

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-01954-RC**

AMERICANS FOR PROSPERITY FOUNDATION v. U.S.
DEPARTMENT OF VETERANS AFFAIRS
Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 07/20/2021
Date Terminated: 07/12/2024
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICANS FOR PROSPERITY
FOUNDATION**

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TERMINATED: 06/12/2023

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V.

Defendant

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TERMINATED: 01/10/2024

Date Filed	#	Docket Text
07/20/2021	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF VETERANS AFFAIRS (Filing fee \$ 402 receipt number ADCDC-8610543) filed by AMERICANS FOR PROSPERITY FOUNDATION. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Civil Cover Sheet, # <u>38</u> Summons VA, # <u>39</u> Summons USAO-DC, # <u>40</u> Summons USAG)(Mulvey, Ryan) (Entered: 07/20/2021)
07/20/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICANS FOR PROSPERITY FOUNDATION (Mulvey, Ryan) (Entered: 07/20/2021)
07/20/2021		Case Assigned to Judge Rudolph Contreras. (zsb) (Entered: 07/20/2021)
07/20/2021	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 07/20/2021)
07/26/2021	<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 7/22/2021. Answer due for ALL FEDERAL DEFENDANTS by 8/21/2021. (Mulvey, Ryan) (Entered: 07/26/2021)
07/28/2021	<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 07/26/2021. (Mulvey, Ryan) (Entered: 07/28/2021)
07/28/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF VETERANS AFFAIRS served on 7/26/2021 (Mulvey, Ryan) (Entered: 07/28/2021)
07/28/2021	<u>7</u>	NOTICE of Appearance by Eric R. Bolinder on behalf of AMERICANS FOR PROSPERITY FOUNDATION (Bolinder, Eric) (Entered: 07/28/2021)

08/05/2021	<u>8</u>	NOTICE of Appearance by Joseph F. Carilli, Jr on behalf of All Defendants (Carilli, Joseph) (Entered: 08/05/2021)
08/17/2021	<u>9</u>	Consent MOTION for Extension of Time to File Answer by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order)(Carilli, Joseph) (Entered: 08/17/2021)
08/17/2021		MINUTE ORDER granting <u>9</u> Consent Motion for Extension of Time to File Response. It is hereby ORDERED that Defendant shall respond to the complaint on or before September 7, 2021. SO ORDERED. Signed by Judge Rudolph Contreras on 8/17/2021. (lcrc3) (Entered: 08/17/2021)
08/18/2021		Set/Reset Deadlines: Answer due by 9/7/2021. (tj) (Entered: 08/18/2021)
09/07/2021	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF VETERANS AFFAIRS.(Carilli, Joseph) (Entered: 09/07/2021)
09/07/2021		MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and jointly submit a proposed briefing schedule on or before September 21, 2021. SO ORDERED. Signed by Judge Rudolph Contreras on 9/7/2021. (lcrc3) (Entered: 09/07/2021)
09/21/2021	<u>11</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 09/21/2021)
09/21/2021		MINUTE ORDER: Upon consideration of <u>11</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before October 5, 2021, that includes a proposed production schedule. SO ORDERED. Signed by Judge Rudolph Contreras on 9/21/2021. (lcrc3) (Entered: 09/21/2021)
10/05/2021	<u>12</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 10/05/2021)
10/06/2021		MINUTE ORDER: Upon consideration of <u>12</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before December 3, 2021, that includes an update on Defendant VA's interim response and a proposed schedule for further proceedings. SO ORDERED. Signed by Judge Rudolph Contreras on 10/6/2021. (lcrc3) (Entered: 10/06/2021)
10/07/2021		Set/Reset Deadlines: Joint Status Report due by 12/3/2021. (zgdg) (Entered: 10/07/2021)
12/03/2021	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Thomas Anthony Quinn on behalf of All Defendants Substituting for attorney Joseph F. Carilli, Jr. (Quinn, Thomas) (Entered: 12/03/2021)
12/03/2021	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 12/03/2021)
12/03/2021		MINUTE ORDER: Upon consideration of <u>14</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before December 17, 2021, that includes an update on Defendant VA's processing and a proposed schedule for further proceedings. SO ORDERED. Signed by Judge Rudolph Contreras on 12/3/2021. (lcrc3) (Entered: 12/03/2021)
12/17/2021	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 12/17/2021)
12/19/2021		MINUTE ORDER: Upon consideration of <u>15</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before February 4, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 12/19/2021. (lcrc3) (Entered: 12/19/2021)
02/04/2022	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 02/04/2022)
02/05/2022		MINUTE ORDER: Upon consideration of <u>16</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before February 18, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 2/5/2022. (lcrc3) (Entered: 02/05/2022)

02/18/2022	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 02/18/2022)
02/19/2022		MINUTE ORDER: Upon consideration of <u>17</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before March 11, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 2/19/2022. (lcrc3) (Entered: 02/19/2022)
03/11/2022	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 03/11/2022)
03/12/2022		MINUTE ORDER: Upon consideration of <u>18</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before April 8, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 3/12/2022. (lcrc3) (Entered: 03/12/2022)
04/08/2022	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 04/08/2022)
04/09/2022		MINUTE ORDER: Upon consideration of <u>19</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before April 25, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 4/9/2022. (lcrc3) (Entered: 04/09/2022)
04/25/2022	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 04/25/2022)
04/26/2022		MINUTE ORDER: Upon consideration of <u>20</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before May 25, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 4/26/2022. (lcrc3) (Entered: 04/26/2022) (Entered: 04/26/2022)
05/25/2022	<u>21</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 05/25/2022)
05/25/2022		MINUTE ORDER: Upon consideration of <u>21</u> the parties' Joint Status Report, it is hereby ORDERED that the parties are to file another joint status report on or before June 2, 2022. Signed by Judge Rudolph Contreras on 5-25-2022. (lcrc3) (Entered: 05/25/2022)
05/26/2022		Set/Reset Deadlines: Joint Status Report due by 6/2/2022. (zgdf) (Entered: 05/26/2022)
06/02/2022	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 06/02/2022)
06/03/2022		MINUTE ORDER: Upon consideration of <u>22</u> the parties' Joint Status Report, it is hereby ORDERED that the parties are to file another joint status report on or before July 1, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 6-3-2022. (lcrc3) (Entered: 06/03/2022)
07/01/2022	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 07/01/2022)
07/01/2022		MINUTE ORDER: Upon consideration of <u>23</u> the parties' Joint Status Report, it is hereby ORDERED that the parties are to file another joint status report on or before July 8, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 7-1-2022. (lcrc3) (Entered: 07/01/2022)
07/08/2022	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 07/08/2022)
07/11/2022		MINUTE ORDER: Upon consideration of <u>24</u> the parties' Joint Status Report, it is hereby ORDERED that Defendant shall process 500 pages per month and produce responsive documents within 30 days of the date of this order, and on that same date each month until production is complete. It is further ORDERED that the parties are to submit a joint status report on August 31, 2022 and every 90 days thereafter. SO ORDERED. Signed by Judge Rudolph Contreras on 7-11-2022. (lcrc3) (Entered: 07/11/2022)

08/31/2022	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 08/31/2022)
11/29/2022	<u>26</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 11/29/2022)
11/30/2022		MINUTE ORDER: Upon consideration of <u>26</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before December 6, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 11-30-2022. (lcrc3) (Entered: 11/30/2022)
12/06/2022	<u>27</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 12/06/2022)
12/07/2022		MINUTE ORDER: Upon consideration of <u>27</u> the parties' Joint Status Report, it is hereby ORDERED that the following schedule shall govern these proceedings: Plaintiff's Motion due on or before December 16, 2022; Defendant's Opposition due on or before January 13, 2023; Plaintiff's Reply due on or before January 20, 2023. It is FURTHER ORDERED that the parties shall submit another joint status report on or before February 27, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 12-7-2022. (lcrc3) (Entered: 12/07/2022)
12/16/2022	<u>28</u>	MOTION to Modify <i>the Court's Production Order</i> by AMERICANS FOR PROSPERITY FOUNDATION. (Attachments: # <u>1</u> Declaration of Ryan P. Mulvey, # <u>2</u> Declaration of Kevin M. Schmidt, # <u>3</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 12/16/2022)
01/11/2023	<u>29</u>	MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION to Modify <i>the Court's Production Order</i> by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 01/11/2023)
01/11/2023		MINUTE ORDER granting <u>29</u> Defendant's Motion for Extension of Time: It is hereby ORDERED that Defendant shall respond to <u>28</u> Plaintiff's Motion to Modify the Court's Production Order on or before January 27, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 1-11-2023. (lcrc3) (Entered: 01/11/2023)
01/12/2023	<u>30</u>	RESPONSE re <u>29</u> MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION to Modify <i>the Court's Production Order</i> filed by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 01/12/2023)
01/12/2023		MINUTE ORDER: It is hereby ORDERED that Plaintiff shall file its reply brief in support of <u>28</u> Plaintiff's Motion to Modify the Court's Production Order on or before February 3, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 1-12-2023. (lcrc3) (Entered: 01/12/2023)
01/27/2023	<u>31</u>	Memorandum in opposition to re <u>28</u> Motion to Modify filed by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Quinn, Thomas) (Entered: 01/27/2023)
02/03/2023	<u>32</u>	REPLY to opposition to motion re <u>28</u> MOTION to Modify <i>the Court's Production Order</i> filed by AMERICANS FOR PROSPERITY FOUNDATION. (Attachments: # <u>1</u> Declaration 2d Decl. of Ryan P. Mulvey)(Mulvey, Ryan) (Entered: 02/03/2023)
02/07/2023		MINUTE ORDER denying without prejudice <u>28</u> Plaintiff's Motion to Modify the Court's Production Order: It is hereby ORDERED that the parties (including knowledgeable agency personnel) shall meet in person before the next status report is due to discuss and for the agency to answer Plaintiff's questions concerning, amongst other topics, the following: the agency's de-duplication efforts and technical capabilities and the significant production of orphan attachments. The parties shall discuss at the meeting and make best efforts to negotiate a prioritization protocol. If the parties are unable to reach agreement on such a protocol, the parties may move for the court to order their particular proposed plan. SO ORDERED. Signed by Judge Rudolph Contreras on 2-7-2023. (lcrc3) (Entered: 02/07/2023)
02/27/2023	<u>33</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 02/27/2023)

02/27/2023		MINUTE ORDER: Upon consideration of <u>33</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before March 28, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 2-27-2023. (lcrc3) (Entered: 02/27/2023)
03/08/2023		Set/Reset Deadlines: Status Report due by 3/28/2023 (tj) (Entered: 03/08/2023)
03/28/2023	<u>34</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 03/28/2023)
03/28/2023		MINUTE ORDER: Upon consideration of <u>34</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before April 28, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 3-28-2023. (lcrc3) (Entered: 03/28/2023)
04/27/2023	<u>35</u>	NOTICE of Appearance by Lee A. Steven on behalf of AMERICANS FOR PROSPERITY FOUNDATION (Steven, Lee) (Main Document 35 replaced on 4/27/2023) (zthh). (Entered: 04/27/2023)
04/28/2023	<u>36</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 04/28/2023)
04/28/2023		MINUTE ORDER: Upon consideration of <u>36</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before May 31, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 4-28-2023. (lcrc3) (Entered: 04/28/2023)
05/23/2023		Set/Reset Deadlines: Status Report due by 5/31/2023 (tj) (Entered: 05/23/2023)
05/31/2023	<u>37</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Quinn, Thomas) (Entered: 05/31/2023)
05/31/2023		MINUTE ORDER: Upon consideration of <u>37</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before July 31, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 5-31-2023. (lcrc3) (Entered: 05/31/2023)
06/01/2023		Set/Reset Deadlines: Status Report due by 7/31/2023 (tj) (Entered: 06/01/2023)
06/12/2023	<u>38</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICANS FOR PROSPERITY FOUNDATION. Attorney Eric R. Bolinder terminated. (Bolinder, Eric) (Entered: 06/12/2023)
07/31/2023	<u>39</u>	NOTICE of Appearance by John Moustakas on behalf of U.S. DEPARTMENT OF VETERANS AFFAIRS (Moustakas, John) (Entered: 07/31/2023)
07/31/2023	<u>40</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 07/31/2023)
08/01/2023		MINUTE ORDER: Upon consideration of <u>40</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before September 29, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 8-1-2023. (lcrc3) (Entered: 08/01/2023)
09/29/2023	<u>41</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Moustakas, John) (Entered: 09/29/2023)
09/29/2023		MINUTE ORDER: Upon consideration of <u>41</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before November 28, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 9-29-2023. (lcrc3) (Entered: 09/29/2023)
11/28/2023	<u>42</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 11/28/2023)
11/28/2023		MINUTE ORDER: Upon consideration of <u>42</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before January 31, 2024. SO ORDERED. Signed by Judge Rudolph Contreras on 11-28-2023. (lcrc3) (Entered: 11/28/2023)

01/10/2024	<u>43</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kaitlin Kerry Eckrote on behalf of U.S. DEPARTMENT OF VETERANS AFFAIRS Substituting for attorney John Moustakas (Eckrote, Kaitlin) (Entered: 01/10/2024)
01/31/2024	<u>44</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Eckrote, Kaitlin) (Entered: 01/31/2024)
01/31/2024		MINUTE ORDER: Upon consideration of <u>44</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before April 3, 2024. SO ORDERED. Signed by Judge Rudolph Contreras on 1-31-2024. (lrc3) (Entered: 01/31/2024)
04/03/2024	<u>45</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Eckrote, Kaitlin) (Entered: 04/03/2024)
04/03/2024		MINUTE ORDER: Upon consideration of <u>45</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before June 3, 2024. SO ORDERED. Signed by Judge Rudolph Contreras on 4-3-2024. (lrc3) (Entered: 04/03/2024)
06/03/2024	<u>46</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Eckrote, Kaitlin) (Entered: 06/03/2024)
06/03/2024		MINUTE ORDER: Upon consideration of <u>46</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before August 2, 2024. SO ORDERED. Signed by Judge Rudolph Contreras on 6/3/2024 (lrc3) (Entered: 06/03/2024)
07/11/2024	<u>47</u>	STIPULATION of Dismissal by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 07/11/2024)