

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00280-DLF**

GREENSPAN v. U.S. DEPARTMENT OF
TRANSPORTATION et al
Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 02/03/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AARON GREENSPAN

represented by **AARON GREENSPAN**
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PRO SE

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TERMINATED: 08/18/2022
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V.

Defendant

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Defendant

**NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION**

represented by **April Denise Seabrook**
(See above for address)
TERMINATED: 08/09/2022
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas C. Dreier
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. SECURITIES AND EXCHANGE
COMMISSION**
TERMINATED: 04/19/2022

represented by **April Denise Seabrook**
(See above for address)
TERMINATED: 08/09/2022
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/03/2022	<u>1</u>	COMPLAINT against NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, U.S. SECURITIES AND EXCHANGE COMMISSION (Filing fee \$ 402 receipt number ADCDC-9021268) filed by AARON GREENSPAN. (Attachments: # <u>1</u> Exhibit Ex. 1-6, # <u>2</u> Exhibit Ex. 7-13, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons)(Topic, Matthew) (Entered: 02/03/2022)
02/03/2022	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of AARON GREENSPAN (Topic, Matthew) (Entered: 02/03/2022)
02/07/2022		Case Assigned to Judge Dabney L. Friedrich. (zsb) (Entered: 02/07/2022)
02/07/2022		STANDARD ORDER for Civil Cases. See text for details. Signed by Judge Dabney L. Friedrich on February 7, 2022. (lclfl1) (Entered: 02/07/2022)
02/10/2022	<u>3</u>	SUMMONS (5) Issued Electronically as to NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, U.S. SECURITIES AND EXCHANGE COMMISSION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(znmw) (Entered: 02/10/2022)
03/23/2022	<u>4</u>	Consent MOTION for Extension of Time to File Answer by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, U.S. SECURITIES AND EXCHANGE COMMISSION. (Seabrook, April) (Entered: 03/23/2022)
03/24/2022	<u>5</u>	AMENDED COMPLAINT against NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, U.S. SECURITIES AND EXCHANGE COMMISSION filed by AARON GREENSPAN. (Attachments: # <u>1</u> Exhibit Ex 1-10, # <u>2</u> Exhibit Ex 11-21, # <u>3</u> Exhibit Ex 22-30)(Topic, Matthew) (Entered: 03/24/2022)
04/04/2022		MINUTE ORDER granting the government's <u>4</u> Consent Motion for Extension of Time. Accordingly, the government shall answer or otherwise respond to the plaintiff's <u>5</u> Amended Complaint on or before April 12, 2022. So Ordered by Judge Dabney L. Friedrich on April 4, 2022. (lclfl1) (Entered: 04/04/2022)

04/12/2022	<u>6</u>	Consent MOTION for Extension of Time to File Answer by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, U.S. SECURITIES AND EXCHANGE COMMISSION. (Seabrook, April) (Entered: 04/12/2022)
04/12/2022		MINUTE ORDER granting the defendants' <u>6</u> Consent Motion for Extension of Time. Accordingly, the plaintiff shall file a second amended complaint on or before April 19, 2022 and the defendants shall answer or otherwise respond to that complaint on or before May 10, 2022. So Ordered by Judge Dabney L. Friedrich on April 12, 2022. (lcldf1) (Entered: 04/12/2022)
04/12/2022		Set/Reset Deadlines: Amended Complaint due by 4/19/2022. Answer due by 5/10/2022, (zjch,) (Entered: 04/12/2022)
04/19/2022	<u>7</u>	AMENDED COMPLAINT against NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION filed by AARON GREENSPAN. (Attachments: # <u>1</u> Exhibit Ex 1-6)(Topic, Matthew) (Entered: 04/19/2022)
05/10/2022	<u>8</u>	ANSWER to <u>7</u> Amended Complaint by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION.(Seabrook, April) (Entered: 05/10/2022)
05/10/2022		MINUTE ORDER requiring the parties to MEET AND CONFER and file a joint status report proposing a schedule for further proceedings. The status report should address the status of the plaintiff's FOIA request, including the anticipated number of documents responsive to the request and the anticipated date(s) for release of the requested documents. The parties shall file the joint status report on or before May 24, 2022. So Ordered by Judge Dabney L. Friedrich on May 10, 2022. (lcldf2) (Entered: 05/10/2022)
05/24/2022	<u>9</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Seabrook, April) (Entered: 05/24/2022)
05/25/2022		MINUTE ORDER. Upon consideration of the parties' <u>9</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before July 23, 2022. So Ordered by Judge Dabney L. Friedrich on May 25, 2022. (lcldf1) (Entered: 05/25/2022)
05/25/2022		Set/Reset Deadlines: Status Report due by 7/23/2022 (zjch,) (Entered: 05/26/2022)
07/25/2022	<u>10</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Seabrook, April) (Entered: 07/25/2022)
07/26/2022		MINUTE ORDER. Upon consideration of the parties' <u>10</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before August 23, 2022. So Ordered by Judge Dabney L. Friedrich on July 26, 2022. (lcldf1) (Entered: 07/26/2022)
07/27/2022	<u>11</u>	ENTERED IN ERROR.....MOTION to Withdraw as Attorney by AARON GREENSPAN. (Loevy, Joshua) Modified on 7/29/2022. Counsel has refiled pleading (zed). (Entered: 07/27/2022)
07/27/2022	<u>12</u>	MOTION to Withdraw as Attorney <i>Corrected</i> by AARON GREENSPAN. (Attachments: # <u>1</u> Exhibit 1)(Topic, Matthew) (Entered: 07/27/2022)
07/29/2022		NOTICE OF ERROR re <u>12</u> Motion to Withdraw as Attorney; emailed to matt@loevy.com, cc'd 6 associated attorneys — The PDF file you docketed contained errors: 1. Please note the following for future filings; do not refile document , 2. FYI: Attorney signature must match login/password in all future fillings. (zed,) (Entered: 07/29/2022)
08/09/2022	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Douglas C. Dreier on behalf of NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION Substituting for attorney April D. Seabrook (Dreier, Douglas) (Entered: 08/09/2022)

08/15/2022		MINUTE ORDER. Pursuant to Local Rule 83.6(c), the plaintiff is ORDERED to notify the Court on or before August 19, 2022, whether he objects to his attorney's withdrawal, intends to proceed pro se, or needs additional time to obtain new counsel. So Ordered by Judge Dabney L. Friedrich on August 15, 2022. (lcldf1) (Entered: 08/15/2022)
08/15/2022		Set/Reset Deadlines: Plaintiff to objects to his attorney's withdrawal, intent to proceed pro se, or needs additional time to obtain new counsel by 8/19/2022. (zjch,) (Entered: 08/16/2022)
08/16/2022	<u>14</u>	MOTION for CM/ECF Password by AARON GREENSPAN. (zed) (Entered: 08/16/2022)
08/16/2022		MINUTE ORDER granting the plaintiff's <u>14</u> Motion for Leave to File Electronically via CM/ECF. The Clerk of Court shall provide the plaintiff with instructions for accessing the Court's electronic filing system. So Ordered by Judge Dabney L. Friedrich on August 16, 2022. (lcldf1) (Entered: 08/16/2022)
08/17/2022	<u>15</u>	NOTICE of Non–Opposition to Withdrawal of Attorneys by AARON GREENSPAN (GREENSPAN, AARON) (Entered: 08/17/2022)
08/18/2022		MINUTE ORDER. Upon consideration of the plaintiff's <u>15</u> Notice of Non–Opposition to Withdrawal of Attorneys, it is ORDERED that the <u>12</u> Corrected Motion to Withdraw as Plaintiff's Counsel is GRANTED. The Clerk of Court shall withdraw Loevy & Loevy as counsel to the plaintiff. As a pro se litigant, the plaintiff is required to comply with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the District of Columbia. Assistance for pro se litigants is available at https://www.dcd.uscourts.gov/pro-se-help . So Ordered by Judge Dabney L. Friedrich on August 18, 2022. (lcldf1) (Entered: 08/18/2022)
08/23/2022	<u>16</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Text of Proposed Order – Plaintiff's, # <u>2</u> Text of Proposed Order – Defendants)(Dreier, Douglas) (Entered: 08/23/2022)
08/23/2022		<p>MINUTE ORDER. Upon review of the parties' <u>16</u> Joint Status Report, the Court will not require the defendant to increase its proposed processing rate. "Courts have broad discretion to determine a reasonable processing rate for a FOIA request." <i>Colbert v. FBI</i>, No. 16–cv–1790, 2018 WL 6299966, at *3 (D.D.C. Sept. 3, 2018). The analysis is informed by "[s]everal factors," including "the size and compelling need of the request compared to others, as well as the effect of the request on the [agency's] ability to review other FOIA requests." <i>Id.</i> The plaintiff has provided no grounds for requiring the defendant to prioritize this case over similar FOIA cases, nor for requiring the defendant to produce (rather than process) documents at a certain rate. Consequently, the Court will "defer[] to the agency's release policies," <i>id.</i>, which are consistent with processing rates in other FOIA cases.</p> <p>In addition, while the Court agrees with the defendants that any amendments to the plaintiff's complaint could slow processing and further delay litigation, it will not impose a deadline for amendment. Nor will the Court order the defendant to prove the confidential nature of its redactions at this time, as the Court will not engage in piecemeal litigation on the application of FOIA exemptions while production is actively ongoing.</p> <p>The parties shall file another joint status report regarding the defendant's progress on or before October 27, 2022. So Ordered by Judge Dabney L. Friedrich on August 23, 2022. (lcldf1) (Entered: 08/23/2022)</p>
09/19/2022	<u>17</u>	MOTION for Leave to File <i>Amended and/or Supplemental Complaint</i> by AARON GREENSPAN. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint, # <u>2</u> Text of Proposed Order)(GREENSPAN, AARON) (Entered: 09/19/2022)
10/03/2022	<u>18</u>	WITHDRAWN PURSUANT TO NOTICE FILED ON 10/7/2022.....Memorandum in opposition to re <u>17</u> Motion for Leave to File <i>Third Amended Complaint</i> filed by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Dreier, Douglas) Modified on 10/11/2022 (zed). (Entered: 10/03/2022)

		10/03/2022)
10/05/2022	<u>19</u>	REPLY to opposition to motion re <u>17</u> MOTION for Leave to File <i>Amended and/or Supplemental Complaint</i> filed by AARON GREENSPAN. (Attachments: # <u>1</u> Exhibit A: Relevant E-Mail Correspondence With Opposing Counsel)(GREENSPAN, AARON) (Entered: 10/05/2022)
10/07/2022	<u>20</u>	NOTICE of Withdrawal of Defendants' Opposition to Motion for Leave to File a Third Amended Complaint by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION re <u>18</u> Memorandum in Opposition, (Dreier, Douglas) (Entered: 10/07/2022)
10/11/2022		MINUTE ORDER granting the plaintiff's unopposed <u>17</u> Motion for Leave to File Third Amended Complaint. The Clerk of Court shall docket [17-1] as the plaintiff's Third Amended Complaint. The defendants shall answer or otherwise respond to the Amended Complaint on or before October 25, 2022. See Fed. R. Civ. P. 15(a)(3). So Ordered by Judge Dabney L. Friedrich on October 11, 2022. (lcldf1) (Entered: 10/11/2022)
10/11/2022	<u>21</u>	AMENDED COMPLAINT against NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION filed by AARON GREENSPAN.(zed) (Entered: 10/12/2022)
10/25/2022	<u>22</u>	Partial MOTION to Dismiss by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 10/25/2022)
10/25/2022	<u>23</u>	ANSWER to <u>21</u> Amended Complaint by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION.(Dreier, Douglas) (Entered: 10/25/2022)
10/26/2022	<u>24</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 10/26/2022)
10/31/2022	<u>25</u>	Supplement re <u>21</u> AMENDED COMPLAINT <i>EXHIBITS to accompany</i> against All Defendants filed by AARON GREENSPAN.(GREENSPAN, AARON) Modified docket event/text on 11/3/2022 (zed). Modified docket text on 5/18/2023 (zed). (Entered: 10/31/2022)
10/31/2022	<u>26</u>	Memorandum in opposition to re <u>22</u> Motion to Dismiss filed by AARON GREENSPAN. (Attachments: # <u>1</u> Exhibit A: NHTSA FOIA Appeal No. ES21-000364 Ruling, # <u>2</u> Exhibit B: CDC FOIA "FAQ: CDC/ATSDR" Page)(GREENSPAN, AARON) (Entered: 10/31/2022)
11/07/2022	<u>27</u>	REPLY to opposition to motion re <u>22</u> Partial MOTION to Dismiss filed by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Dreier, Douglas) (Entered: 11/07/2022)
01/23/2023	<u>28</u>	ORDER granting the defendants' <u>22</u> Partial Motion to Dismiss. See text for details. Signed by Judge Dabney L. Friedrich on January 23, 2023. (lcldf1) (Entered: 01/23/2023)
01/30/2023	<u>29</u>	MOTION for Reconsideration re <u>28</u> Order on Motion to Dismiss, Set/Reset Deadlines by AARON GREENSPAN. (Attachments: # <u>1</u> Text of Proposed Order)(GREENSPAN, AARON) (Entered: 01/30/2023)
02/13/2023	<u>30</u>	Memorandum in opposition to re <u>29</u> Motion for Reconsideration filed by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 02/13/2023)
02/17/2023	<u>31</u>	REPLY to opposition to motion re <u>29</u> MOTION for Reconsideration re <u>28</u> Order on Motion to Dismiss, Set/Reset Deadlines filed by AARON GREENSPAN. (GREENSPAN, AARON) (Entered: 02/17/2023)

03/23/2023	<u>32</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 03/23/2023)
05/17/2023	<u>33</u>	ORDER denying the plaintiff's <u>29</u> Motion for Reconsideration. See text for details. Signed by Judge Dabney L. Friedrich on May 17, 2023. (lcldf1) (Entered: 05/17/2023)
05/18/2023		Set/Reset Deadlines: Joint Status Report due by 6/16/2023. (ztg) (Entered: 05/18/2023)
06/16/2023	<u>34</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Dreier, Douglas) (Entered: 06/16/2023)
06/16/2023		MINUTE ORDER. Upon consideration of the parties' <u>34</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before October 19, 2023. So Ordered by Judge Dabney L. Friedrich on June 16, 2023. (lcldf1) (Entered: 06/16/2023)
10/19/2023	<u>35</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Dreier, Douglas) (Entered: 10/19/2023)
10/20/2023		MINUTE ORDER. Upon consideration of the parties' <u>35</u> Joint Status Report, the parties shall file a joint status report on or before February 14, 2024. So Ordered by Judge Dabney L. Friedrich on October 20, 2023. (lcldf1) (Entered: 10/20/2023)
10/20/2023		Set/Reset Deadlines: Joint Status Report due by 2/14/2024. (smc) (Entered: 10/20/2023)
02/14/2024	<u>36</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Dreier, Douglas) (Entered: 02/14/2024)
02/15/2024		MINUTE ORDER. Upon consideration of the parties' <u>36</u> Joint Status Report, it is ORDERED as follows: the plaintiff shall file any motion for leave to amend his complaint on or before <u>March 15, 2024</u> or seek an extension of time to do so. If the plaintiff seeks an order directing the defendants to expedite their document processing rate or to alter their parameters for processing documents, he shall file an appropriate motion on or before <u>March 15, 2024</u> . Consistent with the Court's Order of October 23, 2022, the Court will not order the defendant to prove the confidential nature of any redactions or withholdings at this time, as it will not allow piecemeal litigation on the application of FOIA exemptions while production is ongoing. So Ordered by Judge Dabney L. Friedrich on February 15, 2024. (lcldf1) (Entered: 02/15/2024)
03/29/2024		MINUTE ORDER. On February 15, 2024, the Court ordered the plaintiff to file (1) any motion for leave to amend his complaint and (2) any motion seeking an order directing the defendants to expedite their document processing rate or to alter their parameters for processing documents on or before March 15, 2024. As of today, March 29, 2024, the docket reflects that neither motion has been filed. Accordingly, the parties shall file a joint status report on the progress of the plaintiff's FOIA request on or before June 14, 2024. So Ordered by Judge Dabney L. Friedrich on March 29, 2024. (lcldf1) Modified to correct the dates on 4/2/2024 (zjch,). (Entered: 03/29/2024)
03/29/2024		Set/Reset Deadlines: Status Report due by 6/14/2024 (zjch,) (Entered: 04/02/2024)
06/14/2024	<u>37</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION. (Dreier, Douglas) (Entered: 06/14/2024)
06/14/2024		MINUTE ORDER. Upon consideration of the parties' <u>37</u> Status Report, the parties shall file a joint status report on or before December 13, 2024. So Ordered by Judge Dabney L. Friedrich on June 14, 2024. (lcldf1) (Entered: 06/14/2024)