

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:21-cv-02486-ABJ**

PROTECT THE PUBLIC'S TRUST v. UNITED STATES  
DEPARTMENT OF ENERGY  
Assigned to: Judge Amy Berman Jackson  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/23/2021  
Date Terminated: 04/12/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PROTECT THE PUBLIC'S TRUST**

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V.

**Defendant**

**UNITED STATES DEPARTMENT  
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*TERMINATED: 04/27/2023*

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*TERMINATED: 02/01/2023*

Date Filed	#	Docket Text
09/23/2021	<u>1</u>	COMPLAINT against PROTECT THE PUBLIC'S TRUST ( Filing fee \$ 402 receipt number ADCDC-8752389) filed by PROTECT THE PUBLIC'S TRUST. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons (Proposed to Defendant, US Attorney, and US Attorney General))(Hardin, Matthew) (Entered: 09/23/2021)
09/23/2021		Case Assigned to Judge Amy Berman Jackson. (zsb) (Entered: 09/23/2021)
09/24/2021	<u>2</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF ENERGY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh, ) (Entered: 09/24/2021)
10/20/2021	<u>3</u>	NOTICE of Appearance by Christopher Cochran Horner on behalf of PROTECT THE PUBLIC'S TRUST (Horner, Christopher) (Main Document 3 replaced on 10/21/2021) (rj). Modified on 10/21/2021 to flatten pdf (rj). (Entered: 10/20/2021)
10/25/2021	<u>4</u>	NOTICE of Appearance by April Denise Seabrook on behalf of UNITED STATES DEPARTMENT OF ENERGY (Seabrook, April) (Entered: 10/25/2021)
11/05/2021	<u>5</u>	Consent MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF ENERGY. (Seabrook, April) (Entered: 11/05/2021)

11/05/2021		MINUTE ORDER granting <u>5</u> Motion for Extension of Time. Defendant must file an answer to the complaint or otherwise respond by November 19, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/05/2021. (lcabj2) (Entered: 11/05/2021)
11/19/2021	<u>6</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF ENERGY.(Seabrook, April) (Entered: 11/19/2021)
11/22/2021	<u>7</u>	ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before December 20, 2021. See Order for details. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/22/2021. (lcabj2) (Entered: 11/22/2021)
12/16/2021	<u>8</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY. (Seabrook, April) (Entered: 12/16/2021)
12/17/2021		MINUTE ORDER. In light of <u>8</u> defendant's status report, defendant must submit another status report by February 18, 2022. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/17/2021. (lcabj2) (Entered: 12/17/2021)
02/18/2022	<u>9</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY. (Seabrook, April) (Entered: 02/18/2022)
02/21/2022	<u>10</u>	RESPONSE re <u>9</u> Status Report filed by PROTECT THE PUBLIC'S TRUST. (Hardin, Matthew) (Entered: 02/21/2022)
02/22/2022	<u>11</u>	RESPONSE re <u>10</u> Response to Document <i>Regarding Defendant's February Status Report</i> filed by UNITED STATES DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Exhibit 1 to 3 – Emails)(Seabrook, April) (Entered: 02/22/2022)
02/22/2022		MINUTE ORDER. Defendant must make its first production by February 28, and continue to make rolling productions on the 28th of each month thereafter, processing at least 300 pages per month. With each release, defendant will provide the plaintiff with an index of non-responsive attachments. The next status report will be due on March 31, 2022. The Court understands the plaintiff's frustration, but it is not inclined to alter its ordinary procedures or summon the parties to the courthouse because the production in this case which was supposed to begin during the height of the impact of the omicron variant got off to a slow start. SO ORDERED. Signed by Judge Amy Berman Jackson on 02/22/2022. (lcabj2) (Entered: 02/22/2022)
04/01/2022	<u>12</u>	NOTICE of Non-Filing of Status Report by PROTECT THE PUBLIC'S TRUST re Order,,, Set Deadlines,, (Hardin, Matthew) (Entered: 04/01/2022)
04/01/2022	<u>13</u>	STATUS REPORT and Response to Plaintiff's Notice by UNITED STATES DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Exhibit – FOIA Response Letter)(Seabrook, April) (Entered: 04/01/2022)
04/04/2022		NOTICE OF ERROR re <u>13</u> Status Report; emailed to april.seabrook@usdoj.gov, cc'd 9 associated attorneys — The PDF file you docketed contained errors: 1. Two-part document; second docket entry is required, 2. <b>Please note the following deficiency and file/refile document as instructed (zjf).</b> (Entered: 04/04/2022)
04/04/2022	<u>14</u>	RESPONSE re <u>12</u> Notice (Other) filed by UNITED STATES DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Exhibit – FOIA Response Letter)(Seabrook, April) (Entered: 04/04/2022)
04/04/2022	<u>15</u>	REPLY re <u>12</u> NOTICE of Non-Filing of Status Report filed by PROTECT THE PUBLIC'S TRUST. (Hardin, Matthew) Modified on 4/4/2022 to add docket link (zjf). (Entered: 04/04/2022)
04/04/2022		MINUTE ORDER. In light of the <u>14</u> status report and given the production delays, defendant must submit another status report by April 29, 2022. Plaintiff's request for a status conference will be DENIED at this time. SO ORDERED. Signed by Judge Amy Berman Jackson on 04/04/2022. (lcabj2) (Entered: 04/04/2022)
04/27/2022	<u>16</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY. (Seabrook, April) (Entered: 04/27/2022)

04/28/2022		MINUTE ORDER. In light of defendant's <u>16</u> status report, it is ORDERED that defendant must submit another status report by June 14, 2022. Signed by Judge Amy Berman Jackson on 04/28/2022. (lcabj2) (Entered: 04/28/2022)
06/14/2022	<u>17</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY. (Seabrook, April) (Entered: 06/14/2022)
06/14/2022		MINUTE ORDER. In light of defendant's <u>17</u> status report, it is ORDERED that defendant must submit another status report by September 13, 2022. Signed by Judge Amy Berman Jackson on 06/14/2022. (lcabj2) (Entered: 06/14/2022)
09/01/2022	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Robert Aaron Caplen on behalf of UNITED STATES DEPARTMENT OF ENERGY Substituting for attorney April Seabrook (Caplen, Robert) (Entered: 09/01/2022)
09/13/2022	<u>19</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY. (Caplen, Robert) (Entered: 09/13/2022)
09/13/2022		MINUTE ORDER. In light of the <u>19</u> status report, it is ORDERED that defendant's motion for summary judgment is due by November 4, 2022; plaintiff's opposition and cross motion, if any, to be supported by a single memorandum of points and authorities, is due by December 6, 2022; defendant's reply and cross opposition, if any, to be supported by a single memorandum of points and authorities, is due by January 6, 2023; and plaintiff's cross reply, if any, is due by February 3, 2023. Signed by Judge Amy Berman Jackson on 09/13/2022. (lcabj2) (Entered: 09/13/2022)
10/31/2022	<u>20</u>	Consent MOTION for Extension of Time to <i>Briefing Deadlines Set Forth in the Court's September 13, 2022, Minute Order</i> by UNITED STATES DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Text of Proposed Order)(Caplen, Robert) (Entered: 10/31/2022)
11/02/2022		MINUTE ORDER granting <u>20</u> Motion for Extension of Time. It is ORDERED that defendant's motion for summary judgment is due by December 2, 2022; plaintiff's opposition and cross motion, if any, to be supported by a single memorandum of points and authorities, is due by January 6, 2023; defendant's reply and cross opposition, if any, to be supported by a single memorandum of points and authorities, is due by February 3, 2023; and plaintiff's cross reply, if any, is due by March 3, 2023. Signed by Judge Amy Berman Jackson on 11/02/2022. (lcabj2) (Entered: 11/02/2022)
12/01/2022	<u>21</u>	Consent MOTION for Extension of Time to <i>Briefing Deadlines Set Forth in the Court's November 2, 2022, Minute Order</i> by UNITED STATES DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Text of Proposed Order)(Caplen, Robert) (Entered: 12/01/2022)
12/02/2022		MINUTE ORDER granting <u>21</u> Motion for Extension of Time. It is ORDERED that defendant's motion for summary judgment is due by December 9, 2022; plaintiff's opposition and cross motion, if any, to be supported by a single memorandum of points and authorities, is due by January 20, 2023; defendant's reply and cross opposition, if any, to be supported by a single memorandum of points and authorities, is due by February 17, 2023; and plaintiff's cross reply, if any, is due by March 17, 2023. Given the expansive nature of the schedule, the parties will need good cause for future extensions. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/02/2022. (lcabj2) (Entered: 12/02/2022)
12/09/2022	<u>22</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Alexander C. Morris, # <u>4</u> Exhibit 1, # <u>5</u> Declaration of Susan Beard, # <u>6</u> Vaughn Index, # <u>7</u> Text of Proposed Order)(Caplen, Robert) (Entered: 12/09/2022)
01/20/2023	<u>23</u>	ENTERED IN ERROR.....Memorandum in opposition to re <u>22</u> Motion for Summary Judgment, filed by PROTECT THE PUBLIC'S TRUST. (Attachments: # <u>1</u> Statement of Facts)(Hardin, Matthew) Modified on 1/24/2023 (zjm). (Entered: 01/20/2023)
01/24/2023		NOTICE OF ERROR regarding <u>23</u> Memorandum in Opposition. The following error(s) need correction: Incorrect case number. Please refile. (zjm) (Entered: 01/24/2023)

01/24/2023	<u>24</u>	RESPONSE re <u>22</u> MOTION for Summary Judgment ( <i>Corrected per Order of the Court</i> ) filed by PROTECT THE PUBLIC'S TRUST. (Attachments: # <u>1</u> Statement of Facts)(Hardin, Matthew) (Entered: 01/24/2023)
02/01/2023	<u>25</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Matthew J. Troy on behalf of UNITED STATES DEPARTMENT OF ENERGY Substituting for attorney Robert A. Caplen (Troy, Matthew) (Entered: 02/01/2023)
02/17/2023	<u>26</u>	REPLY to opposition to motion re <u>22</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Exhibit Supplemental Vaughn Index, # <u>2</u> Exhibit Supplemental Vaughn Index Redline, # <u>3</u> Exhibit Supplemental Morris Declaration)(Troy, Matthew) (Entered: 02/17/2023)
04/27/2023	<u>27</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Daniel Alan Schiffer on behalf of UNITED STATES DEPARTMENT OF ENERGY Substituting for attorney Matthew Troy (Schiffer, Daniel) (Entered: 04/27/2023)
08/01/2023	<u>28</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES DEPARTMENT OF ENERGY. Attorney Daniel Alan Schiffer terminated. (Schiffer, Daniel) (Entered: 08/01/2023)
08/01/2023	<u>29</u>	NOTICE of Appearance by Brian P. Hudak on behalf of UNITED STATES DEPARTMENT OF ENERGY (Hudak, Brian) (Entered: 08/01/2023)
08/02/2023	<u>30</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Brenda A. Gonzalez Horowitz on behalf of UNITED STATES DEPARTMENT OF ENERGY Substituting for attorney Brian P. Hudak (Gonzalez Horowitz, Brenda) (Entered: 08/02/2023)
03/28/2024		MINUTE ORDER. It is ORDERED that in order to assist the Court in making a responsible de novo determination, defendant is directed to deliver to chambers for in camera inspection the following documents that have been withheld from plaintiff or that have been provided to plaintiffs with redactions, on or before 12:00 PM on March 29, 2024: Bates Nos. 000035–36, 000049–51, 000086–90, 000113–35, 000136, 000137, 000304, and 000306. See Ray v. Turner, 587 F.2d 1187, 1195 (D.C. Cir. 1978). It is further ordered that any redactions to the documents shall be identified with red boxes around the text so the information withheld from plaintiff is easily identifiable. SO ORDERED. Signed by Judge Amy Berman Jackson on 3/28/2024. (lcabj2) (Entered: 03/28/2024)
03/28/2024		Set/Reset Deadlines: In–Camera Submission due by 3/29/2024. (znbn) (Entered: 03/28/2024)
03/28/2024	<u>31</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joshua Ontell on behalf of UNITED STATES DEPARTMENT OF ENERGY Substituting for attorney Brenda Gonzalez Horowitz (Ontell, Joshua) (Entered: 03/28/2024)
03/30/2024	<u>32</u>	ORDER granting <u>22</u> Motion for Summary Judgment. Pursuant to Federal Rule of Civil Procedure 56 and 58 and for the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that defendants' <u>22</u> motion for summary judgment is GRANTED and the above–captioned case is DISMISSED. This is a final appealable order. Signed by Judge Amy Berman Jackson on 3/30/2024. (lcabj2) (Entered: 03/30/2024)
03/30/2024	<u>33</u>	MEMORANDUM AND OPINION. Signed by Judge Amy Berman Jackson on 3/30/2024. (lcabj2) (Entered: 03/30/2024)