

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:22-cv-03420-BAH**

INSTITUTE FOR ENERGY RESEARCH v. FEDERAL
 ENERGY REGULATORY COMMISSION
 Assigned to: Judge Beryl A. Howell
 Case in other court: Texas Southern, 6:22-cv-00036
 Cause: 05:552 Freedom of Information Act

Date Filed: 11/07/2022
 Date Terminated: 02/13/2024
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

**INSTITUTE FOR ENERGY
 RESEARCH**

represented by **Christopher Cochran Horner**
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V.

Defendant

**FEDERAL ENERGY REGULATORY
 COMMISSION**

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TERMINATED: 01/26/2023

Date Filed	#	Docket Text
09/12/2022	<u>1</u>	COMPLAINT for Declaratory and injunctive Relief against All Defendants filed by Institute for Energy Research. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Cover Letter, # <u>3</u> Envelope)(BrittanyBoniface, 6) [Transferred from Texas Southern on 11/8/2022.]

		(Entered: 09/12/2022)
09/12/2022		Initial Filing fee: \$402.00 re: <u>1</u> Complaint, receipt number VIC2568, filed. (BrittanyBoniface, 6) [Transferred from Texas Southern on 11/8/2022.] (Entered: 09/12/2022)
09/12/2022	<u>2</u>	MOTION for Matthew D. Hardin to Appear Pro Hac Vice by Institute for Energy Research, filed. Motion Docket Date 10/3/2022. (Attachments: # <u>1</u> Certificate of Good Standing)(BrittanyBoniface, 6) [Transferred from Texas Southern on 11/8/2022.] (Entered: 09/12/2022)
09/12/2022		Summons Issued as to All Defendants, U.S. Attorney and U.S. Attorney General. Issued summons returned to plaintiff by First-class mail, filed.(BrittanyBoniface, 6) [Transferred from Texas Southern on 11/8/2022.] (Entered: 09/12/2022)
09/12/2022	<u>3</u>	ORDER granting <u>2</u> Motion for Matthew D. Hardin to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here .(Signed by Judge Drew B Tipton) Parties notified.(RochelleLimon, 2) [Transferred from Texas Southern on 11/8/2022.] (Entered: 09/12/2022)
09/12/2022	<u>4</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 12/12/2022 at 03:00 PM by video before Judge Drew B Tipton.(Signed by Judge Drew B Tipton) Parties notified.(BrittanyBoniface, 6) [Transferred from Texas Southern on 11/8/2022.] (Entered: 09/13/2022)
09/14/2022	<u>5</u>	MOTION for Christopher C. Horner to Appear Pro Hac Vice by Institute for Energy Research, filed. Motion Docket Date 10/5/2022. (Attachments: # <u>1</u> Certificate of Good Standing)(Hardin, Matthew) [Transferred from Texas Southern on 11/8/2022.] (Entered: 09/14/2022)
09/15/2022	<u>6</u>	ORDER granting <u>5</u> Motion for Christopher C. Horner to Appear Pro Hac Vice Note: Instructions to request Texas Southern CM/ECF registration through PACER are found here .(Signed by Judge Drew B Tipton) Parties notified.(BrittanyBoniface, 6) [Transferred from Texas Southern on 11/8/2022.] (Entered: 09/15/2022)
10/27/2022	<u>7</u>	ANSWER to <u>1</u> Complaint by Federal Energy Regulatory Commission, filed.(Siddiqui, Myra) [Transferred from Texas Southern on 11/8/2022.] (Entered: 10/27/2022)
10/28/2022	<u>8</u>	MOTION to Transfer Case to District of Columbia by Federal Energy Regulatory Commission, filed. Motion Docket Date 11/18/2022. (Attachments: # <u>1</u> Exhibit A Declaration of Kevin Corbin, # <u>2</u> Exhibit B D.D.C. Complaints, # <u>3</u> Exhibit C Institute for Energy Research Webpage, # <u>4</u> Exhibit D Harris County Appraisal District Listing, # <u>5</u> Proposed Order)(Siddiqui, Myra) [Transferred from Texas Southern on 11/8/2022.] (Entered: 10/28/2022)
11/01/2022	<u>9</u>	NOTICE of Consent to Transfer re: <u>8</u> MOTION to Transfer Case to District of Columbia by Institute for Energy Research, filed. (Hardin, Matthew) [Transferred from Texas Southern on 11/8/2022.] (Entered: 11/01/2022)
11/07/2022	<u>10</u>	ORDER TO TRANSFER CASE to District of Columbia; granting <u>8</u> Motion to Transfer.(Signed by Judge Drew B Tipton) Parties notified.(BrittanyBoniface, 6) [Transferred from Texas Southern on 11/8/2022.] (Entered: 11/07/2022)
11/07/2022		Interdistrict transfer to District of Columbia. Case transferred electronically. Case terminated on 11/7/2022, filed. (BrittanyBoniface, 6) [Transferred from Texas Southern on 11/8/2022.] (Entered: 11/07/2022)
11/08/2022	<u>11</u>	Case transferred in from District of Texas Southern; Case Number 6:22-cv-00036. Original file ,transfer order and docket sheet received. (Entered: 11/08/2022)
11/08/2022	<u>12</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on November 8, 2022. (lcbah1) (Entered: 11/08/2022)
11/21/2022	<u>13</u>	NOTICE of Appearance by Brenda A. Gonzalez Horowitz on behalf of FEDERAL ENERGY REGULATORY COMMISSION (Gonzalez Horowitz, Brenda) (Entered: 11/21/2022)

11/22/2022	<u>14</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Gonzalez Horowitz, Brenda) (Entered: 11/22/2022)
11/28/2022		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>14</u> Joint Status Report, the parties to file another joint status report by December 22, 2022, unless a motion for summary judgment has been filed prior to that date. Signed by Chief Judge Beryl A. Howell on November 28, 2022. (lcbah1) (Entered: 11/28/2022)
11/29/2022		Set/Reset Deadlines: Joint Status Report due by 12/22/2022. (ztg) (Entered: 11/29/2022)
12/22/2022	<u>15</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Gonzalez Horowitz, Brenda) (Entered: 12/22/2022)
12/28/2022		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>15</u> Joint Status Report, the parties to file a joint status report by January 30, 2023, addressing whether this case is related to Case No. 22-cv-3602 and, if so, the parties' positions on whether these cases should be consolidated or otherwise addressed by the same Judge, and proposing a schedule to govern further proceedings. Signed by Chief Judge Beryl A. Howell on December 28, 2022. (lcbah1) (Entered: 12/28/2022)
12/28/2022		Set/Reset Deadlines: Joint Status Report due by 1/30/2023. (ztg) (Entered: 12/28/2022)
01/26/2023	<u>16</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Fithawi Berhane on behalf of FEDERAL ENERGY REGULATORY COMMISSION Substituting for attorney Brenda Gonzalez Horowitz (Berhane, Fithawi) (Entered: 01/26/2023)
01/30/2023	<u>17</u>	Consent MOTION for Extension of Time to File <i>Joint Status Report</i> by FEDERAL ENERGY REGULATORY COMMISSION. (Berhane, Fithawi) (Entered: 01/30/2023)
01/31/2023		MINUTE ORDER (paperless) GRANTING, <i>nunc pro tunc</i> , defendant's <u>17</u> Consent Motion to Extend Deadline, and DIRECTING parties to file the Joint Status Report, previously due to be filed on January 30, 2023, by January 31, 2023. Signed by Chief Judge Beryl A. Howell on January 31, 2023. (lcbah1) (Entered: 01/31/2023)
01/31/2023	<u>18</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Berhane, Fithawi) (Entered: 01/31/2023)
02/01/2023		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>18</u> Joint Status Report, the following SCHEDULING ORDER: (1) by March 1, 2023, defendant shall submit a <i>Vaughn</i> index to plaintiff; (2) by March 31, 2023, defendant shall file any motion for summary judgment; (3) by April 28, 2023, plaintiff shall file any opposition to defendant's motion; and (4) by May 26, 2023, defendant shall file any reply. Signed by Chief Judge Beryl A. Howell on February 1, 2023. (lcbah1) (Entered: 02/01/2023)
02/02/2023		Set/Reset Deadlines: Vaughn Index due by 3/1/2023; summary judgment motion due by 3/31/2023; opposition to motion for summary judgment due by 4/28/2023; reply to opposition to motion for summary judgment due by 5/26/2023. (ztg) (Entered: 02/02/2023)
03/31/2023	<u>19</u>	MOTION for Summary Judgment by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Vaughn Index, # <u>5</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 03/31/2023)
04/28/2023	<u>20</u>	RESPONSE re <u>19</u> MOTION for Summary Judgment filed by INSTITUTE FOR ENERGY RESEARCH. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Affidavit)(Hardin, Matthew) (Entered: 04/28/2023)
05/25/2023	<u>21</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION for Summary Judgment by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 05/25/2023)
05/30/2023		MINUTE ORDER (paperless) GRANTING defendant's <u>21</u> Motion for Extension of Time and DIRECTING defendant to file any reply in support of its <u>19</u> Motion for Summary Judgment by June 2, 2023. Signed by Judge Beryl A. Howell on May 30,

		2023. (lcbah1) (Entered: 05/30/2023)
05/31/2023		Set/Reset Deadlines: Defendant's reply, if any, in support of its <u>19</u> Motion for Summary Judgment due by 6/2/2023. (ztg) (Entered: 05/31/2023)
06/02/2023	<u>22</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Declaration)(Berhane, Fithawi) (Entered: 06/02/2023)
06/05/2023	<u>23</u>	ERRATA by FEDERAL ENERGY REGULATORY COMMISSION re <u>22</u> Reply to opposition to Motion. (Attachments: # <u>1</u> Exhibit Exhibit A to Second Declaration of Carolyn R. Templeton, # <u>2</u> Exhibit Exhibit B to Second Declaration of Carolyn R. Templeton)(Berhane, Fithawi) (Entered: 06/05/2023)
01/08/2024	<u>24</u>	NOTICE of Supplemental Release by FEDERAL ENERGY REGULATORY COMMISSION re <u>19</u> Motion for Summary Judgment (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Berhane, Fithawi) (Entered: 01/08/2024)
01/30/2024		MINUTE ORDER (paperless) upon consideration of defendant's <u>24</u> Notice of Supplemental Release, which states that only three redactions pursuant to Exemption 5 remain, "all of which appear on Former Chairman Glick's Calendar records [at] April 25 at 3:30pm, May 25 at 10:30am, and May 26 at 2:00pm," DIRECTING defendant to clarify, by February 1, 2024, whether these three remaining redactions all "reference policy proposals," and, if not, the basis of defendant's withholding pursuant to the deliberative process privilege, <i>see</i> <u>19</u> Gov't's Mot. for Summ. J., Decl. of Carolyn Templeton ¶ 32, ECF No. 19-3 ("[N]umerous calendar entries reference policy proposals."). Signed by Judge Beryl A. Howell on January 30, 2024. (lcbah1) (Entered: 01/30/2024)
01/31/2024		Set/Reset Deadlines: Defendant Clarification due by 2/1/2024. (mac) (Entered: 01/31/2024)
02/01/2024	<u>25</u>	STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Berhane, Fithawi) (Entered: 02/01/2024)
02/12/2024	<u>26</u>	ORDER GRANTING IN PART AND DENYING IN PART defendant's <u>19</u> Motion for Summary Judgment. See Order for further details. The Clerk of the Court is directed to close this case. Signed by Judge Beryl A. Howell on February 12, 2024. (lcbah1) (Entered: 02/12/2024)
02/12/2024	<u>27</u>	MEMORANDUM OPINION regarding defendant's <u>19</u> Motion for Summary Judgment. Signed by Judge Beryl A. Howell on February 12, 2024. (lcbah1) (Entered: 02/12/2024)
02/14/2024	<u>28</u>	MOTION to Alter Judgment as to <u>26</u> Order on Motion for Summary Judgment, <u>27</u> Memorandum & Opinion , MOTION to Amend/Correct by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 02/14/2024)
02/14/2024	<u>29</u>	MOTION for Extension of Time to <i>File Motion for Attorney's Fees</i> by INSTITUTE FOR ENERGY RESEARCH. (Hardin, Matthew) (Entered: 02/14/2024)
02/14/2024		MINUTE ORDER (paperless) DIRECTING, upon consideration of defendant's <u>28</u> Motion to Amend or Alter Judgment, defendant, by February 16, 2024, to explain (1) why a (b)(6) redaction remains in Chairman Glick's calendar at 12:30 PM on May 5, 2022, <i>see</i> [24-2] Def.'s Notice of Supp. Release, Ex. at 3, which defendant represented was the most recent production made to plaintiff, <i>see</i> <u>24</u> Def.'s Notice of Supp. Release at 2, if defendant is right that it already released the name of the individual under the (b)(6) redaction, <i>see</i> <u>28</u> Def.'s Mot. to Amend at 2; and (2) whether Elissa Levin is the name beneath this (b)(6) redaction; and FURTHER DIRECTING that, by February 20, 2024, plaintiff may file any response to defendant's <u>28</u> Motion to Amend or Alter Judgment. Signed by Judge Beryl A. Howell on February 14, 2024. (lcbah1) (Entered: 02/14/2024)
02/14/2024		Set/Reset Deadlines: Defendant Explanation due by 2/16/2024. Plaintiff Response To <u>28</u> Motion To Amend Or Alter Judgment due by 2/20/2024 (mac) (Entered: 02/14/2024)