U.S. District Court California Northern District (San Francisco) CIVIL DOCKET FOR CASE #: 3:21-cv-09613-SK

The Center for Investigative Reporting et al v. Department of Justice et al Assigned to: Magistrate Judge Sallie Kim Referred to: Magistrate Judge Thomas S. Hixson (Settlement) Demand: \$0 Cause: 05:552 Freedom of Information Act

Date Filed: 12/13/2021 Jury Demand: None Nature of Suit: 895 Freedom of Information Act Jurisdiction: U.S. Government Defendant

Plaintiff

The Center for Investigative Reporting

represented by Rani Gupta

Covington and Burling LLP 3000 El Camino Real 5 Palo Alto Square 10th Floor Palo Alto, CA 94306-2112 650-632-4727 Fax: 650-632-4827 Email: rgupta@cov.com LEAD ATTORNEY ATTORNEY TO BE NOTICED

Francoise Djoukeng

Covington & Burling LLP 3000 El Camino Real 5 Palo Alto Square 10th Floor Palo Alto, CA 94306-2112 650-632-4726 Email: fdjoukeng@cov.com ATTORNEY TO BE NOTICED

Hannah Kirsten Nelson

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Shawn Musgrave

1400 65th St., Suite 200 Emeryville, CA 94608 510-809-3160 Email: smusgrave@rcfp.org TERMINATĚD: 09/13/2022

Diana Victoria Baranetsky

The Center for Investigative Reporting 1400 65th Street, Suite 200 Emeryville, CA 94608 (510) 809-3160 Fax: (510) 849-6141 Email: vbaranetsky@revealnews.org ATTORNEY TO BE NOTICED

represented by Rani Gupta

(See above for address)

LEAD ATTORNEY ATTORNEY TO BE NOTICED

Francoise Djoukeng (See above for address) *ATTORNEY TO BE NOTICED*

Hannah Kirsten Nelson (See above for address) ATTORNEY TO BE NOTICED

Shawn Musgrave (See above for address) *TERMINATED: 09/13/2022*

Diana Victoria Baranetsky (See above for address) *ATTORNEY TO BE NOTICED*

V.

Defendant

U. S. Department of Justice

represented by **Douglas Earl Johns** United States Attorney's Office 150 Almaden Boulevard Suite 900 San Jose, CA 95113 415–846–8947 Fax: 408–535–5081

LEAD ATTORNEY

<u>Defendant</u>

U. S. Department of State

represented by **Douglas Earl Johns** (See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Email: Douglas.Johns@usdoj.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/13/2021	1	COMPLAINT against Department of Justice, Department of State (Filing fee \$ 402, receipt number ACANDC–16714379.). Filed byThe Center for Investigative Reporting, Anayansi Diaz–Cortes. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Declaration of D. Victoria Baranetsky, # <u>3</u> Exhibit Exhibits Part 1, # <u>4</u> Exhibit Exhibits Part 2, # <u>5</u> Exhibit Exhibits Part 3, # <u>6</u> Proposed Summons – Proposed Summons attached to Complaint in error (Baranetsky, Diana) (Filed on 12/13/2021) Modified text on 12/14/2021 (dhm, COURT STAFF). (Entered: 12/13/2021)
12/13/2021	2	Proposed Summons. (Baranetsky, Diana) (Filed on 12/13/2021) (Entered: 12/13/2021)
12/13/2021	3	Case assigned to Magistrate Judge Sallie Kim.
		Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit E -Filing A New Civil Case at http://cand.uscourts.gov/ecf/caseopening.
		Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. $5-1(e)(7)$. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by

		12/27/2021. (bw, COURT STAFF) (Filed on 12/13/2021) (Entered: 12/13/2021)
12/13/2021	<u>4</u>	Certificate of Interested Entities by The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 12/13/2021) (Entered: 12/13/2021)
12/13/2021	<u>5</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 3/7/2022. Initial Case Management Conference set for 3/14/2022 01:30 PM in San Francisco, Courtroom C, 15th Floor. (dhm, COURT STAFF) (Filed on 12/13/2021) (Entered: 12/14/2021)
12/14/2021	<u>6</u>	Summons Issued as to Department of Justice, Department of State, U.S. Attorney and U.S. Attorney General (dhm, COURT STAFF) (Filed on 12/14/2021) (Entered: 12/14/2021)
12/16/2021	7	***INCORRECT EVENT SELECTED*** CERTIFICATE OF SERVICE by Anayansi Diaz–Cortes, The Center for Investigative Reporting (Attachments: # <u>1</u> Certificate/Proof of Service)(Baranetsky, Diana) (Filed on 12/16/2021) Modified on 12/17/2021 (dhm, COURT STAFF). (Entered: 12/16/2021)
12/17/2021		<u>Electronic filing error</u> . Incorrect event used. [err101]Please re–file in its entirety using correct event "Summons Returned Executed" Re: 7 Certificate of Service fil ed by Anayansi Diaz–Cortes, The Center for Investigative Reporting (dhm, COURT STAFF) (Filed on 12/17/2021) (Entered: 12/17/2021)
12/17/2021	<u>8</u>	SUMMONS Returned Executed by The Center for Investigative Reporting, Anayansi Diaz–Cortes. All Defendants. (Attachments: # <u>1</u> Certificate/Proof of Service)(Baranetsky, Diana) (Filed on 12/17/2021) (Entered: 12/17/2021)
01/06/2022	2	CLERK'S NOTICE Re: Consent or Declination: Plaintiff shall file a consent or declination to proceed before a magistrate judge by 1/20/2022 . Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms. Consent/Declination due by 1/20/2022. (mkl, COURT STAFF) (Filed on 1/6/2022) (Entered: 01/06/2022)
01/12/2022	<u>10</u>	STIPULATION <i>TO EXTEND TIME TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT</i> filed by Department of Justice, Department of State. (Johns, Douglas) (Filed on 1/12/2022) (Entered: 01/12/2022)
01/18/2022	<u>11</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Anayansi Diaz–Cortes, The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 1/18/2022) (Entered: 01/18/2022)
01/25/2022	<u>12</u>	CLERK'S NOTICE Re: Consent or Declination: Defendants shall file a consent or declination to proceed before a magistrate judge by 2/8/2022 . Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms. Consent/Declination due by 2/8/2022. (mkl, COURT STAFF) (Filed on 1/25/2022) (Entered: 01/25/2022)
01/31/2022	<u>13</u>	NOTICE of Appearance by Shawn Musgrave (Musgrave, Shawn) (Filed on 1/31/2022) (Entered: 01/31/2022)
02/08/2022	<u>14</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Department of Justice (Johns, Douglas) (Filed on 2/8/2022) (Entered: 02/08/2022)
02/18/2022	<u>15</u>	AMENDED COMPLAINT against All Defendants. Filed by The Center for Investigative Reporting, Anayansi Diaz–Cortes. (Attachments: # 1 Declaration Declaration of D. Victoria Baranetsky, # 2 Exhibit Exhibits Part 1, # 3 Exhibit Exhibits Part 2, # 4 Exhibits Part 3)(Musgrave, Shawn) (Filed on 2/18/2022) (Entered: 02/18/2022)
02/22/2022	<u>16</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options by Plaintiffs (Musgrave, Shawn) (Filed on 2/22/2022) (Entered: 02/22/2022)
02/25/2022	<u>17</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Johns, Douglas) (Filed on 2/25/2022) (Entered: 02/25/2022)

03/04/2022	<u>18</u>	MOTION to Dismiss <i>FIRST AMENDED COMPLAINT FOR INJUNCTIVE RELIEF</i> filed by U. S. Department of Justice, U. S. Department of State. Motion Hearing set fo 5/16/2022 09:30 AM before Magistrate Judge Sallie Kim. Responses due by 3/18/2022. Replies due by 3/25/2022. (Attachments: # <u>1</u> Proposed Order)(Johns, Douglas) (Filed on 3/4/2022) (Entered: 03/04/2022)
03/07/2022	<u>19</u>	JOINT CASE MANAGEMENT STATEMENT <i>and Proposed Order</i> filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting. (Musgrave, Shawn) (Filed on 3/7/2022) (Entered: 03/07/2022)
03/08/2022	20	CLERK'S NOTICE Continuing Case Management Conference:
		The Initial Case Management Conference currently set for $3/14/2022$ is continued to $5/16/2022$ 09:30 AM in San Francisco – Videoconference Only to be held the hearing on the <u>18</u> Motion to Dismiss. Updated Case Management Statement due by $5/9/2022$.
		(<i>This is a text–only entry generated by the court. There is no document associated with this entry.</i>) (mkl, COURT STAFF) (Filed on 3/8/2022) (Entered: 03/08/2022)
03/11/2022	<u>21</u>	Answer to Amended Complaint <i>FOR INJUNCTIVE RELIEF OF PLAINTIFFS</i> byU. S Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 3/11/2022) (Entered: 03/11/2022)
03/15/2022	<u>22</u>	STIPULATION WITH PROPOSED ORDER <i>To Extend Time to File Opposition to Defendant's Motion to Dismiss</i> filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration of Shawn Musgrave in Support)(Musgrave, Shawn) (Filed on 3/15/2022) (Entered: 03/15/2022)
03/16/2022	<u>23</u>	ORDER by Magistrate Judge Sallie Kim granting <u>22</u> Stipulation to Extend Time to File Opposition to Defendant's Motion to Dismiss. (mkl, COURT STAFF) (Filed on 3/16/2022) (Entered: 03/16/2022)
03/16/2022		Set/Reset Deadlines as to <u>18</u> MOTION to Dismiss <i>FIRST AMENDED COMPLAINT FOR INJUNCTIVE RELIEF</i> . Responses due by 4/1/2022. Replies due by 4/15/2022. (mkl, COURT STAFF) (Filed on 3/16/2022) (Entered: 03/16/2022)
04/01/2022	<u>24</u>	OPPOSITION/RESPONSE (re <u>18</u> MOTION to Dismiss <i>FIRST AMENDED</i> <i>COMPLAINT FOR INJUNCTIVE RELIEF</i>) filed byAnayansi Diaz–Cortes, The Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration of Shawn Musgrave in Support, # <u>2</u> Exhibit Ex. A to Declaration of Shawn Musgrave)(Musgrave, Shawn) (Filed on 4/1/2022) (Entered: 04/01/2022)
04/15/2022	<u>25</u>	REPLY (re <u>18</u> MOTION to Dismiss <i>FIRST AMENDED COMPLAINT FOR</i> <i>INJUNCTIVE RELIEF</i>) filed byU. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 4/15/2022) (Entered: 04/15/2022)
05/09/2022	<u>26</u>	JOINT CASE MANAGEMENT STATEMENT filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting. (Musgrave, Shawn) (Filed on 5/9/2022) (Entered: 05/09/2022)
05/11/2022	27	CLERK'S NOTICE SETTING HEARING BY ZOOM:
		Motion Hearing RE: <u>18</u> MOTION to Dismiss <i>FIRST AMENDED COMPLAINT FOR INJUNCTIVE RELIEF</i> and Initial Case Management Conference currently set for 5/16/2022 09:30 AM in San Francisco – Videoconference Only before Magistrate Judge Sallie Kim. This proceeding will be held via a Zoom webinar.
		Webinar Access: All counsel, members of the public, and media may access the webinar information at <u>https://www.cand.uscourts.gov/sk</u>
		General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court pr oceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.
		Zoom Guidance and Setup: <u>https://www.cand.uscourts.gov/zoom/</u> .

		with this entry.) (mkl, COURT STAFF) (Filed on 5/11/2022) (Entered: 05/11/2022)
05/16/2022	28	Minute Entry for proceedings held by Zoom before Magistrate Judge Sallie Kim: Motion Hearing held on 5/16/2022 re <u>18</u> MOTION to Dismiss <i>FIRST AMENDED</i> <i>COMPLAINT FOR INJUNCTIVE RELIEF</i> filed by U. S. Department of Justice, U. S. Department of State. Initial Case Management Conference not held on 5/16/2022. The Court took the motion under submission and will issue a written order.
		Digital Recording Time: 9:51–10:03. Attorney for Plaintiffs: Shawn Musgrave. Attorney for Defendants: Douglas Johns.
		(<i>This is a text–only entry generated by the court. There is no document associated with this entry.</i>) (mkl, COURT STAFF) (Date Filed: 5/16/2022) (Entered: 05/16/2022)
05/19/2022	<u>29</u>	ORDER by Magistrate Judge Sallie Kim denying <u>18</u> Motion to Dismiss. Case Management Statement due by 6/6/2022. Initial Case Management Conference set for 6/13/2022 01:30 PM in San Francisco – Videoconference Only. (mkl, COURT STAFF) (Filed on 5/19/2022) (Entered: 05/19/2022)
06/02/2022	<u>30</u>	UNITED STATES DEPARTMENT OF JUSTICE'S ANSWER to Amended Complaint TO FIRST AMENDED COMPLAINT FOR INJUNCTIVE RELIEF OF PLAINTIFFS byU. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 6/2/2022) (Entered: 06/02/2022)
06/06/2022	<u>31</u>	FURTHER JOINT CASE MANAGEMENT STATEMENT and Proposed Order filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting, U.S. Department of Justice, U.S. Department of State. (Musgrave, Shawn) (Filed on 6/6/2022) Modified on 6/7/2022 (cjl, COURT STAFF). (Entered: 06/06/2022)
06/08/2022		CLERKS NOTICE SETTING ZOOM HEARING. Initial Case Management Conference currently set for 6/13/2022 01:30 PM in San Francisco – Videoconference Only. This proceeding will be held via a Zoom webinar.
		Webinar Access: All counsel, members of the public, and media may access the webinar information at <u>https://www.cand.uscourts.gov/sk</u>
		General Order 58. Persons granted access to court proceedings held by te lephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.
		Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.
		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (mkl, COURT STAFF) (Filed on 6/8/2022) (Entered: 06/08/2022)
06/13/2022	32	Minute Entry for proceedings held by Zoom before Magistrate Judge Sallie Kim: Initial Case Management Conference held on 6/13/2022. The Court will finalize the schedule for the cross-motions for summary judgment. In addition, the Court will refer this matter to a magistrate judge for settlement. A scheduling order will be issued.
		Digital Recording Time: 1:30–1:39. Attorney for Plaintiffs: Shawn Musgrave. Attorney for Defendants: Douglas Johns.
		(<i>This is a text–only entry generated by the court. There is no document associated with this entry.</i>) (mkl, COURT STAFF) (Date Filed: 6/13/2022) (Entered: 06/13/2022)
06/14/2022	<u>33</u>	Case Management Order. Signed by Judge Sallie Kim on June 14, 2022. (sklc1, COURT STAFF) (Filed on 6/14/2022) (Entered: 06/14/2022)

06/14/2022		Set Deadlines/Hearings: Joint Further Case Management Statement due by 2/6/2023. Further Case Management Conference set for 2/13/2023 01:30 PM in San Francisco, Courtroom C, 15th Floor. (cjl, COURT STAFF) (Filed on 6/14/2022) (Entered: 06/15/2022)
06/21/2022		Set/Reset Hearing: Motion Hearing set for 1/23/2023 09:30 AM in San Francisco, Courtroom C, 15th Floor before Magistrate Judge Sallie Kim. (mkl, COURT STAFF) (Filed on 6/21/2022) (Entered: 06/21/2022)
06/22/2022		CASE REFERRED to Magistrate Judge Thomas S. Hixson for Settlement (mkl, COURT STAFF) (Filed on 6/22/2022) (Entered: 06/22/2022)
06/22/2022	34	CLERK'S NOTICE: Scheduling Pre-Settlement Conference Telephone Call:
		This case has been referred for Settlement Conference to Magistrate Judge Thomas S. Hixson.
		A Pre–Settlement Conference Telephone Call is scheduled for 6/30/2022 @ 3:00 P.M. Counsel shall be prepared to speak about the status of this case and to talk about the Settlement Conference and schedule a date for the Settlement Conference.
		Counsel shall call the following conference call number: 1–888–684–8852/Access Code: 2925506
		If counsel have any questions please contact the Courtroom Deputy, Rose Maher, by email: Rose_Maher@cand.uscourts.gov
		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (rmm2, COURT STAFF) (Filed on 6/22/2022) (Entered: 06/22/2022)
06/30/2022	35	Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson:
		Telephone Conference re scheduling Settlement Conference held on 6/30/2022 at 3:00 p.m.
		Digital Recording Time: Not Recorded/Total Time: 3:00–3:10 – 10 Minutes.
		Plaintiff Attorney: Diana V. Baranetsky; Shawn Musgrave.
		Defendant Attorney: Douglas E. Johns, AUSA, rep. defendant United States of America.
		Proceedings: A further telephone call is scheduled for: 2/9/2023 at 3:00 p.m., to possibly scheduling a Settlement Conference.
		call in: 1-888-684-8852/Passcode: 2925506/Host Code: 2126
		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (rmm2, COURT STAFF) (Date Filed: 6/30/2022) (Entered: 06/30/2022)
06/30/2022		Set/Reset Hearing re 35 Telephone Conference:
		Further Telephone Conference set for 2/9/2023 at 3:00 PM in San Francisco, – Telephonic Only before Magistrate Judge Thomas S. Hixson.
		(rmm2, COURT STAFF) (Filed on 6/30/2022) (Entered: 06/30/2022)
09/09/2022	<u>36</u>	MOTION for Summary Judgment filed by U. S. Department of Justice, U. S. Department of State. Motion Hearing set for 1/23/2023 09:30 AM before Magistrate Judge Sallie Kim. Responses due by 9/23/2022. Replies due by 9/30/2022. (Attachments: # 1 Declaration ALIEU D. KARGBO, # 2 Exhibit to declaration of Alieu D. Kargbo, # 3 Declaration ANGELA HERTEL, # 4 Exhibit to declaration of Angela Hertel, # 5 Declaration KARA CAIN, # 6 Exhibit to declaration of Kara Cain, # 7 Declaration Susan Weetman, # 8 Exhibit to declaration of Susan Weetman)(Johns, Douglas) (Filed on 9/9/2022) Modified on 9/12/2022 (jml, COURT STAFF). (Entered

		09/09/2022)
09/12/2022	<u>37</u>	NOTICE of Withdrawal of Counsel Shawn Musgrave with Proposed Order by Anayansi Diaz–Cortes, The Center for Investigative Reporting. (Musgrave, Shawn) (Filed on 9/12/2022) Modified on 9/13/2022 (cjl, COURT STAFF). (Entered: 09/12/2022)
09/13/2022	<u>38</u>	ORDER re <u>37</u> Notice of Withdrawal of Counsel. Signed by Magistrate Judge Sallie Kim on 9/13/2022. (mkl, COURT STAFF) (Filed on 9/13/2022) (Entered: 09/13/2022)
10/21/2022	<u>39</u>	OPPOSITION/RESPONSE (re <u>36</u> MOTION for Summary Judgment) <i>and</i> <i>Cross-Motion for Summary Judgment</i> filed byAnayansi Diaz-Cortes, The Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration Baranetsky Decl., # <u>2</u> Exhibit 1, # <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, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17)(Baranetsky, Diana) (Filed on 10/21/2022) Modified on 10/24/2022 (cjl, COURT STAFF). (Entered: 10/21/2022)
11/18/2022	<u>40</u>	DEFENDANTS REPLY IN SUPPORT OF <u>36</u> MOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO PLAINTIFFS MOTION FOR SUMMARY JUDGMENT filed by U. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 11/18/2022) Modified on 11/21/2022 (cjl, COURT STAFF). (Entered: 11/18/2022)
11/28/2022	<u>41</u>	STIPULATION WITH PROPOSED ORDER To Extend Time for Briefing filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting, U.S. Department of Justice, U.S. Department of State. (Baranetsky, Diana) (Filed on 11/28/2022) Modified on 11/28/2022 (cjl, COURT STAFF). (Entered: 11/28/2022)
11/29/2022	<u>42</u>	ORDER by Magistrate Judge Sallie Kim granting <u>41</u> Stipulation Regarding Revised Briefing Schedule. (mkl, COURT STAFF) (Filed on 11/29/2022) (Entered: 11/29/2022)
11/29/2022		Set/Reset Deadlines as to <u>36</u> MOTION for Summary Judgment. Replies due by 12/9/2022. (mkl, COURT STAFF) (Filed on 11/29/2022) (Entered: 11/29/2022)
12/09/2022	<u>43</u>	PLAINTIFFS SURREPLY TO DEFENDANTS REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT AND REPLY IN SUPPORT OF CROSS MOTION FOR SUMMARY JUDGMENT filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting. (Baranetsky, Diana) (Filed on 12/9/2022) Modified on 12/12/2022 (cjl, COURT STAFF). (Entered: 12/09/2022)
12/16/2022	<u>44</u>	OBJECTIONS to <i>DEFENDANTS' OBJECTION TO REPLY EVIDENCE</i> by U. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 12/16/2022) (Entered: 12/16/2022)
01/11/2023	45	CLERKS NOTICE SETTING ZOOM HEARING.
		Motion Hearing Re: <u>36</u> MOTION for Summary Judgment and <u>39</u> CROSS–MOTION for Summary Judgment currently set for 1/23/2023 09:30 AM in San Francisco before Magistrate Judge Sallie Kim. This proceeding will be held by videoconference via a Zoom webinar.
		Webinar Access: All counsel, members of the public, and media may access the webinar information at <u>https://www.cand.uscour ts.gov/sk</u>
		General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.
		Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.
		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (mkl, COURT STAFF) (Filed on 1/11/2023) (Entered: 01/11/2023)

01/18/2023	<u>46</u>	NOTICE OF QUESTIONS. Signed by Magistrate Judge Sallie Kim on 1/18/2023. (mkl, COURT STAFF) (Filed on 1/18/2023) (Entered: 01/18/2023)
01/23/2023	47	Minute Entry for proceedings held before Magistrate Judge Sallie Kim: Motion Hearing held on 1/23/2023 re <u>36</u> MOTION for Summary Judgment filed by U. S. Department of Justice, U. S. Department of State and <u>39</u> Cross-MOTION for Summary Judgment filed by Anayansi Diaz-Cortes, The Center for Investigative Reporting.
		The Court takes the matter under submission and will issue a written order.
		Digital Recording Time: 9:36–10:19. Attorney for Plaintiff: Diana Victoria Baranetsky. Attorney for Defendants: Douglas Johns.
		(<i>This is a text–only entry generated by the court. There is no document associated with this entry.</i>) (mkl, COURT STAFF) (Date Filed: 1/23/2023) (Entered: 01/23/2023)
01/24/2023	<u>48</u>	Declaration of D. Victoria Baranetsky <i>In Support of Submission of Certified</i> <i>Translations</i> filed byAnayansi Diaz–Cortes, The Center for Investigative Reporting. (Attachments: # <u>1</u> Exhibit Exhibits A–E)(Baranetsky, Diana) (Filed on 1/24/2023) (Entered: 01/24/2023)
01/27/2023	<u>49</u>	OBJECTIONS to DEFENDANTS OBJECTION TO NEW EVIDENCE AND REQUEST TO RESPOND TO NEW EVIDENCE by U. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 1/27/2023) (Entered: 01/27/2023)
02/06/2023	<u>50</u>	FURTHER JOINT CASE MANAGEMENT STATEMENT; [PROPOSED] ORDER filed by U. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 2/6/2023) Modified text on 2/7/2023 (dhm, COURT STAFF). (Entered: 02/06/2023)
02/06/2023	51	CLERK'S NOTICE Vacating Case Management Conference:
		Notice is hereby given that the Case Management Conference scheduled for 2/13/2023 at 1:30 PM is vacated.
		(This is a text-only entry generated by the court. There is no document associated with this entry.) (mkl, COURT STAFF) (Filed on 2/6/2023) (Entered: 02/06/2023)
02/09/2023	52	Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson:
		Telephone Conference held on 2/9/2023 at 3:00 p.m.
		Digital Recording Time: Not Recorded.
		Plaintiff Attorney: Diana V. Baranetsky; Shawn Musgrave.
		Defendant Attorney: Douglas E. Johns, AUSA, rep. defendant United States of America.
		Proceedings: Further Pre–Settlement telephone conference scheduled: 6/15/2023 at 3:00 p.m.
		Call in Number: 1-888-684-8852/Passcode: 2925506
		(This is a text-only entry generated by the court. There is no document associated with this entry.) (rmm2, COURT STAFF) (Date Filed: 2/9/2023) (Entered: 02/09/2023)
02/09/2023		CLERK'S NOTICE SCHEDULING FURTHER PRE–SETTLEMENT TELEPHONE CALL:
		Further Pr–Settlement Conference Telephone Conference set for: 6/15/2023 at 3:00 PM in San Francisco, – Telephonic Only before Magistrate Judge Thomas S. Hixson.
		Call in number: 1-888-684-8852/Passcode: 2925506

		(rmm2, COURT STAFF) (Filed on 2/9/2023) (Entered: 02/09/2023)
02/14/2023	<u>53</u>	ORDER REGARDING RESPONSE. Signed by Magistrate Judge Sallie Kim on 2/14/2023. (mkl, COURT STAFF) (Filed on 2/14/2023) (Entered: 02/14/2023)
02/21/2023	<u>54</u>	RESPONSE to Press Releases by U. S. Department of Justice. (Johns, Douglas) (Filed on 2/21/2023) (Entered: 02/21/2023)
03/01/2023	<u>55</u>	ORDER by Magistrate Judge Sallie Kim denying <u>36</u> Defendants' Motion for Summary Judgment; granting <u>39</u> Plaintiffs' Motion for Summary Judgment. (mkl, COURT STAFF) (Filed on 3/1/2023) (Entered: 03/01/2023)
05/18/2023	<u>56</u>	NOTICE of Appearance by Hannah Kirsten Nelson <i>as Counsel of Record for Plaintiff.</i> (Nelson, Hannah) (Filed on 5/18/2023) (Entered: 05/18/2023)
05/18/2023	<u>57</u>	NOTICE of Appearance by Rani Gupta <i>as Counsel of Record for Plaintiffs</i> (Gupta, Rani) (Filed on 5/18/2023) (Entered: 05/18/2023)
05/18/2023	<u>58</u>	ADMINISTRATIVE MOTION to Clarify Deadline for Defendants to Comply with Court Order re <u>55</u> Order on Motion for Summary Judgment, filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting. Responses due by 5/22/2023. (Attachments: # <u>1</u> Declaration of D. Victoria Baranetsky in Support of Plaintiffs' Motion for Administrative Relief Pursuant to L.R. 7–11 to Clarify Deadline for Defendants to Comply with Court Order, # <u>2</u> Proposed Order)(Gupta, Rani) (Filed on 5/18/2023) (Entered: 05/18/2023)
05/22/2023	<u>59</u>	Defendants' OPPOSITION to Plaintiffs' Motion for Administrative Relief (re <u>55</u> Order on Motion for Summary Judgment, re <u>58</u> ADMINISTRATIVE MOTION to Clarify Deadline for Defendants to Comply with Court Order) filed by U. S. Department of Justice, U. S. Department of State. (Attachments: # <u>1</u> Declaration of Kara Cain, # <u>2</u> Declaration of Christina Butler, # <u>3</u> Declaration of Susan C. Weetman, # <u>4</u> Declaration of Drew Lavine, # <u>5</u> Declaration of Douglas Johns)(Johns, Douglas) (Filed on 5/22/2023) (Entered: 05/22/2023)
05/22/2023	<u>60</u>	[PROPOSED] ORDER Denying Plaintiffs Motion for Administrative Relief re <u>59</u> Opposition/Response to Motion, by U. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 5/22/2023) (Entered: 05/22/2023)
05/24/2023	<u>61</u>	ORDER re <u>58</u> ADMINISTRATIVE MOTION.
		Status Conference as to <u>58</u> ADMINISTRATIVE MOTION set for 6/5/2023 at 11:30 AM in San Francisco, – Videoconference Only before Magistrate Judge Sallie Kim.
		This proceeding will be held via a Zoom webinar.
		Webinar Access: All counsel, members of the public, and media may access the webinar information at <u>https://www.cand.uscourts.gov/sk</u>
		General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.
		Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.
		(jlg, COURT STAFF) (Filed on 5/24/2023) (Entered: 05/24/2023)
06/05/2023	62	Minute Entry for proceedings held by Zoom before Magistrate Judge Sallie Kim: Status Conference held on 6/5/2023.
		The 58 Administrative Motion is denied without prejudice to seeking further relief in the future as stated on the record.
		Digital Recording Time: 11:29–11:38. Attorney for Plaintiffs: Victoria Baranetsky. Attorney for Defendants: Doug Johns.

		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (mkl, COURT STAFF) (Date Filed: 6/5/2023) (Entered: 06/05/2023)
06/15/2023	63	Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Telephone Conference re scheduling Settlement Conference held on 6/15/2023 at 3:00 p.m.
		Digital Recording Time: Not Recorded.
		Plaintiff Attorney: Counsel was not present.
		Defendant Attorney: David Johns, AUSA.
		Proceedings:
		Telephone conference did not proceed. Counsel for Plaintiffs did not appear. A Further Telephone Conference re scheduling a Settlement Conference is scheduled for: June 29, 2023 at 3:00 p.m.
		Call in: 1-888-684-8852/Passcode: 2925506
		(This is a text-only entry generated by the court. There is no document associated with this entry.) (rmm2, COURT STAFF) (Date Filed: 6/15/2023) (Entered: 06/15/2023)
06/15/2023	64	CLERK'S NOTICE SETTING FURTHER TELEPHONE CONFERENCE RE SCHEDULING A SETTLEMENT CONFERENCE:
		Further Telephone Conference set for 6/29/2023 at 3:00 PM in San Francisco, – Telephonic Only before Magistrate Judge Thomas S. Hixson.
		Call in Number: 1-888-684-8852/Passcode: 2925506
		(<i>This is a text–only entry generated by the court. There is no document associated with this entry.</i>) (rmm2, COURT STAFF) (Filed on 6/15/2023) (Entered: 06/15/2023)
06/29/2023	65	Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson:
		Telephone Conference held on 6/29/2023 at 3:00 p.m.
		Digital Recording Time: Not recorded.
		Plaintiff Attorney: Hannah Nelson /Rani Gupta.
		Defendant Attorney: Douglas Johns, AUSA.
		Proceedings: Further Telephone conference re scheduling Settlement Conference is set for: 10/27/2023 at 3:00 p.m.
		Call in number: 1-888-684-8852/Passcode: 2925506
		(This is a text-only entry generated by the court. There is no document associated with this entry.) (rmm2, COURT STAFF) (Date Filed: 6/29/2023) (Entered: 06/29/2023)
06/29/2023		Set/Reset Hearing re 65 Telephone Conference:
		Further Telephone Conference re scheduling Settlement Conference set for 10/27/2023 03:00 PM in San Francisco, – Telephonic Only before Magistrate Judge Thomas S. Hixson.
		Call in number: 1-888-684-8852/Passcode: 2925506
		(rmm2, COURT STAFF) (Filed on 6/29/2023) (Entered: 06/29/2023)

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10/17/2023	66	CLERK'S NOTICE Setting Case Management Conference:
		Further Case Management Conference set for 11/13/2023 at 1:30 PM in San Francisco, – Videoconference Only. Case Management Statement due by 11/6/2023.
		This proceeding will be held via a Zoom webinar.
		Webinar Access: All counsel, members of the public, and media may access the webinar information at <u>https://www.cand.uscourts.gov/sk</u>
		General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.
		Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.
		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (bxl, COURT STAFF) (Filed on 10/17/2023) (Entered: 10/17/2023)
10/27/2023	67	Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson:
		Telephone Conference held on 10/27/2023 at 3:00 PM re scheduling a Settlement Conference.
		Digital Recording Time: Not Recorded.
		Plaintiff Attorney: Hannah Nelson /Rani Gupta.
		Defendant Attorney: Douglas Johns, AUSA.
		Proceedings: Further Telephone conference re scheduling Settlement Conference is set for: 1/26/2024 at 3:00 p.m.
		(This is a text-only entry generated by the court. There is no document associated with this entry.) (rmm2, COURT STAFF) (Date Filed: 10/27/2023) (Entered: 10/29/2023)
10/29/2023		Set/Reset Hearing:
		Further Telephone Conference re scheduling a Settlement Conference set for 1/26/2024 at 3:00 PM in San Francisco, – Telephonic Only before Magistrate Judge Thomas S. Hixson.
		Call in number: 1-888-684-8852/Passcode: 2925506/Host Code:2126
		(rmm2, COURT STAFF) (Filed on 10/29/2023) (Entered: 10/29/2023)
10/30/2023	<u>68</u>	STIPULATION WITH PROPOSED ORDER re 66 Clerk's Notice,,,,, Util – Teleconference Zoom,,,, – – <i>Stipulation and [Proposed] Order to Continue November</i> <i>13 Case Management Conference</i> , filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration of Hannah Nelson in Support of Stipulation to Continue Further Case Management Conference)(Nelson, Hannah) (Filed on 10/30/2023) (Entered: 10/30/2023)
10/31/2023	<u>69</u>	ORDER by Magistrate Judge Sallie Kim granting <u>68</u> Stipulation to Continue Case Management Conference. Case Management Statement due by 11/20/2023. Further Case Management Conference reset for 11/27/2023 01:30 PM in San Francisco – Videoconference Only. (mkl, COURT STAFF) (Filed on 10/31/2023) (Entered: 10/31/2023)
11/20/2023	<u>70</u>	JOINT CASE MANAGEMENT STATEMENT <i>FURTHER JOINT CASE</i> <i>MANAGEMENT STATEMENT</i> filed by U. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 11/20/2023) (Entered: 11/20/2023)

11/22/2023	71	CLERKS NOTICE SETTING ZOOM HEARING.
		Further Case Management Conference currently set for 11/27/2023 01:30 PM in San Francisco. This proceeding will be held by videoconference via a Zoom webinar.
		Webinar Access: All counsel, members of the public, and media may access the webinar information at <u>https://www.cand.uscourts.gov/sk</u>
		General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.
		Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.
		(This is a text-only entry generated by the court. There is no document associated with this entry.) (mkl, COURT STAFF) (Filed on 11/22/2023) (Entered: 11/22/2023)
11/27/2023	72	Minute Entry for proceedings held by Zoom before Magistrate Judge Sallie Kim: Further Case Management Conference held on 11/27/2023. The Court directs the parties to meet and confer by the end of November regarding how the case should proceed. If unable to come to an agreement, the parties shall submit their competing proposals to the Court by 12/15/2023.
		Updated Case Management Statement due by 1/29/2024. Further Case Management Conference set for 2/5/2024 01:30 PM in San Francisco – Videoconference Only.
		Digital Recording Time: 1:31–1:35. Attorneys for Plaintiffs: Hannah Nelson and Rani Gupta. Attorney for Defendants: Douglas Johns.
		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (mkl, COURT STAFF) (Date Filed: 11/27/2023) (Entered: 11/27/2023)
12/15/2023	<u>73</u>	CASE MANAGEMENT STATEMENT <i>DEFENDANTS CASE MANAGEMENT</i> <i>PROPOSAL</i> filed by U. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 12/15/2023) (Entered: 12/15/2023)
12/15/2023	<u>74</u>	CASE MANAGEMENT STATEMENT – <i>Plaintiffs' Proposal for Expedited</i> <i>Summary Judgment Process and [Proposed] Order,</i> filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting. (Nelson, Hannah) (Filed on 12/15/2023) (Entered: 12/15/2023)
12/18/2023	<u>75</u>	ORDER REGARDING CASE SCHEDULE re <u>73</u> Case Management Statement <u>74</u> Case Management Statement. Updated Joint Case Management Statement due by 4/1/2024. Further Case Management Conference set for 4/8/2024 at 1:30 PM in San Francisco, – Videoconference Only. Signed by Judge Sallie Kim on 12/18/2023. (jlg, COURT STAFF) (Filed on 12/18/2023) (Entered: 12/18/2023)
01/26/2024	76	Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson:
		Telephone Conference re scheduling Settlement Conference held on 1/26/2024 at 3:00 PM.
		Digital Recording Time: Not Recorded.
		Plaintiff(s) Attorney: Rani Gupta/Hannah Nelson.
		Defendant(s) Attorney: AUSA Douglas Johns.
		Proceedings:
		Parties stated they not yet able to schedule a settlement conference and requested a 60 day extension. Court has scheduled a further telephone call re scheduling a settlment conference for: March 29, 2024 at 4:30 PM, by telephone before

		Magistrate Judge Thomas S. Hixson.
		Call in number: 1-888-684-8852/Passcode: 2925506
		Any questions may be directed to the Courtroom Deputy, Rose Maher, by email:Rose_Maher@cand.uscourts.gov
		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (rmm2, COURT STAFF) (Date Filed: 1/26/2024) (Entered: 01/26/2024)
01/26/2024		Set/Reset Hearing re 76 Telephone Conference: Further Telephone Conference re scheduling a settlement conference for: 3/29/2024 at 4:30 PM in San Francisco, – Telephonic Only before Magistrate Judge Thomas S. Hixson.
		Call in number: 1-888-684-8852/Passcode:2925506
		(rmm2, COURT STAFF) (Filed on 1/26/2024) (Entered: 01/26/2024)
02/14/2024	77	Certificate of Interested Entities by Anayansi Diaz–Cortes, The Center for Investigative Reporting identifying Other Affiliate Foundation for National Progress for The Center for Investigative Reporting. <i>–– Plaintiffs' Supplemental Certification</i> <i>of Conflicts and Interested Entities or Persons</i> (Nelson, Hannah) (Filed on 2/14/2024) (Entered: 02/14/2024)
03/05/2024	<u>78</u>	STIPULATION WITH PROPOSED ORDER – Stipulation and [Proposed] Order to Continue April 8 Case Management Conference, filed by Anayansi Diaz–Cortes, The Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration of Rani Gupta in Support of Stipulation to Continue Further Case Management Conference)(Gupta, Rani) (Filed on 3/5/2024) (Entered: 03/05/2024)
03/06/2024	<u>79</u>	Order by Magistrate Judge Sallie Kim granting <u>78</u> Stipulation to Continue April 8th Case Management Conference. Further Case Management Conference set for 4/8/2024 continued to 4/29/2024 at 1:30 PM in San Francisco, – Videoconference Only. Case Management Statement due by 4/22/2024. (bxl, COURT STAFF) (Filed on 3/6/2024) (Entered: 03/06/2024)
04/22/2024	<u>80</u>	JOINT CASE MANAGEMENT STATEMENT <i>FURTHER JOINT CASE</i> <i>MANAGEMENT STATEMENT</i> filed by U. S. Department of Justice, U. S. Department of State. (Johns, Douglas) (Filed on 4/22/2024) (Entered: 04/22/2024)
04/23/2024	81	CLERK'S NOTICE Setting Zoom Hearing:
		Further Case Management Conference set for 4/29/2024 is continued to 6/17/2024 at 1:30 PM in San Francisco – Videoconference Only. Case Management Statement due by 6/10/2024. This proceeding will be held via a Zoom webinar.
		Webinar Access: All counsel, members of the public, and media may access the webinar information at <u>https://www.cand.uscourts.gov/sk</u>
		General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.
		Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.
		(<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>)(bxl, COURT STAFF) (Filed on 4/23/2024) (Entered: 04/23/2024)
05/14/2024	<u>82</u>	NOTICE of Appearance by Francoise Djoukeng <i>as Counsel of Record for Plaintiffs</i> (Djoukeng, Francoise) (Filed on 5/14/2024) (Entered: 05/14/2024)
06/10/2024	<u>83</u>	JOINT CASE MANAGEMENT STATEMENT <i>FURTHER JOINT CASE</i> <i>MANAGEMENT STATEMENT</i> filed by U. S. Department of Justice. (Johns, Douglas) (Filed on 6/10/2024) (Entered: 06/10/2024)

06/17/2024	84	Minute Entry for proceedings held by Zoom before Magistrate Judge Sallie Kim: Further Case Management Conference held on 6/17/2024.
		The Court set 11/30/2024 as the production deadline for the Vaughn indices. Further Case Management Conference set for 12/2/2024 at 1:30 PM in San Francisco – Videoconference Only. Case Management Statement due by 11/25/2024.
		Zoom Recording Time: 1:31–1:35. Attorneys for Plaintiff: Hannah Nelson, Rani Gupta and Fran Djoukeng. Attorney for Defendant: Douglas Johns.
		(<i>This is a text–only entry generated by the court. There is no document associated with this entry.</i>) (bxl, COURT STAFF) (Date Filed: 6/17/2024) (Entered: 06/17/2024)