

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00674-TNM**

JAMES MADISON PROJECT et al v. OFFICE OF DIRECTOR
OF NATIONAL INTELLIGENCE

Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 03/10/2022

Date Terminated: 03/26/2024

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JAMES MADISON PROJECT

represented by **Bradley Prescott Moss**
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Plaintiff

BRIAN J. KAREM

represented by **Bradley Prescott Moss**
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Mark Steven Zaid
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V.

Defendant

**OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE**

represented by **Sian Jones**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Johnny Hillary Walker , III
U.S. DEPARTMENT OF JUSTICE
Civil Division
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Date Filed	#	Docket Text
03/10/2022	<u>1</u>	COMPLAINT against All Plaintiffs (Filing fee \$ 402 receipt number ADCDC-9097338) filed by JAMES MADISON PROJECT, BRIAN J. KAREM. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons Summons – ODNI, # <u>3</u> Summons Summons – AG, # <u>4</u> Summons Summons – USAO DC)(Zaid, Mark) (Entered: 03/10/2022)
03/11/2022		Case Assigned to Judge Trevor N. McFadden. (znmj) (Entered: 03/11/2022)
03/11/2022	<u>2</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 3/11/2022. (lctnm2) (Entered: 03/11/2022)
03/14/2022	<u>3</u>	SUMMONS (3) Issued Electronically as to OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zeg) (Entered: 03/14/2022)
03/21/2022	<u>4</u>	NOTICE of Appearance by Bradley Prescott Moss on behalf of JAMES MADISON PROJECT, BRIAN J. KAREM (Moss, Bradley) (Entered: 03/21/2022)
05/09/2022		MINUTE ORDER. Plaintiffs filed the Complaint in this action on March 10, 2022. As of the date of this Order, the public docket reflects that Plaintiffs have yet to file proof of service of each Defendant. The Court directs Plaintiffs' attention to Federal Rule of Civil Procedure 4(m) and Local Civil Rule 5.3. It is hereby ORDERED that, by no later than June 8, 2022. Plaintiffs must either cause process to be served upon each Defendant and file proof of service with the Court or establish good cause for the failure to do so. Failure to make such filings will result in dismissal of this case. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/9/22. (lctnm2) (Entered: 05/09/2022)
05/09/2022		Set/Reset Deadlines: Proof of service due by 6/8/2022. (hmc) (Entered: 05/09/2022)
05/09/2022	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/4/2022. Answer due for ALL FEDERAL DEFENDANTS by 5/4/2022. (Attachments: # <u>1</u> Exhibit 1 – USPS Tracking USAO DC)(Zaid, Mark) (Entered: 05/09/2022)
05/09/2022	<u>6</u>	NOTICE of Appearance by Sian Jones on behalf of All Defendants (Jones, Sian) (Entered: 05/09/2022)
05/09/2022	<u>7</u>	ANSWER to Complaint by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.(Jones, Sian) (Entered: 05/09/2022)
05/09/2022		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before June 13, 2022. Signed by Judge Trevor N. McFadden on 5/9/22. (lctnm2) (Entered: 05/09/2022)
05/09/2022	<u>8</u>	ANSWER to Complaint (<i>Corrected</i>) by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.(Jones, Sian) (Entered: 05/09/2022)
05/09/2022		NOTICE OF ERROR re <u>7</u> Answer to Complaint; emailed to sian.jones@usdoj.gov, cc'd 4 associated attorneys -- The PDF file you docketed contained errors: 1. Please note the following deficiency and file/refile document as instructed , 2. COMPLIANCE DEADLINE: Please refile within 24 hours, 3. Please refile using the

		event ERRATA with attorney signature. (zeg,) (Entered: 05/09/2022)
05/09/2022		Set/Reset Deadlines: Joint Status Report due by 6/13/2022. (hmc) (Entered: 05/09/2022)
05/10/2022	<u>9</u>	ERRATA by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE re <u>7</u> Answer to Complaint filed by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, <u>8</u> Answer to Complaint filed by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Exhibit)(Jones, Sian) (Entered: 05/10/2022)
06/13/2022	<u>10</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Jones, Sian) (Entered: 06/13/2022)
06/14/2022		MINUTE ORDER. Upon consideration of the <u>10</u> Joint Status Report, the parties are directed to file another JSR by August 12, 2022. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/14/22. (lctnm2) (Entered: 06/14/2022)
06/14/2022		Set/Reset Deadlines: Joint Status Report due by 8/12/2022. (hmc) (Entered: 06/14/2022)
08/12/2022	<u>11</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Jones, Sian) (Entered: 08/12/2022)
08/17/2022		MINUTE ORDER. Upon consideration of the <u>11</u> Joint Status Report, the Court ORDERS the parties to appear for a status conference at 2:00 p.m. on September 16, 2022 in Courtroom 2 before Judge Trevor N. McFadden. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/17/22. (lctnm2) (Entered: 08/17/2022)
08/17/2022		Set/Reset Hearings: Status Conference set for 9/16/2022 at 2:00 PM in Courtroom 2-- In Person before Judge Trevor N. McFadden. (hmc) (Entered: 08/17/2022)
09/16/2022		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 9/16/2022. Joint Status Report due by 10/19/2022. (Court Reporter: Lisa Edwards.) (hmc) (Entered: 09/16/2022)
10/19/2022	<u>12</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Jones, Sian) (Entered: 10/19/2022)
10/20/2022		MINUTE ORDER: Upon consideration of the <u>12</u> Joint Status Report, the Court directs the parties to file another JSR on or before December 5, 2022. If the parties resolve all issues before that date, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/20/2022. (lctnm2) (Entered: 10/20/2022)
10/20/2022		Set/Reset Deadlines: Joint Status Report due by 12/5/2022. (hmc) (Entered: 10/20/2022)
12/05/2022	<u>13</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Jones, Sian) (Entered: 12/05/2022)
12/05/2022		MINUTE ORDER: Upon consideration of the <u>13</u> Joint Status Report, the Court directs the parties to file another JSR on or before January 18, 2023. If the parties resolve all issues before that date, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/5/2022. (lctnm2) (Entered: 12/05/2022)
12/05/2022		Set/Reset Deadlines: Joint Status Report due by 1/18/2023. (hmc) (Entered: 12/05/2022)
01/18/2023	<u>14</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Jones, Sian) (Entered: 01/18/2023)
01/20/2023		MINUTE ORDER: Upon consideration of the <u>14</u> Joint Status Report, the Court directs the parties to file another JSR on or before February 17, 2023. If the parties resolve all issues before that date, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/20/2023. (lctnm2) (Entered: 01/20/2023)
01/20/2023		Set/Reset Deadlines: Joint Status Report due by 2/17/2023. (hmc) (Entered: 01/20/2023)

02/17/2023	<u>15</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Jones, Sian) (Entered: 02/17/2023)
02/17/2023		MINUTE ORDER: Upon consideration of the <u>15</u> Joint Status Report, the Court directs the parties to file another JSR on or before March 20, 2023. If the parties resolve all issues before that date, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/17/2023. (lctnm2) (Entered: 02/17/2023)
02/17/2023		Set/Reset Deadlines: Joint Status Report due by 3/20/2023. (hmc) (Entered: 02/17/2023)
03/20/2023	<u>16</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Jones, Sian) (Entered: 03/20/2023)
03/20/2023		MINUTE ORDER: After considering the <u>16</u> Joint Status Report, the Court directs the parties to file another JSR on or before April 5, 2023, updating the Court on ODNIs release and proposing, if necessary, a briefing schedule for further proceedings. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/20/2023. (lctnm2) (Entered: 03/20/2023)
03/21/2023		Set/Reset Deadlines: Joint Status Report due by 4/5/2023. (hmc) (Entered: 03/21/2023)
04/05/2023	<u>17</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Jones, Sian) (Entered: 04/05/2023)
04/05/2023		MINUTE ORDER. After considering the <u>17</u> Joint Status Report, the parties are directed to file another JSR by April 17, 2023, proposing a briefing schedule for further proceedings. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/5/2023. (lctnm2) (Entered: 04/05/2023)
04/05/2023		Set/Reset Deadlines: Joint Status Report due by 4/17/2023. (hmc) (Entered: 04/05/2023)
04/17/2023	<u>18</u>	Joint STATUS REPORT by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 04/17/2023)
04/17/2023		MINUTE ORDER. The parties are hereby ORDERED to adhere to the following briefing schedule. Defendant shall file its motion for summary judgment on or before July 17, 2023. Plaintiffs shall file their combined cross-motion for summary judgment and opposition to Defendant's motion for summary judgment on or before August 16, 2023. Defendant shall file its combined opposition and reply on or before September 15, 2023. Plaintiffs shall file their reply on or before September 29, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/17/2023. (lctnm2) (Entered: 04/17/2023)
04/17/2023		Set/Reset Deadlines: Defendant's motion for summary judgment due by July 17, 2023. Plaintiffs' combined cross-motion for summary judgment and opposition to Defendant's motion for summary judgment due by August 16, 2023. Defendant's combined opposition and reply due by September 15, 2023. Plaintiffs' reply due by September 29, 2023. (hmc) (Entered: 04/17/2023)
07/06/2023	<u>19</u>	Consent MOTION for Extension of Time to <i>File</i> , Consent MOTION for Briefing Schedule (<i>Amended</i>) by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 07/06/2023)
07/06/2023		MINUTE ORDER granting <u>19</u> Consent Motion for Extension of Time. The parties are hereby ORDERED to adhere to the following modified briefing schedule. Defendant shall file its motion for summary judgment by July 24, 2023. Plaintiffs shall file their combined cross-motion for summary judgment and opposition to Defendants motion for summary judgment by August 23, 2023. Defendant shall file its combined opposition and reply, if any, by September 22, 2023. Plaintiff shall file their reply, if any, by October 6, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/6/2023. (lctnm2) (Entered: 07/06/2023)
07/07/2023		Set/Reset Deadlines: Defendant's motion for summary judgment due by July 24, 2023. Plaintiffs' combined cross-motion for summary judgment and opposition to Defendant's motion for summary judgment due by August 23, 2023. Defendant's

		combined opposition and reply, if any, due by September 22, 2023. Plaintiffs' reply, if any, due by October 6, 2023. (hmc) (Entered: 07/07/2023)
07/17/2023	<u>20</u>	Unopposed MOTION for Extension of Time to <i>File</i> , Unopposed MOTION for Briefing Schedule (<i>Amended</i>) by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 07/17/2023)
07/17/2023		MINUTE ORDER granting <u>20</u> Unopposed Motion for Extension of Time. The parties are hereby ORDERED to adhere to the following modified briefing schedule. Defendant shall file its motion for summary judgment by July 31, 2023. Plaintiffs shall file their combined cross-motion for summary judgment and opposition to Defendants motion for summary judgment by August 30, 2023. Defendant shall file its combined opposition and reply, if any, by September 29, 2023. Plaintiff shall file their reply, if any, by October 13, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/17/2023. (lctnm2) (Entered: 07/17/2023)
07/19/2023		Set/Reset Deadlines: Defendant's motion for summary judgment due by July 31, 2023. Plaintiffs' combined cross-motion for summary judgment and opposition to Defendant's motion for summary judgment due by August 30, 2023. Defendant's combined opposition and reply, if any, due by September 29, 2023. Plaintiffs' reply, if any, due by October 13, 2023. (hmc) (Entered: 07/19/2023)
07/31/2023	<u>21</u>	MOTION for Partial Summary Judgment by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Koch, # <u>4</u> Exhibit Koch Exs., # <u>5</u> Declaration Cross-Davison, # <u>6</u> Declaration Williams, # <u>7</u> Declaration Seidel, # <u>8</u> Exhibit Seidel Ex., # <u>9</u> Text of Proposed Order)(Jones, Sian) (Entered: 07/31/2023)
07/31/2023	<u>22</u>	NOTICE of Lodging of Classified Material by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Jones, Sian) (Entered: 07/31/2023)
08/22/2023	<u>23</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 08/22/2023)
08/29/2023	<u>24</u>	Consent MOTION for Extension of Time to <i>File Response to Defendant's Partial Motion for Summary Judgment</i> by JAMES MADISON PROJECT, BRIAN J. KAREM. (Attachments: # <u>1</u> Text of Proposed Order)(Moss, Bradley) (Entered: 08/29/2023)
08/29/2023		MINUTE ORDER: Having considered the <u>24</u> Motion for Extension of Time, the Court ORDERS that the motion is DENIED. Counsel is reminded that Standing Order 9(A) requires that a motion for an extension of time be filed at least four business days prior to the relevant deadline. Because counsel neither complied with that requirement nor provided an explanation why compliance was infeasible, the motion is untimely. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/29/2023. (lctnm3) (Entered: 08/29/2023)
08/30/2023	<u>25</u>	Memorandum in opposition to re <u>21</u> Motion for Partial Summary Judgment, filed by JAMES MADISON PROJECT, BRIAN J. KAREM. (Attachments: # <u>1</u> Statement of Facts Response, # <u>2</u> Text of Proposed Order)(Moss, Bradley) (Entered: 08/30/2023)
09/22/2023	<u>26</u>	MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Partial Summary Judgment by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 09/22/2023)
09/22/2023		MINUTE ORDER: The Court ORDERS that Defendant's <u>26</u> Motion for Extension of Time is GRANTED. Defendant's Reply in support of its Motion for Summary Judgment shall be filed on or before October 20, 2023. Plaintiff's Reply in support of its Cross-Motion for Summary Judgment shall be filed on or before November 3, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/22/2023. (lctnm3) (Entered: 09/22/2023)
10/18/2023	<u>27</u>	MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Partial Summary Judgment by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 10/18/2023)

10/18/2023		MINUTE ORDER: The Court ORDERS that Defendant's <u>27</u> Motion for Extension of Time is GRANTED IN PART. Defendant's Reply in support of its Motion for Summary Judgment shall be due on or before Monday, October 23, 2023. Counsel are admonished to adhere to established deadlines and the Standing Orders in the future. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/18/2023. (lctnm3) (Entered: 10/18/2023)
10/23/2023	<u>28</u>	Second MOTION for Summary Judgment by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Patrick Baker, # <u>4</u> Declaration of Gregory Koch, # <u>5</u> Declaration of Shery Welsh, # <u>6</u> Text of Proposed Order)(Walker, Johnny) (Entered: 10/23/2023)
10/23/2023	<u>29</u>	REPLY to opposition to motion re <u>21</u> MOTION for Partial Summary Judgment filed by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Declaration of Patrick Baker, # <u>2</u> Declaration of Gregory Koch, # <u>3</u> Declaration of Shery Welsh)(Walker, Johnny) (Entered: 10/23/2023)
11/07/2023	<u>30</u>	Memorandum in opposition to re <u>28</u> Motion for Summary Judgment, filed by JAMES MADISON PROJECT, BRIAN J. KAREM. (Attachments: # <u>1</u> Statement of Facts Response, # <u>2</u> Text of Proposed Order)(Moss, Bradley) (Entered: 11/07/2023)
11/14/2023	<u>31</u>	REPLY to opposition to motion re <u>28</u> Second MOTION for Summary Judgment filed by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Supplemental Declaration of Shery Welsh)(Walker, Johnny) (Entered: 11/14/2023)
01/18/2024	<u>32</u>	ORDER re: <u>21</u> & <u>28</u> Motions for Summary Judgment. See attached ORDER for details. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/18/2024. (lctnm3) (Entered: 01/18/2024)
02/16/2024	<u>33</u>	NOTICE of Lodging of Classified Material by OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE re <u>28</u> Motion for Summary Judgment, <u>21</u> Motion for Partial Summary Judgment, (Jones, Sian) (Entered: 02/16/2024)
03/26/2024	<u>34</u>	MEMORANDUM OPINION re: <u>21</u> & <u>28</u> Motions for Summary Judgment. See attached Order for details. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/26/2024. (lctnm3) Modified event title on 3/26/2024 (hmc). (Entered: 03/26/2024)
03/26/2024	<u>35</u>	ORDER granting <u>21</u> & <u>28</u> Motions for Summary Judgment. See attached Order for details. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/26/2024. (lctnm3) (Entered: 03/26/2024)