

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01328-BAH**

WASHINGTON LAWYERS' COMMITTEE FOR CIVIL
RIGHTS AND URBAN AFFAIRS v. UNITED STATES
DEPARTMENT OF JUSTICE
Assigned to: Judge Beryl A. Howell
Case in other court: USCA, 24-05127
Cause: 05:552 Freedom of Information Act

Date Filed: 05/10/2023
Date Terminated: 04/22/2024
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**WASHINGTON LAWYERS'
COMMITTEE FOR CIVIL RIGHTS
AND URBAN AFFAIRS**

represented by **Jacqueline Kutnik-Bauder**
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V.

Defendant

**UNITED STATES DEPARTMENT
 OF JUSTICE**

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Date Filed	#	Docket Text
05/10/2023	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE (Filing fee \$ 402 receipt number ADCDC–10059563) filed by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons on U.S. Attorney General, # <u>5</u> Summons on U.S. Attorney for D.C.)(Metz, Kevin) (Entered: 05/10/2023)
05/10/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Metz, Kevin) (Entered: 05/10/2023)
05/10/2023		Case Assigned to Judge Beryl A. Howell. (zsl) (Entered: 05/10/2023)
05/10/2023	<u>3</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsl) (Entered: 05/10/2023)
05/11/2023	<u>4</u>	STANDING ORDER. Signed by Judge Beryl A. Howell on May 11, 2023. (lcbah3) (Entered: 05/11/2023)
05/12/2023	<u>5</u>	NOTICE of Appearance by Jacqueline Kutnik–Bauder on behalf of WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Kutnik–Bauder, Jacqueline) (Entered: 05/12/2023)
05/19/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/12/2023. Answer due for ALL FEDERAL DEFENDANTS by 6/11/2023. (Metz, Kevin) (Entered: 05/19/2023)
05/19/2023	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/19/23. (Metz, Kevin) (Entered: 05/19/2023)
05/23/2023	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– James D. Friedland, Filing fee \$ 100, receipt number ADCDC–10086895. Fee Status: Fee Paid. by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Metz, Kevin) (Entered: 05/23/2023)
05/23/2023		MINUTE ORDER (paperless) GRANTING plaintiff's <u>8</u> Motion for Admission <i>Pro Hac Vice</i> of James D. Friedland. Mr. Friedland may enter an appearance <i>pro hac vice</i> for the purpose of representing plaintiff in this action. 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 Beryl A. Howell on May 23, 2023. (lcbah3) (Entered: 05/23/2023)

05/24/2023	<u>9</u>	NOTICE of Appearance by James D. Friedland on behalf of WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Friedland, James) (Entered: 05/24/2023)
06/01/2023	<u>10</u>	NOTICE of Appearance by Margaret Hart on behalf of WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Hart, Margaret) (Entered: 06/01/2023)
06/02/2023		RESOLVED...NOTICE of Provisional/Government Not Certified Status re <u>10</u> NOTICE of Appearance by Margaret Hart on behalf of WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Hart, Margaret). Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Civil Rule 83.9, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-renewal . Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 6/9/2023. (zbaj) Modified on 6/14/2023 (zbaj). (Entered: 06/02/2023)
06/08/2023	<u>11</u>	NOTICE of Appearance by Stephen DeGenaro on behalf of UNITED STATES DEPARTMENT OF JUSTICE (DeGenaro, Stephen) (Entered: 06/08/2023)
06/08/2023	<u>12</u>	Consent MOTION for Extension of Time to <i>Respond to the Complaint</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 06/08/2023)
06/08/2023		MINUTE ORDER (paperless) GRANTING defendant's <u>12</u> Consent Motion for Extension of Time to Respond, and DIRECTING defendant to respond to plaintiff's <u>1</u> Complaint by July 12, 2023. Signed by Judge Beryl A. Howell on June 8, 2023. (lcbah3) (Entered: 06/08/2023)
06/09/2023		Set/Reset Deadlines: Answer to the Complaint due by 7/12/2023. (ztg) (Entered: 06/09/2023)
07/07/2023	<u>13</u>	Consent MOTION for Extension of Time to <i>Respond to the Complaint</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 07/07/2023)
07/10/2023		MINUTE ORDER (paperless) GRANTING defendant's <u>13</u> Second Consent Motion for Extension of Time to Respond, and DIRECTING defendant to respond to plaintiff's <u>1</u> Complaint by August 11, 2023. Signed by Judge Beryl A. Howell on July 10, 2023. (lcbah3) (Entered: 07/10/2023)
07/11/2023		Set/Reset Deadlines: Answer to the Complaint due by 8/11/2023. (ztg) (Entered: 07/11/2023)
08/11/2023	<u>14</u>	Partial MOTION to Dismiss <i>or, in the alternative</i> , Partial MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Baime Declaration, # <u>4</u> Lilly Declaration, # <u>5</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 08/11/2023)
08/18/2023	<u>15</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>14</u> Partial MOTION to Dismiss <i>or, in the alternative</i> Partial MOTION for Summary Judgment by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order)(Metz, Kevin) (Entered: 08/18/2023)
08/21/2023		MINUTE ORDER (paperless) GRANTING plaintiff's <u>15</u> Joint Motion for Extension of Time to File Response and Reply and DIRECTING the parties to adhere to the following SCHEDULING ORDER: (1) by September 29, 2023, the plaintiff shall file any response to the defendants <u>14</u> Partial Motion to Dismiss <i>or, in the alternative</i> , for Partial Summary Judgment, and (2) by October 30, 2023, the defendant shall file any reply. Signed by Judge Beryl A.

		Howell on August 21, 2023. (lcbah2) (Entered: 08/21/2023)
08/22/2023		Set/Reset Deadlines: Plaintiff To The Defendant's <u>14</u> Partial Motion to Dismiss, in the alternative, for Partial Summary Judgment due by 9/29/2023. Defendant Reply due by 10/30/2023. (mac) (Entered: 08/22/2023)
09/05/2023	<u>16</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. Attorney Jacqueline Kutnik-Bauder terminated. (Kutnik-Bauder, Jacqueline) (Entered: 09/05/2023)
09/29/2023	<u>17</u>	Memorandum in opposition to re <u>14</u> Motion to Dismiss., Motion for Summary Judgment, filed by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Attachments: # <u>1</u> Response to Statement of Facts, # <u>2</u> Declaration of Margaret Hart, # <u>3</u> Text of Proposed Order)(Metz, Kevin) (Entered: 09/29/2023)
10/24/2023	<u>18</u>	MEET AND CONFER STATEMENT. (DeGenaro, Stephen) (Entered: 10/24/2023)
10/26/2023		MINUTE ORDER (paperless), upon consideration of the parties' <u>18</u> Joint Status Report, DIRECTING the parties to file, by January 19, 2024, another joint status report advising the Court of the status of this matter and proposing a schedule to govern further proceedings. Signed by Judge Beryl A. Howell on October 26, 2023. (lcbah2) (Entered: 10/26/2023)
10/27/2023		Set/Reset Deadlines: Parties Joint Status Report due by 1/19/2024 (mac) (Entered: 10/27/2023)
10/30/2023	<u>19</u>	REPLY to opposition to motion re <u>14</u> Partial MOTION to Dismiss <i>or, in the alternative</i> Partial MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Response to Plaintiff's Further Statement of Material Facts)(DeGenaro, Stephen) (Entered: 10/30/2023)
12/29/2023	<u>20</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. Attorney Kevin H. Metz terminated. (Metz, Kevin) (Entered: 12/29/2023)
01/19/2024	<u>21</u>	Joint STATUS REPORT by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Friedland, James) (Entered: 01/19/2024)
03/10/2024	<u>22</u>	ORDER GRANTING the defendant's <u>14</u> Partial Motion to Dismiss or, in the Alternative, For Partial Summary Judgment. See Order for further details. Signed by Judge Beryl A. Howell on March 10, 2024. (lcbah2) (Entered: 03/10/2024)
03/10/2024	<u>23</u>	MEMORANDUM OPINION regarding the defendant's <u>14</u> Partial Motion to Dismiss or, in the Alternative, For Partial Summary Judgment. Signed by Judge Beryl A. Howell on March 10, 2024. (lcbah2) (Entered: 03/10/2024)
03/11/2024		Set/Reset Deadlines: Parties Joint Status Report due by 3/22/2024. (mac) (Entered: 03/11/2024)
03/12/2024	<u>24</u>	CLERK'S JUDGMENT in favor of Defendant against Plaintiff.Signed by Judge Beryl A. Howell on 03/12/24. (mac) (Entered: 03/12/2024)
03/22/2024	<u>25</u>	Joint STATUS REPORT <i>AND EXTENSION REQUEST</i> by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order)(Friedland, James) (Entered: 03/22/2024)
03/22/2024	<u>26</u>	STIPULATION of Dismissal by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Friedland, James) (Entered: 03/22/2024)
03/22/2024	27	MOTION for Extension of Time by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (See docket entry <u>25</u> to view document). (mg) (Entered: 03/25/2024)
03/25/2024		MINUTE ORDER (paperless) GRANTING the parties' 27 Motion for Extension of Time for the plaintiff's severed claims to be filed as separate actions or otherwise be dismissed; DIRECTING the plaintiff to file its severed individual claims in appropriate separate actions by April 19, 2024, otherwise those claims will be dismissed;

		DIRECTING the parties to file a joint status report by April 10, 2024, regarding the results of their negotiations; and STAYING the defendant's obligation to respond to plaintiff's <u>1</u> Complaint. Signed by Judge Beryl A. Howell on March 25, 2024. (lcbah2) (Entered: 03/25/2024)
03/25/2024		MINUTE ORDER (paperless) DISMISSING plaintiff's claim as to FOIA Request Number 2020-02603, with prejudice, pursuant to the parties' <u>26</u> Stipulation of Dismissal and Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Signed by Judge Beryl A. Howell on March 25, 2024. (lcbah2) (Entered: 03/25/2024)
03/26/2024		Set/Reset Deadlines: Parties Joint Status Report due by 4/10/2024 (mac) (Entered: 03/26/2024)
04/10/2024	<u>28</u>	Joint STATUS REPORT by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Friedland, James) (Entered: 04/10/2024)
04/10/2024	<u>29</u>	NOTICE of Appearance by Kristin Leigh McGough on behalf of WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (McGough, Kristin) (Entered: 04/10/2024)
04/12/2024		MINUTE ORDER (paperless) DIRECTING plaintiff to SHOW CAUSE, by April 16, 2024, why this matter should not be dismissed, given the parties' <u>28</u> Joint Status Report advising that plaintiff "does not intend to re-file the Severed FOIA Claims at this time," JSR at 2, notwithstanding this Court's March 25, 2024, Minute Order directing "plaintiff to file its severed individual claims in appropriate separate actions by April 19, 2024, otherwise those claims will be dismissed," and considering that this Court previously dismissed all other claims in Count I and granted summary judgment in defendant's favor on Count II, <i>see</i> Order at 1, ECF No. 22; Min. Order (Mar. 25, 2024); <i>see also</i> JSR at 1-2. Signed by Judge Beryl A. Howell on April 12, 2024. (lcbah4) (Entered: 04/12/2024)
04/16/2024	<u>30</u>	RESPONSE to MINUTE ORDER (paperless) DIRECTING plaintiff to SHOW CAUSE filed by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Friedland, James) (Entered: 04/16/2024)
04/17/2024		Set/Reset Deadlines: Plaintiff Show Cause due by 4/16/2024. (mac) (Entered: 04/17/2024)
04/18/2024		MINUTE ORDER (paperless), upon consideration of plaintiff's <u>30</u> Response to Order to Show Cause ("Pl.'s Resp."); <i>see</i> Min. Order (Apr. 12, 2024) (directing plaintiff to "show cause... why this matter should not be dismissed" (capitalization omitted)), in which plaintiff states its "understand[ing] that the remaining FOIA claims comprising Count I will be dismissed" and "that the disposition of Count I as indicated above will leave no active claims in this matter and that it will be closed," Pl.'s Resp. at 1-2, DISMISSING all remaining individual claims in Count I of the Complaint. The Clerk of the Court is directed to close this case. Signed by Judge Beryl A. Howell on April 18, 2024. (lcbah4) (Entered: 04/18/2024)
05/08/2024	<u>31</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>22</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment, <u>24</u> Clerk's Judgment, <u>23</u> Memorandum & Opinion by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. Filing fee \$ 605, receipt number ADCDC-10883385. Fee Status: Fee Paid. Parties have been notified. (Friedland, James) (Entered: 05/08/2024)
05/09/2024	<u>32</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid re <u>31</u> Notice of Appeal to DC Circuit Court. (mg) (Entered: 05/09/2024)
05/13/2024		USCA Case Number 24-5127 for <u>31</u> Notice of Appeal to DC Circuit Court, filed by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (znmw) (Entered: 05/14/2024)
05/22/2024	<u>33</u>	NOTICE // <i>Certificate Regarding Transcript</i> by WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Friedland, James) (Entered: 05/22/2024)