

- [Query](#)
- [Reports](#)
- [Utilities](#)
- [Help](#)
- [Log Out](#)

CLOSED, ACO

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:23-cv-05462-DG-VMS**

E.B. v. U.S. Department Of Justice  
Assigned to: Judge Diane Gujarati  
Referred to: Magistrate Judge Vera M. Scanlon  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/19/2023  
Date Terminated: 04/29/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**E.B.**

represented by **Mary Schiavo**  
Motley Rice LLC  
28 Bridgeside Blvd.  
Mount Pleasant, SC 29464  
843-216-9138  
Fax: 843-216-9450  
Email: mschiavo@motleyrice.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Donald Alan Migliori**  
Motley Rice LLC  
28 Bridgeside Blvd  
Mt. Pleasant, SC 29464  
843-216-9000  
Email: dmigliori@motleyrice.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. Department Of Justice**

represented by **David Allen Cooper**  
United States Attorney's Office  
Eastern District of New York  
271-A Cadman Plaza East, 7th Floor  
Brooklyn, NY 11201  
718-254-6228  
Email: david.cooper4@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/19/2023	<a href="#">1</a>	COMPLAINT against U.S. Department Of Justice filing fee \$ 402, receipt number ANYEDC-16906486 Was the Disclosure Statement on Civil Cover Sheet completed -Yes,, filed by E.B.. (Attachments: # <a href="#">1</a> Civil Cover Sheet, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Proposed Summons) (Migliori, Donald) (Entered: 07/19/2023)

07/19/2023		Case Assigned to Judge Diane Gujarati and Magistrate Judge Vera M. Scanlon. Please download and review the Individual Practices of the assigned Judges, located on our <a href="#">website</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (KD) (Entered: 07/19/2023)
07/19/2023	<a href="#">2</a>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <b>if</b> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (KD) (Entered: 07/19/2023)
07/19/2023	<a href="#">3</a>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (KD) (Entered: 07/19/2023)
07/19/2023		Notice of Related Case: <b>The Civil Cover Sheet filed in this civil action indicates a related case.</b> (KD) (Entered: 07/19/2023)
07/19/2023	<a href="#">4</a>	Summons Issued as to U.S. Department Of Justice, U.S. Attorney and U.S. Attorney General (KD) (Entered: 07/19/2023)
07/28/2023	<a href="#">5</a>	SCHEDULING ORDER: An In-Person Initial Conference is scheduled for 11/29/2023 at 10:20 AM in Courtroom 13A South before Magistrate Judge Vera M. Scanlon. The parties must complete the attached Joint Proposed Case Management Plan (CMP) and file it on ECF no later than 11/14/2023. In the event that Defendant has not answered or otherwise appeared, Plaintiff must also mail a copy of this Order, its attachment and the full docket to the last known mailing address for Defendant and file proof on ECF by the CMP filing date. Ordered by Magistrate Judge Vera M. Scanlon on 7/28/2023. (MG) (Entered: 07/28/2023)
08/28/2023	<a href="#">6</a>	SUMMONS Returned Executed by E.B.. U.S. Department Of Justice served on 8/23/2023, answer due 9/13/2023. (Migliori, Donald) (Entered: 08/28/2023)
09/20/2023	<a href="#">7</a>	Consent MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint, by U.S. Department Of Justice. (Cooper, David) (Entered: 09/20/2023)
09/28/2023		ORDER granting <a href="#">7</a> Motion for Extension of Time to Answer, on consent. Defendant's deadline to answer or otherwise respond to the complaint is extended to 9/29/2023. Ordered by Magistrate Judge Vera M. Scanlon on 9/28/2023. (GS) (Entered: 09/28/2023)
09/29/2023	<a href="#">8</a>	ANSWER to <a href="#">1</a> Complaint, by U.S. Department Of Justice. (Cooper, David) (Entered: 09/29/2023)
11/09/2023		SCHEDULING ORDER: The 11/29/2023 Initial Conference is advanced to 11/22/2023 at 12:00 PM and is converted to a telephone conference. The parties are to call 877-336-1829 and dial the access code 3581283 for the AT&T conference bridge. The parties are reminded of the 11/14/2023 deadline to complete and file the Joint Proposed Case Management Plan at <a href="#">5</a> . Ordered by Magistrate Judge Vera M. Scanlon on 11/9/2023. (GS) (Entered: 11/09/2023)
11/14/2023		SCHEDULING ORDER: Due to a conflict in the Court's calendar, the 11/22/2023 Telephonic Initial Conference is rescheduled for 11/21/2023 at 10:30 AM. The parties are to call 877-336-1829 and dial the access code 3581283 for the AT&T conference bridge. The parties are reminded of today's deadline to file a Joint Proposed Case Management Plan (see <a href="#">5</a> ). Ordered by Magistrate Judge Vera M. Scanlon on 11/14/2023. (GS) (Entered: 11/14/2023)
11/14/2023	<a href="#">9</a>	Joint MOTION for Extension of Time to File <i>Joint Proposed Case Management Plan</i> , in that the parties respectfully request permission to forgo completion of it, because this is a FOIA action in which there is no anticipated discovery by U.S. Department Of Justice. (Cooper, David) (Entered: 11/14/2023)
11/15/2023	<a href="#">10</a>	MOTION to Appear Pro Hac Vice <i>Mary Schiavo</i> Filing fee \$ 150, receipt number ANYEDC-17286375 by E.B.. (Attachments: # <a href="#">1</a> Affidavit, # <a href="#">2</a> Admission Information) (Migliori, Donald) (Entered: 11/15/2023)

11/15/2023		ORDER. The joint motion at ECF No. <a href="#">9</a> is granted. In light of parties' agreement that discovery is not needed and that the case is ripe for summary judgment motion practice, the 11/21/2023 Initial Conference and Case Management Plan filing deadline are adjourned sine die. By 11/22/2023, the parties must file a joint letter proposing a deadline for initiating summary judgment motion practice in accordance with the District Judge's Individual Rules. Ordered by Magistrate Judge Vera M. Scanlon on 11/15/2023. (GS) (Entered: 11/15/2023)
11/15/2023		ORDER granting <a href="#">10</a> Motion for Leave to Appear Pro Hac Vice. The attorney shall register for ECF, registration is available online at <a href="http://www.pacer.gov">www.pacer.gov</a> . Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Ordered by Magistrate Judge Vera M. Scanlon on 11/15/2023. (GS) (Entered: 11/15/2023)
11/16/2023	<a href="#">11</a>	NOTICE of Appearance by Mary Schiavo on behalf of E.B. (aty to be noticed) (Schiavo, Mary) (Entered: 11/16/2023)
11/22/2023	<a href="#">12</a>	Letter <i>jointly proposing a deadline for initiating summary judgment motion practice in accordance with Individual Rule III.A of the Honorable Diane Gujarati, U.S. District Judge</i> by U.S. Department Of Justice (Cooper, David) (Entered: 11/22/2023)
11/29/2023		ORDER. The joint proposed deadline at <a href="#">12</a> is so-ordered. By 12/15/2023, the parties will initiate summary judgment motion practice in accordance with the District Judge's Individual Rules. Ordered by Magistrate Judge Vera M. Scanlon on 11/29/2023. (GS) (Entered: 11/29/2023)
12/13/2023	<a href="#">13</a>	Consent MOTION for Extension of Time to File <i>to file a pre-motion conference letter</i> by U.S. Department Of Justice. (Cooper, David) (Entered: 12/13/2023)
12/18/2023		ORDER granting <a href="#">13</a> Motion for Extension of Time to File. On consent, the deadline to initiate dispositive motion practice in accordance with the District Judge's Individual Rules is extended to 1/5/2024. Ordered by Magistrate Judge Vera M. Scanlon on 12/18/2023. (GS) (Entered: 12/18/2023)
01/05/2024	<a href="#">14</a>	<del>Letter MOTION for pre motion conference <i>in anticipation of filing a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56</i> by U.S. Department Of Justice. (Attachments: # <a href="#">1</a> Defendants' Statement Pursuant to Local Civil Rule 56.1, # <a href="#">2</a> Declaration of Michael G. Seidel) (Cooper, David) <b>STRICKEN pursuant to Judge Diane Gujarati's Order dated 1/8/2024</b></del> (Entered: 01/05/2024)
01/08/2024		ORDER striking <a href="#">14</a> Letter MOTION for pre motion conference -- The Declaration of Michael G. Seidel, ECF No. 14-2, indicates that Exhibits A through F are "attached hereto," see ECF No. 14-2 at 33, but no exhibits are attached to the Declaration. The Clerk of Court is directed to strike Docket Entry 14 from the docket. Defendant shall file any renewed motion for a pre-motion conference by January 10, 2024. Ordered by Judge Diane Gujarati on 1/8/2024. (IH) (Entered: 01/08/2024)
01/08/2024	<a href="#">15</a>	Letter MOTION for pre motion conference <i>in anticipation of filing a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56</i> by U.S. Department Of Justice. (Attachments: # <a href="#">1</a> Defendants' Statement Pursuant to Local Civil Rule 56.1, # <a href="#">2</a> Declaration of Michael G. Seidel with accompanying Exhibits A through F) (Cooper, David) (Entered: 01/08/2024)
01/22/2024	<a href="#">16</a>	Letter <i>For Extension to Respond</i> by E.B. (Schiavo, Mary) (Entered: 01/22/2024)
01/23/2024	<a href="#">17</a>	RESPONSE to Motion re <a href="#">15</a> Letter MOTION for pre motion conference <i>in anticipation of filing a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56</i> filed by E.B.. (Attachments: # <a href="#">1</a> Declaration Mary Schiavo, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B) (Schiavo, Mary) (Entered: 01/23/2024)
01/24/2024		ORDER re <a href="#">17</a> RESPONSE -- As set forth in the undersigned's Individual Practice Rules, a party responding to a pre-motion conference letter filed in connection with an anticipated summary judgment motion must file a responsive Rule 56.1 Statement in the form set forth in Local Civil Rule 56.1. See Individual Practice Rule III.A.3. Plaintiff has failed to file a responsive Rule 56.1 Statement. See ECF No. 17. Plaintiff is afforded until January 26, 2024 to comply with Individual Practice Rule III.A.3. Ordered by Judge Diane Gujarati on 1/24/2024. (ECS) (Entered: 01/24/2024)
01/26/2024	<a href="#">18</a>	RULE 56.1 STATEMENT re <a href="#">17</a> Response to Motion, filed by E.B.. (Schiavo, Mary) (Entered: 01/26/2024)

02/29/2024		ORDER granting <a href="#">15</a> Letter MOTION for pre motion conference -- A pre-motion conference on Defendant's anticipated motion for summary judgment will be held on March 15, 2024 at 10:00 a.m. The call-in information for the telephone conference is 1-877-336-1839 and the access code is 2643682. Counsel should call in to the telephone conference five minutes before the conference begins. Persons granted remote access to proceedings are reminded that photographing, recording, and rebroadcasting of any court proceeding or communication with the Court are prohibited. Violation of these prohibitions may result in sanctions. A transcript of the proceedings may be ordered from the Clerk's Office. If any party has difficulty accessing the telephone conference, please contact chambers at Gujarati_Chambers@nyed.uscourts.gov. Ordered by Judge Diane Gujarati on 2/29/2024. (ECS) (Entered: 02/29/2024)
03/11/2024	<a href="#">19</a>	Consent MOTION to Adjourn Conference <i>scheduled for March 15, 2024 to a later date and time convenient for the Court</i> by U.S. Department Of Justice. (Cooper, David) (Entered: 03/11/2024)
03/13/2024	<a href="#">20</a>	Letter MOTION to Withdraw <a href="#">19</a> Consent MOTION to Adjourn Conference <i>scheduled for March 15, 2024 to a later date and time convenient for the Court</i> by U.S. Department Of Justice. (Cooper, David) (Entered: 03/13/2024)
03/14/2024		ORDER granting <a href="#">20</a> Letter MOTION to Withdraw <a href="#">19</a> Consent MOTION to Adjourn Conference -- The motion to withdraw the motion to adjourn the pre-motion conference scheduled for March 15, 2024 at 10:00 a.m. is granted. Ordered by Judge Diane Gujarati on 3/14/2024. (ECS) (Entered: 03/14/2024)
03/15/2024		Minute Entry for proceedings held before Judge Diane Gujarati: Pre-Motion Conference held on March 15, 2024. Mary Schiavo appeared on behalf of Plaintiff. David Allen Cooper appeared on behalf of Defendant. Case called. Discussion held. The parties were directed to file, by March 29, 2024, the joint status letter discussed on the record. (FTR Log #23-cv-05462 EB v. USDOJ PMC 3.15.24.) (ECS) (Entered: 03/15/2024)
03/29/2024	<a href="#">21</a>	STATUS REPORT <i>notifying the Court of the parties' intent to enter into a stipulation of dismissal</i> by U.S. Department Of Justice (Cooper, David) (Entered: 03/29/2024)
04/01/2024		ORDER re <a href="#">21</a> STATUS REPORT -- In their March 29, 2024 joint status letter, the parties request that the Court permit the parties to file a stipulation of dismissal by April 29, 2024. <i>See</i> ECF No. 21 at 2. The request is granted. The parties shall file their stipulation of dismissal by April 29, 2024. Ordered by Judge Diane Gujarati on 4/1/2024. (ECS) (Entered: 04/01/2024)
04/29/2024	<a href="#">22</a>	STIPULATION of Dismissal <i>Joint Stipulation of Dismissal</i> by E.B. (Schiavo, Mary) (Entered: 04/29/2024)
04/29/2024		Civil Case Terminated. (ECS) (Entered: 04/29/2024)