

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/31/24

-----X
:
ROLLING STONE, LLC, :
:
Plaintiff, :
:
-v- :
DEPARTMENT OF JUSTICE, :
:
Defendant. :
:
-----X

23-cv-10741 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff Rolling Stone, LLC (“Rolling Stone”) moves by letter brief for an order directing the Federal Bureau of Investigation (“FBI”) to file a motion formally requesting a stay pursuant to *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976). Dkt. No. 25. The motion is opposed by defendant, the United States Department of Justice (“DOJ”). Dkt. No. 35.

Rolling Stone argues that the FBI should be required to file a motion for an “Open America” stay it is “seeks to postpone briefing by a significant period,” Dkt. No. 25 at 1, and “should it wish to delay the beginning of summary judgment briefing past December 2024,” *id.* at 3. It states that it “is not asking the Court in this motion to order FBI to process responsive records at any particular rate, nor is it even asking the Court to deny an FBI motion for leave to proceed at its standard 500 pages/month rate.” *Id.* DOJ responds that it is “not seeking delay of any summary judgment briefing.” Dkt. No. 35 at 3. Accordingly, the motion is denied as moot. *Cf. Fin. Guaranty Ins. Co. v. Putnam Advisory Co.*, 314 F.R.D. 85, 88 (S.D.N.Y. 2016).

The Clerk of Court is respectfully requested to close the motion at Dkt. No. 25.

SO ORDERED.

Dated: May 31, 2024
New York, New York

A handwritten signature in black ink, appearing to read "L. Liman", is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge