

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-00613-APM**

RICHARDSON BAY ENVIRONMENTAL PROTECTION
ASSOCIATION v. FEDERAL AVIATION
ADMINISTRATION
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 03/08/2021
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**RICHARDSON BAY
ENVIRONMENTAL PROTECTION
ASSOCIATION**

represented by **Daniel J. Stotter**
STOTTER LAW OFFICES LLC
P.O. Box 1753
Corvallis, OR 97339
541-738-2601
Email: dstotter@qwestoffice.net
ATTORNEY TO BE NOTICED

V.

Defendant

**FEDERAL AVIATION
ADMINISTRATION**

represented by **Patricia K. McBride**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/08/2021	<u>1</u>	COMPLAINT against FEDERAL AVIATION ADMINISTRATION (Filing fee \$ 402 receipt number ADCDC-8286251) filed by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Stotter, Daniel) (Entered: 03/08/2021)
03/08/2021		Case Assigned to Judge Amit P. Mehta. (adh,) (Entered: 03/08/2021)
03/08/2021	<u>2</u>	SUMMONS (3) Issued Electronically as to FEDERAL AVIATION ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 03/08/2021)
04/27/2021	<u>3</u>	ANSWER to Complaint by FEDERAL AVIATION ADMINISTRATION.(McBride, Patricia) (Entered: 04/27/2021)
04/29/2021	<u>4</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before May 12, 2021. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's 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 America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 4/29/2021. (lcapm2) (Entered: 04/29/2021)

05/11/2021	<u>5</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 05/11/2021)
05/12/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by June 23, 2021, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 5/12/2021. (lcapm2) (Entered: 05/12/2021)
06/23/2021	<u>6</u>	ENTERED IN ERROR.....Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) Modified on 6/24/2021 (eg). (Entered: 06/23/2021)
06/24/2021		NOTICE OF CORRECTED DOCKET ENTRY: re <u>6</u> Status Report was entered in error and counsel was instructed to refile said pleading with correct case number. (eg) (Entered: 06/24/2021)
06/24/2021	<u>7</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 06/24/2021)
06/24/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by August 4, 2021, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 6/24/2021. (lcapm2) (Entered: 06/24/2021)
08/04/2021	<u>8</u>	ENTERED IN ERROR.....Joint STATUS REPORT & <i>Proposed Order</i> by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Stotter, Daniel) Modified on 8/4/2021 (zeg). (Entered: 08/04/2021)
08/04/2021		NOTICE OF CORRECTED DOCKET ENTRY: re <u>8</u> Status Report was entered in error and counsel was instructed to refile said pleading with correct case number. (eg) (Entered: 08/04/2021)
08/04/2021	<u>9</u>	Joint STATUS REPORT & <i>Proposed Order (Corrected)</i> by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Stotter, Daniel) (Entered: 08/04/2021)
08/04/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by September 29, 2021, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 8/4/2021. (lcapm2) (Entered: 08/04/2021)
09/29/2021	<u>10</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 09/29/2021)
10/06/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by December 2, 2021, which proposes a schedule for further proceedings to resolve any outstanding disputes. Signed by Judge Amit P. Mehta on 10/6/2021. (lcapm2) (Entered: 10/06/2021)
12/02/2021	<u>11</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 12/02/2021)
12/06/2021		MINUTE ORDER entering the briefing schedule proposed by Defendant in the parties' <u>11</u> Joint Status Report. The schedule for further proceedings in this matter is as follows: (1) Defendant shall file its motion for summary judgment on or before February 28, 2022; (2) Plaintiff shall files its combined opposition and cross-motion on or before March 28, 2022; (3) Defendant shall file its combined opposition and reply on or before April 27, 2022; and (4) Plaintiff shall file its reply on or before May 20, 2022. Signed by Judge Amit P. Mehta on 12/6/2021. (lcapm2) (Entered: 12/06/2021)
02/24/2022	<u>12</u>	Unopposed MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 02/24/2022)
02/24/2022		MINUTE ORDER granting <u>12</u> Defendant's Unopposed Motion to Extend. Defendant's motion for summary judgment is now due March 28, 2022; Plaintiff's combined opposition and cross-motion is due May 16, 2022; Defendant's combined opposition and reply is due June 17, 2022; and Plaintiff's reply is due July 13, 2022. Signed by Judge Amit P. Mehta on 2/24/2022. (lcapm2) (Entered: 02/24/2022)

03/04/2022		NOTICE OF ERROR re <u>12</u> Motion for Extension of Time to File; emailed to patricia.mcbride@usdoj.gov, cc'd 6 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect header/caption/case number, 2. FYI: DO NOT REFILE. Please make sure to have correct case number on pleadings. (zeg,) (Entered: 03/04/2022)
03/28/2022	<u>13</u>	MOTION for Summary Judgment by FEDERAL AVIATION ADMINISTRATION. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration Vaughn Index, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10)(McBride, Patricia) (Entered: 03/28/2022)
05/16/2022	<u>14</u>	MOTION for Summary Judgment by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration William Schneider, # <u>4</u> Declaration Van Swearingen, # <u>5</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 05/16/2022)
05/16/2022	<u>15</u>	Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment filed by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration William Schneider, # <u>3</u> Declaration Van Swearingen, # <u>4</u> Text of Proposed Order)(Stotter, Daniel) Modified docket event/text on 5/18/2022 (zeg). (Entered: 05/16/2022)
06/10/2022	<u>16</u>	ENTERED IN ERROR.....Unopposed MOTION for Extension of Time to File Response/Reply by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) Modified on 6/10/2022 (zeg). (Entered: 06/10/2022)
06/10/2022		NOTICE OF ERROR regarding <u>16</u> Unopposed MOTION for Extension of Time to File Response/Reply . The following error(s) need correction: Incorrect court header/case caption/case number. Please refile. (zeg) (Entered: 06/10/2022)
06/10/2022	<u>17</u>	Unopposed Motion to Extend by FEDERAL AVIATION ADMINISTRATION re <u>16</u> Unopposed MOTION for Extension of Time to File Response/Reply filed by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) Modified docket event/text on 6/14/2022 (zeg). (Entered: 06/10/2022)
06/13/2022	<u>18</u>	ORDER granting <u>17</u> Defendant's Unopposed Motion to Extend. Defendant shall file its combined opposition and reply on or before July 17, 2022. Plaintiff shall file its reply on or before August 26, 2022. See attached Order for details. Signed by Judge Amit P. Mehta on 6/13/2022. (lcapm2) (Entered: 06/13/2022)
07/15/2022	<u>19</u>	Unopposed MOTION for Extension of Time to File Response/Reply by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 07/15/2022)
07/17/2022		MINUTE ORDER granting <u>19</u> Defendant's Unopposed Motion to Extend. Defendant shall file its combined opposition and reply on July 18, 2022. Signed by Judge Amit P. Mehta on 7/17/2022. (lcapm2) (Entered: 07/17/2022)
07/18/2022	<u>20</u>	Unopposed MOTION for Extension of Time to File Response/Reply by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 07/18/2022)
07/19/2022		MINUTE ORDER granting <u>20</u> Defendant's Unopposed Motion to Extend. Defendant shall file its combined opposition and reply on July 19, 2022. Signed by Judge Amit P. Mehta on 7/19/2022. (lcapm2) (Entered: 07/19/2022)
07/19/2022	<u>21</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by FEDERAL AVIATION ADMINISTRATION. (Attachments: # <u>1</u> Exhibit Second Toaso Decl and Exhibits)(McBride, Patricia) Modified on 7/20/2022 to add docket relationship (zed). (Entered: 07/19/2022)
07/20/2022		NOTICE OF ERROR re <u>21</u> Reply to opposition to Motion; emailed to patricia.mcbride@usdoj.gov, cc'd 6 associated attorneys -- The PDF file you docketed contained errors: 1. Please note the following deficiency and file/refile document as instructed , 2. Two-part document; second docket entry is required, 3. FYI: Please file opposition. (zed,) (Entered: 07/20/2022)
07/22/2022	<u>22</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 07/22/2022)

08/26/2022	<u>23</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Attachments: # <u>1</u> Declaration Second Declaration Swearingen, # <u>2</u> Declaration Second Declaration Schneider)(Stotter, Daniel) Modified on 8/30/2022 to add docket relationship (zed). (Entered: 08/26/2022)
03/17/2023	<u>24</u>	MEMORANDUM OPINION AND ORDER. Defendant's <u>13</u> Motion for Summary Judgment is granted in part, and Plaintiff's <u>14</u> Motion for Summary Judgment is denied in full. Defendant may submit a supplemental declaration by April 18, 2023, and renew its motion for summary judgment on the two issues on which the court did not enter judgment in its favor. Please see attached Memorandum Opinion and Order for additional details. Signed by Judge Amit P. Mehta on 3/17/2023. (lcapm2) (Entered: 03/17/2023)
04/14/2023	<u>25</u>	Unopposed MOTION for Extension of Time to File by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 04/14/2023)
04/14/2023		MINUTE ORDER granting Defendant's <u>25</u> Unopposed Motion to Extend. Defendant's renewed motion for summary judgment shall be due on or before May 18, 2023. Signed by Judge Amit P. Mehta on 4/14/2023. (lcapm2) (Entered: 04/14/2023)
04/14/2023		Set/Reset Deadlines: Summary Judgment motion due by 5/18/2023. (smc) (Entered: 04/17/2023)
05/08/2023	<u>26</u>	Joint MOTION to Stay by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 05/08/2023)
05/09/2023		MINUTE ORDER granting Joint Motion to Stay Briefing Schedule. The briefing schedule is hereby stayed. The parties shall file a Joint Status Report by June 5, 2023, which updates the court on settlement, unless a stipulation of dismissal is filed by that date. Signed by Judge Amit P. Mehta on 5/9/2023. (lcapm2) (Entered: 05/09/2023)
06/02/2023	<u>27</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 06/02/2023)
06/06/2023		MINUTE ORDER. Defendant shall file its supplemental declaration and renewed motion for summary judgment by July 12, 2023; Plaintiff shall file its opposition by August 18, 2023; and Defendant shall file its reply by September 14, 2023. Signed by Judge Amit P. Mehta on 6/6/2023. (lcapm2) (Entered: 06/06/2023)
07/12/2023	<u>28</u>	MOTION for Summary Judgment by FEDERAL AVIATION ADMINISTRATION. (Attachments: # <u>1</u> Declaration)(McBride, Patricia) (Entered: 07/12/2023)
08/15/2023	<u>29</u>	Joint STATUS REPORT <i>and Proposed Order</i> by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Stotter, Daniel) (Entered: 08/15/2023)
08/15/2023		MINUTE ORDER. Plaintiff's motion for attorney's fees shall be filed by October 6, 2023; Defendant's opposition shall be filed by November 16, 2023; and Plaintiff's reply in support of its motion shall be filed by December 15, 2023. Signed by Judge Amit P. Mehta on 08/15/2023. (lcapm2) (Entered: 08/15/2023)
08/15/2023		Set/Reset Deadlines: Motions due by 10/6/2023. Responses due by 11/16/2023. Replies due by 12/15/2023. (zjch,) (Entered: 08/16/2023)
08/16/2023	<u>30</u>	NOTICE <i>Of No Objection To Defendant FAA's Renewed Motion for Summary Judgment</i> by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION re <u>28</u> Motion for Summary Judgment (Stotter, Daniel) (Entered: 08/16/2023)
08/17/2023		MINUTE ORDER granting <u>28</u> Defendant's Renewed Motion for Summary Judgment. Because Plaintiff "has no objections to the Renewed Motion for Summary Judgment," ECF No. 30, the court grants Defendant's renewed motion and enters judgment in favor of Defendant. Signed by Judge Amit P. Mehta on 08/17/2023. (lcapm2) (Entered: 08/17/2023)
09/27/2023	<u>31</u>	Consent MOTION to Modify <i>Fee Motion Briefing Schedule</i> by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 09/27/2023)

09/28/2023		MINUTE ORDER granting Plaintiff's <u>31</u> Consent Motion to Modify Briefing Schedule. Plaintiff RBEPAs revised fee motion deadline is reset to October 30, 2023, Defendant FAA's opposition to fee motion is reset to December 15, 2023, and Plaintiff RBEPAs fee motion reply is reset to January 12, 2024. Signed by Judge Amit P. Mehta on 9/28/23. (lcapm2) (Entered: 09/28/2023)
10/30/2023	<u>32</u>	MOTION for Attorney Fees & Costs by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Daniel Stotter & Exhibits, # <u>3</u> Declaration of Van Swearingen & Exhibits, # <u>4</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 10/30/2023)
12/12/2023	<u>33</u>	Unopposed MOTION for Extension of Time to File Response/Reply by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 12/12/2023)
12/13/2023		MINUTE ORDER granting Defendant's <u>33</u> Unopposed Motion to Extend. Defendant's opposition to Plaintiff's motion for attorneys' fees shall be due by January 31, 2024, and Plaintiff's reply in support of its motion shall be due by March 1, 2024. Signed by Judge Amit P. Mehta on 12/13/23. (lcapm2) (Entered: 12/13/2023)
01/25/2024	<u>34</u>	Consent MOTION for Extension of Time to File Response/Reply by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 01/25/2024)
01/26/2024		MINUTE ORDER granting Defendant's <u>34</u> Consent Motion to Extend. Defendant's opposition to Plaintiff's motion for attorneys' fees shall be due by February 15, 2024, and Plaintiff's reply in support of its motion shall be due by March 22, 2024. Signed by Judge Amit P. Mehta on 1/26/24. (lcapm2) (Entered: 01/26/2024)
02/14/2024	<u>35</u>	Consent MOTION for Extension of Time to File by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 02/14/2024)
02/15/2024		MINUTE ORDER granting Defendant's <u>35</u> Consent Motion to Extend. Defendant's opposition to Plaintiff's motion for attorney's fees shall be due on or before February 16, 2024. Signed by Judge Amit P. Mehta on 2/15/24. (lcapm2) (Entered: 02/15/2024)
02/15/2024	<u>36</u>	MOTION for Extension of Time to File by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 02/15/2024)
02/15/2024	<u>37</u>	ERRATA CORRECTING TO CONSENT MTE by FEDERAL AVIATION ADMINISTRATION re <u>36</u> Motion for Extension of Time to File. (McBride, Patricia) (Entered: 02/15/2024)
02/17/2024		MINUTE ORDER granting Defendant's <u>36</u> Consent Motion to Extend. Defendant's opposition to Plaintiff's motion for attorney's fees shall be due on or before February 21, 2024. Plaintiff's reply shall be due on or before March 29, 2024. Signed by Judge Amit P. Mehta on 2/17/24. (lcapm2) (Entered: 02/17/2024)
02/20/2024		Set/Reset Deadlines: Defendant's opposition to Plaintiff's motion for attorney's fees shall be due on or before February 21, 2024. Plaintiff's reply shall be due on or before March 29, 2024. (smc) (Entered: 02/20/2024)
02/21/2024	<u>38</u>	Memorandum in opposition to re <u>32</u> Motion for Attorney Fees, filed by FEDERAL AVIATION ADMINISTRATION. (McBride, Patricia) (Entered: 02/21/2024)
03/29/2024	<u>39</u>	REPLY to opposition to motion re <u>32</u> MOTION for Attorney Fees & Costs filed by RICHARDSON BAY ENVIRONMENTAL PROTECTION ASSOCIATION. (Attachments: # <u>1</u> Declaration of Daniel J. Stotter & Ex. A)(Stotter, Daniel) (Entered: 03/29/2024)