED WITHOUT PREJUDICE. It is further ORDERED that the <u>14</u> Plaintiff's Cross-Motion for Summary Judgment is DENIED WITHOUT PREJUDICE. It is

		further ORDERED that the defendant shall conduct additional searches in order to fulfill the plaintiff's FOIA requests as set forth in their requests submitted to the defendant on June 14, 2020, and August 6, 2020. It is further ORDERED that, on or before September 25, 2023, the defendant shall submit a status report to the Court addressing the expected timeline for their submission of supplemental Vaughn information or declarations regarding its assertion of Exemption 6 as a basis for withholding the names of Coast Guard personnel who received awards related to their service in connection with the Deepwater Horizon oil spill response. It is further ORDERED that, on or before October 25, 2023, the parties shall file a joint status report advising the Court as to the defendant's new searches and any proposed timeline for the filing of renewed motions for summary judgment. Signed by Judge Reggie B. Walton on July 25, 2023. (lcrbw3) (Entered: 07/25/2023)
07/27/2023		Set/Reset Deadlines: Defendant's Status Report due by 9/25/2023. Joint Status Report due by 10/25/2023. (zalh) (Entered: 07/27/2023)
09/22/2023	<u>23</u>	Consent MOTION for Extension of Time to File by UNITED STATES COAST GUARD. (McBride, Patricia) (Entered: 09/22/2023)
09/25/2023		MINUTE ORDER. Upon consideration of the defendant's <u>23</u> Unopposed Motion for Extension of Time, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that, on or before October 20, 2023, the defendant shall submit its status report to the Court. Signed by Judge Reggie B. Walton on September 25, 2023. (lcrbw3) (Entered: 09/25/2023)
10/19/2023	<u>24</u>	STATUS REPORT by UNITED STATES COAST GUARD. (McBride, Patricia) (Entered: 10/19/2023)
10/23/2023		MINUTE ORDER. Upon consideration of the parties' <u>24</u> Joint Status Report, and for good cause shown, it is hereby ORDERED that, on or before December 20, 2023, the parties shall file an additional joint status report regarding how they wish to proceed in this case. Signed by Judge Reggie B. Walton on October 23, 2023. (lcrbw3) (Entered: 10/23/2023)
11/28/2023	<u>25</u>	STIPULATION of Dismissal by UNITED STATES COAST GUARD. (McBride, Patricia) (Entered: 11/28/2023)
11/29/2023		MINUTE ORDER. In light of the parties' <u>25</u> Stipulation of Dismissal, it is hereby ORDERED that this case is DISMISSED WITH PREJUDICE. It is further ORDERED that this case is CLOSED. Signed by Judge Reggie B. Walton on November 29, 2023. (lcrbw3) (Entered: 11/29/2023)