

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-01054-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: 04/15/2021
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

CATO INSTITUTE

represented by **Joshua Loevy**
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V.

Defendant

**FEDERAL BUREAU OF
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Defendant

U.S. DEPARTMENT OF JUSTICE

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Fithawi Berhane
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Michael A. Tilghman , II
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Dedra Seibel Curteman
(See above for address)
TERMINATED: 07/05/2022

Date Filed	#	Docket Text
04/15/2021	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 402 receipt number ADCDC-8378851)

		filed by CATO INSTITUTE. (Attachments: # <u>1</u> Exhibit A–E, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Burday, Joshua) (Entered: 04/15/2021)
04/15/2021	<u>2</u>	NOTICE of Appearance by Joshua Hart Burday on behalf of CATO INSTITUTE (Burday, Joshua) (Entered: 04/15/2021)
04/15/2021	<u>3</u>	ENTERED IN ERROR.....NOTICE of Appearance by Matthew Topic on behalf of CATO INSTITUTE (Topic, Matthew) Modified on 4/19/2021 (adh,). (Entered: 04/15/2021)
04/16/2021	<u>4</u>	NOTICE of Appearance by Matthew Topic on behalf of CATO INSTITUTE (Topic, Matthew) (Entered: 04/16/2021)
04/16/2021		Case Assigned to Judge Randolph D. Moss. (znmg) (Entered: 04/16/2021)
04/16/2021	<u>5</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)(znmg) (Entered: 04/16/2021)
04/18/2021	<u>6</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 4/18/2021. (lcrdm2) (Entered: 04/18/2021)
05/20/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/03/2021. (Burday, Joshua) (Entered: 05/20/2021)
05/20/2021	<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 5/3/2021. Answer due for ALL FEDERAL DEFENDANTS by 6/2/2021. (Burday, Joshua) (Entered: 05/20/2021)
05/20/2021	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 5/3/2021 (Burday, Joshua) (Entered: 05/20/2021)
05/20/2021	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 5/3/2021 (Burday, Joshua) (Entered: 05/20/2021)
06/02/2021	<u>11</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE.(Tilghman, Michael) (Entered: 06/02/2021)
06/03/2021		MINUTE ORDER: It is hereby ORDERED that, on or before July 6, 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 July 13, 2021, at 10:15 a.m. The Courtroom Deputy Clerk will provide the necessary dial–in information. Signed by Judge Randolph D. Moss on 6/3/2021. (lcrdm2) (Entered: 06/03/2021)
07/06/2021	<u>12</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Tilghman, Michael) (Entered: 07/06/2021)
07/13/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Initial Scheduling Conference held on 7/13/2021. For the reasons stated on the record, the parties shall file a Joint Status Report by 8/13/2021. (Court Reporter: Nancy Meyer.) (kt) (Entered: 07/13/2021)
08/13/2021	<u>13</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Tilghman, Michael) (Entered: 08/13/2021)
08/13/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>13</u> , it is hereby ORDERED that the parties shall file another joint status report on or before September 13, 2021. Signed by Judge Randolph D. Moss on 8/13/2021. (lcrdm2) (Entered: 08/13/2021)

09/13/2021	<u>14</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Tilghman, Michael) (Entered: 09/13/2021)
09/15/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>14</u> , it is hereby ORDERED that the parties shall file a further status report on or before October 13, 2021, providing a proposal for further proceedings. Signed by Judge Randolph D. Moss on 09/15/2021. (lcrdm2) (Entered: 09/15/2021)
10/13/2021	<u>15</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Tilghman, Michael) (Entered: 10/13/2021)
10/18/2021		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 November 12, 2021. Signed by Judge Randolph D. Moss on 10/18/2021. (lcrdm2) (Entered: 10/18/2021)
11/12/2021	<u>16</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Tilghman, Michael) (Entered: 11/12/2021)
11/19/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>16</u> , it is hereby ORDERED that Plaintiff shall file a notice (as required by the Court's standing order <u>6</u>) setting forth the basis for its anticipated motion for summary judgment on or before November 22, 2021, and Defendant shall submit a notice (as required by the Court's standing order <u>6</u>) setting forth its intended response on or before November 29, 2021. It is further ORDERED that the parties shall appear telephonically for a pre-motions conference on December 3, 2021, at 10:30 a.m. The parties are directed to use the same dial-in information previously provided. Signed by Judge Randolph D. Moss on 11/19/2021. (lcrdm2) (Entered: 11/19/2021)
11/22/2021		Set/Reset Deadlines: Notice due by 11/29/2021. (kt) (Entered: 11/22/2021)
11/23/2021	<u>17</u>	MOTION for Leave to File <i>Notice of Issues for Summary Judgment Instanter</i> by CATO INSTITUTE. (Attachments: # <u>1</u> Exhibit A)(Burday, Joshua) (Entered: 11/23/2021)
11/24/2021		MINUTE ORDER: Upon consideration of Defendant's motion for leave to file notice of issues for summary judgment, Dkt. <u>17</u> , it is hereby ORDERED that the motion is GRANTED, and the notice is deemed FILED. Signed by Judge Randolph D. Moss on 11/24/2021. (lcrdm2) (Entered: 11/24/2021)
11/24/2021	<u>19</u>	NOTICE of Issues for Summary Judgment by CATO INSTITUTE (znmw) (Entered: 12/02/2021)
11/29/2021	<u>18</u>	NOTICE of Defendants' Intended Response to Plaintiff's Motion for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Exhibit A)(Tilghman, Michael) (Entered: 11/29/2021)
12/03/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Pre-motion Conference held on 12/3/2021. Defendant's Summary Judgment Motion due by 3/18/2022; Plaintiff's Response to Motion for Summary Judgment and Cross Motion due by 4/18/2022; Defendant's Reply to Motion for Summary Judgment and Response to Cross Motion due by 5/18/2022; Plaintiff's Reply to Cross Motion due by 6/15/2022. (Court Reporter Jeff Hook.) (kt) (Entered: 12/03/2021)
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)
03/08/2022		MINUTE ORDER: Upon consideration of Plaintiff's motion to withdraw the appearance of Joshua Burday, Dkt. <u>20</u> , it is hereby ORDERED that the motion is GRANTED. The Clerk of the Court is directed to withdraw the appearance of Joshua Burday on behalf of Plaintiff. Signed by Judge Randolph D. Moss on 3/8/2022. (lcrdm2) (Entered: 03/08/2022)
03/18/2022	<u>21</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Undisputed Material Facts, # <u>3</u> Declaration with Exhibits, # <u>4</u> Text of Proposed Order)(znmw) (Entered: 03/21/2022)

04/18/2022	<u>22</u>	Cross MOTION for Summary Judgment by CATO INSTITUTE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Statement of Facts Response to SOF, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J, # <u>14</u> Exhibit K, # <u>15</u> Exhibit L, # <u>16</u> Text of Proposed Order)(Topic, Matthew) (Entered: 04/18/2022)
04/18/2022	<u>23</u>	Memorandum in opposition to re <u>21</u> MOTION for Summary Judgment filed by CATO INSTITUTE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Statement of Facts Response to SOF, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Text of Proposed Order)(Topic, Matthew) (Entered: 04/18/2022)
05/10/2022	<u>24</u>	NOTICE of Appearance by Dedra Seibel Curteman on behalf of All Defendants (Curteman, Dedra) (Entered: 05/10/2022)
05/10/2022	<u>25</u>	Consent MOTION for Extension of Time to <i>Complete Summary Judgment Motions Briefing</i> by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 05/10/2022)
05/10/2022		MINUTE ORDER: Upon consideration of Defendants' consent motion for extension of time, Dkt. <u>25</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendants' reply in support of their motion for summary judgment and opposition to Plaintiff's cross-motion for summary judgment shall be due on or before June 17, 2022, and Plaintiff's reply shall be due on or before July 25, 2022. Signed by Judge Randolph D. Moss on 5/10/2022. (lcrdm2) (Entered: 05/10/2022)
06/15/2022	<u>26</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 06/15/2022)
06/21/2022		MINUTE ORDER: Upon consideration of Defendants' consent motion for extension of time, Dkt. <u>26</u> , it is hereby ORDERED that Defendants' motion is GRANTED. It is further ORDERED that (1) Defendants shall file their reply in support of their motion for summary judgment and opposition to Plaintiffs cross motion on or before July 18, 2022 and (2) Plaintiff shall file its reply on or before August 24, 2022. Signed by Judge Randolph D. Moss on 6/21/2022. (lcrdm2) (Entered: 06/21/2022)
07/05/2022	<u>27</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. Attorney Dedra Seibel Curteman terminated. (Curteman, Dedra) (Entered: 07/05/2022)
07/18/2022	<u>28</u>	REPLY to opposition to motion re <u>21</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Tilghman, Michael) (Entered: 07/18/2022)
07/18/2022	<u>29</u>	Memorandum in opposition to re <u>22</u> Cross MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Defendants' Response to Plaintiff's Additional Undisputed Facts, # <u>4</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 07/18/2022)
08/24/2022	<u>30</u>	REPLY to opposition to motion re <u>22</u> Cross MOTION for Summary Judgment filed by CATO INSTITUTE. (Topic, Matthew) (Entered: 08/24/2022)
09/12/2022	<u>31</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Benton Gregory Peterson on behalf of FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE Substituting for attorney Michael Tilghman (Peterson, Benton) (Entered: 09/12/2022)
03/07/2023		MINUTE ORDER: In light of the pending cross motions for summary judgment, Dkts. <u>21</u> , <u>22</u> , it is hereby ORDERED that the parties shall appear for a hearing on those motions on Thursday, March 16, 2023, at 10:00 a.m., via Zoom. Signed by Judge Randolph D. Moss on 3/7/2023. (lcrdm2) (Entered: 03/07/2023)
03/07/2023	<u>32</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Fithawi Berhane on behalf of FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE

		Substituting for attorney Benton Peterson (Berhane, Fithawi) (Entered: 03/07/2023)
03/16/2023	<u>33</u>	NOTICE of Appearance by Joshua Loevy on behalf of CATO INSTITUTE (Loevy, Joshua) (Entered: 03/16/2023)
03/16/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Motion Hearing held on 3/16/2023 re <u>21</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, <u>22</u> Cross MOTION for Summary Judgment filed by CATO INSTITUTE. Case stayed. Joint Status Report due on or before 4/7/2023. (Court Reporter Jeff Hook.) (zglw) (Entered: 03/16/2023)
03/29/2023	<u>34</u>	<p>TRANSCRIPT OF MOTION HEARING before Judge Randolph D. Moss held on March 16, 2023. Page Numbers: 1 – 45. Date of Issuance: March 29, 2023. Court Reporter: Jeff Hook. Telephone number 202–354–3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 4/19/2023. Redacted Transcript Deadline set for 4/29/2023. Release of Transcript Restriction set for 6/27/2023.(Hook, Jeff) (Entered: 03/29/2023)</p>
04/07/2023	<u>35</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Berhane, Fithawi) (Entered: 04/07/2023)
04/07/2023		MINUTE ORDER: In light of the parties' Joint Status Report, Dkt. <u>35</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before June 6, 2023. Signed by Judge Randolph D. Moss on 4/7/2023. (lcrdm2) (Entered: 04/07/2023)
06/06/2023	<u>36</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Berhane, Fithawi) (Entered: 06/06/2023)
06/09/2023		MINUTE ORDER: In light 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 September 4, 2023. Signed by Judge Randolph D. Moss on 6/9/2023. (lcrdm2) (Entered: 06/09/2023)
09/05/2023	<u>37</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Berhane, Fithawi) (Entered: 09/05/2023)
09/06/2023		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 November 6, 2023. Signed by Judge Randolph D. Moss on 9/6/23. (lcrdm2) (Entered: 09/06/2023)
11/06/2023	<u>38</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Berhane, Fithawi) (Entered: 11/06/2023)
11/07/2023		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 January 22, 2024. Signed by Judge Randolph D. Moss on 11/7/23. (lcrdm2) (Entered: 11/07/2023)
01/22/2024	<u>39</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Berhane, Fithawi) (Entered: 01/22/2024)

01/23/2024		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 March 22, 2024. Signed by Judge Randolph D. Moss on 1/23/24. (lcrdm2) (Entered: 01/23/2024)
03/22/2024	<u>40</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of CATO INSTITUTE (Wayne, Merrick) (Entered: 03/22/2024)
03/22/2024	<u>41</u>	Joint STATUS REPORT by CATO INSTITUTE. (Wayne, Merrick) (Entered: 03/22/2024)
03/24/2024		MINUTE ORDER: Upon consideration of the parties' Joint Status Report, Dkt. <u>41</u> , it is hereby ORDERED that the parties shall submit a further joint status report on or before May 27, 2024. Signed by Judge Randolph D. Moss on 3/24/24. (lcrdm2) (Entered: 03/24/2024)
04/15/2024		Set/Reset Deadlines: Joint Status Report due by 5/27/2024. (zgf) (Entered: 04/15/2024)
05/28/2024	<u>42</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Berhane, Fithawi) (Entered: 05/28/2024)
05/31/2024		MINUTE ORDER: Upon consideration of the parties' Joint Status Report, Dkt. <u>42</u> , it is hereby ORDERED that the parties shall submit a further joint status report on or before July 29, 2024. Signed by Judge Randolph D. Moss on 5/31/24. (lcrdm2) (Entered: 05/31/2024)
07/29/2024	<u>43</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Berhane, Fithawi) (Entered: 07/29/2024)
07/30/2024		MINUTE ORDER: Upon consideration of the parties' Joint Status Report, Dkt. <u>43</u> , it is hereby ORDERED that the parties shall submit a further joint status report on or before September 30, 2024. Signed by Judge Randolph D. Moss on 7/30/24. (lcrdm2) (Entered: 07/30/2024)