

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-00035-RDM**

CATO INSTITUTE v. FEDERAL BUREAU OF
INVESTIGATION et al
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 01/07/2021
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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TERMINATED: 01/25/2022

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V.

Defendant

**FEDERAL BUREAU OF
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Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **April Denise Seabrook**
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TERMINATED: 08/09/2022
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

John Moustakas
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Anthony Quinn
(See above for address)
TERMINATED: 08/09/2022
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/07/2021	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 402 receipt number ADCDC-8047923)

		filed by CATO INSTITUTE. (Attachments: # <u>1</u> Exhibit 1–10, # <u>2</u> Exhibit 11–20, # <u>3</u> Exhibit 21–30, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons)(Burday, Joshua) (Entered: 01/07/2021)
01/07/2021	<u>2</u>	NOTICE of Appearance by Joshua Hart Burday on behalf of CATO INSTITUTE (Burday, Joshua) (Entered: 01/07/2021)
01/07/2021	<u>3</u>	NOTICE of Appearance by Matthew Topic on behalf of CATO INSTITUTE (Topic, Matthew) (Entered: 01/07/2021)
01/07/2021		Case Assigned to Judge Randolph D. Moss. (adh,) (Entered: 01/07/2021)
01/07/2021	<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: 01/07/2021)
01/11/2021	<u>5</u>	STANDING ORDER: It is hereby ORDERED that the parties shall comply with the directives set forth in the attached standing order. See document for details. Signed by Judge Randolph D. Moss on 1/11/2021. (lcrdm2) (Entered: 01/11/2021)
02/01/2021	<u>6</u>	NOTICE of Appearance by April Denise Seabrook on behalf of FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Seabrook, April) (Entered: 02/01/2021)
02/02/2021	<u>7</u>	NOTICE of Consent to Assignment to Magistrate Judge by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Seabrook, April) (Entered: 02/02/2021)
02/02/2021		MINUTE ORDER: In light of Defendant's notice of consent to assignment to a magistrate judge for all purposes, Dkt. <u>7</u> , it is hereby ORDERED that Plaintiff shall file a notice with the Court on or before February 9, 2021, indicating whether it consents to the referral of this case to a magistrate judge for all purposes. Signed by Judge Randolph D. Moss on 2/2/2021. (lcrdm2) (Entered: 02/02/2021)
02/09/2021	<u>8</u>	NOTICE of Non–Consent to Assignment to Magistrate Judge by CATO INSTITUTE (Topic, Matthew) (Entered: 02/09/2021)
02/09/2021		MINUTE ORDER: Upon consideration of Plaintiff's notice of non–consent to assignment to a magistrate judge, Dkt. <u>8</u> , the Court hereby notifies the parties that the case will not be assigned to a magistrate judge. Signed by Judge Randolph D. Moss on 2/9/2021. (lcrdm2) (Entered: 02/09/2021)
02/16/2021	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 1/21/2021 (Burday, Joshua) (Entered: 02/16/2021)
02/16/2021	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 1/19/2021 (Burday, Joshua) (Entered: 02/16/2021)
02/16/2021	<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 1/21/2021. (Burday, Joshua) (Entered: 02/16/2021)
02/16/2021	<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 1/21/2021. Answer due for ALL FEDERAL DEFENDANTS by 2/20/2021. (Burday, Joshua) (Entered: 02/16/2021)
02/18/2021	<u>13</u>	Consent MOTION for Extension of Time to File Answer by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Seabrook, April) (Entered: 02/18/2021)
02/18/2021		MINUTE ORDER: Upon consideration of Defendants' motion for extension of time, Dkt. <u>13</u> , it is hereby ORDERED that the motion is GRANTED. Defendants shall answer or otherwise respond to the complaint on or before March 4, 2021. Signed by Judge Randolph D. Moss on 2/18/2021. (lcrdm2) (Entered: 02/18/2021)

03/04/2021	<u>14</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE.(Seabrook, April) (Entered: 03/04/2021)
03/05/2021		MINUTE ORDER: It is ORDERED that, on or before March 26, 2021, the parties shall confer and file a joint status report addressing (1) any documents still to be produced pursuant to FOIA; (2) an anticipated schedule for processing and producing any such documents; and (3) any substantive areas of disagreement between the parties. It is further ORDERED that the parties shall appear telephonically for an Initial Scheduling Conference on April 2, 2021, at 10:15 a.m., before Judge Randolph D. Moss. The Courtroom Deputy Clerk will distribute the necessary dial-in information. Signed by Judge Randolph D. Moss on 3/5/2021. (lcrdm2) (Entered: 03/05/2021)
03/25/2021	<u>15</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Seabrook, April) (Entered: 03/25/2021)
03/26/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>15</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before May 11, 2021. It is further ORDERED that the initial scheduling conference set for April 2, 2021, at 10:15 a.m., is VACATED. Signed by Judge Randolph D. Moss on 3/26/2021. (lcrdm2) (Entered: 03/26/2021)
05/11/2021	<u>16</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Seabrook, April) (Entered: 05/11/2021)
05/12/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>16</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before June 25, 2021. Signed by Judge Randolph D. Moss on 5/12/2021. (lcrdm2) (Entered: 05/12/2021)
06/25/2021	<u>17</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Seabrook, April) (Entered: 06/25/2021)
06/30/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>17</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before August 12, 2021. Signed by Judge Randolph D. Moss on 6/30/2021. (lcrdm2) (Entered: 06/30/2021)
08/10/2021	<u>18</u>	NOTICE of Appearance by Thomas Anthony Quinn on behalf of All Defendants (Quinn, Thomas) (Entered: 08/10/2021)
08/10/2021	<u>19</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Quinn, Thomas) (Entered: 08/10/2021)
08/13/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>19</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before October 5, 2021. Signed by Judge Randolph D. Moss on 8/13/2021. (lcrdm2) (Entered: 08/13/2021)
10/05/2021	<u>20</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Quinn, Thomas) (Entered: 10/05/2021)
10/06/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>20</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before December 10, 2021. Signed by Judge Randolph D. Moss on 10/06/21. (lcrdm2) (Entered: 10/06/2021)
12/10/2021	<u>21</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Quinn, Thomas) (Entered: 12/10/2021)
12/13/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>21</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before February 10, 2022. Signed by Judge Randolph D. Moss on 12/13/2021. (lcrdm2) (Entered: 12/13/2021)
01/21/2022	<u>22</u>	MOTION to Withdraw as Attorney by CATO INSTITUTE. (Attachments: # <u>1</u> Text of Proposed Order)(Topic, Matthew) (Entered: 01/21/2022)

01/25/2022		MINUTE ORDER: Upon consideration of the motion to withdraw as attorney <u>22</u> it is hereby ORDERED that the motion is GRANTED and that Joshua Burday is granted leave to withdraw his appearance as counsel for Plaintiff. Signed by Judge Randolph D. Moss on 1/25/2022. (lcrdm2) (Entered: 01/25/2022)
02/10/2022	<u>23</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Seabrook, April) (Entered: 02/10/2022)
02/11/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>23</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before April 12, 2022. Signed by Judge Randolph D. Moss on 2/11/2022. (lcrdm2) (Entered: 02/11/2022)
04/11/2022	<u>24</u>	NOTICE of Appearance by Joshua Loevy on behalf of CATO INSTITUTE (Loevy, Joshua) (Entered: 04/11/2022)
04/12/2022	<u>25</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Seabrook, April) (Entered: 04/12/2022)
04/12/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>25</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before July 14, 2022. Signed by Judge Randolph D. Moss on 4/12/2022. (lcrdm2) (Entered: 04/12/2022)
07/13/2022	<u>26</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Seabrook, April) (Entered: 07/13/2022)
07/14/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>26</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before October 11, 2022. Signed by Judge Randolph D. Moss on 7/14/2022. (lcrdm2) (Entered: 07/14/2022)
08/09/2022	<u>27</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE Substituting for attorney seabrook (Moustakas, John) (Entered: 08/09/2022)
10/11/2022	<u>28</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Moustakas, John) (Entered: 10/11/2022)
10/12/2022		MINUTE ORDER: Upon consideration of the Joint Status Report, Dkt. <u>28</u> , it is hereby ORDERED that the parties file a further joint status report on or before January 9, 2023. Signed by Judge Randolph D. Moss on 10/12/2022. (lcrdm2) (Entered: 10/12/2022)
01/09/2023	<u>29</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Moustakas, John) (Entered: 01/09/2023)
01/10/2023		MINUTE ORDER: Upon consideration of the Joint Status Report, Dkt. <u>29</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before April 10, 2023. Signed by Judge Randolph D. Moss on 1/10/2023. (lcrdm2) (Entered: 01/10/2023)
02/28/2023	<u>30</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of CATO INSTITUTE (Wayne, Merrick) (Entered: 02/28/2023)
04/10/2023	<u>31</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Moustakas, John) (Entered: 04/10/2023)
04/11/2023		MINUTE ORDER: Upon consideration of the Joint Status Report, Dkt. <u>31</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before July 10, 2023. Signed by Judge Randolph D. Moss on 4/11/2023. (lcrdm2) (Entered: 04/11/2023)
07/10/2023	<u>32</u>	Joint STATUS REPORT by CATO INSTITUTE. (Wayne, Merrick) (Entered: 07/10/2023)
07/13/2023		MINUTE ORDER: Upon consideration of the Joint Status Report, Dkt. <u>32</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before October 5, 2023. Signed by Judge Randolph D. Moss on 7/13/2023. (lcrdm2) (Entered: 07/13/2023)

10/05/2023	<u>33</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Moustakas, John) (Entered: 10/05/2023)
10/06/2023		MINUTE ORDER: In light of the parties' October 5, 2023, Joint Status Report, Dkt. <u>33</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before January 5, 2024. Signed by Judge Randolph D. Moss on 10/6/23. (lcrdm2) (Entered: 10/06/2023)
12/28/2023	<u>34</u>	NOTICE of Appearance by Bradley Silverman on behalf of FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Silverman, Bradley) (Entered: 12/28/2023)
01/05/2024	<u>35</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Silverman, Bradley) (Entered: 01/05/2024)
01/07/2024		MINUTE ORDER: In light of the parties' January 5, 2024, Joint Status Report, Dkt. <u>35</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before March 4, 2024. Signed by Judge Randolph D. Moss on 1/7/24. (lcrdm2) (Entered: 01/07/2024)
03/04/2024	<u>36</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Silverman, Bradley) (Entered: 03/04/2024)
03/04/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>36</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before April 15, 2024. Signed by Judge Randolph D. Moss on 3/4/24. (lcrdm2) (Entered: 03/04/2024)
04/10/2024	<u>37</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Silverman, Bradley) (Entered: 04/10/2024)
04/15/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>37</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before June 14, 2024. Signed by Judge Randolph D. Moss on 4/15/24. (lcrdm2) (Entered: 04/15/2024)
06/06/2024	<u>38</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Silverman, Bradley) (Entered: 06/06/2024)
06/09/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>38</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before August 6, 2024. Signed by Judge Randolph D. Moss on 6/9/24. (lcrdm2) (Entered: 06/09/2024)
08/06/2024	<u>39</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Silverman, Bradley) (Entered: 08/06/2024)
08/07/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>39</u> , it is hereby ORDERED that the parties shall submit a further joint status report on or before October 7, 2024. Signed by Judge Randolph D. Moss on 8/7/2024. (lcrdm2) (Entered: 08/07/2024)