

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:22-cv-00167-BAH**

TOBIAS v. U.S. DEPARTMENT OF INTERIOR et al  
Assigned to: Judge Beryl A. Howell  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/25/2022  
Date Terminated: 03/04/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**JIMMY TOBIAS**

represented by **Joshua Loevy**  
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V.

**Defendant**

**U.S. DEPARTMENT OF THE  
INTERIOR**

represented by **Erika Kirstie Oblea**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. FISH AND WILDLIFE SERVICE**

represented by **Erika Kirstie Oblea**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/25/2022	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE ( Filing fee \$ 402 receipt number ADCDC-9001154) filed by JIMMY TOBIAS. (Attachments: # <u>1</u> Exhibit Ex 1-4, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Topic, Matthew) (Entered: 01/25/2022)
01/25/2022	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of JIMMY TOBIAS (Topic, Matthew) (Entered: 01/25/2022)
01/26/2022		Case Assigned to Chief Judge Beryl A. Howell. (zsb) (Entered: 01/26/2022)
01/27/2022	<u>3</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on January 27, 2022. (lcbah3) (Entered: 01/27/2022)
01/28/2022	<u>4</u>	SUMMONS (4) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(rj) (Entered: 01/28/2022)
02/24/2022	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF INTERIOR served on 2/10/2022 (Topic, Matthew) (Entered: 02/24/2022)
02/24/2022	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. FISH AND WILDLIFE SERVICE served on 2/11/2022 (Topic, Matthew) (Entered: 02/24/2022)
02/24/2022	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/10/2022. (Topic, Matthew) (Entered: 02/24/2022)
02/24/2022	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/10/2022. Answer due for ALL FEDERAL DEFENDANTS by 3/12/2022. (Topic, Matthew) (Entered: 02/24/2022)
03/14/2022	<u>9</u>	NOTICE of Appearance by Erika Kirstie Oblea on behalf of U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Oblea, Erika) (Entered: 03/14/2022)
03/14/2022	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE.(Oblea, Erika) (Entered: 03/14/2022)
04/11/2022	<u>11</u>	NOTICE of Appearance by Joshua Loevy on behalf of JIMMY TOBIAS (Loevy, Joshua) (Entered: 04/11/2022)
04/11/2022		MINUTE ORDER (paperless) DIRECTING plaintiff to SHOW CAUSE, by April 25, 2022, why this case should not be dismissed for failure to prosecute pursuant to Local Civil Rule 83.23. The parties' abbreviated Joint Meet and Confer Report was due on March 28, 2022, fourteen days after defendants' <u>10</u> Answer. See <u>3</u> Standing Order ¶ 3.b.ii (identifying requirements for FOIA cases). Signed by Chief Judge Beryl A. Howell on April 11, 2022. (lcbah3) (Entered: 04/11/2022)
04/11/2022		Set/Reset Deadlines: Response to Show Cause due by 4/25/2022. (ztg) (Entered: 04/11/2022)
04/22/2022	<u>12</u>	Joint STATUS REPORT by JIMMY TOBIAS. (Loevy, Joshua) (Entered: 04/22/2022)
04/22/2022	<u>13</u>	RESPONSE TO ORDER TO SHOW CAUSE re Order, filed by JIMMY TOBIAS. (Loevy, Joshua) (Entered: 04/22/2022)
04/25/2022		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>12</u> Joint Status Report, the parties to file, by June 13, 2022, a joint status report advising the Court whether any disputes remain between the parties, and if so, proposing a schedule for further proceedings; DISCHARGING, upon consideration of plaintiff's <u>13</u> Response to Order to Show Cause, the Court's April 11, 2022 Minute Order to Show Cause; and ADMONISHING the parties that full compliance with the Court's rules and orders is expected. Signed by Chief Judge Beryl A. Howell on April 25, 2022. (lcbah3) (Entered: 04/25/2022)

04/26/2022		Set/Reset Deadlines: Joint Status Report due by 6/13/2022. (ztg) (Entered: 04/26/2022)
06/13/2022	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Oblea, Erika) (Entered: 06/13/2022)
06/14/2022		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>14</u> Joint Status Report, the parties to file, by September 12, 2022, a joint status report advising the Court whether any disputes remain between the parties, and if so, proposing a schedule for further proceedings. Signed by Chief Judge Beryl A. Howell on June 14, 2022. (lcbah3) (Entered: 06/14/2022)
06/14/2022		Set/Reset Deadlines: Joint Status Report due by 9/12/2022. (ztg) (Entered: 06/14/2022)
09/12/2022	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Oblea, Erika) (Entered: 09/12/2022)
09/13/2022		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>15</u> Joint Status Report, the parties to file, by December 12, 2022, a joint status report advising the Court whether any disputes remain between the parties, and if so, proposing a schedule for further proceedings. Signed by Chief Judge Beryl A. Howell on September 13, 2022. (lcbah3) (Entered: 09/13/2022)
09/14/2022		Set/Reset Deadlines: Joint Status Report due by 12/12/2022. (ztg) (Entered: 09/14/2022)
11/21/2022	<u>16</u>	Joint STATUS REPORT ( <i>Amended</i> ) by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Oblea, Erika) (Entered: 11/21/2022)
11/22/2022		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>16</u> Joint Status Report, the parties to file, by February 20, 2023, a joint status report advising the Court whether any disputes remain between the parties, and if so, proposing a schedule for further proceedings. Signed by Chief Judge Beryl A. Howell on November 22, 2022. (lcbah3) (Entered: 11/22/2022)
11/23/2022		Set/Reset Deadlines: Joint Status Report due by 2/20/2023. (hmc) (Entered: 11/23/2022)
02/16/2023	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Oblea, Erika) (Entered: 02/16/2023)
02/22/2023		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>17</u> Joint Status Report, the following SCHEDULING ORDER: (1) by April 21, 2023, defendants shall file any motion for summary judgment; (2) by June 5, 2023, plaintiff shall file any opposition and cross-motion to defendants' motion; (3) by July 20, 2023, defendants shall file any reply in further support of their motion for summary judgment and opposition to plaintiff's cross-motion; and (4) by August 10, 2023, plaintiff shall file any report in support of plaintiff's cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on February 22, 2023. (lcbah3) (Entered: 02/22/2023)
02/23/2023		Set/Reset Deadlines: Summary judgment motions due by 4/21/2023; cross-motion and opposition to motion for summary judgment due by 6/5/2023; opposition to cross-motion and reply to opposition to motion for summary judgment due by 7/20/2023; reply to opposition to cross-motion due by 8/10/2023. (ztg) (Entered: 02/23/2023)
04/21/2023	<u>18</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Appendix Index of Declaration Exhibits, # <u>4</u> Declaration of Stacey C. Cummins, # <u>5</u> Exhibit A, # <u>6</u> Exhibit B, # <u>7</u> Exhibit C, # <u>8</u> Exhibit D, # <u>9</u> Exhibit E, # <u>10</u> Exhibit F, # <u>11</u> Exhibit G, # <u>12</u> Text of Proposed Order)(Oblea, Erika) (Entered: 04/21/2023)
06/05/2023	<u>19</u>	NOTICE of Appearance by Stephen Stich Match on behalf of JIMMY TOBIAS (Match, Stephen) (Entered: 06/05/2023)
06/05/2023	<u>20</u>	Cross MOTION for Summary Judgment by JIMMY TOBIAS. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Tobias Decl, # <u>3</u> Statement of Facts, # <u>4</u>

		Statement of Facts Response to SOF, # <u>5</u> Text of Proposed Order)(Match, Stephen) (Entered: 06/05/2023)
06/05/2023	<u>21</u>	Memorandum in opposition to re <u>18</u> Motion for Summary Judgment, filed by JIMMY TOBIAS. (Attachments: # <u>1</u> Declaration Tobias Decl, # <u>2</u> Statement of Facts, # <u>3</u> Statement of Facts Response to SOF, # <u>4</u> Text of Proposed Order)(Match, Stephen) (Entered: 06/05/2023)
07/17/2023	<u>22</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>20</u> Cross MOTION for Summary Judgment , <u>18</u> MOTION for Summary Judgment by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Oblea, Erika) (Entered: 07/17/2023)
07/17/2023		MINUTE ORDER (paperless) GRANTING defendants' <u>22</u> Unopposed Motion for Extension of Time to File Combined Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply in Support of their Motion for Summary Judgment, and DIRECTING defendants to file their combined opposition by August 10, 2023, with any reply by plaintiff due by September 8, 2023. Signed by Judge Beryl A. Howell on July 17, 2023. (lcbah3) (Entered: 07/17/2023)
07/18/2023		Set/Reset Deadlines: Defendants' combined Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply in Support of their Motion for Summary Judgment due by 8/10/2023; plaintiff's reply due by 9/8/2023. (ztg) (Entered: 07/18/2023)
08/10/2023	<u>23</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Appendix Index of Declaration Exhibits, # <u>4</u> Declaration (Second) of Stacey C. Cummins, # <u>5</u> Exhibit H)(Oblea, Erika) (Entered: 08/10/2023)
08/10/2023	<u>24</u>	Memorandum in opposition to re <u>20</u> Motion for Summary Judgment filed by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Appendix Index of Declaration Exhibits, # <u>4</u> Declaration (Second) of Stacey C. Cummins, # <u>5</u> Exhibit H, # <u>6</u> Text of Proposed Order)(Oblea, Erika) (Entered: 08/10/2023)
08/25/2023	<u>25</u>	Consent MOTION for Extension of Time to File Response/Reply by JIMMY TOBIAS. (Match, Stephen) (Entered: 08/25/2023)
08/29/2023		MINUTE ORDER (paperless) GRANTING plaintiff's <u>25</u> Consent Motion for Extension of Time to File Response/Reply, and DIRECTING plaintiff to file any reply by September 22, 2023. Signed by Judge Beryl A. Howell on August 29, 2023. (lcbah1) (Entered: 08/29/2023)
08/30/2023		Set/Reset Deadlines: Plaintiff Reply due by 9/22/2023. (mac) (Entered: 08/30/2023)
09/22/2023	<u>26</u>	REPLY to opposition to motion re <u>20</u> Cross MOTION for Summary Judgment filed by JIMMY TOBIAS. (Match, Stephen) (Entered: 09/22/2023)
03/01/2024	<u>27</u>	ORDER GRANTING defendants' <u>18</u> Motion for Summary Judgment, and DENYING plaintiff's <u>20</u> Cross-Motion for Summary Judgment. See Order for further details. The Clerk of the Court is directed to close the case. Signed by Judge Beryl A. Howell on March 1, 2024. (lcbah1) (Entered: 03/01/2024)
03/01/2024	<u>28</u>	MEMORANDUM OPINION regarding defendants' <u>18</u> Motion for Summary Judgment and plaintiff's <u>20</u> Cross-Motion for Summary Judgment. Signed by Judge Beryl A. Howell on March 1, 2024. (lcbah1) (Entered: 03/01/2024)
03/04/2024		CLERK'S JUDGMENT in favor of Defendants against Plaintiff. Signed by Judge Beryl A. Howell on 03/04/24. (mac) (Entered: 03/04/2024)