

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:22-cv-01135-CJN**

CATO INSTITUTE v. U.S. DEPARTMENT OF  
TRANSPORTATION

Assigned to: Judge Carl J. Nichols  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/25/2022  
Date Terminated: 06/06/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CATO INSTITUTE**

represented by **Merrick Jason Wayne**  
LOEVY & LOEVY  
311 N. Aberdeen Street  
Third Floor  
Chicago, IL 60607  
(312) 243-5900  
Fax: (312) 243-5902  
Email: [merrick@loevy.com](mailto:merrick@loevy.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua Loevy**  
LOEVY & LOEVY  
311 N Aberdeen Street  
3rd Floor  
Chicago, IL 60607  
(312) 243-5900  
Fax: (312) 243-5902  
Email: [joshl@loevy.com](mailto:joshl@loevy.com)  
*ATTORNEY TO BE NOTICED*

**Matthew Topic**  
LOEVY & LOEVY  
311 N. Aberdeen Street  
Third Floor  
Chicago, IL 60607  
(312) 243-5900  
Fax: (312) 243-5902  
Email: [matt@loevy.com](mailto:matt@loevy.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. DEPARTMENT OF  
TRANSPORTATION**

represented by **Christina O'Tousa**  
DOJ-USAO  
601 D Street NW  
Washington, DC 20530  
(202) 252-2437  
Email: [christina.o'tousa@usdoj.gov](mailto:christina.o'tousa@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dedra Seibel Curteman**  
DOJ-USAO  
US Attorney's Office, Civil Division  
601 D Street, NW  
Washington, DC 20530  
(202) 252-2550

Email: [dedra.curteman@usdoj.gov](mailto:dedra.curteman@usdoj.gov)  
 TERMINATED: 10/31/2022  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/25/2022	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF TRANSPORTATION ( Filing fee \$ 402 receipt number ADCDC-9193464) filed by CATO INSTITUTE. (Attachments: # <u>1</u> Exhibit Ex A-C, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Topic, Matthew) (Entered: 04/25/2022)
04/25/2022	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of CATO INSTITUTE (Topic, Matthew) (Entered: 04/25/2022)
04/25/2022	<u>3</u>	NOTICE of Appearance by Joshua Loevy on behalf of CATO INSTITUTE (Loevy, Joshua) (Entered: 04/25/2022)
04/26/2022		Case Assigned to Judge Carl J. Nichols. (znh) (Entered: 04/26/2022)
04/26/2022	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF TRANSPORTATION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(znh) (Entered: 04/26/2022)
04/27/2022	<u>5</u>	STANDING ORDER. Signed by Judge Carl J. Nichols on April 27, 2022. (lccjn2) (Entered: 04/27/2022)
05/03/2022	<u>6</u>	REQUEST FOR SUMMONS TO ISSUE <i>U.S. Attorney's Office For D.C.</i> filed by CATO INSTITUTE.(Topic, Matthew) (Entered: 05/03/2022)
05/04/2022	<u>7</u>	SUMMONS (1) Re-Issued Electronically as to U.S. Attorney. (zeg) (Entered: 05/04/2022)
05/26/2022	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF TRANSPORTATION served on 5/11/2022 (Loevy, Joshua) (Entered: 05/26/2022)
05/26/2022	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/12/2022. (Loevy, Joshua) (Entered: 05/26/2022)
06/13/2022	<u>10</u>	NOTICE of Appearance by Dedra Seibel Curteman on behalf of All Defendants (Curteman, Dedra) (Entered: 06/13/2022)
06/13/2022	<u>11</u>	ANSWER to Complaint by U.S. DEPARTMENT OF TRANSPORTATION.(Curteman, Dedra) (Entered: 06/13/2022)
06/13/2022		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 July 8, 2022. 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 June 13, 2022. (lccjn2) (Entered: 06/13/2022)
06/13/2022		Set/Reset Deadlines: Joint Status Report due by 7/8/2022. (zcal) (Entered: 06/13/2022)
07/08/2022	<u>12</u>	Joint STATUS REPORT by CATO INSTITUTE. (Loevy, Joshua) (Entered: 07/08/2022)
07/08/2022		MINUTE ORDER. Upon review of the <u>12</u> Joint Status Report, it is ORDERED that the Parties shall submit an updated Joint Status Report on or before October 11, 2022.

		Signed by Judge Carl J. Nichols on July 8, 2022. (lccjn2) (Entered: 07/08/2022)
07/08/2022		Set/Reset Deadlines: Joint Status Report due by 10/11/2022. (zcal) (Entered: 07/11/2022)
10/11/2022	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (Curteman, Dedra) (Entered: 10/11/2022)
10/19/2022		MINUTE ORDER. Upon review of the <u>13</u> Joint Status Report, it is ORDERED that the Parties shall file an additional joint status report on or before November 14, 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 11/14/2022. (zcal) (Entered: 10/21/2022)
10/31/2022	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Christina O'Tousa on behalf of U.S. DEPARTMENT OF TRANSPORTATION Substituting for attorney Dedra S. Curteman (O'Tousa, Christina) (Entered: 10/31/2022)
11/11/2022	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 11/11/2022)
01/13/2023	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 01/13/2023)
02/28/2023	<u>17</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of CATO INSTITUTE (Wayne, Merrick) (Entered: 02/28/2023)
03/14/2023	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 03/14/2023)
05/12/2023	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 05/12/2023)
07/11/2023	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 07/11/2023)
08/10/2023	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 08/10/2023)
10/13/2023	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 10/13/2023)
01/05/2024	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 01/05/2024)
04/04/2024	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 04/04/2024)
06/04/2024	<u>25</u>	STIPULATION of Dismissal by U.S. DEPARTMENT OF TRANSPORTATION. (O'Tousa, Christina) (Entered: 06/04/2024)