

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:21-cv-10761-AK**

American Civil Liberties Union of Massachusetts et al v.  
Immigration and Customs Enforcement  
Assigned to: District Judge Angel Kelley  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/10/2021  
Date Terminated: 01/08/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**American Civil Liberties Union of  
Massachusetts**

represented by **Krista Oehlke**  
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*TERMINATED: 09/02/2022*  
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**Plaintiff**

**American Oversight**

represented by **Katherine M. Anthony**  
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V.

**Defendant**

**Immigration and Customs  
Enforcement**

represented by **Michael P. Sady**  
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Email All Attorneys  
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Date Filed	#	Docket Text
05/10/2021	<u>1</u>	COMPLAINT against Immigration and Customs Enforcement Filing fee: \$ 402, receipt number 0101-8766115 (Fee Status: Filing Fee paid), filed by American Civil Liberties Union of Massachusetts, American Oversight. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Civil Cover Sheet, # <u>7</u> Category Form)(Oehlke, Krista) (Entered: 05/10/2021)
05/10/2021	<u>2</u>	NOTICE of Appearance by Daniel L. McFadden on behalf of American Civil Liberties Union of Massachusetts (McFadden, Daniel) (Entered: 05/10/2021)
05/10/2021	<u>3</u>	ELECTRONIC NOTICE of Case Assignment. Judge Nathaniel M. Gorton assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Marianne B. Bowler. (Finn, Mary) (Entered: 05/10/2021)
05/10/2021	<u>4</u>	Summons Issued as to Immigration and Customs Enforcement. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (Pacho, Arnold) (Entered: 05/10/2021)
05/10/2021	<u>5</u>	CORPORATE DISCLOSURE STATEMENT by American Civil Liberties Union of Massachusetts. (Oehlke, Krista) (Entered: 05/10/2021)
05/10/2021	<u>6</u>	NOTICE of Appearance by Matthew Segal on behalf of American Civil Liberties Union of Massachusetts (Segal, Matthew) (Entered: 05/10/2021)
05/10/2021	<u>7</u>	NOTICE of Appearance by Katherine M. Anthony on behalf of American Oversight (Anthony, Katherine) (Entered: 05/10/2021)
05/10/2021	<u>8</u>	CORPORATE DISCLOSURE STATEMENT by American Oversight. (Anthony, Katherine) (Entered: 05/10/2021)
05/13/2021	<u>9</u>	AFFIDAVIT OF SERVICE Executed by American Civil Liberties Union of Massachusetts. Acknowledgement filed by American Civil Liberties Union of Massachusetts. (Oehlke, Krista) (Entered: 05/13/2021)
05/13/2021	<u>10</u>	AFFIDAVIT OF SERVICE Executed by American Civil Liberties Union of Massachusetts. Acknowledgement filed by American Civil Liberties Union of Massachusetts. (Oehlke, Krista) (Entered: 05/13/2021)
05/17/2021	<u>11</u>	SUMMONS Returned Executed as to US Attorney by American Civil Liberties Union of Massachusetts. Immigration and Customs Enforcement served on 5/17/2021, answer due 7/16/2021. (Oehlke, Krista) (Entered: 05/17/2021)

05/19/2021	<u>12</u>	NOTICE of Appearance by Michael P. Sady on behalf of Immigration and Customs Enforcement (Sady, Michael) (Entered: 05/19/2021)
06/17/2021	<u>13</u>	ANSWER to <u>1</u> Complaint, by Immigration and Customs Enforcement.(Sady, Michael) (Entered: 06/17/2021)
06/22/2021	<u>14</u>	NOTICE of Scheduling Conference Scheduling Conference, to be held by telephone, set for 7/27/2021 11:00 AM in Remote Proceeding : Boston before Judge Nathaniel M. Gorton. (Lima, Christine) (Entered: 06/22/2021)
07/20/2021	<u>15</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Oehlke, Krista) (Entered: 07/20/2021)
07/20/2021	<u>16</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Sady, Michael) (Entered: 07/20/2021)
07/20/2021	<u>17</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Anthony, Katherine) (Entered: 07/20/2021)
07/20/2021	<u>18</u>	Joint JOINT STATEMENT of counsel . (Sady, Michael) (Entered: 07/20/2021)
07/27/2021	19	Electronic Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton: Scheduling Conference held by telephone on 7/27/2021. Joint Statement can be adopted as the order of the Court, however, Summary Judgment hearings are only scheduled as deemed necessary by the Court. If a hearing is necessary, it will be held in January, 2022 on a date convenient for the Court. (Court Reporter: No Court Reporter Used.)(Attorneys present: Oehlke, McFadden, Anthony, Sady) (Lima, Christine) (Entered: 07/28/2021)
10/19/2021	20	ELECTRONIC NOTICE of Reassignment. District Judge Angel Kelley added. Judge Nathaniel M. Gorton no longer assigned to case. (Danieli, Chris) (Entered: 10/19/2021)
10/22/2021	<u>21</u>	Assented to MOTION to Continue scheduling dates to forty-five (45) days by Immigration and Customs Enforcement.(Sady, Michael) (Entered: 10/22/2021)
10/29/2021	22	District Judge Angel Kelley: ELECTRONIC ORDER entered re <u>21</u> Assented to MOTION to Continue. The Motion to Continue Scheduling Order Deadlines is GRANTED. Defendant shall file its motion for summary judgment, including a <i>Vaughn index</i> , by December 10, 2021. Plaintiffs shall file their opposition to Defendant's motion for summary judgment and any cross-motion for summary judgment by January 7, 2022. Defendant shall file its reply and cross-opposition by January 21, 2022. Plaintiffs shall file their cross-reply by February 4, 2022. (Pacho, Arnold) (Entered: 10/29/2021)
12/10/2021	<u>23</u>	Assented to MOTION for Extension of Time to 12/13/21 to File Motion for Summary Judgment by Immigration and Customs Enforcement.(Sady, Michael) (Entered: 12/10/2021)
12/10/2021	24	District Judge Angel Kelley: ELECTRONIC ORDER entered granting <u>23</u> Defendant's Assented-to Motion for Extension of Time. Motion for Summary Judgment shall be filed by December 13, 2021. All other deadlines previously set at Dkt. No. 22 remain in effect. (Lara, Miguel) (Entered: 12/10/2021)
12/14/2021	<u>25</u>	MOTION for Summary Judgment by Immigration and Customs Enforcement.(Sady, Michael) (Entered: 12/14/2021)
12/14/2021	<u>26</u>	MEMORANDUM in Support re <u>25</u> MOTION for Summary Judgment filed by Immigration and Customs Enforcement. (Sady, Michael) (Entered: 12/14/2021)
12/14/2021	<u>27</u>	Statement of Material Facts L.R. 56.1 re <u>25</u> MOTION for Summary Judgment filed by Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Sady, Michael) (Entered: 12/14/2021)
01/05/2022	<u>28</u>	MOTION for Extension of Time to 1/11/22 to file its Cross-Motion for Summary Judgment and Opposition to Defendants Motion for Summary Judgment by American Civil Liberties Union of Massachusetts, American Oversight.(Oehlke, Krista) (Entered: 01/05/2022)

01/06/2022	29	District Judge Angel Kelley: ELECTRONIC ORDER entered granting <u>28</u> Assented-to Motion for Extension of Time to File Response/Reply re <u>25</u> MOTION for Summary Judgment.  Responses due by 1/11/2022.  (Lara, Miguel) (Entered: 01/06/2022)
01/11/2022	<u>30</u>	Cross MOTION for Summary Judgment by American Civil Liberties Union of Massachusetts, American Oversight.(Oehlke, Krista) (Entered: 01/11/2022)
01/11/2022	<u>31</u>	MEMORANDUM in Opposition re <u>25</u> MOTION for Summary Judgment <i>and in Support of Cross Motion for Summary Judgment</i> filed by American Civil Liberties Union of Massachusetts, American Oversight. (Oehlke, Krista) (Main Document 31 replaced on 1/12/2022 at request of plaintiff and assent of defendant, to correct citations and table of contents. NEF regenerated to all parties.) (Lara, Miguel). (Entered: 01/11/2022)
01/11/2022	<u>32</u>	Statement of Material Facts L.R. 56.1 re <u>30</u> Cross MOTION for Summary Judgment , <u>25</u> MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, American Oversight. (Oehlke, Krista) (Entered: 01/11/2022)
01/11/2022	<u>33</u>	DECLARATION re <u>25</u> MOTION for Summary Judgment , <u>30</u> Cross MOTION for Summary Judgment by American Civil Liberties Union of Massachusetts, American Oversight. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Errata K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X)(Oehlke, Krista) (Entered: 01/11/2022)
01/25/2022	<u>34</u>	Assented to MOTION for Extension of Time to Extend Scheduling Order Deadlines by Immigration and Customs Enforcement.(Sady, Michael) Modified on 1/26/2022 to change ECF event. (Lara, Miguel). (Entered: 01/25/2022)
01/26/2022	35	District Judge Angel Kelley: ELECTRONIC ORDER entered granting <u>34</u> Assented-to Motion for Extension of Time to File Response/Reply re <u>25</u> MOTION for Summary Judgment , <u>30</u> Cross MOTION for Summary Judgment.  Defendant's Reply and Cross-Opposition shall be filed on or before February 14, 2022. Plaintiff's Cross-Reply shall be filed on or before February 28, 2022. (Lara, Miguel) (Entered: 01/26/2022)
02/11/2022	<u>36</u>	NOTICE of Change of Address or Firm Name by Krista Oehlke (Oehlke, Krista) (Entered: 02/11/2022)
02/14/2022	<u>37</u>	REPLY and CROSS OPPOSITION to Response to <u>30</u> Cross MOTION for Summary Judgment filed by Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Sady, Michael) Modified on 2/16/2022 (Lara, Miguel). (Entered: 02/14/2022)
02/14/2022	<u>38</u>	Statement of Material Facts L.R. 56.1 re <u>30</u> Cross MOTION for Summary Judgment <i>Defendant's Response to Plaintiff's Statement of Material Facts</i> filed by Immigration and Customs Enforcement. (Sady, Michael) (Entered: 02/14/2022)
02/28/2022	<u>39</u>	REPLY to Response to <u>30</u> Cross MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, American Oversight. (Oehlke, Krista) (Entered: 02/28/2022)
03/01/2022	40	ELECTRONIC NOTICE issued requesting courtesy copy for <u>39</u> Reply to Response to Motion, <u>38</u> Statement of Material Facts L.R. 56.1, <u>32</u> Statement of Material Facts L.R. 56.1, <u>37</u> Reply to Response to Motion, <u>30</u> Cross MOTION for Summary Judgment , <u>31</u> Memorandum in Opposition to Motion, <u>26</u> Memorandum in Support of Motion, <u>27</u> Statement of Material Facts L.R. 56.1, <u>33</u> Declaration,, <u>25</u> MOTION for Summary Judgment . Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 3/9/2022. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Lara, Miguel) (Entered: 03/01/2022)

03/23/2022	41	ELECTRONIC NOTICE Setting Hearing on Motions: <u>25</u> MOTION for Summary Judgment , <u>30</u> Cross MOTION for Summary Judgment :  Motion Hearing set for 4/27/2022 02:30 PM in Courtroom 8 (In person only) before District Judge Angel Kelley. (Lara, Miguel) (Entered: 03/23/2022)
04/11/2022	<u>42</u>	NOTICE of Appearance by Thomas E. Kanwit on behalf of Immigration and Customs Enforcement (Kanwit, Thomas) (Entered: 04/11/2022)
04/11/2022	<u>43</u>	NOTICE of Withdrawal of Appearance by Michael P. Sady (Sady, Michael) (Entered: 04/11/2022)
04/12/2022	44	ELECTRONIC NOTICE Resetting Hearing on re <u>25</u> MOTION for Summary Judgment , <u>30</u> Cross MOTION for Summary Judgment :  Motion Hearing set for 4/26/2022 11:00 AM in Courtroom 8 (In person only) before District Judge Angel Kelley. (Lara, Miguel) (Entered: 04/12/2022)
04/26/2022	45	Electronic Clerk's Notes for proceedings held before District Judge Angel Kelley: Motion Hearing held on 4/26/2022 re <u>30</u> Cross MOTION for Summary Judgment filed by American Civil Liberties Union of Massachusetts, American Oversight, <u>25</u> MOTION for Summary Judgment filed by Immigration and Customs Enforcement.  Case called. The Court hears oral argument on the pending motions and takes the matters under advisement.  (Court Reporter: Kristin Kelley at kmob929@gmail.com.)(Attorneys present: Krista Oehlke and Daniel McFadden for ACLU; Katherine M. Anthony for American Oversight; AUSA Kanwit for Government) (Lara, Miguel) (Entered: 04/26/2022)
04/26/2022	46	District Judge Angel Kelley: ELECTRONIC ORDER entered. Per counsel's representation at oral argument today, there is ambiguity as to the scope of the parties' disagreement concerning Defendant's invocation of FOIA Exemptions 5 and 7(E). By <b>May 6, 2022</b> , the parties shall meet and confer, and submit a statement to the Court on the scope of this issue and what, if any, relief the parties request. (Lara, Miguel) (Entered: 04/26/2022)
05/04/2022	<u>47</u>	JOINT STATEMENT of counsel . (Oehlke, Krista) (Entered: 05/04/2022)
06/03/2022	<u>48</u>	District Judge Angel Kelley: MEMORANDUM AND ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT entered.  The <u>25</u> <u>30</u> cross-motions are <b>DENIED</b> without prejudice for the reasons stated in the attached Memorandum and Order. Defendant shall respond to this Order by July 18, 2022.  (Lara, Miguel) (Entered: 06/03/2022)
06/13/2022	<u>49</u>	Transcript of Motion Hearing held on April 26, 2022, before Judge Angel Kelley. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kristin Kelley at kmob929@gmail.com. Redaction Request due 7/5/2022. Redacted Transcript Deadline set for 7/14/2022. Release of Transcript Restriction set for 9/12/2022. (Coppola, Katelyn) (Entered: 06/17/2022)
06/13/2022	50	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/caseinfo/transcripts.htm">http://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (Coppola, Katelyn) (Entered: 06/17/2022)
07/14/2022	<u>51</u>	Assented to MOTION for Extension of Time to File by Immigration and Customs Enforcement.(Kanwit, Thomas) (Entered: 07/14/2022)
07/15/2022	52	District Judge Angel Kelley: ELECTRONIC ORDER entered <b>GRANTING</b> <u>51</u> Assented to MOTION for Extension of Time. (Pacho, Arnold) (Entered: 07/15/2022)

08/18/2022	<u>53</u>	DISREGARD ENTRY. AFFIDAVIT by Immigration and Customs Enforcement. (Kanwit, Thomas) Modified on 8/19/2022 to strike erroneous filing per Order, [Dkt. # 57]. (Pacho, Arnold). (Entered: 08/18/2022)
08/18/2022	<u>54</u>	MOTION to Withdraw <i>Incomplete Filing</i> by Immigration and Customs Enforcement.(Kanwit, Thomas) (Entered: 08/18/2022)
08/18/2022	<u>55</u>	AFFIDAVIT , <i>Supplemental, of Schurkamp</i> by Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kanwit, Thomas) (Entered: 08/18/2022)
08/18/2022	<u>56</u>	AFFIDAVIT of Richard Clark/ICE by Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Kanwit, Thomas) (Entered: 08/18/2022)
08/19/2022	57	District Judge Angel Kelley: ELECTRONIC ORDER entered <b>GRANTING</b> <u>54</u> Motion to Strike <u>53</u> Affidavit. Erroneous filing stricken from the record. (Pacho, Arnold) (Entered: 08/19/2022)
08/22/2022	<u>58</u>	Emergency MOTION to Preserve Evidence <i>on Government–Issued Mobile Electronic Devices (expedited opposition requested by Aug. 24, 2022)</i> by American Civil Liberties Union of Massachusetts, American Oversight.(McFadden, Daniel) (Entered: 08/22/2022)
08/23/2022	59	District Judge Angel Kelley: ELECTRONIC ORDER entered. Defendant shall file any opposition to <u>58</u> Emergency MOTION to Preserve Evidence by August 25, 2022.(Lara, Miguel) (Entered: 08/23/2022)
09/01/2022	60	District Judge Angel Kelley: ELECTRONIC ORDER entered re Plaintiff's <u>58</u> Emergency Motion.  The motion is <b>GRANTED</b> as unopposed. The Court has the authority to issue a preservation order, where, as here, it is necessary to preserve Plaintiffs' rights and is not unduly burdensome. <i>See Williams v. Massachusetts Mut. Life Ins. Co.</i> , 226 F.R.D. 144, 147 (D. Mass. 2005). Here, the order is necessary to preserve records Plaintiffs may potentially be entitled to, and is not unduly burdensome because the limited number of devices in question are already within Defendant's possession. Accordingly, it is hereby <b>ORDERED</b> that:  a. For the pendency of this litigation and any appeals, Defendant preserve in their present condition all mobile devices, including cellular telephones, within its possession, custody, or control, that were issued at any time by any government agency to Thomas Homan, Matthew Albence, Ronald Vitiello, Thomas Blank, Tracy Short, Jon Feere, and/or Nathalie Asher, without any modification, deletion, or destruction of the data contained therein; and  b. Defendant continue its efforts, as described in its supplemental affidavits, to access Mr. Feere's mobile device, and shall submit a status report on or before September 19, 2022, provided that Defendant shall not modify, delete, or destroy any data contained on that device.  (Currie, Haley) (Entered: 09/01/2022)
09/02/2022	<u>61</u>	NOTICE of Withdrawal of Appearance by Krista Oehlke (Oehlke, Krista) (Entered: 09/02/2022)
09/03/2022	<u>62</u>	MOTION for Reconsideration ( <i>Partial</i> ) by Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit 1 – Declaration, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Kanwit, Thomas) (Entered: 09/03/2022)
09/06/2022	63	District Judge Angel Kelley: ELECTRONIC ORDER entered. Plaintiffs shall respond to <u>62</u> MOTION for Reconsideration by September 9, 2022. (McManus, Caetlin) (Entered: 09/06/2022)
09/07/2022	<u>64</u>	Opposition re <u>62</u> MOTION for Reconsideration ( <i>Partial</i> ) filed by American Civil Liberties Union of Massachusetts, American Oversight. (McFadden, Daniel) (Entered: 09/07/2022)

10/03/2022	<u>65</u>	STATUS REPORT by Immigration and Customs Enforcement. (Kanwit, Thomas) (Entered: 10/03/2022)
10/05/2022	66	District Judge Angel Kelley: ELECTRONIC ORDER entered.  Defendant's <u>62</u> Motion for Partial Reconsideration is <b>GRANTED</b> in part. The Court's <u>60</u> preservation order shall be construed to encompass all mobile devices, including cellular telephones, presently within the possession, custody, or control of ICE that were issued to any of the 7 named persons. It shall not be construed to require ICE to seek discovery from any other agency concerning any device that is not currently within the possession, custody, or control of ICE, nor shall it be construed to exclude any device presently within the possession, custody, or control of ICE that may have been initially issued by another entity. Further, the preservation order, like each of this Court's other orders in this action, is temporally bounded by the dates indicated in Plaintiffs' FOIA requests.  (Pacho, Arnold) (Entered: 10/05/2022)
10/05/2022	67	District Judge Angel Kelley: ELECTRONIC ORDER entered.  On or before January 13, 2023, the parties shall file a joint status report detailing the status of records production, and whether they are requesting a schedule for further dispositive motions practice.  (Pacho, Arnold) (Entered: 10/05/2022)
12/22/2022	<u>68</u>	MOTION for Discovery by American Civil Liberties Union of Massachusetts, American Oversight.(McFadden, Daniel) (Entered: 12/22/2022)
12/22/2022	<u>69</u>	MEMORANDUM in Support re <u>68</u> MOTION for Discovery filed by American Civil Liberties Union of Massachusetts, American Oversight. (McFadden, Daniel) (Entered: 12/22/2022)
12/22/2022	<u>70</u>	DECLARATION re <u>68</u> MOTION for Discovery of <i>Daniel L. McFadden, Esq.</i> by American Civil Liberties Union of Massachusetts, American Oversight. (Attachments: # <u>1</u> Exhibit A)(McFadden, Daniel) (Entered: 12/22/2022)
01/11/2023	71	District Judge Angel Kelley: ELECTRONIC ORDER entered re <u>68</u> MOTION for Discovery.  The deadline to oppose Plaintiff's <u>68</u> Motion for Discovery was January 5, 2023. The Court will grant the motion as unopposed unless Defendant files its opposition by January 18, 2023.  (Pacho, Arnold) (Entered: 01/11/2023)
01/11/2023	<u>72</u>	JOINT STATEMENT of counsel . (McFadden, Daniel) (Entered: 01/11/2023)
01/17/2023	<u>73</u>	Assented to MOTION for Extension of Time to 1/20/23 to File Response/Reply to <i>Motion for Discovery</i> by Immigration and Customs Enforcement.(Kanwit, Thomas) (Entered: 01/17/2023)
01/18/2023	74	District Judge Angel Kelley: ELECTRONIC ORDER entered <b>GRANTING</b> <u>73</u> Assented to MOTION for Extension of Time to 1/20/23 to File Response to <u>68</u> MOTION for Discovery. (Pacho, Arnold) (Entered: 01/18/2023)
01/20/2023	<u>75</u>	Assented to MOTION for Leave to File Excess Pages by Immigration and Customs Enforcement.(Kanwit, Thomas) (Entered: 01/20/2023)
01/20/2023	76	District Judge Angel Kelley: ELECTRONIC ORDER entered <b>GRANTING</b> <u>75</u> Motion for Leave to File Excess Pages. (Pacho, Arnold) (Entered: 01/20/2023)
01/20/2023	<u>77</u>	MEMORANDUM IN OPPOSITION re <u>68</u> MOTION for Discovery and RENEWED MOTION FOR SUMMARY JUDGMENT filed by Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit A Second Supp. Decl. of Clark, # <u>2</u> Exhibit B Supp. decl. of Clark, # <u>3</u> Exhibit C Orig. decl. of Clark, # <u>4</u> Exhibit D Orig. decl. Schurkamp, # <u>5</u> Exhibit E Supp. decl. Schurkamp, # <u>6</u> Exhibit F Second. supp. decl. Schurkamp, # <u>7</u> Exhibit G Decl. of Pineiro)(Kanwit, Thomas) Modified on 2/9/2023 to

		correct ECF event. (Lara, Miguel). (Entered: 01/20/2023)
02/06/2023	<u>78</u>	Assented to MOTION for Leave to File <i>Reply Memorandum in support of Renewed Motion for Discovery</i> by American Civil Liberties Union of Massachusetts, American Oversight. (Attachments: # <u>1</u> Proposed Reply)(McFadden, Daniel) (Entered: 02/06/2023)
02/08/2023	79	District Judge Angel Kelley: ELECTRONIC ORDER entered <b>GRANTING <u>78</u></b> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Lara, Miguel) (Entered: 02/08/2023)
02/08/2023	<u>80</u>	REPLY to Response to <u>68</u> MOTION for Discovery filed by American Civil Liberties Union of Massachusetts, American Oversight. (McFadden, Daniel) (Entered: 02/08/2023)
02/09/2023	81	ELECTRONIC NOTICE Setting Hearing on re <u>68</u> MOTION for Discovery , <u>77</u> MOTION for Summary Judgment :  Motion Hearing set for 3/1/2023 10:00 AM in Courtroom 8 (In person only) before District Judge Angel Kelley. (Lara, Miguel) (Entered: 02/09/2023)
03/01/2023	82	Electronic Clerk's Notes for proceedings held before District Judge Angel Kelley: Motion Hearing held on 3/1/2023 re <u>68</u> MOTION for Discovery, <u>77</u> MOTION for Summary Judgment:  Oral argument heard from the parties. Matters taken under advisement.  (Court Reporter: Linda Walsh at lwalshsteno@gmail.com.)(Attorneys present: Daniel McFadden for ALCU, Katherine Anthony for American Oversight; AUSA Kanwit for Gvt.) (Lara, Miguel) (Entered: 03/01/2023)
03/13/2023	<u>83</u>	Transcript of Motion Hearing held on March 1, 2023, before Judge Angel Kelley. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Linda Walsh at lwalshsteno@gmail.com. Redaction Request due 4/3/2023. Redacted Transcript Deadline set for 4/13/2023. Release of Transcript Restriction set for 6/12/2023. (McDonagh, Christina) (Entered: 03/13/2023)
03/13/2023	84	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (McDonagh, Christina) (Entered: 03/13/2023)
03/24/2023	<u>85</u>	NOTICE of Withdrawal of Appearance by Matthew Segal (Segal, Matthew) (Entered: 03/24/2023)
05/08/2023	<u>86</u>	District Judge Angel Kelley: ORDER entered. MEMORANDUM AND ORDER ON PLAINTIFFS' MOTION FOR DISCOVERY AND DEFENDANT'S MOTION FOR SUMMARY JUDGMENT.  For the reasons explained in the attached memorandum, Plaintiffs' <u>68</u> motion for discovery is <b>GRANTED IN PART</b> and <b>DENIED IN PART</b> , and ICE's <u>77</u> motion for summary judgment is <b>DENIED</b> . It is hereby <b>ORDERED</b> that, within 45 days, ICE shall file a supplemental declaration explaining in detail (1) how it searched Nathalie Asher's mobile device; (2) which applications on that device were searched; and (3) whether it has also searched Asher's mobile device and any other devices for memoranda or other documents memorializing any communications responsive to the Request.  (Pacho, Arnold) (Entered: 05/08/2023)
06/22/2023	<u>87</u>	AFFIDAVIT by Immigration and Customs Enforcement. (Kanwit, Thomas) (Entered: 06/22/2023)



07/06/2023	88	<p>ELECTRONIC NOTICE of Hearing:</p> <p>Status Conference set for 7/19/2023 11:00 AM in Courtroom 8 (In person only) before District Judge Angel Kelley.</p> <p>Should the parties wish to appear by video conference and all parties assent to such change, they may reach out to the Courtroom Deputy Clerk to modify the hearing no later than two business days prior to the scheduled hearing.</p> <p>(Lara, Miguel) (Entered: 07/06/2023)</p>
07/14/2023	89	<p>NOTICE Resetting a Hearing.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the courtroom deputy of the session as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address:  <a href="https://forms.mad.uscourts.gov/courtlist.html">https://forms.mad.uscourts.gov/courtlist.html</a>.</p> <p>For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a> or contact <a href="mailto:media@mad.uscourts.gov">media@mad.uscourts.gov</a>.</p> <p>Status Conference set for 7/19/2023 11:00 AM in Remote Proceeding : Boston before District Judge Angel Kelley.</p> <p><b>**HEARING TO PROCEED BY VIDEO CONFERENCE PER ASSENT OF ALL PARTIES**</b>(Lara, Miguel) (Entered: 07/14/2023)</p>
07/19/2023	90	<p>Electronic Clerk's Notes for proceedings held before District Judge Angel Kelley: Status Conference held on 7/19/2023 by video conference.</p> <p>Case called. The parties have reported ongoing discussions to resolve the matter and requested to file a further status report updating the Court on the parties' progress. The parties shall file a joint status report on or before September 30, 2023.</p> <p>(Court Reporter: Linda Walsh at <a href="mailto:lwalshsteno@gmail.com">lwalshsteno@gmail.com</a>.) (Attorneys present: Daniel McFadden for ACLU, Katherine Anthony for American Oversight, and AUSA Kanwit for Gvt.) (Lara, Miguel) (Entered: 07/19/2023)</p>
09/29/2023	<u>91</u>	<p>STATUS REPORT by American Civil Liberties Union of Massachusetts, American Oversight. (McFadden, Daniel) (Entered: 09/29/2023)</p>
10/18/2023	92	<p>District Judge Angel Kelley: ELECTRONIC ORDER entered. The parties shall file a further status report on or before October 31, 2023. (Lara, Miguel) (Entered: 10/18/2023)</p>
10/31/2023	<u>93</u>	<p>STATUS REPORT by American Civil Liberties Union of Massachusetts, American Oversight. (Anthony, Katherine) (Entered: 10/31/2023)</p>
11/01/2023	94	<p>District Judge Angel Kelley: ELECTRONIC ORDER entered. The parties shall file a further status report on or before November 14, 2023.(Lara, Miguel) (Entered: 11/01/2023)</p>
11/14/2023	<u>95</u>	<p>JOINT STATEMENT of counsel . (Anthony, Katherine) (Entered: 11/14/2023)</p>
11/17/2023	96	<p>District Judge Angel Kelley: ELECTRONIC ORDER entered. The parties shall file a further status report on or before November 29, 2023. (Lara, Miguel) (Entered: 11/17/2023)</p>
11/29/2023	<u>97</u>	<p>STATUS REPORT (<i>Joint</i>) by American Civil Liberties Union of Massachusetts, American Oversight. (McFadden, Daniel) (Entered: 11/29/2023)</p>

12/13/2023	<u>98</u>	District Judge Angel Kelley: ELECTRONIC ORDER entered. The parties shall file a further status report on or before January 2, 2024. (Lara, Miguel) (Entered: 12/13/2023)
01/02/2024	<u>99</u>	STATUS REPORT ( <i>Joint</i> ) by American Civil Liberties Union of Massachusetts, American Oversight. (McFadden, Daniel) (Entered: 01/02/2024)
01/05/2024	<u>100</u>	STIPULATION of Dismissal by American Civil Liberties Union of Massachusetts, American Oversight. (McFadden, Daniel) (Entered: 01/05/2024)