

**U.S. District Court  
 District of Columbia (Washington, DC)  
 CIVIL DOCKET FOR CASE #: 1:22-cv-03556-TNM**

INSTITUTE FOR ENERGY RESEARCH v. FEDERAL  
 ENERGY REGULATORY COMMISSION  
 Assigned to: Judge Trevor N. McFadden  
 Cause: 05:552 Freedom of Information Act

Date Filed: 11/22/2022  
 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**  
 CHRISTOPHER C HORNER ESQ  
 Max Will, PLLC  
 1725 I Street NW  
 Suite 300  
 Washington, DC 20006  
 (202) 262-4458  
 Email: [chris@chornerlaw.com](mailto:chris@chornerlaw.com)  
*ATTORNEY TO BE NOTICED*

**Matthew D. Hardin**  
 HARDIN LAW OFFICE  
 1725 I Street NW  
 Suite 300  
 Washington, DC 20006  
 (202) 802-1948  
 Email: [MatthewDHardin@gmail.com](mailto:MatthewDHardin@gmail.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**FEDERAL ENERGY REGULATORY  
 COMMISSION**

represented by **Sian Jones**  
 DOJ-USAO  
 601 D Street, NW  
 Washington, DC 20530  
 (202) 252-2578  
 Email: [sian.jones@usdoj.gov](mailto:sian.jones@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen DeGenaro**  
 601 D Street NW  
 Washington, DC 20530  
 202-252-7229  
 Email: [Stephen.DeGenaro@usdoj.gov](mailto:Stephen.DeGenaro@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/22/2022	<u>1</u>	COMPLAINT against FEDERAL ENERGY REGULATORY COMMISSION ( Filing fee \$ 402 receipt number ADCDC-9689727) filed by INSTITUTE FOR ENERGY RESEARCH. (Attachments: # <u>1</u> Summons Proposed to AG, US Attorney, and Defendant, # <u>2</u> Civil Cover Sheet)(Hardin, Matthew) (Entered: 11/22/2022)
11/23/2022	2	Case Assigned to Judge Trevor N. McFadden. (zljn) (Entered: 11/23/2022)

11/23/2022	<u>3</u>	SUMMONS (3) Issued Electronically as to FEDERAL ENERGY REGULATORY COMMISSION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zljn) (Entered: 11/23/2022)
11/23/2022	<u>4</u>	NOTICE of Appearance by Christopher Cochran Horner on behalf of INSTITUTE FOR ENERGY RESEARCH (Horner, Christopher) (Entered: 11/23/2022)
11/23/2022	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 11/23/2022. (lctnm2) (Entered: 11/23/2022)
12/19/2022	<u>6</u>	NOTICE of Appearance by Sian Jones on behalf of All Defendants (Jones, Sian) (Entered: 12/19/2022)
12/19/2022	<u>7</u>	Consent MOTION for Extension of Time to <i>Respond</i> by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 12/19/2022)
12/19/2022		MINUTE ORDER granting Defendant's <u>7</u> Consent Motion for Extension of Time to Respond. Defendant shall have through and including January 13, 2023, to respond to the Complaint. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/19/2022. (lctnm2) (Entered: 12/19/2022)
12/20/2022		Set/Reset Deadlines: Answer due by 1/13/2023. (hmc) (Entered: 12/20/2022)
01/13/2023	<u>8</u>	ANSWER to Complaint by FEDERAL ENERGY REGULATORY COMMISSION.(Jones, Sian) (Entered: 01/13/2023)
01/16/2023		MINUTE ORDER. Before the Court are a Complaint and an Answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before March 16, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/16/2023. (lctnm2) (Entered: 01/16/2023)
01/17/2023		Set/Reset Deadlines: Joint Status Report due by 3/16/2023. (hmc) (Entered: 01/17/2023)
03/16/2023	<u>9</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Jones, Sian) (Entered: 03/16/2023)
03/17/2023		MINUTE ORDER: After considering the <u>9</u> Joint Status Report, the parties are directed to file another joint status report on or before May 16, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/17/2023. (lctnm2) (Entered: 03/17/2023)
03/17/2023		Set/Reset Deadlines: Joint Status Report due by 5/16/2023. (ztg) (Entered: 03/17/2023)
05/16/2023	<u>10</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Jones, Sian) (Entered: 05/16/2023)
05/16/2023		MINUTE ORDER: After considering the <u>10</u> Joint Status Report, the parties are directed to file another JSR by June 20, 2023, updating the Court on the status of this case and proposing a briefing schedule, if necessary. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/16/2023. (lctnm2) (Entered: 05/16/2023)
05/17/2023		Set/Reset Deadlines: Joint Status Report due by 6/20/2023. (hmc) (Entered: 05/17/2023)
06/20/2023	<u>11</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Jones, Sian) (Entered: 06/20/2023)
06/20/2023		MINUTE ORDER: After considering the <u>11</u> Joint Status Report, the Court directs the parties to file another JSR by August 1, 2023, proposing a briefing schedule for dispositive motions, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/20/2023. (lctnm2) (Entered: 06/20/2023)

06/21/2023		Set/Reset Deadlines: Joint Status Report due by 8/1/2023. (hmc) (Entered: 06/21/2023)
08/01/2023	<u>12</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Jones, Sian) (Entered: 08/01/2023)
08/01/2023		MINUTE ORDER: After considering the <u>12</u> Joint Status Report, the Court directs the parties to file another JSR by October 2, 2023, proposing a briefing schedule for dispositive motions, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/1/2023. (lctnm2) (Entered: 08/01/2023)
08/31/2023	<u>13</u>	NOTICE of Appearance by Stephen DeGenaro on behalf of FEDERAL ENERGY REGULATORY COMMISSION (DeGenaro, Stephen) (Entered: 08/31/2023)
10/02/2023	<u>14</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (DeGenaro, Stephen) (Entered: 10/02/2023)
10/03/2023		MINUTE ORDER: After considering the <u>14</u> Joint Status Report, the Court ORDERS the parties to file another JSR by November 1, 2023, updating the Court on the progress of their resolution efforts and proposing a briefing schedule for dispositive motions, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/3/2023. (lctnm2) (Entered: 10/03/2023)
11/01/2023	<u>15</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (DeGenaro, Stephen) (Entered: 11/01/2023)
11/02/2023		MINUTE ORDER. After considering the <u>15</u> Joint Status Report, the Court ORDERS the parties to file another JSR by December 1, 2023, updating the Court on the progress of their resolution efforts. The Court FURHTER ORDERS the Defendant to complete its Vaughn–style index by or on December 1, 2023, unless good cause can be shown that doing so is infeasible. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/2/2023. (lctnm2) Modified on 11/2/2023 to add event title (hmc). (Entered: 11/02/2023)
12/01/2023	<u>16</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (DeGenaro, Stephen) (Entered: 12/01/2023)
12/02/2023		MINUTE ORDER: After considering the <u>16</u> Joint Status Report, the Court ORDERS the parties to file another JSR by January 15, 2024, updating the Court on the progress of their resolution efforts. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/1/2023. (lctnm2) (Entered: 12/02/2023)
01/12/2024	<u>17</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (DeGenaro, Stephen) (Entered: 01/12/2024)
01/16/2024		MINUTE ORDER: After considering the <u>17</u> Joint Status Report, the Court ORDERS the parties to file another JSR by February 12, 2024, updating the Court on the progress of their resolution efforts. The Court FURTHER ORDERS that after all productions are complete and before parties propose a briefing schedule for summary judgment motions they shall meet in–person to discuss the sufficiency of Defendant's productions. Any request for a briefing schedule must certify this meeting has occurred and that despite good–faith negotiations, no resolution between the parties is possible. Signed by Judge Trevor N. McFadden on 1/16/2024. (lctnm2) (Entered: 01/16/2024)
02/12/2024	<u>18</u>	STIPULATION of Dismissal by FEDERAL ENERGY REGULATORY COMMISSION. (Jones, Sian) (Entered: 02/12/2024)
02/12/2024		MINUTE ORDER: Having considered the parties' <u>18</u> Stipulation of Dismissal, and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the Court ORDERS that this matter is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close the case. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/12/2024. (lctnm2) (Entered: 02/12/2024)