

**U.S. District Court
Eastern District of Virginia – (Alexandria)
CIVIL DOCKET FOR CASE #: 1:21-cv-01370-RDA-WEF**

Empower Oversight Whistleblowers & Research v. U.S. Securities and Exchange Commission
Assigned to: District Judge Rossie D. Alston, Jr
Referred to: Magistrate Judge William E. Fitzpatrick
Cause: 05:552 Freedom of Information Act

Date Filed: 12/08/2021
Date Terminated: 02/21/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Empower Oversight Whistleblowers & Research

represented by **Jeffrey S. Beelaert**
Stein Mitchell Beato & Missner LLP
2000 K Street NW
Suite 600
Washington, DC 20006
202-661-0923
Fax: 202-296-8312
Email: jbeelaert@steinmitchell.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Jay Schrier
Husch Blackwell LLP
1801 Pennsylvania Ave., NW
Suite 1000
Washington, DC 20006
202-378-2313
Fax: 202-378-2319
Email: michael.schrier@huschblackwell.com
TERMINATED: 05/04/2022

Defendant

U.S. Securities and Exchange Commission

represented by **Rebecca S. Levenson**
DOJ-USAO
United States Attorney's Office
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
703-299-3700
Email: rebecca.s.levenson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Yuri Fuchs
DOJ-USAO
United States Attorney's Office
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
703-299-3700
Email: Yuri.Fuchs@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/08/2021	<u>1</u>	Complaint (Filing fee \$ 402, receipt number AVAEDC-8143434.), filed by Empower Oversight Whistleblowers & Research. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet)(Schrier, Michael) (Entered: 12/08/2021)

12/08/2021	<u>2</u>	Proposed Summons re <u>1</u> Complaint (<i>to SEC</i>) by Empower Oversight Whistleblowers & Research. (Schrier, Michael) (Entered: 12/08/2021)
12/08/2021	<u>3</u>	Proposed Summons re <u>1</u> Complaint (<i>to US Atty, EDVA</i>) by Empower Oversight Whistleblowers & Research. (Schrier, Michael) (Entered: 12/08/2021)
12/08/2021	<u>4</u>	Proposed Summons re <u>1</u> Complaint (<i>to US AG</i>) by Empower Oversight Whistleblowers & Research. (Schrier, Michael) (Entered: 12/08/2021)
12/08/2021	<u>5</u>	Corporate Disclosure Statement by Empower Oversight Whistleblowers & Research. (Schrier, Michael) (Entered: 12/08/2021)
12/08/2021		Initial Case Assignment to District Judge Rossie D. Alston, Jr and Magistrate Judge Theresa Carroll Buchanan. (choy,) (Entered: 12/10/2021)
12/10/2021	<u>6</u>	Summons Issued as to U.S. Securities and Exchange Commission, U.S. Attorney and U.S. Attorney General NOTICE TO ATTORNEY: Please remove the headers and print two duplexed copies of the Electronically issued summons for each Defendant. Please serve one copy of the summons and a copy of the Complaint upon each Defendant. Please ensure that your process server returns the service copy (executed or unexecuted) to your attention and electronically file it using the filing events, Summons Returned Executed or Summons Returned Unexecuted. (Attachments: # <u>1</u> Notice to Attorney)(choy,) (Entered: 12/10/2021)
01/07/2022	<u>7</u>	Consent MOTION for Extension of Time to Respond to Plaintiff's Complaint by U.S. Securities and Exchange Commission. (Attachments: # <u>1</u> Proposed Order)(Levenson, Rebecca) (Entered: 01/07/2022)
01/10/2022	<u>8</u>	ORDER granting <u>7</u> Consent MOTION for Extension of Time to Respond to Plaintiff's Complaint. It is further ORDERED that Defendant shall file its response to the Complaint on or before Friday, February 11, 2022. Signed by Magistrate Judge Theresa Carroll Buchanan on 01/10/2022. (choy,) (Entered: 01/10/2022)
02/11/2022	<u>9</u>	MOTION for Extension of Time to File Answer by U.S. Securities and Exchange Commission. (Attachments: # <u>1</u> Proposed Order)(Levenson, Rebecca) (Entered: 02/11/2022)
02/14/2022	<u>10</u>	ORDERED that Defendant's motion is GRANTED; and it is further ORDERED that Defendant shall file its response to the Complaint on or before February 18, 2022. Signed by Magistrate Judge Theresa Carroll Buchanan on 2/11/2022. (Entered: 02/14/2022)
02/18/2022	<u>11</u>	ANSWER to Complaint by U.S. Securities and Exchange Commission.(Levenson, Rebecca) (Entered: 02/18/2022)
04/07/2022	<u>12</u>	ORDERED that by April 19, 2022, the parties shall file a joint statement setting forth their positions on the applicability of Local Civil Rule 16(B) and whether this case may be exempted in whole or in part from its provisions. The joint statement should not exceed ten pages, and any points on which the parties cannot reach agreement should be identified. If the parties agree that this matter may be resolved on summary judgment, the joint statement should also include a proposed briefing schedule for any such motions. Signed by District Judge Rossie D. Alston, Jr on 4/7/2022. (swil,) (Entered: 04/07/2022)
04/19/2022	<u>13</u>	STATUS REPORT (<i>Joint Statement in Accordance with the Court's April 7, 2022 Order</i>) by U.S. Securities and Exchange Commission. (Levenson, Rebecca) (Entered: 04/19/2022)
04/20/2022	<u>14</u>	ORDERED that the parties file a joint status report on or before May 20, 2022, and, if necessary, a second joint status report on or before June 20, 2022. If the parties reach agreement regarding a summary judgment briefing schedule in the interim, they should promptly file an appropriate motion. Signed by District Judge Rossie D. Alston, Jr on 4/20/2022. (swil) (Entered: 04/20/2022)
04/24/2022	<u>15</u>	NOTICE of Appearance by Jeffrey S. Beelaert on behalf of Empower Oversight Whistleblowers & Research (Beelaert, Jeffrey) (Entered: 04/24/2022)
05/02/2022	<u>16</u>	MOTION to Withdraw as Attorney by Empower Oversight Whistleblowers & Research. (Attachments: # <u>1</u> Proposed Order)(Schrier, Michael) (Entered: 05/02/2022)

05/04/2022	<u>17</u>	ORDER granting <u>16</u> Motion to Withdraw as Attorney. ORDERED that Husch Blackwell LLP and associated counsel Micheal J. Schrier be permitted to WITHDRAW as counsel of record. Signed by Magistrate Judge Theresa Carroll Buchanan on 5/4/2022. (swil) (Entered: 05/04/2022)
05/20/2022	<u>18</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Levenson, Rebecca) (Entered: 05/20/2022)
06/17/2022	<u>19</u>	STATUS REPORT by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 06/17/2022)
06/17/2022	<u>20</u>	ORDERED that the parties file a joint motion for summary judgment briefing schedule by July 1, 2022. The joint motion should set out the parties' proposed deadlines. If the parties reach agreement regarding the remaining issues or a summary judgment briefing schedule in the interim, they should promptly file an appropriate motion. Signed by District Judge Rossie D. Alston, Jr on 6/17/2022. (swil) (Entered: 06/17/2022)
06/30/2022	<u>21</u>	Joint MOTION for a Briefing Schedule re <u>20</u> Order, by U.S. Securities and Exchange Commission. (Attachments: # <u>1</u> Supplement)(Fuchs, Yuri) (Entered: 06/30/2022)
06/30/2022	<u>22</u>	ORDER granting <u>21</u> Joint Motion for a Briefing Schedule (see Order for details). Signed by District Judge Rossie D. Alston, Jr on 6/30/2022. (swil) (Entered: 07/01/2022)
08/02/2022	<u>23</u>	Consent MOTION to Amend/Correct <u>1</u> Complaint by Empower Oversight Whistleblowers & Research. (Attachments: # <u>1</u> Exhibit Amended Complaint, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Proposed Order)(Beelaert, Jeffrey) (Entered: 08/02/2022)
08/03/2022	<u>24</u>	ORDER granting <u>23</u> Consent Motion to Amend/Correct Complaint. ORDERED that Plaintiff file the Amended Complaint as a separate docket entry; it is further ORDERED Defendant shall file an answer on or before Wednesday, August 17, 2022; and it is further ORDERED that the parties shall file any motions for summary judgment on or before Wednesday, August 31, 2022. The parties shall file any oppositions to the motions for summary judgment on or before Wednesday, September 14, 2022. And any replies in support of the motions for summary judgment shall be filed on or before Wednesday, September 21, 2022. Signed by Magistrate Judge Theresa Carroll Buchanan on 8/3/2022. (swil) (Entered: 08/03/2022)
08/03/2022	<u>25</u>	AMENDED COMPLAINT against U.S. Securities and Exchange Commission, filed by Empower Oversight Whistleblowers & Research. (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)(Beelaert, Jeffrey) (Entered: 08/03/2022)
08/11/2022		Case Reassigned to Magistrate Judge William E. Fitzpatrick. Magistrate Judge Theresa Carroll Buchanan no longer assigned to the case. (jlan) (Entered: 08/11/2022)
08/17/2022	<u>26</u>	ANSWER to Complaint by U.S. Securities and Exchange Commission.(Fuchs, Yuri) (Entered: 08/17/2022)
08/31/2022	<u>27</u>	MOTION for Summary Judgment by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 08/31/2022)
08/31/2022	<u>28</u>	Memorandum in Support re <u>27</u> MOTION for Summary Judgment filed by U.S. Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9)(Fuchs, Yuri) (Entered: 08/31/2022)
08/31/2022	<u>29</u>	Waiver of re <u>27</u> MOTION for Summary Judgment <i>of Hearing</i> by U.S. Securities and Exchange Commission (Fuchs, Yuri) (Entered: 08/31/2022)
09/07/2022	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Summary Judgment by Empower Oversight Whistleblowers & Research. (Attachments: # <u>1</u> Proposed Order)(Beelaert, Jeffrey) (Entered: 09/07/2022)
10/03/2022	<u>31</u>	Opposition to <u>27</u> MOTION for Summary Judgment filed by Empower Oversight Whistleblowers & Research. (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)(Beelaert, Jeffrey) (Entered: 10/03/2022)
10/03/2022	<u>32</u>	ORDER granting <u>30</u> Consent Motion for Extension of Time to File Response/Reply. ORDERED that the parties adhere to the following schedule: Opposition to summary judgment is due on or before Monday, October 3, 2022; and Any reply is due on or before Tuesday, October 11, 2022. Signed by Magistrate Judge William E. Fitzpatrick on 10/3/2022. (swil) (Entered: 10/04/2022)
10/11/2022	<u>33</u>	REPLY to Response to Motion re <u>27</u> MOTION for Summary Judgment filed by U.S. Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3)(Fuchs, Yuri) (Entered: 10/11/2022)
12/20/2022	<u>34</u>	NOTICE by Empower Oversight Whistleblowers & Research (Attachments: # <u>1</u> Exhibit A)(Beelaert, Jeffrey) (Entered: 12/20/2022)
01/27/2023	<u>35</u>	NOTICE by Empower Oversight Whistleblowers & Research re <u>27</u> MOTION for Summary Judgment <i>Requesting Oral Argument</i> (Beelaert, Jeffrey) (Entered: 01/27/2023)
07/05/2023	<u>36</u>	MEMORANDUM OPINION and ORDER granting—in-part defendant's Motion for Summary Judgment. It is FURTHER ORDERED that the parties are to submit a joint status report no later than July 19, 2023. Signed by District Judge Rossie D. Alston, Jr on 07/05/2023. (dvanm) (Entered: 07/05/2023)
07/05/2023	<u>37</u>	Clerks Judgment is hereby entered in accordance with Rule 58 of the Federal Rules of Civil Procedure in favor of the Defendant, United States Securities and Exchange Commission, as to Count 1 . Entered by Clerk on 07/05/2023. (dvanm) (Entered: 07/05/2023)
07/19/2023	<u>38</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 07/19/2023)
07/26/2023	<u>39</u>	ORDERED that the parties submit joint status reports every thirty (30) days. Signed by District Judge Rossie D. Alston, Jr on 7/26/2023. (swil) (Entered: 07/27/2023)
08/25/2023	<u>40</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 08/25/2023)
09/25/2023	<u>41</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 09/25/2023)
10/25/2023	<u>42</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 10/25/2023)
11/22/2023	<u>43</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 11/22/2023)
12/22/2023	<u>44</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 12/22/2023)
01/22/2024	<u>45</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 01/22/2024)
02/21/2024	<u>46</u>	STATUS REPORT (<i>Joint</i>) by U.S. Securities and Exchange Commission. (Fuchs, Yuri) (Entered: 02/21/2024)
02/21/2024	<u>47</u>	ORDERED that this matter is STAYED and should be placed among the inactive causes; and it is FURTHER ORDERED that the parties' schedule of status reports is MODIFIED such that the parties SHALL submit joint status reports every sixty (60) days. Signed by District Judge Rossie D. Alston, Jr on 2/21/2024. (swil) (Entered: 02/21/2024)