

**U.S. District Court  
 District of Columbia (Washington, DC)  
 CIVIL DOCKET FOR CASE #: 1:21-cv-02146-CJN**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF DEFENSE  
 Assigned to: Judge Carl J. Nichols  
 Cause: 05:552 Freedom of Information Act

Date Filed: 08/11/2021  
 Date Terminated: 05/20/2024  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**JUDICIAL WATCH, INC.**

represented by **James F. Peterson**  
 JUDICIAL WATCH, INC.  
 425 Third Street, SW  
 Suite 800  
 Washington, DC 20024  
 (202) 646-5172  
 Fax: (202) 646-5199  
 Email: [jpeterson@judicialwatch.org](mailto:jpeterson@judicialwatch.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. DEPARTMENT OF DEFENSE**

represented by **Joseph John DeMott**  
 CLEMENT & MURPHY, PLLC  
 Civil Division, Federal Programs Branch  
 706 Duke Street  
 Alexandria, VA 22314  
 202-742-8893  
 Email: [joseph.demott@clementmurphy.com](mailto:joseph.demott@clementmurphy.com)  
**TERMINATED: 02/09/2023**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael James Gaffney**  
 U.S. DEPARTMENT OF JUSTICE  
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Date Filed	#	Docket Text
08/11/2021	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF DEFENSE ( Filing fee \$ 402 receipt number ADCDC-8660972) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for US Attorney for DC, # <u>3</u> Summons for US Attorney General, # <u>4</u> Summons for U.S. Department of Defense)(Peterson, James) (Entered: 08/11/2021)
08/11/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Peterson, James) (Entered: 08/11/2021)

08/11/2021		Case Assigned to Judge Carl J. Nichols. (znmj) (Entered: 08/11/2021)
08/11/2021	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(znmj) (Entered: 08/11/2021)
08/18/2021	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/12/2021. Answer due for ALL FEDERAL DEFENDANTS by 9/11/2021. (Attachments: # <u>1</u> Declaration of David Rothstein)(Peterson, James) (Entered: 08/18/2021)
08/18/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 08/17/21. (Attachments: # <u>1</u> Declaration of David Rothstein)(Peterson, James) (Entered: 08/18/2021)
08/18/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF DEFENSE served on 8/16/2021 (Attachments: # <u>1</u> Declaration of David Rothstein)(Peterson, James) (Entered: 08/18/2021)
08/18/2021	<u>7</u>	STANDING ORDER. Signed by Judge Carl J. Nichols on August 18, 2021. (lccjn2) (Entered: 08/18/2021)
09/13/2021	<u>8</u>	ANSWER to Complaint by U.S. DEPARTMENT OF DEFENSE.(DeMott, Joseph) (Entered: 09/13/2021)
09/14/2021		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 on or before October 6, 2021. The Joint Status Report shall address: (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 <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); (5) the possibility of prioritizing documents responsive to Plaintiff's request(s) and any discussions regarding whether Plaintiff's request(s) 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 September 14, 2021. (lccjn2) (Entered: 09/14/2021)
09/14/2021		Set/Reset Deadlines: Joint Status Report due by 10/6/2021. (zcal) (Entered: 09/15/2021)
10/06/2021	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (DeMott, Joseph) (Entered: 10/06/2021)
10/11/2021		MINUTE ORDER. In light of the Parties' <u>9</u> Joint Status Report, it is ORDERED that the Parties shall file an updated Joint Status Report on or before December 6, 2021. Signed by Judge Carl J. Nichols on October 11, 2021. (lccjn2) (Entered: 10/11/2021)
10/11/2021		Set/Reset Deadlines: Joint Status Report due by 12/6/2021. (zcal) (Entered: 10/13/2021)
12/06/2021	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (DeMott, Joseph) (Entered: 12/06/2021)
12/13/2021		MINUTE ORDER. Upon review of the <u>10</u> Joint Status Report, it is ORDERED that the Parties shall file an updated Joint Status Report on or before February 4, 2022. Signed by Judge Carl J. Nichols on December 13, 2021. (lccjn2) (Entered: 12/13/2021)
12/13/2021		Set/Reset Deadlines: Joint Status Report due by 2/4/2022. (zcal) (Entered: 12/14/2021)
02/04/2022	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (DeMott, Joseph) (Entered: 02/04/2022)
02/08/2022		MINUTE ORDER. Upon review of the <u>6</u> Joint Status Report, it is ORDERED that the Parties shall file an updated Joint Status Report on or before April 5, 2022. Signed by Judge Carl J. Nichols on February 8, 2022. (lccjn2) (Entered: 02/08/2022)

02/08/2022		Set/Reset Deadlines: Joint Status Report due by 4/5/2022. (zcal) (Entered: 02/08/2022)
04/05/2022	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (DeMott, Joseph) (Entered: 04/05/2022)
04/11/2022		MINUTE ORDER. Upon review of the <u>12</u> Joint Status Report, it is ORDERED that the Parties shall file an updated Joint Status Report on or before June 6, 2022. Signed by Judge Carl J. Nichols on April 11, 2022. (lccjn2) (Entered: 04/11/2022)
04/11/2022		Set/Reset Deadlines: Joint Status Report due by 6/6/2022. (zcal) (Entered: 04/11/2022)
06/06/2022	<u>13</u>	NOTICE of Appearance by Michael James Gaffney on behalf of U.S. DEPARTMENT OF DEFENSE (Gaffney, Michael) (Entered: 06/06/2022)
06/06/2022	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 06/06/2022)
06/10/2022		MINUTE ORDER. Upon review of the <u>14</u> Joint Status Report, it is ORDERED that the Parties shall file an updated Joint Status Report on or before August 8, 2022. Signed by Judge Carl J. Nichols on June 10, 2022. (lccjn2) (Entered: 06/10/2022)
06/10/2022		Set/Reset Deadlines: Joint Status Report due by 8/8/2022. (zcal) (Entered: 06/13/2022)
08/08/2022	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 08/08/2022)
08/16/2022		MINUTE ORDER. Upon review of the <u>15</u> Joint Status Report, it is ORDERED that the Parties shall file an updated Joint Status Report on or before October 7, 2022, including a proposal for future proceedings. Signed by Judge Carl J. Nichols on August 16, 2022. (lccjn2) (Entered: 08/16/2022)
08/16/2022		Set/Reset Deadlines: Joint Status Report due by 10/7/2022. (zcal) (Entered: 08/16/2022)
10/07/2022	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (DeMott, Joseph) (Entered: 10/07/2022)
10/19/2022		MINUTE ORDER. Upon review of the <u>16</u> Joint Status Report, it is ORDERED that the Parties shall file an additional joint status report on or before December 6, 2022, and every 60 days thereafter until either party moves for a briefing schedule for dispositive motions, files a dispositive motion, or the case is terminated. Signed by Judge Carl J. Nichols on October 19, 2022. (lccjn2) (Entered: 10/19/2022)
10/19/2022		Set/Reset Deadlines: Joint Status Report due by 12/6/2022. (zcal) (Entered: 10/21/2022)
12/06/2022	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (DeMott, Joseph) (Entered: 12/06/2022)
02/06/2023	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (DeMott, Joseph) (Entered: 02/06/2023)
02/09/2023	<u>19</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to U.S. DEPARTMENT OF DEFENSE. Attorney Joseph John DeMott terminated. (DeMott, Joseph) (Entered: 02/09/2023)
04/07/2023	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 04/07/2023)
06/05/2023	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 06/05/2023)
08/04/2023	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 08/04/2023)
09/29/2023	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 09/29/2023)
11/28/2023	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 11/28/2023)

01/26/2024	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 01/26/2024)
03/20/2024	<u>26</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Gaffney, Michael) (Entered: 03/20/2024)
05/01/2024	<u>27</u>	STIPULATION of Dismissal by JUDICIAL WATCH, INC.. (Peterson, James) (Entered: 05/01/2024)