

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-03810-TJK**

HERITAGE FOUNDATION et al v. CENTRAL
INTELLIGENCE AGENCY
Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 12/22/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**HERITAGE FOUNDATION**

represented by **Eric Neal Cornett**
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Plaintiff**MIKE HOWELL**

represented by **Eric Neal Cornett**
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V.

Defendant**CENTRAL INTELLIGENCE
AGENCY**

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Date Filed	#	Docket Text
12/22/2023	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 405 receipt number ADCDC-10579386) filed by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u>

		Exhibit 1, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> Exhibit 4, # <u>9</u> Exhibit 5, # <u>10</u> Exhibit 6)(Dewey, Samuel) (Entered: 12/22/2023)
12/26/2023		Case Assigned to Judge Timothy J. Kelly. (zsl) (Entered: 12/26/2023)
01/02/2024	<u>2</u>	SUMMONS (3) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zdp) (Entered: 01/02/2024)
02/01/2024	<u>3</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY.(Simon, Jeremy) (Entered: 02/01/2024)
02/05/2024	<u>4</u>	ANSWER to Complaint (<i>Amended Answer</i>) by CENTRAL INTELLIGENCE AGENCY.(Simon, Jeremy) (Entered: 02/05/2024)
02/05/2024	<u>5</u>	NOTICE of Appearance by Eric Neal Cornett on behalf of HERITAGE FOUNDATION, MIKE HOWELL (Cornett, Eric) (Main Document 5 replaced on 2/6/2024) (znmw). (Entered: 02/05/2024)
02/06/2024		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file, by February 20, 2024, a joint proposed schedule for briefing or disclosure. Signed by Judge Timothy J. Kelly on 2/6/2024. (lctjk3) (Entered: 02/06/2024)
02/09/2024	<u>6</u>	MOTION for Extension of Time to <i>File Proposed Schedule</i> by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 02/09/2024)
02/09/2024	<u>7</u>	ENTERED IN ERROR.....NOTICE of Intent to File Opposition by HERITAGE FOUNDATION, MIKE HOWELL re <u>6</u> Motion for Extension of Time to (Dewey, Samuel) Modified on 2/12/2024 (znmw). (Entered: 02/09/2024)
02/11/2024	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/2/2024. Answer due for ALL FEDERAL DEFENDANTS by 2/1/2024. (Dewey, Samuel) (Entered: 02/11/2024)
02/12/2024	<u>9</u>	Memorandum in opposition to re <u>6</u> Motion for Extension of Time to filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 02/12/2024)
02/12/2024	<u>10</u>	DECLARATION of Samuel Everett Dewey by HERITAGE FOUNDATION, MIKE HOWELL re <u>9</u> Memorandum in Opposition. (Attachments: # <u>1</u> Exhibit Dewey Decl. Ex. 1, # <u>2</u> Exhibit Dewey Decl. Ex. 2, # <u>3</u> Exhibit Dewey Decl. Ex. 3, # <u>4</u> Exhibit Dewey Decl. Ex. 4)(Dewey, Samuel) (Entered: 02/12/2024)
02/12/2024		NOTICE OF ERROR regarding <u>7</u> Notice (Other). The following error(s) need correction: Incorrect format (Letter)– correspondence is not permitted (LCvR 5.1(a)). Please refile. (znmw) (Entered: 02/12/2024)
02/13/2024		MINUTE ORDER granting in part and denying in part Defendant's <u>6</u> Motion for Extension of Time. On February 6, 2024, the Court ordered that the parties meet, confer, and file a joint proposed schedule for briefing and disclosure by February 20, 2024. Defendant moves to extend that deadline by one week, which Plaintiffs oppose. Federal Rule of Civil Procedure 6(b)(1) provides: "When an act may or must be done within a specified time, the court may, for good cause, extend the time[.]" Considering counsel's and his client's availability, the forthcoming holiday weekend, and Plaintiff's opposition, the Court finds that good cause exists for a short, three–day extension until February 23, 2024. Accordingly, it is hereby ORDERED that Defendant's <u>6</u> Motion for Extension of Time is GRANTED IN PART and DENIED IN PART. It is further ORDERED that the parties' deadline to meet, confer, and file a joint proposed schedule for briefing and disclosure is EXTENDED to February 23, 2024. Signed by Judge Timothy J. Kelly on 2/13/2024. (lctjk3) (Entered: 02/13/2024)
02/23/2024	<u>11</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Simon, Jeremy) (Entered: 02/23/2024)

02/27/2024		MINUTE ORDER: Upon consideration of the parties' <u>11</u> Joint Status Report, it is hereby ORDERED that the following schedule shall govern further proceedings: (1) Defendant's Motion for Judgment on the Pleadings is due by March 14, 2024; (2) Plaintiffs' Opposition is due by March 28, 2024; and (3) Defendant's Reply is due by April 10, 2024. It is further ORDERED that the parties shall file, by April 23, 2024, a further joint status report. Signed by Judge Timothy J. Kelly on 2/27/2024. (lctjk3) (Entered: 02/27/2024)
03/14/2024	<u>12</u>	MOTION for Judgment on the Pleadings <i>as to Count One</i> by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 03/14/2024)
03/28/2024	<u>13</u>	RESPONSE re <u>12</u> MOTION for Judgment on the Pleadings <i>as to Count One</i> filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 03/28/2024)
03/28/2024	<u>14</u>	DECLARATION of <i>Eric Neal Cornett</i> by HERITAGE FOUNDATION, MIKE HOWELL re <u>13</u> Response to motion. (Attachments: # <u>1</u> Exhibit 1)(Dewey, Samuel) (Entered: 03/28/2024)
04/10/2024	<u>15</u>	REPLY to opposition to motion re <u>12</u> MOTION for Judgment on the Pleadings <i>as to Count One</i> filed by CENTRAL INTELLIGENCE AGENCY. (Simon, Jeremy) (Entered: 04/10/2024)
04/23/2024	<u>16</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Simon, Jeremy) (Entered: 04/23/2024)