

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:23-cv-01183-MKV**

Seife v. United States Department of Energy  
Assigned to: Judge Mary Kay Vyskocil  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/12/2023  
Date Terminated: 06/21/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Charles Seife**

represented by **David Alan Bahr**  
Bahr Law Offices, P.C.  
1035 1/2 Monroe Street  
Eugene, OR 97402  
(541) 556-6439  
Email: [davebahr@mindspring.com](mailto:davebahr@mindspring.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****United States Department of Energy**

represented by **Mark Osmond**  
DOJ-USAO  
86 Chambers Street  
New York, NY 10007  
212-637-2713  
Email: [Mark.Osmond@usdoj.gov](mailto:Mark.Osmond@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/12/2023	<u>1</u>	COMPLAINT against United States Department of Energy. (Filing Fee \$ 402.00, Receipt Number ANYSDC-27331404) Document filed by Charles Seife..(Bahr, David) (Entered: 02/12/2023)
02/12/2023	<u>2</u>	CIVIL COVER SHEET filed..(Bahr, David) (Entered: 02/12/2023)
02/12/2023	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Energy, re: <u>1</u> Complaint. Document filed by Charles Seife..(Bahr, David) (Entered: 02/12/2023)
02/12/2023	<u>4</u>	MOTION for David A Bahr to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-27331414. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Charles Seife. (Attachments: # <u>1</u> Affidavit Declaration of Dave Bahr in Support of Motion PHV, # <u>2</u> Text of Proposed Order Proposed Order Granting Dave Bahr's Motion PHV).(Bahr, David) (Entered: 02/12/2023)
02/13/2023		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Mary Kay Vyskocil. Please download and review the Individual Practices of the assigned District Judge, located at <a href="https://nysd.uscourts.gov/judges/district-judges">https://nysd.uscourts.gov/judges/district-judges</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="https://nysd.uscourts.gov/rules/ecf-related-instructions">https://nysd.uscourts.gov/rules/ecf-related-instructions</a> ..(pc) (Entered: 02/13/2023)
02/13/2023		Magistrate Judge Gabriel W. Gorenstein is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may

		access the necessary form at the following link: <a href="https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf">https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf</a> . (pc) (Entered: 02/13/2023)
02/13/2023		Case Designated ECF. (pc) (Entered: 02/13/2023)
02/13/2023		<b>***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney David Alan Bahr. The following case opening statistical information was erroneously selected/entered: Arbitration code e (Exempt);. The following correction(s) have been made to your case entry: the Arbitration code has been deleted;. (pc)</b> (Entered: 02/13/2023)
02/13/2023		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>4</u> MOTION for David A Bahr to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-27331414. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sgz)</b> (Entered: 02/13/2023)
02/13/2023	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Energy..(pc) (Entered: 02/13/2023)
02/14/2023	<u>6</u>	ORDER granting <u>4</u> Motion for David A Bahr to Appear Pro Hac Vice (HEREBY ORDERED by Judge Mary Kay Vyskocil)(Text Only Order) (rz) (Entered: 02/14/2023)
02/23/2023	<u>7</u>	CERTIFICATE OF SERVICE (FOIA CASE) of Summons and Complaint served. United States Department of Energy served on 2/21/2023, answer due 3/23/2023. Service was made by Mail. Document filed by Charles Seife..(Bahr, David) (Entered: 02/23/2023)
03/20/2023	<u>8</u>	NOTICE OF APPEARANCE by Mark Osmond on behalf of United States Department of Energy..(Osmond, Mark) (Entered: 03/20/2023)
03/22/2023	<u>9</u>	LETTER MOTION for Extension of Time addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 3/22/2023. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 03/22/2023)
03/22/2023	<u>10</u>	ORDER granting <u>9</u> Letter Motion for Extension of Time. Granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 3/22/2023) (tg) (Entered: 03/22/2023)
03/22/2023		Set/Reset Deadlines: United States Department of Energy answer due 4/6/2023. (tg) (Entered: 03/22/2023)
04/03/2023	<u>11</u>	LETTER MOTION for Extension of Time to File Answer <i>and to Approve Stipulated Schedule</i> addressed to Judge Mary Kay Vyskocil from Mark Osmond. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 04/03/2023)
04/05/2023	<u>12</u>	ORDER granting <u>11</u> Letter Motion for Extension of Time to Answer re <u>11</u> LETTER MOTION for Extension of Time to File Answer <i>and to Approve Stipulated Schedule</i> addressed to Judge Mary Kay Vyskocil from Mark Osmond., <u>1</u> Complaint. Granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 4/5/2023) (tg) (Entered: 04/05/2023)
08/14/2023	<u>13</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 8/14/2023 re: Joint Status Report and Request for Deadline to File Next Status Report. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 08/14/2023)
08/14/2023	<u>14</u>	MEMO ENDORSEMENT on re: <u>13</u> Letter filed by United States Department of Energy. ENDORSEMENT: Granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 8/14/2023) (tg) (Entered: 08/14/2023)
09/13/2023	<u>15</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 9/13/2023 re: Joint Status Report. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 09/13/2023)
09/13/2023	<u>16</u>	MEMO ENDORSEMENT on re: <u>15</u> Letter filed by United States Department of Energy ENDORSEMENT Granted. SO ORDERED. (Signed by Judge Mary Kay

		Vyskocil on 9/13/2023) (jca) (Entered: 09/13/2023)
10/02/2023		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Gary Stein. Please note that this is a reassignment of the designation only..(kgo) (Entered: 10/02/2023)
10/26/2023	<u>17</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 10/26/2023 re: Joint Status Report. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 10/26/2023)
10/26/2023	<u>18</u>	MEMO ENDORSEMENT on re: <u>17</u> Letter filed by United States Department of Energy. ENDORSEMENT: Granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 10/26/2023) (tg) (Entered: 10/26/2023)
12/11/2023	<u>19</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 12/11/2023 re: Joint Status Report. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 12/11/2023)
12/12/2023	<u>20</u>	MEMO ENDORSEMENT on re: <u>19</u> Letter filed by United States Department of Energy ENDORSEMENT GRANTED. The parties are on notice that no further extensions will be granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 12/12/2023) (jca) (Entered: 12/12/2023)
01/25/2024	<u>21</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 1/25/2024 re: Briefing Schedule for Summary Judgment Motions. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 01/25/2024)
01/26/2024	<u>22</u>	MEMO ENDORSEMENT on re: <u>21</u> Letter filed by United States Department of Energy. ENDORSEMENT: Granted. SO ORDERED.( Cross Motions due by 4/26/2024., Social Security Action – Plaintiff Brief due by 3/26/2024., Social Security Action – Commissioner Brief due by 5/27/2024., Social Security Action – Plaintiff Reply Brief due by 6/17/2024.) (Signed by Judge Mary Kay Vyskocil on 1/26/2024) (tg) (Entered: 01/26/2024)
03/05/2024	<u>23</u>	JOINT LETTER MOTION to Continue <i>Requesting that Briefing Schedule Be Vacated Given Settlement on All Issues Except Attorney's Fees</i> addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 3/5/2024. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 03/05/2024)
03/05/2024	<u>24</u>	ORDER granting <u>23</u> Letter Motion to Continue. Granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 3/5/2024) (tg) (Entered: 03/05/2024)
05/03/2024	<u>25</u>	JOINT LETTER MOTION for Extension of Time to <i>Confer Regarding Potential Settlement of Attorney's Fees</i> addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 5/3/2024. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 05/03/2024)
05/06/2024	<u>26</u>	ORDER granting <u>25</u> Letter Motion for Extension of Time. Granted. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 5/6/2024) (tg) (Entered: 05/06/2024)
06/18/2024	<u>27</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Mark Osmond dated 6/18/2024 re: Settlement in Principle. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 06/18/2024)
06/21/2024	<u>28</u>	ORDER OF DISMISSAL: The Court is in receipt of a letter filed by Defendant informing the Court that the parties have reached a settlement in principle [ECF No. 27]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by July 21, 2024. If no such application is made by that date, today's dismissal of the action is with prejudice. See <i>Muze, Inc. v. Digital On Demand, Inc.</i> , 356 F.3d 492, 494 n.1 (2d Cir. 2004). SO ORDERED. ( Motions due by 7/21/2024.) (Signed by Judge Mary Kay Vyskocil on 6/21/2024) (tg) (Entered: 06/21/2024)
06/21/2024	<u>29</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Department of Energy..(Osmond, Mark) (Entered: 06/21/2024)

06/24/2024	<u>30</u>	<p>STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows: 1. The documents produced by DOE in this action fully resolve any and all claims by Plaintiff against DOE or the United States of America (the "United States"), or any department, agency, officer, or employee of DOE and/or the United States, arising out of the FOIA requests at issue in this action. 2. After the Court has approved and docketed this Stipulation and Order, Plaintiff will provide the necessary information for DOE to effectuate payment. Within a reasonable period of time after the provision of necessary information to effectuate payment, DOE shall pay to Plaintiff via electronic funds transfer the sum of twenty-six thousand dollars (\$26,000.00) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiff agrees to accept in complete satisfaction of any and all claims by him for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. 3. This action is hereby dismissed with prejudice, and without costs or fees other than as provided in paragraph 2 of this Stipulation and Order, provided that the Court shall retain jurisdiction for the purpose of enforcing this Stipulation and Order. 4. This Stipulation and Order shall not constitute an admission of liability or fault on the part of DOE or the United States or their agents, servants, or employees, and is entered into by both parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation. 5. The parties agree that this Stipulation and Order is non-precedential with respect to any other proceeding against DOE, the United States, or any agency or instrumentality of the United States. 6. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 6/24/2024) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 06/24/2024)</p>
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