

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:20-cv-03678-APM**

CATO INSTITUTE v. FEDERAL BUREAU OF  
INVESTIGATION et al  
Assigned to: Judge Amit P. Mehta  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/15/2020  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CATO INSTITUTE**

represented by **Merrick Jason Wayne**  
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V.

**Defendant**

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**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **Bradley Silverman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel Patrick Schaefer**  
(See above for address)  
*TERMINATED: 10/12/2022*  
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**Diana Viggiano Valdivia**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Patricia K. McBride**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
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12/15/2020	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 402 receipt number ADCDC-7960382) filed by CATO INSTITUTE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Civil Cover Sheet, # <u>7</u> Summons)(Burday, Joshua) (Entered: 12/15/2020)
12/15/2020	<u>2</u>	NOTICE of Appearance by Joshua Hart Burday on behalf of CATO INSTITUTE (Burday, Joshua) (Entered: 12/15/2020)
12/15/2020	<u>3</u>	NOTICE of Appearance by Matthew Topic on behalf of CATO INSTITUTE (Topic, Matthew) (Entered: 12/15/2020)
12/15/2020		Case Assigned to Judge Amit P. Mehta. (adh, ) (Entered: 12/15/2020)
12/15/2020	<u>4</u>	SUMMONS (4) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 12/15/2020)
02/05/2021	<u>5</u>	NOTICE of Appearance by Diana Viggiano Valdivia on behalf of All Defendants (Valdivia, Diana) (Entered: 02/05/2021)
02/05/2021	<u>6</u>	NOTICE of Consent to Assignment to Magistrate Judge by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Valdivia, Diana) (Entered: 02/05/2021)
02/10/2021	<u>7</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE.(Valdivia, Diana) (Entered: 02/10/2021)
02/11/2021	<u>8</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before February 25, 2021. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for a stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 2/11/2021. (Entered: 02/11/2021)
02/15/2021	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 1/11/2021 (Burday, Joshua) (Entered: 02/15/2021)
02/15/2021	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 1/11/2021 (Burday, Joshua) (Entered: 02/15/2021)
02/15/2021	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/11/2021. (Burday, Joshua) (Entered: 02/15/2021)
02/15/2021	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/11/2021. Answer due for ALL FEDERAL DEFENDANTS by 2/10/2021. (Burday, Joshua) (Entered: 02/15/2021)
02/25/2021	<u>13</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 02/25/2021)
02/28/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by March 29, 2021, that updates the court on the status of processing and responsive records. Signed by Judge Amit P. Mehta on 2/28/2021. (lcapm1) (Entered: 02/28/2021)
03/29/2021	<u>14</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Valdivia, Diana) (Entered: 03/29/2021)
03/30/2021		MINUTE ORDER granting Defendants' <u>14</u> Consent Motion for Extension of Time. The parties shall file a Joint Status Report that updates the court on the status of

		processing and producing responsive records on or before April 5, 2021. Signed by Judge Amit P. Mehta on 3/30/2021. (lcapm1) (Entered: 03/30/2021)
04/05/2021	<u>15</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 04/05/2021)
04/06/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by May 5, 2021, that updates the court on the status of Defendants' searches and, if known, reports on the volume of potentially responsive records and proposes a production schedule. Signed by Judge Amit P. Mehta on 4/6/2021. (lcapm1) (Entered: 04/06/2021)
05/05/2021	<u>16</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 05/05/2021)
05/06/2021		MINUTE ORDER. The parties shall file an additional Joint Status Report by August 17, 2021, and every 60 days thereafter, that updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 5/6/2021. (lcapm1) (Entered: 05/06/2021)
08/17/2021	<u>17</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 08/17/2021)
10/18/2021	<u>18</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 10/18/2021)
12/17/2021	<u>19</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 12/17/2021)
01/21/2022	<u>20</u>	MOTION to Withdraw as Attorney by CATO INSTITUTE. (Attachments: # <u>1</u> Text of Proposed Order)(Topic, Matthew) (Entered: 01/21/2022)
01/21/2022		MINUTE ORDER granting <u>20</u> Motion to Withdraw as Counsel. The clerk of the court shall withdraw Joshua Burday as counsel for Plaintiff. Signed by Judge Amit P. Mehta on 1/21/2022. (lcapm1) (Entered: 01/21/2022)
02/15/2022	<u>21</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 02/15/2022)
04/13/2022	<u>22</u>	NOTICE of Appearance by Joshua Loevy on behalf of CATO INSTITUTE (Loevy, Joshua) (Entered: 04/13/2022)
04/18/2022	<u>23</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 04/18/2022)
06/17/2022	<u>24</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 06/17/2022)
08/16/2022	<u>25</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 08/16/2022)
08/18/2022	<u>26</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Daniel Patrick Schaefer on behalf of All Defendants Substituting for attorney Diana V. Valdivia (Schaefer, Daniel) (Entered: 08/18/2022)
10/12/2022	<u>27</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Patricia K. McBride on behalf of All Defendants Substituting for attorney Daniel P. Schaefer (McBride, Patricia) (Entered: 10/12/2022)
10/18/2022	<u>28</u>	Unopposed MOTION for Leave to File <i>JOINT STATUS REPORT</i> by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit JOINT STATUS REPORT)(McBride, Patricia) (Entered: 10/18/2022)
10/20/2022		MINUTE ORDER granting <u>28</u> Unopposed Motion for Leave to File Joint Status Report. Signed by Judge Amit P. Mehta on 10/20/2022. (lcapm1) (Entered: 10/20/2022)
12/01/2022	<u>29</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 12/01/2022)

01/26/2023	<u>30</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 01/26/2023)
02/28/2023	<u>31</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of CATO INSTITUTE (Wayne, Merrick) (Entered: 02/28/2023)
03/28/2023	<u>32</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 03/28/2023)
05/30/2023	<u>33</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 05/30/2023)
07/25/2023	<u>34</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 07/25/2023)
09/29/2023	<u>35</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 09/29/2023)
11/27/2023	<u>36</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 11/27/2023)
01/25/2024	<u>37</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 01/25/2024)
03/27/2024	<u>38</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 03/27/2024)
05/23/2024	<u>39</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 05/23/2024)
07/31/2024	<u>40</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (McBride, Patricia) (Entered: 07/31/2024)
09/09/2024	<u>41</u>	NOTICE of Appearance by Bradley Silverman on behalf of All Defendants (Silverman, Bradley) (Entered: 09/09/2024)