

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:21-cv-21992-KMM**

American Federation Of Government Employees Local 527 v.
U.S. Immigration and Customs Enforcement
Assigned to: Chief Judge K. Michael Moore
Referred to: Magistrate Judge Lauren Fleischer Louis
Cause: 05:0552 Freedom of Information Act

Date Filed: 05/27/2021
Date Terminated: 03/18/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American federationof Government
Employees Local 527**

represented by **David William Macey**
David W Macey PA
135 San Lorenzo Avenue
Suite 830
Miami, FL 33146
305-860-2562
Fax: 305-675-5841
Email: dm@davidmacey.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. Immigration and Customs
Enforcement**

represented by **Carlos Javier Raurell**
United States Attorney's Office
99 NE 4 Street
Miami, FL 33132
305-961-9243
Fax: 305-530-7139
Email: carlos.raurell@usdoj.gov
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Noticing INS Attorney
Email: usafis-immigration@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/27/2021	<u>1</u>	COMPLAINT against U.S. Immigration and Customs Enforcement. Filing fees \$ 402.00 receipt number AFLSDC-14723133, filed by American federationof Government Employees Local 527. (Attachments: # <u>1</u> Summon(s), # <u>2</u> Civil Cover Sheet)(Macey, David) (Entered: 05/27/2021)
05/27/2021	2	Clerks Notice of Judge Assignment to Chief Judge K. Michael Moore. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Lauren F. Louis is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (ebz) (Entered: 05/28/2021)
05/28/2021	<u>3</u>	Summons Issued as to U.S. Immigration and Customs Enforcement. (ebz) (Entered: 05/28/2021)

06/01/2021	4	PAPERLESS ORDER REFERRING CASE. PURSUANT to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the above-captioned cause is hereby referred to Magistrate Judge Lauren F. Louis to take all necessary and proper action as required by law regarding all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. Signed by Chief Judge K. Michael Moore on 6/1/2021. (hwr) (Entered: 06/01/2021)
06/02/2021	5	NOTICE of Attorney Appearance by Noticing INS Attorney on behalf of U.S. Immigration and Customs Enforcement. Attorney Noticing INS Attorney added to party U.S. Immigration and Customs Enforcement(pty:dft). (ebz) (Entered: 06/02/2021)
06/02/2021	6	CLERK'S NOTICE re <u>1</u> Complaint, 4 Order Referring Case to Magistrate Judge,. Additional Notice of Electronic Filing (NEF) sent to usafls-immigration@usdoj.gov (ebz) (Entered: 06/02/2021)
06/30/2021	<u>7</u>	AFFIDAVIT signed by: Shirley Lowe by American federationof Government Employees Local 527 (Macey, David) (Entered: 06/30/2021)
07/30/2021	<u>8</u>	ANSWER and Affirmative Defenses to Complaint by U.S. Immigration and Customs Enforcement. Attorney Carlos Javier Raurell added to party U.S. Immigration and Customs Enforcement(pty:dft). (Raurell, Carlos) (Entered: 07/30/2021)
10/29/2021	<u>9</u>	SCHEDULING ORDER setting briefing schedule. Signed by Magistrate Judge Lauren Fleischer Louis on 10/29/2021. <i>See attached document for full details.</i> (eb00) (Entered: 10/29/2021)
11/03/2021	<u>10</u>	Joint MOTION to Continue <i>Briefing Schedule</i> re <u>9</u> Scheduling Order by U.S. Immigration and Customs Enforcement. Responses due by 11/17/2021 (Raurell, Carlos) (Entered: 11/03/2021)
11/03/2021	11	PAPERLESS ORDER granting <u>10</u> Motion to Continue. The briefing schedule shall be continued for 90 days. Plaintiff shall file its Motion for Summary Judgment on or before March 28, 2022. Signed by Magistrate Judge Lauren Fleischer Louis on 11/3/2021. (eb00) (Entered: 11/03/2021)
11/04/2021	<u>12</u>	NOTICE OF UNAVAILABILITY by American federationof Government Employees Local 527 for dates of 11-18-21-11-28-21,12-17-21-1-3-22 (Macey, David) (Entered: 11/04/2021)
12/03/2021	<u>13</u>	Joint MOTION for Amendment of Briefing Schedule re 11 Order on Motion to Continue, by U.S. Immigration and Customs Enforcement. (Raurell, Carlos) Modified to change motion relief to Amend on 12/3/2021 (jas). (Entered: 12/03/2021)
12/03/2021	14	Clerks Notice to Filer re <u>13</u> for Amendment of Briefing Schedule. Wrong Motion Relief(s) Selected; ERROR – The Filer selected the wrong motion relief(s) when docketing the motion. The correction was made by the Clerk. It is not necessary to refile this document but future motions filed must include applicable reliefs. (jas) (Entered: 12/03/2021)
12/13/2021	15	PAPERLESS ORDER granting <u>13</u> Motion to Amend the Court's Briefing Schedule. Defendant shall to file its Motion for Summary Judgment on or before March 28, 2022. Plaintiff shall file a Response within 30 days after Defendant files its Motion, and Defendant shall file a Reply within 30 days after Plaintiff files the Response. Signed by Magistrate Judge Lauren Fleischer Louis on 12/13/2021. (eb00) (Entered: 12/13/2021)
02/07/2022	<u>16</u>	First MOTION to Compel <i>Vaughn Index</i> by American federationof Government Employees Local 527. Responses due by 2/22/2022 (Macey, David) (Entered: 02/07/2022)
02/22/2022	<u>17</u>	RESPONSE in Opposition re <u>16</u> First MOTION to Compel <i>Vaughn Index</i> filed by U.S. Immigration and Customs Enforcement. Replies due by 3/1/2022. (Raurell, Carlos) (Entered: 02/22/2022)
03/27/2022	<u>18</u>	ORDER denying without prejudice <u>16</u> Plaintiff's Motion for an Order to Compel Production of a Detailed Vaughn Index. Signed by Magistrate Judge Lauren Fleischer Louis on 3/27/2022. <i>See attached document for full details.</i> (nce) (Entered: 03/27/2022)

		03/27/2022)
03/28/2022	<u>19</u>	Defendant's MOTION for Summary Judgment by U.S. Immigration and Customs Enforcement. Responses due by 4/11/2022 (Attachments: # <u>1</u> Exhibit Schurkamp Declaration, # <u>2</u> Exhibit Exhibit 1 to Schurkamp Decl. (Vaughn Index), # <u>3</u> Exhibit Exhibit 2 to Schurkamp Decl. (Correspondence), # <u>4</u> Exhibit Exhibit 3 to Schurkamp Decl. (Correspondence))(Raurell, Carlos) (Entered: 03/28/2022)
03/28/2022	<u>20</u>	Statement of: Material Facts in Support of Motion for Summary Judgment by U.S. Immigration and Customs Enforcement re <u>19</u> Defendant's MOTION for Summary Judgment (Raurell, Carlos) (Entered: 03/28/2022)
03/30/2022	<u>21</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer <i>TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT</i> by American federationof Government Employees Local 527. (Macey, David) (Entered: 03/30/2022)
03/31/2022	<u>22</u>	PAPERLESS ORDER granting <u>21</u> Plaintiff's Unopposed Motion for Extension of Time to File Response. Plaintiff shall file a Response on or before May 12, 2022, and Defendant shall file a Reply within 30 days after Plaintiff files the Response. Signed by Magistrate Judge Lauren Fleischer Louis on 3/31/2022. (nce) (Entered: 03/31/2022)
05/04/2022	<u>23</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer <i>TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT</i> by American federationof Government Employees Local 527. (Macey, David) (Entered: 05/04/2022)
05/09/2022	<u>24</u>	PAPERLESS ORDER granting <u>23</u> Plaintiff's Unopposed Motion for Extension of Time to File Response to <u>19</u> Defendant's Motion for Summary Judgment. Plaintiff's Response is due on or by June 13, 2022. Defendant's Reply is due thirty days from the filing of Plaintiff's Response. Signed by Magistrate Judge Lauren Fleischer Louis on 5/9/2022. (nce) (Entered: 05/09/2022)
06/03/2022	<u>25</u>	First MOTION for Leave to File Excess Pages by American federationof Government Employees Local 527. (Attachments: # <u>1</u> Text of Proposed Order)(Macey, David) (Entered: 06/03/2022)
06/06/2022	<u>26</u>	PAPERLESS ORDER granting <u>25</u> Plaintiff's Unopposed Motion for Leave to File Excess Pages. Plaintiff may file its Opposition to Defendant's Motion for Summary Judgment and Plaintiff's Cross Motion for Summary Judgment of up to 29 pages in length. Signed by Magistrate Judge Lauren Fleischer Louis on 6/6/2022. (nce) (Entered: 06/06/2022)
06/07/2022	<u>27</u>	RESPONSE in Opposition re <u>19</u> Defendant's MOTION for Summary Judgment <i>And Plaintiffs Cross-Motion For Summary Judgment</i> filed by American federationof Government Employees Local 527. Replies due by 6/14/2022. (Macey, David) (Entered: 06/07/2022)
06/09/2022	<u>28</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>27</u> Response in Opposition to Motion, by U.S. Immigration and Customs Enforcement. (Raurell, Carlos) (Entered: 06/09/2022)
06/09/2022	<u>29</u>	PAPERLESS ORDER granting <u>28</u> Defendant's Unopposed Motion for Extension of Time to File Defendant's Reply to <u>27</u> Plaintiff's Response to Motion for Summary Judgment. Defendant's Reply is due on or by August 22, 2022. Signed by Magistrate Judge Lauren Fleischer Louis on 6/9/2022. (nce) (Entered: 06/09/2022)
08/18/2022	<u>30</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>27</u> Response in Opposition to Motion, <u>19</u> Defendant's MOTION for Summary Judgment by U.S. Immigration and Customs Enforcement. (Raurell, Carlos) (Entered: 08/18/2022)
08/19/2022	<u>31</u>	PAPERLESS ORDER granting <u>30</u> Defendant's Unopposed Motion for Extension of Time to File Defendant's Reply to <u>27</u> Plaintiff's Response to Motion for Summary Judgment. Defendant's Reply is due on or by September 6, 2022. Signed by Magistrate Judge Lauren Fleischer Louis on 8/19/2022. (nce) (Entered: 08/19/2022)
09/06/2022	<u>32</u>	Unopposed MOTION for Leave to File <i>Reply/Response Longer than Applicable Page Limits</i> by U.S. Immigration and Customs Enforcement. (Raurell, Carlos) (Entered: 09/06/2022)

09/06/2022	<u>33</u>	PAPERLESS ORDER granting <u>32</u> Defendant's Unopposed Motion for Leave to File a Reply/Response Longer than the Applicable Page Limit. Defendant may file its Reply to Plaintiff's Response to ICE's Motion for Summary Judgment and Opposition to Plaintiff's Cross Motion for Summary Judgment of up to 23 pages in length. Signed by Magistrate Judge Lauren Fleischer Louis on 9/6/2022. (nce) (Entered: 09/06/2022)
09/06/2022	<u>34</u>	Defendant's REPLY to Response to Motion re <u>19</u> Defendant's MOTION for Summary Judgment <i>and Response to Plaintiff's Cross Motion for Summary Judgment</i> filed by U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit Supplemental Declaration of Lynnea Shurkamp, # <u>2</u> Appendix Supplemental Vaughn Index)(Raurell, Carlos) (Entered: 09/06/2022)
09/15/2022	<u>35</u>	Unopposed MOTION for Extension of Time To Reply To Defendants Response In Support Of Its Motion For Summary Judgment by American federationof Government Employees Local 527. Responses due by 9/29/2022 (Attachments: # <u>1</u> Text of Proposed Order)(Macey, David) (Entered: 09/15/2022)
09/15/2022	<u>36</u>	PAPERLESS ORDER granting <u>35</u> Plaintiff's Unopposed Motion for Extension of Time to File Plaintiff's Reply to <u>34</u> Defendant's Response to Motion for Summary Judgment. Plaintiff's Reply is due on or by November 7, 2022. Signed by Magistrate Judge Lauren Fleischer Louis on 9/15/2022. (nce) (Entered: 09/15/2022)
11/02/2022	<u>37</u>	Second MOTION for Leave to File Excess Pages by American federationof Government Employees Local 527. (Macey, David) (Entered: 11/02/2022)
11/02/2022	<u>38</u>	PAPERLESS ORDER granting <u>37</u> Plaintiff's Unopposed Motion for Leave to File a Reply Longer than the Applicable Page Limit. Plaintiff may file its Reply to Defendant's Response to Plaintiff's Cross Motion for Summary Judgment of up to 14 pages in length. Signed by Magistrate Judge Lauren Fleischer Louis on 11/2/2022. (nce) (Entered: 11/02/2022)
11/05/2022	<u>39</u>	Plaintiff's REPLY to Response to Motion re <u>19</u> Defendant's MOTION for Summary Judgment filed by American federationof Government Employees Local 527. (Macey, David) (Entered: 11/05/2022)
02/10/2023	<u>40</u>	ORDER denying, without prejudice, Defendant's <u>19</u> Motion for Summary Judgment. Defendant's Motion for Summary Judgment (ECF No. <u>19</u>) is DENIED, without prejudice, to renew that motion within twenty-one (21) days of entry of this Order. Plaintiff may file an amended response within fourteen (14) days of Defendant's renewed motion. Within twenty-one (21) days of entry of this Order, Defendant shall file under seal the withheld document for <i>in camera</i> review. Signed by Magistrate Judge Lauren Fleischer Louis on 2/10/2023. <i>See attached document for full details.</i> (as06) (Entered: 02/10/2023)
03/01/2023	<u>41</u>	Agreed MOTION for Extension of Time to File Renewed Motion for Summary Judgment <i>and to file Records Under Seal</i> re <u>40</u> Order on Motion for Summary Judgment., by U.S. Immigration and Customs Enforcement. Responses due by 3/15/2023 (Raurell, Carlos) (Entered: 03/01/2023)
03/01/2023	<u>42</u>	PAPERLESS ORDER granting the <u>41</u> Agreed Motion for Extension of Deadline for Defendant to File its Renewed Motion for Summary Judgment and Plaintiff's Response Thereto. Defendant shall file its Renewed Motion for Summary Judgment and file under seal the withheld document for <i>in camera</i> review on or before March 17, 2023. Plaintiff shall file its Response to Defendant's Renewed Motion for Summary Judgment on or before April 14, 2023. Signed by Magistrate Judge Lauren Fleischer Louis on 3/1/2023. (as06) (Entered: 03/01/2023)
03/16/2023		SYSTEM ENTRY – Docket Entry 43 [misc] restricted/sealed until further notice. (1043766) (Entered: 03/16/2023)
03/16/2023	<u>44</u>	NOTICE by U.S. Immigration and Customs Enforcement of <i>Ex Parte Filing of ICE OPR Investigative Guidebook for in Camera Review</i> (Raurell, Carlos) (Entered: 03/16/2023)
03/16/2023	<u>45</u>	Renewed MOTION for Summary Judgment by U.S. Immigration and Customs Enforcement. Responses due by 3/30/2023 (Attachments: # <u>1</u> Exhibit Declaration of Fernando Pineiro, # <u>2</u> Exhibit Pineiro Decl. Ex 1 – Vaughn Index, # <u>3</u> Exhibit Pineiro Decl. Ex 2, # <u>4</u> Exhibit Pineiro Decl. Ex 3, # <u>5</u> Exhibit Pineiro Decl. Ex 4)(Raurell,

		Carlos) (Entered: 03/16/2023)
04/06/2023	<u>46</u>	Unopposed Motion for Extension of Time to File Response/Reply/Answer as to <u>45</u> Renewed MOTION for Summary Judgment by American Federation of Government Employees Local 527. Responses due by 4/20/2023 (Macey, David) Modified Relief and added document link on 4/7/2023 (ls). (Entered: 04/06/2023)
04/07/2023	47	Clerk's Notice to Filer re <u>46</u> MOTION for Extension of Time 45 day extension . Filer Selected the Wrong Motion Relief(s); ERROR – The Filer selected the wrong motion relief(s) when docketing the motion. The correction was made by the Clerk. It is not necessary to refile this document but future motions filed must include applicable reliefs. AND Document Not Linked; ERROR – The filed document was not linked to the related docket entry. The correction was made by the Clerk. It is not necessary to refile this document. (ls) (Entered: 04/07/2023)
04/07/2023	48	PAPERLESS ORDER denying Plaintiff's <u>46</u> Unopposed Motion to Request an Extension of Time for Response to Defendant's Renewed Motion for Summary Judgment. On March 1, 2023, Plaintiff and Defendant each requested a two–week extension of the briefing schedule, (ECF No. <u>41</u>), which the Court granted (ECF No. 42). Plaintiff now additionally requests a forty–five day extension. Motions for extensions of time must provide good cause. S.D. Fla. L.R. 7.1(a)(1)(J). Plaintiff's request does not provide an explanation of why Plaintiff is in need of such an extension, let alone demonstrate good cause. Accordingly, Plaintiff's <u>46</u> Unopposed Motion to Request an Extension of Time for Response to Defendant's Renewed Motion for Summary Judgment is DENIED. Signed by Magistrate Judge Lauren Fleischer Louis on 4/7/2023. (as06) (Entered: 04/07/2023)
04/10/2023	<u>49</u>	MOTION for Extension of Time to File Response/Reply/Answer <i>TO DEFENDANTS RENEWED MOTION FOR SUMMARY JUDGMENT</i> by American federationof Government Employees Local 527. (Macey, David) (Entered: 04/10/2023)
04/10/2023	50	PAPERLESS ORDER granting Plaintiff's <u>49</u> Unopposed Motion to Request an Extension of Time for Response to Defendant's Renewed Motion for Summary Judgment. Plaintiff shall file its Response to Defendant's Renewed Motion for Summary Judgment on or before April 28, 2023. Signed by Magistrate Judge Lauren Fleischer Louis on 4/10/2023. (as06) (Entered: 04/10/2023)
04/10/2023		Set/Reset Deadlines/Hearings as to <u>45</u> Renewed MOTION for Summary Judgment . Responses due by 4/28/2023. Per DE 50 Order. (ebz) (Entered: 04/11/2023)
04/27/2023	<u>51</u>	<i>RESPONSE TO DEFENDANTS RENEWED MOTION FOR SUMMARY JUDGMENT AND PLAINTIFFS RENEWED CROSS–MOTION FOR SUMMARY JUDGMENT</i> by American federationof Government Employees Local 527. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Macey, David) (Entered: 04/27/2023)
05/03/2023	<u>52</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>51</u> Response/Reply (Other) by U.S. Immigration and Customs Enforcement. (Raurell, Carlos) (Entered: 05/03/2023)
05/03/2023	53	PAPERLESS ORDER granting Defendant's <u>52</u> Motion for a One–Week Extension of Time to File its Reply to Plaintiff's Response to its Motion for Summary Judgment. Defendant shall file its Reply on or before May 11, 2023. Signed by Magistrate Judge Lauren Fleischer Louis on 5/3/2023. (as06) (Entered: 05/03/2023)
05/03/2023		Set/Reset Deadlines/Hearings as to <u>45</u> Renewed MOTION for Summary Judgment . Replies due by 5/11/2023. Per DE 53 Order. (ebz) (Entered: 05/03/2023)
05/05/2023	<u>54</u>	Defendant's REPLY IN SUPPORT OF ITS RENEWED MOTION re <u>45</u> Renewed MOTION for Summary Judgment filed by U.S. Immigration and Customs Enforcement. (Raurell, Carlos) Modified text on 5/5/2023 (ebz). (Entered: 05/05/2023)
09/01/2023	<u>55</u>	NOTICE OF UNAVAILABILITY by American federationof Government Employees Local 527 for dates of 09/05/2023–09/19/2023 (Macey, David) (Entered: 09/01/2023)
02/14/2024	<u>56</u>	REPORT AND RECOMMENDATIONS Recommending Defendant's Renewed Motion for Summary Judgment (ECF No. <u>45</u>) be GRANTED, Plaintiff's Renewed Cross–Motion for Summary Judgment (ECF No. <u>51</u>) be DENIED, and Plaintiff's original Cross–Motion for Summary Judgment (ECF No. <u>27</u>) be DENIED, as moot.

		Objections to R&R due by February 28, 2024. And any responses to objections due by March 6, 2024. Signed by Magistrate Judge Lauren Fleischer Louis on 2/14/2024. <i>See attached document for full details.</i> (as06) (Entered: 02/14/2024)
03/18/2024	<u>57</u>	ORDER ADOPTING <u>56</u> Report and Recommendations; GRANTING <u>45</u> Defendant's Renewed Motion for Summary Judgment; DENYING <u>51</u> Plaintiff's Renewed Cross-Motion for Summary Judgment; DENYING AS MOOT <u>27</u> Plaintiffs Cross-Motion for Summary Judgment. The Clerk of Court is INSTRUCTED to CLOSE this case. All pending motions, if any, are DENIED AS MOOT. Signed by Judge K. Michael Moore on 3/18/2024. <i>See attached document for full details.</i> (mh02) (Entered: 03/18/2024)
05/08/2024	<u>58</u>	STIPULATION of Settlement of Plaintiff's Claim for Attorney's Fees and Costs by U.S. Immigration and Customs Enforcement (Raurell, Carlos) (Entered: 05/08/2024)