

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:20-cv-03236-JMC**

FAIRWARNING INC. et al v. NATIONAL HIGHWAY  
TRAFFIC SAFETY ADMINISTRATION  
Assigned to: Judge Jia M. Cobb  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/10/2020  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**FAIRWARNING INC.**  
*TERMINATED: 04/23/2021*

represented by **Rachel L. Fried**  
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*TERMINATED: 08/23/2021*

**Plaintiff**

**MYRON LEVIN**

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**Defendant****NATIONAL HIGHWAY TRAFFIC  
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*TERMINATED: 07/09/2021*

Date Filed	#	Docket Text
11/10/2020	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number ADCDC-7815803) filed by FAIRWARNING INC., MYRON LEVIN. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons William Barr, U.S. Attorney General, # <u>3</u> Summons NHTSA, # <u>4</u> Summons Michael Sherwin, U.S. Attorney)(Fried, Rachel) (Entered: 11/10/2020)
11/10/2020	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by FAIRWARNING INC. (Fried, Rachel) (Entered: 11/10/2020)
11/10/2020		Case Bates to Judge John D. Bates. (zmd) (Entered: 11/10/2020)
11/10/2020	<u>3</u>	SUMMONS (3) Issued Electronically as to NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 11/10/2020)
11/10/2020	<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 11/10/2020. Answer due for ALL FEDERAL DEFENDANTS by 12/10/2020. (Fried, Rachel)

		(Entered: 11/10/2020)
11/17/2020	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/16/2020. (Fried, Rachel) (Entered: 11/17/2020)
11/17/2020	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION served on 11/16/2020 (Fried, Rachel) (Entered: 11/17/2020)
12/10/2020	<u>7</u>	ANSWER to Complaint by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.(Brudy–Everett, Kristin) (Entered: 12/10/2020)
12/10/2020	<u>8</u>	ORDER setting deadline for parties to submit proposed briefing schedule. See text of Order for details. Signed by Judge John D. Bates on 12/10/2020. (lcjdb2) (Entered: 12/10/2020)
12/14/2020		Set/Reset Deadlines: Proposed Schedule due by 1/7/2021. (tb) (Entered: 12/14/2020)
01/07/2021	<u>9</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 01/07/2021)
01/08/2021		MINUTE ORDER: Upon consideration of <u>9</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than April 30, 2021. SO ORDERED. Signed by Judge John D. Bates on 01/08/2021. (lcjdb2) (Entered: 01/08/2021)
01/10/2021		Set/Reset Deadlines: Joint Status Report due by 4/30/2021. (tb) (Entered: 01/10/2021)
04/23/2021	<u>10</u>	NOTICE of Voluntary Dismissal re FairWarning Inc. (Fried, Rachel) (Entered: 04/23/2021)
04/30/2021	<u>11</u>	Joint STATUS REPORT by MYRON LEVIN. (Attachments: # <u>1</u> Text of Proposed Order)(Fried, Rachel) (Entered: 04/30/2021)
05/03/2021		MINUTE ORDER: Upon consideration of <u>11</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than June 29, 2021. SO ORDERED. Signed by Judge John D. Bates on 05/03/2021. (lcjdb2) (Entered: 05/03/2021)
05/04/2021		Set/Reset Deadlines: Joint Status Report due by 6/29/2021. (tb) (Entered: 05/04/2021)
05/28/2021	<u>12</u>	NOTICE of Appearance by David C. Vladeck on behalf of All Plaintiffs (Vladeck, David) (Entered: 05/28/2021)
06/29/2021	<u>13</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 06/29/2021)
06/29/2021		MINUTE ORDER: Upon consideration of <u>13</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than August 27, 2021. SO ORDERED. Signed by Judge John D. Bates on 06/29/2021. (lcjdb2) (Entered: 06/29/2021)
07/04/2021		Set/Reset Deadlines: Joint Status Report due by 8/27/2021. (tb) (Entered: 07/04/2021)
07/09/2021	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Christopher Charles Hair on behalf of All Defendants Substituting for attorney Kristin Brudy–Everett (Hair, Christopher) (Entered: 07/09/2021)
08/23/2021	<u>15</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to MYRON LEVIN. Attorney Rachel L. Fried terminated. (Fried, Rachel) (Entered: 08/23/2021)
08/26/2021	<u>16</u>	STATUS REPORT by MYRON LEVIN. (Vladeck, David) Modified text on 8/26/2021 (ztd). (Entered: 08/26/2021)
08/27/2021		MINUTE ORDER: Upon consideration of <u>16</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than September 10, 2021. SO ORDERED. Signed by Judge

		John D. Bates on 08/27/2021. (lcjdb2) (Entered: 08/27/2021)
08/30/2021		Set/Reset Deadlines: Joint Status Report due by 9/10/2021. (tb) (Entered: 08/30/2021)
09/10/2021	<u>17</u>	Joint STATUS REPORT by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. (Hair, Christopher) (Entered: 09/10/2021)
09/13/2021		MINUTE ORDER: Upon consideration of <u>17</u> the parties' joint status report, and the entire record herein, it is hereby ORDERED that the parties shall file another joint status report by not later than September 17, 2021. SO ORDERED. Signed by Judge John D. Bates on 09/13/2021. (lcjdb2) (Entered: 09/13/2021)
09/16/2021		Set/Reset Deadlines: Joint Status Report due by 9/17/2021. (tb) (Entered: 09/16/2021)
09/17/2021	<u>18</u>	Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. (Hair, Christopher) (Entered: 09/17/2021)
09/17/2021		MINUTE ORDER: Upon consideration of <u>18</u> the parties' Joint Status Report and Proposed Briefing Schedule, and the entire record herein, it is hereby ORDERED that the following schedule shall govern further proceedings: defendant's motion for summary judgment is due by not later than October 29, 2021; plaintiff's consolidated opposition to defendant's motion and cross-motion for summary judgment is due by not later than November 19, 2021; defendant's consolidated reply in support of its motion and opposition to plaintiff's cross-motion is due by not later than December 10, 2021; and plaintiff's reply in support of his cross-motion is due by not later than December 24, 2021. SO ORDERED. (lcjdb2) (Entered: 09/17/2021)
09/21/2021		Set/Reset Deadlines: Cross Motion due by 11/19/2021. Response to Cross Motion due by 12/10/2021. Reply to Cross Motion due by 12/24/2021. Summary Judgment motion due by 10/29/2021. Response to Motion for Summary Judgment due by 11/19/2021. Reply to Motion for Summary Judgment due by 12/10/2021. (tb) (Entered: 09/21/2021)
09/29/2021	<u>19</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Douglas C. Dreier on behalf of NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION Substituting for attorney Christopher C. Hair (Dreier, Douglas) (Entered: 09/29/2021)
10/29/2021	<u>20</u>	MOTION for Summary Judgment by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Hannah Fish, # <u>4</u> Exhibit A to Fish Declaration, # <u>5</u> Declaration of Shonda Humphrey, # <u>6</u> Exhibit A to Humphrey Declaration, # <u>7</u> Exhibit B to Humphrey Declaration, # <u>8</u> Exhibit C to Humphrey Declaration, # <u>9</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 10/29/2021)
11/16/2021		Case directly reassigned to Judge Jia M. Cobb. Judge John D. Bates is no longer assigned to the case. (ztnr) (Entered: 11/16/2021)
11/18/2021	<u>21</u>	NOTICE of Appearance by Stephanie K. Glaberson on behalf of MYRON LEVIN (Glaberson, Stephanie) (Entered: 11/18/2021)
11/18/2021	<u>22</u>	NOTICE of Appearance by John Harland Giammatteo on behalf of MYRON LEVIN (Giammatteo, John) (Entered: 11/18/2021)
11/19/2021	<u>23</u>	Cross MOTION for Summary Judgment by MYRON LEVIN. (Attachments: # <u>1</u> Memorandum in Support MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF PLAINTIFFS CROSS-MOTION FOR SUMMARY JUDGMENT, # <u>2</u> Declaration DECLARATION OF PLAINTIFF MYRON LEVIN, # <u>3</u> Declaration DECLARATION OF JOHN HARLAND GIAMMATTEO, # <u>4</u> Exhibit Ex. A, NHTSA-ES19-004222-000876, # <u>5</u> Exhibit Ex. B, NHTSA-ES19-004222-001162, # <u>6</u> Statement of Facts PLAINTIFFS COMBINED STATEMENT OF UNDISPUTED MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE AND RESPONSE TO DEFENDANTS STATEMENT OF MATERIAL FACTS, # <u>7</u> Text of Proposed Order)(Giammatteo, John) (Entered: 11/19/2021)
11/19/2021	25	Memorandum in opposition to re <u>20</u> MOTION for Summary Judgment filed by MYRON LEVIN. (See Docket Entry <u>23</u> to view document). (znmw) (Entered: 11/19/2021)

		12/16/2021)
11/29/2021	<u>24</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Summary Judgment , <u>23</u> Cross MOTION for Summary Judgment <i>and Opposition to 20 Defendant's Motion for Summary Judgment</i> by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 11/29/2021)
11/30/2021		MINUTE ORDER (paperless) granting <u>24</u> Motion for Extension of Time to File Response/Reply re <u>24</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Summary Judgment , <u>23</u> Cross MOTION for Summary Judgment <i>and Opposition to 20 Defendant's Motion for Summary Judgment</i> . Reply in support of Defendant's motion for summary judgment due by December 27, 2021. Reply in support of Plaintiff's cross-motion for summary judgment due January 10, 2022. Signed by Judge Jia M. Cobb on November 30, 2021. (lcjmc1) (Entered: 11/30/2021)
11/30/2021		Set/Reset Deadlines: Reply to Defendant's motion for summary judgment due by 12/27/2021. Reply to Plaintiff's cross motion for summary judgment due by 1/10/2022. (zgd) (Entered: 12/01/2021)
12/27/2021	<u>26</u>	Memorandum in opposition to re <u>23</u> Cross MOTION for Summary Judgment <i>and Opposition to 20 Defendant's Motion for Summary Judgment</i> filed by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. (Attachments: # <u>1</u> Statement of Facts Response to Statement of Facts, # <u>2</u> Declaration of Hannah Fish (Supplemental), # <u>3</u> Exhibit Supplemental Vaughn Index, # <u>4</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 12/27/2021)
12/27/2021	<u>27</u>	REPLY to opposition to motion re <u>20</u> MOTION for Summary Judgment ( <i>duplicate of ECF No. 26</i> ) filed by NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. (Dreier, Douglas) (Entered: 12/27/2021)
01/03/2022	<u>28</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>23</u> Cross MOTION for Summary Judgment <i>and Opposition to 20 Defendant's Motion for Summary Judgment</i> by MYRON LEVIN. (Attachments: # <u>1</u> Text of Proposed Order)(Giammatteo, John) (Entered: 01/03/2022)
01/04/2022		MINUTE ORDER granting <u>28</u> Unopposed MOTION for Extension of Time to File Response/Reply: Upon consideration of Plaintiff's unopposed Motion, it is ORDERED that the motion is GRANTED. Plaintiff's reply is due January 18, 2022. Signed by Judge Jia M. Cobb on January 4, 2022. (lcjmc1) (Entered: 01/04/2022)
01/18/2022	<u>29</u>	REPLY to opposition re <u>23</u> Cross MOTION for Summary Judgment filed by MYRON LEVIN. (Attachments: # <u>1</u> Declaration Giammatteo Suppl. Decl.)(Giammatteo, John) (Entered: 01/18/2022)
10/31/2022	<u>30</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sam Escher on behalf of NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION Substituting for attorney Douglas C. Dreier (Escher, Sam) (Entered: 10/31/2022)
03/19/2024	<u>31</u>	NOTICE of Supplemental Authority by MYRON LEVIN (Vladeck, David) (Entered: 03/19/2024)
07/03/2024	<u>32</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to MYRON LEVIN. Attorney John Harland Giammatteo terminated. (Giammatteo, John) (Entered: 07/03/2024)
07/03/2024	<u>33</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to MYRON LEVIN. Attorney Stephanie K. Glaberson terminated. (Glaberson, Stephanie) (Entered: 07/03/2024)