

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01014-APM**

ADVANCE PUBLICATIONS, INC. et al v. EXECUTIVE
OFFICE FOR U.S. ATTORNEYS et al
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 04/11/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ADVANCE PUBLICATIONS, INC.

represented by **Paul J. Safier**
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Plaintiff

ASSOCIATED PRESS

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Charles D. Tobin
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Plaintiff

CABLE NEWS NETWORK, INC.

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Plaintiff

CBS BROADCASTING INC.

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Plaintiff

E.W. SCRIPPS COMPANY

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Plaintiff

GANNETT CO., INC.

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Charles D. Tobin
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Plaintiff

POLITICO LLC

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Charles D. Tobin
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Plaintiff

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Charles D. Tobin
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Plaintiff

NEW YORK TIMES COMPANY

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Charles D. Tobin
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V.

Defendant

**EXECUTIVE OFFICE FOR U.S.
ATTORNEYS**

represented by **Kristina Ann Wolfe**
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TERMINATED: 06/27/2024
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Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Kristina Ann Wolfe**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Andrew Zee
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel Rebo
(See above for address)
TERMINATED: 06/27/2024
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/12/2023	<u>1</u>	COMPLAINT against EXECUTIVE OFFICE FOR U.S. ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION (Fee Status:Filing Fee Waived) filed by GANNETT CO., INC., CABLE NEWS NETWORK, INC., POLITICO LLC, PRO PUBLICA, INC., ADVANCE PUBLICATIONS, INC., CBS BROADCASTING INC.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Civil Cover Sheet, # <u>10</u> AG Summons, # <u>11</u> EOUSA Summons, # <u>12</u> FBI Summons, # <u>13</u> USAO Summons)(Tobin, Charles) (Entered: 04/12/2023)
04/12/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ADVANCE PUBLICATIONS, INC., CABLE NEWS NETWORK, INC., CBS BROADCASTING INC., GANNETT CO., INC., POLITICO LLC, PRO PUBLICA, INC., THE ASSOCIATED PRESS, THE E.W. SCRIPPS COMPANY, THE NEW YORK TIMES COMPANY (Tobin, Charles) (Entered: 04/12/2023)
04/12/2023		Case Assigned to Judge Amit P. Mehta. (zrtw) (Entered: 04/12/2023)
04/12/2023	<u>3</u>	SUMMONS (4) Issued Electronically as to EXECUTIVE OFFICE FOR U.S. ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrtw) (Entered: 04/12/2023)

04/17/2023	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/13/2023. Answer due for ALL FEDERAL DEFENDANTS by 5/13/2023. (Tobin, Charles) (Entered: 04/17/2023)
05/15/2023	<u>5</u>	NOTICE of Appearance by Samuel Rebo on behalf of All Defendants (Rebo, Samuel) (Entered: 05/15/2023)
05/15/2023	<u>6</u>	ANSWER to Complaint by EXECUTIVE OFFICE FOR U.S. ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION.(Rebo, Samuel) (Entered: 05/15/2023)
05/16/2023	<u>7</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before May 30, 2023. The Joint Status Report shall include (1) the status of Plaintiffs FOIA request; (2) the anticipated number of documents responsive to Plaintiffs FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. See attached Order. Signed by Judge Amit P. Mehta on 05/16/2023. (lcapm3) (Entered: 05/16/2023)
05/16/2023		Set/Reset Deadlines: Joint Status Report due by 5/30/2023. (smc) (Entered: 05/16/2023)
05/30/2023	<u>8</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR U.S. ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION. (Rebo, Samuel) (Entered: 05/30/2023)
05/31/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by June 13, 2023, which updates the court on the processing and production of responsive records. The parties shall indicate in the Joint Status Report whether a status conference will be needed. Signed by Judge Amit P. Mehta on 05/31/2023. (lcapm3) (Entered: 05/31/2023)
06/13/2023	<u>9</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR U.S. ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Rebo, Samuel) (Entered: 06/13/2023)
06/26/2023		NOTICE of Hearing: Status Conference set for 6/26/2023 at 10:00 AM via videoconference before Judge Amit P. Mehta. (zjd) (Entered: 06/26/2023)
06/26/2023		MINUTE ORDER. Defendant EOUSA's motion for summary judgment shall be due on or before July 25, 2023. Plaintiffs' opposition and any cross motion for summary judgment shall be due on or before August 15, 2023. Defendant EOUSA's reply in support of its motion and opposition to plaintiffs' cross motion shall be due on or before August 29, 2023. Plaintiffs' reply in support of their cross motion shall be due on or before September 5, 2023. The parties shall also file a Joint Status Report updating the court on the status of the issues discussed at the June 26, 2023, status conference related to litigation against Defendant FBI, which shall be due on or before July 25, 2023. Signed by Judge Amit P. Mehta on 06/26/2023. (lcapm3) (Entered: 06/26/2023)
06/26/2023		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held via videoconference on 6/26/2023. (Court Reporter: William Zaremba) (zjd) (Entered: 06/26/2023)
07/10/2023	<u>10</u>	TRANSCRIPT OF STATUS CONFERENCE VIA ZOOM PROCEEDINGS before Judge Amit P. Mehta held on June 26, 2023; Page Numbers: 1–21. Date of Issuance: July 10, 2023. Court Reporter/Transcriber: William P. Zaremba; Telephone number: (202) 354–3249. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, PDF or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal

		<p>identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/31/2023. Redacted Transcript Deadline set for 8/10/2023. Release of Transcript Restriction set for 10/8/2023.(wz) (Entered: 07/10/2023)</p>
07/25/2023	<u>11</u>	NOTICE of Appearance by Kristina Ann Wolfe on behalf of EXECUTIVE OFFICE FOR U.S. ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION (Wolfe, Kristina) (Entered: 07/25/2023)
07/25/2023	<u>12</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR U.S. ATTORNEYS, FEDERAL BUREAU OF INVESTIGATION. (Rebo, Samuel) (Entered: 07/25/2023)
07/25/2023	<u>13</u>	MOTION for Summary Judgment by EXECUTIVE OFFICE FOR U.S. ATTORNEYS. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Declaration of Justin P. Wilkinson, # <u>3</u> Declaration Exhibit A (Declaration of Jennifer Leigh Blackwell), # <u>4</u> Declaration Exhibit B (Declaration of Thomas A. DiBiase), # <u>5</u> Declaration Exhibit C (April 25, 2023 Final Response Letter), # <u>6</u> Statement of Facts, # <u>7</u> Text of Proposed Order)(Rebo, Samuel) (Entered: 07/25/2023)
07/28/2023		MINUTE ORDER. The court will hold this matter in abeyance as it relates to the FBI. It remains unclear what Plaintiffs gain by the FBI's presence in this action. If the court were to reject the exemptions that EOUSA has asserted, then Plaintiffs will receive the videos they seek. On the other hand, if the court were to agree with EOUSA's exemptions, then the same ruling would apply to the FBI. The court therefore declines to impose a summary judgment schedule for the FBI at this time. Signed by Judge Amit P. Mehta on 07/28/2023. (lcapm3) (Entered: 07/28/2023)
08/15/2023	<u>14</u>	Memorandum in opposition to re <u>13</u> Motion for Summary Judgment, filed by ADVANCE PUBLICATIONS, INC., ASSOCIATED PRESS, CABLE NEWS NETWORK, INC., CBS BROADCASTING INC., E.W. SCRIPPS COMPANY, GANNETT CO., INC., NEW YORK TIMES COMPANY, POLITICO LLC, PRO PUBLICA, INC.. (Attachments: # <u>1</u> Counter-Statement of Undisputed Facts, # <u>2</u> Tobin Decl., # <u>3</u> Exhibit 1 – Parler article excerpt, # <u>4</u> Exhibit 2 – AFO #91 screenshot, # <u>5</u> Exhibit 3 – AOM #174 & #175 screenshot, # <u>6</u> Exhibit 4 – CNN screenshots, # <u>7</u> Exhibit 5 – CSPAN screenshots, # <u>8</u> Exhibit 6 – Select Committee New Footage screenshots, # <u>9</u> Exhibit 7 – Select Committee Hearing screenshots, # <u>10</u> Exhibit 8 – Screenshots from 3–6–23 Tucker Carlson show, # <u>11</u> Exhibit 9 – Screenshots from 3–7–23 Tucker Carlson show, # <u>12</u> Exhibit 10 – Screenshots from 3–21–23 Tucker Carlson show, # <u>13</u> Exhibit 11 – Politico article, # <u>14</u> Exhibit 12 – Green tweet, # <u>15</u> Exhibit 13 – TheFirstonTV tweet, # <u>16</u> Exhibit 14 – Clay and Buck article, # <u>17</u> Exhibit 15 – Screenshots from Pelosi evacuation video, # <u>18</u> Exhibit 16 – Screenshots from Capitol door opened video, # <u>19</u> Exhibit 17 – Screenshots from Epoch Times article, # <u>20</u> Exhibit 18 – Who is Michael Jones article, # <u>21</u> Exhibit 19 – Screenshots from Epoch Times documentary, # <u>22</u> Exhibit 20 – Motion to Compel Inventory & Production – US v. Pope, # <u>23</u> Proposed Order)(Tobin, Charles) (Entered: 08/15/2023)
08/15/2023	<u>15</u>	Cross MOTION for Summary Judgment by ADVANCE PUBLICATIONS, INC., ASSOCIATED PRESS, CABLE NEWS NETWORK, INC., CBS BROADCASTING INC., E.W. SCRIPPS COMPANY, GANNETT CO., INC., NEW YORK TIMES COMPANY, POLITICO LLC, PRO PUBLICA, INC.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Undisputed Material Facts, # <u>3</u> Tobin Decl., # <u>4</u> Exhibit 1 – Parler article excerpt, # <u>5</u> Exhibit 2 – AFO #91 screenshot, # <u>6</u> Exhibit 3 – AOM #174 & #175 screenshot, # <u>7</u> Exhibit 4 – CNN screenshots, # <u>8</u> Exhibit 5 – CSPAN screenshots, # <u>9</u> Exhibit 6 – Select Committee New Footage screenshots, # <u>10</u> Exhibit 7 – Select Committee Hearing screenshots, # <u>11</u> Exhibit 8 – Screenshots from 3–6–23 Tucker Carlson show, # <u>12</u> Exhibit 9 – Screenshots from 3–7–23 Tucker Carlson show, # <u>13</u> Exhibit 10 – Screenshots from 3–21–23 Tucker Carlson show, # <u>14</u> Exhibit 11 – Politico article, # <u>15</u> Exhibit 12 – Green tweet, # <u>16</u> Exhibit 13 – TheFirstonTV tweet, # <u>17</u> Exhibit 14 – Clay and Buck article, # <u>18</u> Exhibit 15 – Screenshots from Pelosi evacuation video, # <u>19</u> Exhibit 16 – Screenshots from Capitol door opened video, # <u>20</u> Exhibit 17 – Screenshots from Epoch Times article, # <u>21</u> Exhibit 18 – Who is Michael Jones article, # <u>22</u> Exhibit 19 – Screenshots

		from Epoch Times documentary, # <u>23</u> Exhibit 20 – Motion to Compel Inventory & Production – US v. Pope, # <u>24</u> Proposed Order)(Tobin, Charles) (Entered: 08/15/2023)
08/29/2023	<u>16</u>	RESPONSE re <u>15</u> Cross MOTION for Summary Judgment filed by EXECUTIVE OFFICE FOR U.S. ATTORNEYS. (Attachments: # <u>1</u> Statement of Facts Response, # <u>2</u> Text of Proposed Order)(Rebo, Samuel) (Entered: 08/29/2023)
08/29/2023	<u>17</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by EXECUTIVE OFFICE FOR U.S. ATTORNEYS. (Rebo, Samuel) (Entered: 08/29/2023)
09/05/2023	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Paul J. Safier, Filing fee \$ 100, receipt number ADCDC–10327233. Fee Status: Fee Paid. by ADVANCE PUBLICATIONS, INC., ASSOCIATED PRESS, CABLE NEWS NETWORK, INC., CBS BROADCASTING INC., E.W. SCRIPPS COMPANY, GANNETT CO., INC., NEW YORK TIMES COMPANY, POLITICO LLC, PRO PUBLICA, INC.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Tobin, Charles) (Entered: 09/05/2023)
09/05/2023	<u>19</u>	REPLY to opposition to motion re <u>15</u> Cross MOTION for Summary Judgment filed by ADVANCE PUBLICATIONS, INC., ASSOCIATED PRESS, CABLE NEWS NETWORK, INC., CBS BROADCASTING INC., E.W. SCRIPPS COMPANY, GANNETT CO., INC., NEW YORK TIMES COMPANY, POLITICO LLC, PRO PUBLICA, INC.. (Tobin, Charles) (Entered: 09/05/2023)
09/06/2023		MINUTE ORDER granting <u>18</u> Motion for Leave to Appear Pro Hac Vice. Attorney Paul J. Safier is hereby admitted pro hac vice to appear in this matter. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions. Signed by Judge Amit P. Mehta on 09/6/2023. (lcapm3) (Entered: 09/06/2023)
09/07/2023	<u>20</u>	NOTICE of Appearance by Paul J. Safier on behalf of ADVANCE PUBLICATIONS, INC., ASSOCIATED PRESS, CABLE NEWS NETWORK, INC., CBS BROADCASTING INC., E.W. SCRIPPS COMPANY, GANNETT CO., INC., NEW YORK TIMES COMPANY, POLITICO LLC, PRO PUBLICA, INC. (Safier, Paul) (Entered: 09/07/2023)
11/20/2023	<u>21</u>	MEMORANDUM re <u>15</u> Cross MOTION for Summary Judgment filed by PRO PUBLICA, INC., E.W. SCRIPPS COMPANY, CABLE NEWS NETWORK, INC., NEW YORK TIMES COMPANY, ADVANCE PUBLICATIONS, INC., POLITICO LLC, ASSOCIATED PRESS, GANNETT CO., INC., CBS BROADCASTING INC. by ADVANCE PUBLICATIONS, INC., ASSOCIATED PRESS, CABLE NEWS NETWORK, INC., CBS BROADCASTING INC., E.W. SCRIPPS COMPANY, GANNETT CO., INC., NEW YORK TIMES COMPANY, POLITICO LLC, PRO PUBLICA, INC.. (Tobin, Charles) (Entered: 11/20/2023)
11/21/2023	<u>22</u>	RESPONSE re <u>21</u> Memorandum, filed by EXECUTIVE OFFICE FOR U.S. ATTORNEYS. (Wolfe, Kristina) (Entered: 11/21/2023)
06/27/2024	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Michael Andrew Zee on behalf of All Defendants Substituting for attorney Samuel Rebo (Zee, Michael) (Entered: 06/27/2024)