

**U.S. District Court  
 District of New Hampshire (Concord)  
 CIVIL DOCKET FOR CASE #: 1:23-cv-00282-JL**

ACLU of NH v. US Customs and Border Protection  
 Assigned to: Judge Joseph N. Laplante  
 Cause: 05:552 Freedom of Information Act

Date Filed: 05/22/2023  
 Date Terminated: 01/30/2024  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ACLU of NH**

represented by **Gilles R. Bissonnette**  
 American Civil Liberties Union of New Hampshire  
 18 Low Ave  
 Concord, NH 03301  
 603 224-5591  
 Email: [Gilles@aclu-nh.org](mailto:Gilles@aclu-nh.org)  
**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**US Customs and Border Protection**

represented by **Michael T. McCormack**  
 US Attorney's Office (NH)  
 James C Cleveland Federal Bldg  
 53 Pleasant St, 4th Flr  
 Concord, NH 03301  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/22/2023	<u>1</u>	NEW CASE/ COMPLAINT Filing fee \$ 402, receipt number ANHDC-2381727 filed by American Civil Liberties Union Foundation of New Hampshire. (Attachments: # <u>1</u> Exhibit A_FOIA Request, # <u>2</u> Exhibit B_CBP FOIA Decision, # <u>3</u> Exhibit C_FOIA Appeal, # <u>4</u> Exhibit D_CBP Press Release 1, # <u>5</u> Exhibit E_CBP Press Release 2, # <u>6</u> Exhibit F_Commissioner Quinn Testimony, # <u>7</u> Exhibit G_Boston Globe Article, # <u>8</u> Exhibit H_Governor Sununu's Letter to Secretary Mayorkas, # <u>9</u> Exhibit I_Bill, # <u>10</u>

		Exhibit J_WMUR Article, # <u>11</u> Exhibit K_Department of Safety 91-A Request, # <u>12</u> Exhibit L_Governor's Office Right to Know Request, # <u>13</u> Exhibit M_Governor's Office Response, # <u>14</u> Exhibit N_Department of Safety Response 1, # <u>15</u> Exhibit O_Department of Safety Response 2, # <u>16</u> Civil Cover Sheet, # <u>17</u> Summons – Waiver US CBP, # <u>18</u> Summons – Waiver Attorney General, # <u>19</u> Summons – Waiver USAO – NH)(Kim, SangYeob) (Entered: 05/22/2023)
05/22/2023	<u>2</u>	NOTICE of Attorney Appearance by Henry Klementowicz on behalf of ACLU of NH Attorney Henry Klementowicz added to party ACLU of NH(pty:pla).(Klementowicz, Henry) (Entered: 05/22/2023)
05/22/2023	<u>3</u>	NOTICE of Attorney Appearance by Gilles R. Bissonnette on behalf of ACLU of NH Attorney Gilles R. Bissonnette added to party ACLU of NH(pty:pla).(Bissonnette, Gilles) (Entered: 05/22/2023)
05/22/2023		Case assigned to Judge Joseph N. Laplante. The case designation is: 1:23-cv-282-JL. Please show this number with the judge designation on all future pleadings. (ed) (Entered: 05/22/2023)
05/22/2023		NOTICE. This case has been designated for Electronic Case Filing. All further submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing. Pro se litigants are not required to file electronically and may continue to file documents in paper format. <a href="#">Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click <u>HERE</u>.</a> (ed) (Entered: 05/22/2023)
05/22/2023	<u>4</u>	Summonses issued electronically as to US Customs and Border Protection. <b>NOTICE: Counsel shall print and serve the summonses and all attachments in accordance with Fed. R. Civ. P. 4.</b> (Attachments: # <u>1</u> Notice ECF)(ed) (Entered: 05/22/2023)
06/02/2023	<u>5</u>	Return of Service Executed as to US Customs and Border Protection by ACLU of NH. Served/Mailed on 5/26/2023. Answer Follow Up on 7/28/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <u>1</u> Summons – Waiver Ex. A_Proof of Service)(Kim, SangYeob) (Entered: 06/02/2023)
06/07/2023	<u>6</u>	AMENDED COMPLAINT against US Customs and Border Protection filed by ACLU of NH. (Attachments: # <u>1</u> Exhibit A_FOIA Request, # <u>2</u> Exhibit B_CBP FOIA Decision, # <u>3</u> Exhibit C_FOIA Appeal, # <u>4</u> Exhibit D_CBP Press Release 1, # <u>5</u> Exhibit E_CBP Press Release 2, # <u>6</u> Exhibit F_Commissioner Quinn Testimony, # <u>7</u> Exhibit G_Boston Globe Article, # <u>8</u> Exhibit H_Governor Sununu's Letter to Secretary Mayorkas, # <u>9</u> Exhibit I_Bill, # <u>10</u> Exhibit J_WMUR Article, # <u>11</u> Exhibit K_Department of Safety 91-A Request, # <u>12</u> Exhibit L_Governor's Office Right to Know Request, # <u>13</u> Exhibit M_Governor's Office Response, # <u>14</u> Exhibit N_Department of Safety Response 1, # <u>15</u> Exhibit O_Department of Safety Response 2)(Kim, SangYeob) (Entered: 06/07/2023)
06/16/2023	<u>7</u>	Assented to MOTION to Extend Time to Answer to June 30, 2023 filed by US Customs and Border Protection. Attorney Michael T. McCormack added to party US Customs and Border Protection(pty:dft).(McCormack, Michael) (Entered: 06/16/2023)
06/16/2023		<b>ENDORSED ORDER granting <u>7</u> Motion to Extend Time to Answer to June 30, 2023 re <u>6</u> Amended Complaint. Text of Order: The Motion to Extend Time to Answer is granted. For the reasons stated in the motion, the court finds good cause to extend the deadline for issuing the scheduling order pursuant to Fed. R. Civ. P. 16(b). So Ordered by Judge Joseph N. Laplante. Answer Follow Up on 6/30/2023. (jb)</b> (Entered: 06/16/2023)
06/26/2023	<u>8</u>	Assented to MOTION to Extend Time to Answer to July 14, 2023 filed by US Customs and Border Protection.(McCormack, Michael) (Entered: 06/26/2023)
06/28/2023		<b>ENDORSED ORDER granting re <u>8</u> Assented to MOTION to Extend Time to Answer to July 14, 2023. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante. Answer Follow Up on 7/14/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(ko)</b> (Entered: 06/28/2023)

07/14/2023	<u>9</u>	MOTION for Summary Judgment filed by US Customs and Border Protection.Follow up on Objection on 8/14/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) A– Declaration of Melissa Pansiri)(McCormack, Michael) (Entered: 07/14/2023)
07/14/2023	<u>10</u>	Assented to MOTION to Continue Answer Deadline filed by US Customs and Border Protection.Follow up on Objection on 7/28/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(McCormack, Michael) (Entered: 07/14/2023)
07/14/2023		<b>ENDORSED ORDER granting re <u>10</u> Assented to Motion to Continue Answer Deadline. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante.(ko)</b> (Entered: 07/17/2023)
08/10/2023	<u>11</u>	Cross MOTION for Summary Judgment filed by ACLU of NH.Follow up on Objection on 9/11/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <u>1</u> Memorandum of Law Memorandum of Law in support of Plaintiff's Motion for Summary Judgment, # <u>2</u> Exhibit (Affidavit) Affidavit of Attorney SangYeob Kim, # <u>3</u> Exhibit A_FOIA Request, # <u>4</u> Exhibit B_FOIA Decisions, # <u>5</u> Exhibit C_FOIA Appeal, # <u>6</u> Exhibit D_CBP Press Release 1, # <u>7</u> Exhibit E_CBP Press Release 2, # <u>8</u> Exhibit F_Testimony before US House Committee, # <u>9</u> Exhibit G_Boston Globe Article, # <u>10</u> Exhibit H_Governor's Letter to Secretary of Homeland Security, # <u>11</u> Exhibit I_HB2 Bill, # <u>12</u> Exhibit J_WMUR Article, # <u>13</u> Exhibit K_91–A Request to State, # <u>14</u> Exhibit L_Right to Know to Governor, # <u>15</u> Exhibit M_State Response 1, # <u>16</u> Exhibit N_State Response 2, # <u>17</u> Exhibit O_Governor Response, # <u>18</u> Exhibit P_CBP Public Statistics, # <u>19</u> Exhibit Q_Twitter, # <u>20</u> Exhibit R_Final HB2)(Kim, SangYeob) (Entered: 08/10/2023)
08/10/2023	<u>12</u>	MEMORANDUM in Opposition re <u>9</u> MOTION for Summary Judgment filed by ACLU of NH. Follow up on Reply on 8/17/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <u>1</u> Memorandum of Law Memorandum of Law in opposition to Defendant's Motion for Summary Judgment, # <u>2</u> Exhibit (Affidavit) Affidavit of Attorney SangYeob Kim, # <u>3</u> Exhibit A_FOIA Request, # <u>4</u> Exhibit B_FOIA Decisions, # <u>5</u> Exhibit C_FOIA Appeal, # <u>6</u> Exhibit D_CBP Press Release 1, # <u>7</u> Exhibit E_CBP Press Release 2, # <u>8</u> Exhibit F_Testimony before US House Committee, # <u>9</u> Exhibit G_Boston Globe Article, # <u>10</u> Exhibit H_Governor's Letter to Secretary of Homeland Security, # <u>11</u> Exhibit I_HB2 Bill, # <u>12</u> Exhibit J_WMUR Article, # <u>13</u> Exhibit K_91–A Request to State, # <u>14</u> Exhibit L_Right to Know to Governor, # <u>15</u> Exhibit M_State Response 1, # <u>16</u> Exhibit N_State Response 2, # <u>17</u> Exhibit O_Governor Response, # <u>18</u> Exhibit P_CBP Public Statistics, # <u>19</u> Exhibit Q_Twitter, # <u>20</u> Exhibit R_Final HB2)(Kim, SangYeob) (Entered: 08/10/2023)
08/11/2023	<u>13</u>	Assented to MOTION to Extend Time to Object/Respond to <u>12</u> Memorandum in Opposition to Motion,,,, to September 11, 2023 filed by US Customs and Border Protection.(McCormack, Michael) (Entered: 08/11/2023)
08/14/2023		<b>ENDORSED ORDER granting re Assented to MOTION to Extend Time to Object/Respond to <u>12</u> Memorandum in Opposition to Motion to September 11, 2023. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante. Follow up on Reply on 9/11/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(ko)</b> (Entered: 08/15/2023)
09/05/2023	<u>14</u>	Assented to MOTION to Extend Time to Object/Respond to <u>11</u> Cross MOTION for Summary Judgment , <u>12</u> Memorandum in Opposition to Motion,,,, to September 25, 2023 filed by US Customs and Border Protection.(McCormack, Michael) (Entered: 09/05/2023)
09/06/2023		<b>ENDORSED ORDER granting re <u>14</u> Assented to Motion to Extend Time to Object/Respond to <u>11</u> Cross MOTION for Summary Judgment, <u>12</u> Memorandum in Opposition to Motion to September 25, 2023. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante. Follow up on Objection on 9/25/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(ko)</b> (Entered: 09/06/2023)

09/25/2023	<u>15</u>	Assented to MOTION to Extend Time to Object/Respond to <u>11</u> Cross MOTION for Summary Judgment , <u>12</u> Memorandum in Opposition to Motion,,,, to September 28, 2023 filed by US Customs and Border Protection.(McCormack, Michael) (Entered: 09/25/2023)
09/26/2023		<b>ENDORSED ORDER granting re <u>15</u> Assented to MOTION to Extend Time to Object/Respond to <u>11</u> Cross MOTION for Summary Judgment, <u>12</u> Memorandum in Opposition to Motion to September 28, 2023 filed by US Customs and Border Protection. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante. Follow up on Objection on 9/28/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(ko)</b> (Entered: 09/27/2023)
09/28/2023	<u>16</u>	OBJECTION to <u>11</u> Cross MOTION for Summary Judgment filed by US Customs and Border Protection. Follow up on Reply on 10/5/2023. The court only follow up date DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c). (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) A– Declaration of Melissa Pansiri)(McCormack, Michael) (Entered: 09/28/2023)
09/28/2023	<u>17</u>	REPLY to Objection to Motion re <u>9</u> MOTION for Summary Judgment filed by US Customs and Border Protection. Surreply due by 10/3/2023. (Attachments: # <u>1</u> Exhibit (Affidavit) A– Declaration of Melissa Pansiri)(McCormack, Michael) (Entered: 09/28/2023)
09/28/2023	<u>18</u>	Assented to MOTION to Extend Time to File a a Consolidated (i) Reply to Defendants Opposition to Plaintiffs Cross–Motion for Summary Judgment, and (ii) Sur–reply Responding to Defendants Reply to Plaintiffs Opposition to Defendants Motion for Summary Judgement (to October 19, 2023) filed by ACLU of NH.(Bissonnette, Gilles) (Entered: 09/28/2023)
10/02/2023		<b>ENDORSED ORDER granting re <u>18</u> Assented to MOTION to Extend Time to File a a Consolidated (i) Reply to Defendants Opposition to Plaintiffs Cross–Motion for Summary Judgment, and (ii) Sur–reply Responding to Defendants Reply to Plaintiffs Opposition to Defendants Motion for Summary Judgement (to October 19, 2023) filed by ACLU of NH. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante.(ko)</b> (Entered: 10/02/2023)
10/18/2023	<u>19</u>	REPLY to Objection to Motion re <u>11</u> Cross MOTION for Summary Judgment filed by ACLU of NH. Surreply due by 10/23/2023. (Attachments: # <u>1</u> Exhibit (Affidavit) Affidavit of Attorney SangYeob Kim, # <u>2</u> Exhibit S_Example of I–213 & Daily Activity Report, # <u>3</u> Exhibit T_Mobile Station (AL) Information, # <u>4</u> Exhibit U_Gulfport Station (MS) Information, # <u>5</u> Exhibit V_Ramey Station (PR) Information, # <u>6</u> Exhibit W_Erie Station (PA) Information)(Kim, SangYeob) (Entered: 10/18/2023)
10/18/2023	<u>20</u>	SURREPLY to Reply to <u>9</u> MOTION for Summary Judgment filed by ACLU of NH. (Attachments: # <u>1</u> Exhibit (Affidavit) Affidavit of Attorney SangYeob Kim, # <u>2</u> Exhibit S_Example of I–213 & Daily Activity Report, # <u>3</u> Exhibit T_Mobile Station (AL) Information, # <u>4</u> Exhibit U_Gulfport Station (MS) Information, # <u>5</u> Exhibit V_Ramey Station (PR) Information, # <u>6</u> Exhibit W_Erie Station (PA) Information)(Kim, SangYeob) (Entered: 10/18/2023)
10/20/2023	<u>21</u>	Assented to MOTION to Extend Time to October 27, 2023 filed by US Customs and Border Protection.(McCormack, Michael) (Entered: 10/20/2023)
10/23/2023		<b>ENDORSED ORDER granting re <u>21</u> Assented to Motion to Extend Time to October 27, 2023 Text of Order: Granted. So Ordered by Judge Joseph N. Laplante. (ko)</b> (Entered: 10/23/2023)
10/23/2023		NOTICE of Hearing re: <u>9</u> MOTION for Summary Judgment, <u>11</u> Cross MOTION for Summary Judgment. Oral Argument set for 1/5/2024 at 10:00 AM before Judge Joseph N. Laplante.(ko) (Entered: 10/23/2023)
10/27/2023	<u>22</u>	Assented to MOTION to Extend Time to November 13, 2023 filed by US Customs and Border Protection.(McCormack, Michael) (Entered: 10/27/2023)
10/27/2023		<b>ENDORSED ORDER granting re <u>22</u> Assented to Motion to Extend Time to November 13, 2023. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante. Follow up on Objection on 11/13/2023. The court only follow up date</b>

		<b>DOES NOT include 3 additional days that may apply per FRCP 6(d) and FRCrP 45(c).(ko)</b> (Entered: 10/27/2023)
11/07/2023		NOTICE of Conference. Conference set for 11/17/2023 at 02:00 PM before Judge Joseph N. Laplante.(ko) (Entered: 11/07/2023)
11/13/2023	<u>23</u>	SURREPLY to Reply to <u>11</u> Cross MOTION for Summary Judgment filed by US Customs and Border Protection. (Attachments: # <u>1</u> Exhibit (Affidavit) A- Declaration of Brian Lewandowski)(McCormack, Michael) (Entered: 11/13/2023)
11/15/2023	<u>24</u>	Assented to MOTION for Leave to File Plaintiff's Sur-Sur Reply filed by ACLU of NH. (Attachments: # <u>1</u> Memorandum of Law Plaintiff's Sur-Sur Reply, # <u>2</u> Exhibit X_AL New Data, # <u>3</u> Exhibit Y_MS New Data, # <u>4</u> Exhibit Z_PA New Data, # <u>5</u> Exhibit (Affidavit) Affidavit of Attorney SangYeob Kim)(Kim, SangYeob) (Entered: 11/15/2023)
11/16/2023		<b>ENDORSED ORDER granting re <u>24</u> Motion for Leave to File Plaintiff's Sur-Sur Reply. Text of Order: Granted. Within 48 hours counsel shall electronically refile the pleading attached to the Motion for Leave to File using the appropriate event in CMECF. So Ordered by Judge Joseph N. Laplante.(ko)</b> (Entered: 11/16/2023)
11/17/2023	<u>25</u>	SURREPLY to Reply to <u>9</u> MOTION for Summary Judgment , <u>11</u> Cross MOTION for Summary Judgment , <u>24</u> Assented to MOTION for Leave to File Plaintiff's Sur-Sur Reply filed by ACLU of NH. (Attachments: # <u>1</u> Exhibit X_AL New Data, # <u>2</u> Exhibit Y_MS New Data, # <u>3</u> Exhibit Z_PA New Data, # <u>4</u> Exhibit (Affidavit) Affidavit of Attorney SangYeob Kim)(Kim, SangYeob) (Entered: 11/17/2023)
11/17/2023		RESCHEDULING NOTICE of Hearing. Status Conference reset for 11/21/2023 at 10:00 AM (from 11/17/2023) before Judge Joseph N. Laplante.(ko) (Entered: 11/17/2023)
11/21/2023		Minute Entry for proceedings held before Judge Joseph N. Laplante. STATUS CONFERENCE held on 11/21/2023. Neither party to make any fiings until after the December 5, 2023 status report is filed. Motion hearing on summary judgment motions remain as scheduled for 1/5/2024. (Pltfs Atty: Gilles R. Bissonnette, Henry Klementowicz, SanYeob Kim) (Defpts Atty: Michael T. McCormack)(Total Hearing Time: 8 minutes) (jb) (Entered: 11/21/2023)
12/05/2023	<u>26</u>	STATUS REPORT by ACLU of NH : Alternative Resolution(Kim, SangYeob) (Entered: 12/05/2023)
12/08/2023	<u>27</u>	<b>PROCEDURAL ORDER: The government to respond as outlined on or before December 15, 2023. The ACLU shall file any responses within one week. So Ordered by Judge Joseph N. Laplante.(jb)</b> (Entered: 12/08/2023)
12/15/2023	<u>28</u>	Assented to MOTION to Extend Time to Object/Respond to <u>27</u> Order to December 19, 2023 filed by US Customs and Border Protection.(McCormack, Michael) (Entered: 12/15/2023)
12/15/2023		<b>ENDORSED ORDER granting <u>28</u> Assented to MOTION to Extend Time to Object/Respond to <u>27</u> Order to December 19, 2023. Text of Order: Granted. So Ordered by Judge Joseph N. Laplante.(jb)</b> (Entered: 12/15/2023)
12/19/2023	<u>29</u>	RESPONSE re <u>27</u> Order filed by US Customs and Border Protection. (Attachments: # <u>1</u> Exhibit (Affidavit) A-Second Supplemental Declaration of Melissa Pansiri)(McCormack, Michael) (Entered: 12/19/2023)
12/21/2023	<u>30</u>	<b>SEALED ORDER at Level I. Parties to respond as outlined on or before January 3, 2024. So Ordered by Judge Joseph N. Laplante.(jb)</b> (Entered: 12/21/2023)
12/21/2023	<u>31</u>	RESPONSE re <u>27</u> Order, <u>29</u> Response (not to Motion) filed by ACLU of NH. (Attachments: # <u>1</u> Exhibit AA_14 I-213s, # <u>2</u> Exhibit BB_Encounter Data, # <u>3</u> Exhibit (Affidavit) Affidavit of SangYeob Kim)(Kim, SangYeob) (Entered: 12/21/2023)
12/26/2023		<b>ENDORSED ORDER reviewing <u>29</u> Response to <u>27</u> Procedural Order and <u>31</u> Response to <u>27</u> Procedural Order. Text of Order: Reviewed. So Ordered by Judge Joseph N. Laplante.(jb)</b> (Entered: 12/26/2023)

12/28/2023	<u>32</u>	STATUS REPORT by US Customs and Border Protection (McCormack, Michael) (Entered: 12/28/2023)
12/28/2023		<b>ENDORSED ORDER re <u>32</u> Status Report. <i>Text of Order: Reviewed. Next status report due 2/1/2024. So Ordered by Judge Joseph N. Laplante. (Status Report due by 2/1/2024.) (ko)</i></b> (Entered: 12/28/2023)
12/28/2023		Deadline terminated. Notice of Hearing re Oral Argument scheduled for 01/05/2024 is cancelled per <u>32</u> Status Report. (ko) (Entered: 12/28/2023)
01/26/2024	<u>33</u>	///STIPULATION of Dismissal as to Amended Complaint Without Prejudice by ACLU of NH(Bissonnette, Gilles) (Entered: 01/26/2024)
01/30/2024		<b>ENDORSED ORDER re <u>33</u> Stipulation of Dismissal as to Amended Complaint Without Prejudice. <i>Text of Order: Reviewed. So Ordered by Judge Joseph N. Laplante.(ko)</i></b> (Entered: 01/30/2024)
01/30/2024		Civil Case Terminated. (ko) (Entered: 01/30/2024)