

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-00318-CJN

GILBERT v. UNITED STATES AIR FORCE
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 02/04/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**LORI C. GILBERT**

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V.

Defendant**UNITED STATES AIR FORCE**

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Date Filed	#	Docket Text
02/04/2021	<u>1</u>	COMPLAINT <i>for Injunctive Relief</i> against UNITED STATES AIR FORCE (Filing fee \$ 402 receipt number ADCDC-8162226) filed by LORI C. GILBERT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Air Force, # <u>3</u> Summons U.S. Attorney, # <u>4</u> Summons Attorney General)(Sobel, David) (Entered: 02/04/2021)
02/04/2021		Case Assigned to Judge Carl J. Nichols. (adh,) (Entered: 02/04/2021)

02/04/2021	<u>2</u>	Standing Order. Signed by Judge Carl J. Nichols on February 4, 2021. (lccjn3) (Entered: 02/04/2021)
02/04/2021	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES AIR FORCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 02/04/2021)
02/18/2021	<u>4</u>	NOTICE of Appearance by Paul Cirino on behalf of UNITED STATES AIR FORCE (Cirino, Paul) (Entered: 02/18/2021)
02/18/2021	<u>5</u>	NOTICE of Consent to Assignment to Magistrate Judge by UNITED STATES AIR FORCE (Cirino, Paul) (Entered: 02/18/2021)
03/15/2021	<u>6</u>	ANSWER to Complaint by UNITED STATES AIR FORCE.(Cirino, Paul) (Entered: 03/15/2021)
04/12/2021		MINUTE ORDER. Before the Court in this Freedom of Information Act case are a Complaint and an Answer. According to Local Civil Rule 16.3, the requirements of Federal Rule of Civil Procedure 26(f) are inapplicable. It is hereby ORDERED that the Parties shall confer and file a Joint Status Report by April 28, 2021. The Joint Status Report shall address: (1) the status of Plaintiffs FOIA request; (2) the anticipated number of documents responsive to Plaintiffs FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open Am. v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); (5) the possibility of prioritizing documents responsive to Plaintiffs requests and any discussions regarding whether Plaintiffs requests can be narrowed; and (6) whether the Parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on April 12, 2021. (lccjn3) (Entered: 04/12/2021)
04/12/2021		Set/Reset Deadlines: Joint Status Report due by 4/28/2021. (zcal) (Entered: 04/12/2021)
04/28/2021	<u>7</u>	Joint STATUS REPORT by UNITED STATES AIR FORCE. (Cirino, Paul) (Entered: 04/28/2021)
05/10/2021		MINUTE ORDER. Upon review of the Parties' Joint Status Report, the Parties are hereby ORDERED to submit another Joint Status Report by May 28, 2021 . Signed by Judge Carl J. Nichols on May 10, 2021. (lccjn3) (Entered: 05/10/2021)
05/10/2021		Set/Reset Deadlines: Joint Status Report due by 5/28/2021. (zcal) (Entered: 05/12/2021)
05/28/2021	<u>8</u>	Joint STATUS REPORT by UNITED STATES AIR FORCE. (Cirino, Paul) (Entered: 05/28/2021)
06/28/2021	<u>9</u>	Joint STATUS REPORT by UNITED STATES AIR FORCE. (Cirino, Paul) (Entered: 06/28/2021)
07/23/2021	<u>10</u>	Joint STATUS REPORT by UNITED STATES AIR FORCE. (Cirino, Paul) (Entered: 07/23/2021)
08/05/2021		MINUTE ORDER. Upon review of the Parties' <u>10</u> Joint Status Report, it is hereby ORDERED that they file an additional Joint Status Report by September 10, 2021 , and every 30 days thereafter until this matter is resolved. Signed by Judge Carl J. Nichols on August 5, 2021. (lccjn3) (Entered: 08/05/2021)
08/05/2021		Set/Reset Deadlines: Joint Status Report due by 9/10/2021. (zcal) (Entered: 08/06/2021)
09/10/2021	<u>11</u>	Joint STATUS REPORT by UNITED STATES AIR FORCE. (Cirino, Paul) (Entered: 09/10/2021)
09/13/2021		MINUTE ORDER. Upon consideration of the Parties' proposed briefing schedule in their <u>11</u> Joint Status Report, the Court hereby enters the following briefing schedule: Defendant's motion for summary judgment shall be due November 19, 2021. Plaintiff's combined opposition to Defendant's motion for summary judgment and cross-motion for summary judgment shall be due December 20, 2021. Defendant's combined opposition to plaintiff's cross-motion for summary judgment and reply shall be due

		January 21, 2022. Plaintiff's reply shall be due February 4, 2022. Signed by Judge Carl J. Nichols on September 13, 2021. (lccjn3) (Entered: 09/13/2021)
09/13/2021		Set/Reset Deadlines: Summary Judgment motions due by 11/19/2021. Cross Motions due by 12/20/2021. Response to Motion for Summary Judgment due by 12/20/2021. Response to Cross Motions due by 1/21/2022. Reply to Motion for Summary Judgment due by 1/21/2022. Reply to Cross Motions due by 2/4/2022. (zcal) (Entered: 09/15/2021)
11/19/2021	<u>12</u>	MOTION for Summary Judgment by UNITED STATES AIR FORCE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Teresa S. Gonzalez, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Cirino, Paul) (Entered: 11/19/2021)
12/19/2021	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION for Summary Judgment filed by LORI C. GILBERT. (Attachments: # <u>1</u> Statement of Facts (Response), # <u>2</u> Declaration of Major Lori C. Gilbert, # <u>3</u> Exhibit 1 to Gilbert Decl., # <u>4</u> Exhibit 2 to Gilbert Decl., # <u>5</u> Exhibit 3 to Gilbert Decl., # <u>6</u> Exhibit 4 to Gilbert Decl., # <u>7</u> Exhibit 5 to Gilbert Decl., # <u>8</u> Text of Proposed Order)(Sobel, David) (Entered: 12/19/2021)
12/19/2021	<u>14</u>	MOTION for Summary Judgment by LORI C. GILBERT. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Lori C. Gilbert, # <u>3</u> Exhibit 1 to Gilbert Decl., # <u>4</u> Exhibit 2 to Gilbert Decl., # <u>5</u> Exhibit 3 to Gilbert Decl., # <u>6</u> Exhibit 4 to Gilbert Decl., # <u>7</u> Exhibit 5 to Gilbert Decl., # <u>8</u> Text of Proposed Order)(Sobel, David) (Entered: 12/19/2021)
01/21/2022	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by UNITED STATES AIR FORCE. (Attachments: # <u>1</u> Declaration (Supplemental) of Teresa S. Gonzalez, # <u>2</u> Response to Plaintiff's Statement of Facts Not in Dispute, # <u>3</u> Text of Proposed Order)(Cirino, Paul) (Entered: 01/21/2022)
01/21/2022	<u>16</u>	REPLY to opposition to motion re <u>12</u> MOTION for Summary Judgment filed by UNITED STATES AIR FORCE. (Attachments: # <u>1</u> Declaration (Supplemental) of Teresa S. Gonzalez, # <u>2</u> Response to Plaintiff's Statement of Facts Not in Dispute, # <u>3</u> Text of Proposed Order)(Cirino, Paul) (Entered: 01/21/2022)
02/04/2022	<u>17</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by LORI C. GILBERT. (Sobel, David) Modified docket link on 2/7/2022 (zeg). (Entered: 02/04/2022)
09/15/2022		MINUTE ORDER. Upon consideration of the Defendants' Motion for Summary Judgment <u>12</u> and the Plaintiff's Cross-Motion for Summary Judgment <u>14</u> , it is hereby ORDERED that the Parties shall appear for oral argument on Tuesday, September 27, 2022 at 2:00pm in Courtroom 19. Signed by Judge Carl J. Nichols on September 15, 2022. (lccjn3) (Entered: 09/15/2022)
09/15/2022		Set/Reset Hearings: Motion Hearing set for 9/27/2022 at 02:00 PM in Courtroom 19- In Person before Judge Carl J. Nichols. (zcal) (Entered: 09/19/2022)
09/22/2022		Set/Reset Hearings: Motion Hearing RESET for 9/27/2022 at 01:00 PM in Courtroom 19- In Person before Judge Carl J. Nichols. Note time change. (zcal) (Entered: 09/22/2022)
09/23/2022	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kartik Narayan Venguswamy on behalf of UNITED STATES AIR FORCE Substituting for attorney Paul Cirino (Venguswamy, Kartik) (Entered: 09/23/2022)
09/27/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Motion Hearing held on 9/27/2022 re <u>12</u> and <u>14</u> . Motions taken under advisement. Defense email Courtroom Deputy due by 10/4/2022. Plaintiff's Response due by 10/7/2022. Court Reporter: Lorraine Herman. (zcal) (Entered: 09/27/2022)
09/27/2022		MINUTE ORDER. Upon consideration of the Parties' oral arguments, it is hereby ORDERED that this case, including motions <u>12</u> and <u>14</u> , will be stayed pending resolution of the matters discussed at the September 27, 2022 hearing. Signed by Judge Carl J. Nichols on September 27, 2022. (lccjn3) (Entered: 09/27/2022)
10/17/2022	<u>19</u>	NOTICE of Filing Supplemental Declaration by UNITED STATES AIR FORCE re Order Staying Case, (Attachments: # <u>1</u> Declaration)(Venguswamy, Kartik) (Entered: 10/17/2022)

		10/17/2022)
10/25/2022	<u>20</u>	RESPONSE re <u>19</u> Notice (Other) <i>2d Supplemental Gonzalez Declaration</i> filed by LORI C. GILBERT. (Attachments: # <u>1</u> Declaration David L. Sobel)(Sobel, David) (Entered: 10/25/2022)
11/02/2022		MINUTE ORDER. Upon consideration of Plaintiff's <u>20</u> Response to the Second Supplemental Gonzalez Declaration, it is hereby ORDERED that Defendant shall file a reply, if any, on or before November 10, 2022. Signed by Judge Carl J. Nichols on November 2, 2022. (lccjn3) (Entered: 11/02/2022)
11/02/2022		Set/Reset Deadlines: Reply due by 11/10/2022. (zcal) (Entered: 11/02/2022)
11/18/2022	<u>21</u>	MOTION for Extension of Time to File <i>Reply to Response to Declaration</i> by UNITED STATES AIR FORCE. (Venguswamy, Kartik) (Entered: 11/18/2022)
11/21/2022		MINUTE ORDER. Upon consideration of the U.S. Air Force's Motion for Extension of Time <u>21</u> , it is hereby ORDERED that the Motion is GRANTED. The Air Force shall file its reply on or before November 24, 2022. Signed by Judge Carl J. Nichols on November 21, 2022. (lccjn3) (Entered: 11/21/2022)
11/21/2022		Set/Reset Deadlines: Reply due by 11/24/2022. (zcal) (Entered: 11/21/2022)
11/25/2022	<u>22</u>	REPLY re <u>19</u> Notice (Other) filed by UNITED STATES AIR FORCE. (Attachments: # <u>1</u> Exhibit A)(Venguswamy, Kartik) (Entered: 11/25/2022)
11/30/2022		MINUTE ORDER. Upon consideration of the parties' filings <u>19</u> , <u>20</u> , and <u>22</u> , it is hereby ORDERED that Defendant United States Air Force shall file a status report on December 30, 2022, and every 30 days thereafter, informing the Court on the status of its search. Signed by Judge Carl J. Nichols on November 30, 2022. (lccjn3) (Entered: 11/30/2022)
11/30/2022		Set/Reset Deadlines: Status Report due by 12/30/2022. (zcam) (Entered: 11/30/2022)
12/30/2022	<u>23</u>	STATUS REPORT by UNITED STATES AIR FORCE. (Venguswamy, Kartik) (Entered: 12/30/2022)
02/01/2023	<u>24</u>	STATUS REPORT by LORI C. GILBERT. (Sobel, David) (Entered: 02/01/2023)
02/08/2023		MINUTE ORDER. Upon consideration of <u>24</u> Plaintiffs Status Report, it is hereby ORDERED that the Defendant produce to Plaintiff all of the responsive records found in its additional searches, subject to any appropriate withholdings, by February 28, 2023. Signed by Judge Carl J. Nichols on February 8, 2023. (lccjn3) (Entered: 02/08/2023)
02/08/2023		Set/Reset Deadlines: Responsive Records due by 2/28/2023. (zcam) (Entered: 02/08/2023)
02/15/2023	<u>25</u>	STATUS REPORT by LORI C. GILBERT. (Sobel, David) (Entered: 02/15/2023)
02/17/2023	<u>26</u>	STATUS REPORT by UNITED STATES AIR FORCE. (Venguswamy, Kartik) (Entered: 02/17/2023)
03/20/2023	<u>27</u>	STATUS REPORT by UNITED STATES AIR FORCE. (Venguswamy, Kartik) (Entered: 03/20/2023)
04/04/2023	<u>28</u>	MOTION to Schedule Status Conference by LORI C. GILBERT. (Sobel, David) Modified on 4/4/2023 (znmw). (Entered: 04/04/2023)
04/05/2023		MINUTE ORDER. Upon consideration of <u>28</u> Motion to Schedule Status Conference, it is hereby ORDERED that the Motion is GRANTED. The parties shall appear before the Court on April 19, 2023, at 11:00 AM EST in Courtroom 17. Signed by Judge Carl J. Nichols on April 5, 2023. (lccjn3) (Entered: 04/05/2023)
04/05/2023		Set/Reset Hearings: Status Conference set for 4/19/2023 at 11:00 AM in Courtroom 17– In Person before Judge Carl J. Nichols. (mac) (Entered: 04/05/2023)
04/10/2023		MINUTE ORDER. The status conference set for April 19, 2023, is reset for April 25, 2023, at 2 PM EST in Courtroom 17. Signed by Judge Carl J. Nichols on April 10, 2023. (lccjn3) (Entered: 04/10/2023)

04/25/2023		Minute Entry for proceedings held before Judge Carl J. Nichols: Status Conference held on 4/25/2023. The Parties And The Court Discussed The Current Posture Of This Matter. Parties Submission That Includes Their Respective Positions On Any Issues That Remain In Dispute due by 5/10/2023. Government Omnibus Declaration due by 5/31/2023. Plaintiff Response due by 6/15/2023, (Court Reporter LORRAINE HERMAN.) (mac) (Entered: 04/26/2023)
05/02/2023		MINUTE ORDER. The Parties are ORDERED to submit a joint filing with their respective positions on the remaining issues in this case on or before May 10, 2023. The Air Force is ORDERED to submit its omnibus declaration on or before May 31, 2023. Plaintiff is ORDERED to file her response to the declaration on or before June 15, 2023. Signed by Judge Carl J. Nichols on May 2, 2023. (lccjn3) (Entered: 05/02/2023)
05/10/2023	<u>29</u>	Joint STATUS REPORT of Contested Issues by UNITED STATES AIR FORCE. (Venguswamy, Kartik) (Entered: 05/10/2023)
05/31/2023	<u>30</u>	DECLARATION by UNITED STATES AIR FORCE. (Attachments: # <u>1</u> Declaration Omnibus Declaration of Teresa Gonzalez, # <u>2</u> Exhibit 1 – Omnibus Vaughn Index, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7)(Venguswamy, Kartik) (Entered: 05/31/2023)
06/01/2023	<u>31</u>	ERRATA Attaching Missing Exhibits by UNITED STATES AIR FORCE re <u>30</u> Declaration,. (Attachments: # <u>1</u> Exhibit 8, # <u>2</u> Exhibit 9)(Venguswamy, Kartik) (Entered: 06/01/2023)
06/13/2023	<u>32</u>	RESPONSE re <u>30</u> Declaration, filed by UNITED STATES AIR FORCE by LORI C. GILBERT. (Attachments: # <u>1</u> Exhibit A)(Sobel, David) Modified docket event/text on 6/23/2023 (zed). (Entered: 06/13/2023)
01/15/2024	<u>33</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by LORI C. GILBERT (Sobel, David) (Entered: 01/15/2024)
02/19/2024		MINUTE ORDER. Upon consideration of <u>30</u> Defendant's Declaration and <u>32</u> Plaintiff's Response to Defendants Declaration, it is hereby ORDERED that Defendant shall file on or before Friday, March 8, 2024, a supplemental brief of no more than 10 pages that responds to the arguments in <u>32</u> Plaintiff's Response. Plaintiff shall file a reply of not more than 10 pages by Friday, March 22, 2024. So Ordered by Judge Carl J. Nichols on 2/19/2024. (lccjn3) (Entered: 02/19/2024)
02/19/2024		Set/Reset Deadlines: Supplemental Brief due by 3/8/2024. Reply due by 3/22/2024. (zcam) (Entered: 02/20/2024)
03/07/2024	<u>34</u>	MOTION for Extension of Time to File <i>Supplemental Brief</i> by UNITED STATES AIR FORCE. (Venguswamy, Kartik) (Entered: 03/07/2024)
03/07/2024	<u>35</u>	Memorandum in opposition to re <u>34</u> Motion for Extension of Time to File <i>Supplemental Brief</i> filed by LORI C. GILBERT. (Sobel, David) (Entered: 03/07/2024)
03/22/2024	<u>36</u>	NOTICE of Appearance by Stephen DeGenaro on behalf of UNITED STATES AIR FORCE (DeGenaro, Stephen) (Entered: 03/22/2024)
03/22/2024	<u>37</u>	SUPPLEMENTAL MEMORANDUM to re <u>30</u> Declaration, and Plaintiff's Response <u>32</u> filed by UNITED STATES AIR FORCE. (DeGenaro, Stephen) Modified docket text on 3/26/2024 (zdp). (Entered: 03/22/2024)
04/05/2024	<u>38</u>	REPLY re <u>37</u> Supplemental Memorandum filed by LORI C. GILBERT. (Sobel, David) (Entered: 04/05/2024)