

**U.S. District Court
Middle District of Florida (Orlando)
CIVIL DOCKET FOR CASE #: 6:23-cv-01515-PGB-EJK**

Defense of Freedom Institute for Policy Studies, Inc. v. US
Department of Education et al
Assigned to: Judge Paul G. Byron
Referred to: Magistrate Judge Embry J. Kidd
Cause: 05:0552 Freedom of Information Act

Date Filed: 08/09/2023
Date Terminated: 03/21/2024
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**Defense of Freedom Institute for Policy
Studies, Inc.**

represented by **Martha Astor**
Defense of Freedom Institute
1455 Pennsylvania Avenue, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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PRO HAC VICE
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V.

Defendant

U.S. Department of Education

represented by **Robert Sowell**
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LEAD ATTORNEY
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Defendant

**The White House Office of
Management and Budget**

represented by **Robert Sowell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/09/2023	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$402 receipt number AFLMDC-21129445) filed by Defense of Freedom Institute for Policy Studies, Inc . (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> All Exhibits)(Astor, Martha) Modified to edit docket text on 8/10/2023 (RLK). (Entered: 08/09/2023)
08/09/2023	2	NEW CASE ASSIGNED to Judge Paul G. Byron and Magistrate Judge Embry J. Kidd. New case number: 6:23-cv-01515-PGB-EJK. (JG) (Entered: 08/09/2023)

08/09/2023	<u>3</u>	NOTICE TO COUNSEL Donald A. Daugherty, Jr. of Local Rule 2.01(a), which requires membership or special admission in the Middle District bar to practice in the Middle District, except for the limited exceptions identified in the Rule. To apply for membership in the Middle District, visit www.flmd.uscourts.gov/for-lawyers . (Signed by Deputy Clerk). (JG) (Entered: 08/09/2023)
08/10/2023	<u>4</u>	SUMMONS issued as to The White House Office of Management and Budget, U.S. Department of Education. (RLK) (Entered: 08/10/2023)
08/10/2023	<u>5</u>	INITIAL CASE ORDER re: Case Management and Deadlines. Signed by Judge Paul G. Byron on 8/10/2023. (KM) (Entered: 08/10/2023)
08/10/2023	<u>6</u>	ORDER ON DISCOVERY MOTIONS. Signed by Magistrate Judge Embry J. Kidd on 8/10/2023. (JOR) (Entered: 08/10/2023)
08/15/2023	<u>7</u>	First MOTION for Donald A. Daugherty, Jr. to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-21148431 for \$150 by Defense of Freedom Institute for Policy Studies, Inc. (Astor, Martha) Motions referred to Magistrate Judge Embry J. Kidd. (Entered: 08/15/2023)
08/15/2023	<u>8</u>	Amended MOTION for Donald A. Daugherty, Jr. to appear pro hac vice by Defense of Freedom Institute for Policy Studies, Inc.. (Astor, Martha) Motions referred to Magistrate Judge Embry J. Kidd. (Entered: 08/15/2023)
08/16/2023	<u>9</u>	ENDORSED ORDER denying without prejudice <u>8</u> Amended Motion for Donald A. Daugherty, Jr. to Appear Pro Hac Vice; denying as moot <u>7</u> Motion for Donald A. Daugherty, Jr. to Appear Pro Hac Vice. The Court expects attorneys seeking admission to practice before it to be familiar with and to follow all of the Federal Rules of Civil Procedure and the Local Rules. See Local Rule 2.01(b)(1)(D). Despite certifying his knowledge of these rules, Attorney Daugherty's Motion does not comply with the signature requirements set forth in Federal Rule of Civil Procedure 11(a). Additionally, counsel should review Local Rule 1.08 for the Court's formatting requirements for motions. Signed by Magistrate Judge Embry J. Kidd on 8/16/2023. (RMN) (Entered: 08/16/2023)
08/16/2023	<u>10</u>	Second MOTION for Donald A. Daugherty, Jr. to appear pro hac vice by Defense of Freedom Institute for Policy Studies, Inc. (Astor, Martha) Motions referred to Magistrate Judge Embry J. Kidd. (Entered: 08/16/2023)
08/16/2023	<u>11</u>	NOTICE of WITHDRAWAL of motion re <u>7</u> Motion to Appearfiled by Defense of Freedom Institute for Policy Studies, Inc. by Defense of Freedom Institute for Policy Studies, Inc. (Astor, Martha) (Entered: 08/16/2023)
08/17/2023	<u>12</u>	ORDER granting <u>10</u> Plaintiff's Second Motion for Special Admission of Donald A. Daugherty, Jr. Signed by Magistrate Judge Embry J. Kidd on 8/17/2023. (RMN) (Entered: 08/17/2023)
08/24/2023	<u>13</u>	CERTIFICATE of interested persons and corporate disclosure statement by Defense of Freedom Institute for Policy Studies, Inc. identifying Corporate Parent Defense of Freedom Institute for Policy Studies, Inc. for Defense of Freedom Institute for Policy Studies, Inc. (Astor, Martha) Modified text on 8/24/2023 (MCB). (Entered: 08/24/2023)
08/24/2023	<u>14</u>	NOTICE of a related action per Local Rule 1.07(c) by Defense of Freedom Institute for Policy Studies, Inc. Related case(s): No (Astor, Martha) Modified text on 8/24/2023 (MCB). (Entered: 08/24/2023)
09/08/2023	<u>17</u>	RETURN of service executed on 8/17/2023 by Defense of Freedom Institute for Policy Studies, Inc. as to U.S. Department of Education. (Attachments: # <u>1</u> Proof of Service, # <u>2</u> Proof of Mailing)(Astor, Martha) Modified on 9/8/2023 (SPM). (Entered: 09/08/2023)
09/20/2023	<u>18</u>	Unopposed MOTION for Extension of Time to File Response to <u>1</u> Complaint by All Defendants. (Sowell, Robert) (Entered: 09/20/2023)
09/28/2023	<u>19</u>	CERTIFICATE of Interested Persons and Corporate Disclosure Statement by The White House Office of Management and Budget, U.S. Department of Education. (Sowell, Robert) Modified text on 9/29/2023 (GL). (Entered: 09/28/2023)

09/28/2023	<u>20</u>	NOTICE of a related action per Local Rule 1.07(c) by The White House Office of Management and Budget, U.S. Department of Education. Related case(s): Yes. (Sowell, Robert) Modified text on 9/29/2023 (GL). (Entered: 09/28/2023)
09/29/2023	21	NOTICE TO COUNSEL Martha Astor and Donald Albert Daugherty, Jr. of Local Rule 2.02(a), which states, "The first paper filed on behalf of a party must designate only one lead counsel who – unless the party changes the designation – remains lead counsel throughout the action." Counsel must file a Notice of Lead Counsel Designation identifying lead counsel. (Signed by Deputy Clerk). (GL) (Entered: 09/29/2023)
10/03/2023	22	ENDORSED ORDER granting 18 Motion for Extension of Time. Defendants may have until and through October 5, 2023, to respond to the Complaint. Signed by Magistrate Judge Embry J. Kidd on 10/3/2023. (Kidd, Embry) (Entered: 10/03/2023)
10/04/2023		Set/reset deadlines/hearings: Answer due by 10/5/2023. (ARL) (Entered: 10/04/2023)
10/04/2023	<u>23</u>	NOTICE of Lead Counsel Designation by Martha Astor on behalf of Defense of Freedom Institute for Policy Studies, Inc. Lead Counsel: Martha A. Astor. (Astor, Martha) (Entered: 10/04/2023)
10/04/2023	24	NOTICE TO COUNSEL Martha Astor of Local Rule 2.01(b)(2)(B), which requires members of the Middle District bar to maintain with the clerk a current telephone number, mailing address, and email address. Update your contact information for the Middle District through PACER. (Signed by Deputy Clerk). (ARL) (Entered: 10/04/2023)
10/05/2023	<u>25</u>	ANSWER and affirmative defenses to 1 Complaint by The White House Office of Management and Budget, U.S. Department of Education.(Sowell, Robert) (Entered: 10/05/2023)
10/23/2023	<u>26</u>	MOTION to Dismiss <u>1</u> Complaint Pursuant to 28 U.S.C. 1406 or, Alternatively, to Transfer by All Defendants. (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> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20)(Sowell, Robert) . Added MOTION to Change Venue / Transfer Case on 10/23/2023 (AJS). (Entered: 10/23/2023)
10/25/2023	<u>27</u>	MOTION for Miscellaneous Relief, specifically for Rule 16(b) Scheduling Conference by All Defendants. (Sowell, Robert) (Entered: 10/25/2023)
11/03/2023	<u>28</u>	NOTICE by Defense of Freedom Institute for Policy Studies, Inc. re <u>27</u> MOTION for Miscellaneous Relief, specifically for Rule 16(b) Scheduling Conference (Astor, Martha) (Entered: 11/03/2023)
11/07/2023	<u>29</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION to Dismiss <u>1</u> Complaint Pursuant to 28 U.S.C. 1406 or, Alternatively, to Transfer MOTION to Change Venue / Transfer Case by Defense of Freedom Institute for Policy Studies, Inc.. (Astor, Martha) (Entered: 11/07/2023)
11/07/2023	30	ENDORSED ORDER granting 29 Motion for Extension of Time to File Response to Motion to Dismiss or, Alternatively, to Transfer. On or before November 16, 2023, Plaintiff shall respond to 26 Motion to Dismiss or, Alternatively, to Transfer. Signed by Judge Paul G. Byron on 11/7/2023. (ABP) (Entered: 11/07/2023)
11/08/2023	<u>31</u>	RESPONSE in Opposition re <u>27</u> MOTION for Miscellaneous Relief, specifically for Rule 16(b) Scheduling Conference filed by Defense of Freedom Institute for Policy Studies, Inc. (Astor, Martha) Modified on 11/9/2023 to edit text (ELM). (Entered: 11/08/2023)
11/13/2023	<u>32</u>	ORDER granting in part and denying in part 27 Motion for Rule 16(b) Scheduling Conference. See Order for details. Signed by Judge Paul G. Byron on 11/13/2023. (ABP) (Entered: 11/13/2023)

11/16/2023	<u>33</u>	RESPONSE in Opposition re <u>26</u> MOTION to Dismiss <u>1</u> Complaint Pursuant to 28 U.S.C. 1406 or, Alternatively, to Transfer MOTION to Change Venue / Transfer Case filed by Defense of Freedom Institute for Policy Studies, Inc. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration)(Astor, Martha) (Entered: 11/16/2023)
11/18/2023	<u>34</u>	MOTION for Leave to File Reply In Support of <u>26</u> Motion to Dismiss by All Defendants. (Sowell, Robert) Modified motion relief on 11/20/2023 (AJS). (Entered: 11/18/2023)
11/20/2023	35	ENDORSED ORDER denying <u>34</u> Motion for Leave to File Reply. The Court does not require the benefit of further briefing at this time. However, if additional briefing is deemed necessary in the future, the Court will direct the parties to file accordingly at the appropriate time. Signed by Judge Paul G. Byron on 11/20/2023. (ABP) (Entered: 11/20/2023)
11/20/2023	<u>36</u>	NOTICE of a related action per Local Rule 1.07(c) by Defense of Freedom Institute for Policy Studies, Inc. Related case(s): Yes (Astor, Martha) (Entered: 11/20/2023)
03/19/2024	<u>37</u>	ORDER granting <u>26</u> Motion to Dismiss for Improper Venue. The Clerk of Court is DIRECTED to transfer this matter to the District Court for the District of Columbia, where venue properly lies pursuant to 5 U.S.C. § 552(a)(4)(B), and close the case. See Order for further details. Signed by Judge Paul G. Byron on 3/19/2024. (ABD) (Entered: 03/19/2024)
03/21/2024	38	CASE ELECTRONICALLY TRANSFERRED to the District of Columbia. (RPB) (Entered: 03/21/2024)
03/21/2024		Acknowledgment – Transferred case has been opened in the District of Columbia as case 1:24-cv-814, filed on 3/21/2024. (RPB) (Entered: 03/21/2024)