

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:21-cv-02168-RDM**

AMERICA FIRST LEGAL FOUNDATION v. UNITED  
STATES DEPARTMENT OF HOMELAND SECURITY et al  
Assigned to: Judge Randolph D. Moss  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/13/2021  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICA FIRST LEGAL  
FOUNDATION**

represented by **Brian J. Field**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**DEPARTMENT OF HOMELAND  
SECURITY**

represented by **Brian C. Rosen-Shaud**  
U.S. DEPARTMENT OF JUSTICE  
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*TERMINATED: 08/08/2024*  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**IMMIGRATION AND CUSTOMS  
ENFORCEMENT**

represented by **Brian C. Rosen-Shaud**  
(See above for address)  
*TERMINATED: 08/08/2024*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Giselle Barcia**  
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Date Filed	#	Docket Text
08/13/2021	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 402 receipt number ADCDC-8666657) filed by AMERICA FIRST LEGAL FOUNDATION. (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> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons, # <u>11</u> Summons, # <u>12</u> Summons, # <u>13</u> Summons)(Field, Brian) (Entered: 08/13/2021)
08/13/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICA FIRST LEGAL FOUNDATION (Field, Brian) (Entered: 08/13/2021)
08/13/2021		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 08/13/2021)
08/16/2021	<u>3</u>	SUMMONS (4) Issued Electronically as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh, ) (Entered: 08/16/2021)
08/16/2021	<u>4</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 08/16/2021. (lcrdm3) (Entered: 08/16/2021)
08/25/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/23/2021. Answer due for ALL FEDERAL DEFENDANTS by 9/22/2021. (Attachments: # <u>1</u> Declaration Decl. of K. Robinson)(Field, Brian) (Entered: 08/25/2021)
08/25/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. Defendants UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT served 08/20/2021 (Attachments: # <u>1</u> Declaration of K. Robinson)(Field, Brian) Modified text to add service date on 8/26/2021 (ztd). (Entered: 08/25/2021)
08/25/2021	<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 08/23/2021. (Attachments: # <u>1</u> Declaration of K. Robinson)(Field, Brian) (Entered: 08/25/2021)
09/22/2021	<u>8</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.(Rosen-Shaud, Brian) (Entered: 09/22/2021)
09/22/2021		MINUTE ORDER: It is hereby ORDERED that, on or before November 22, 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 November 29, 2021, at 10:30 a.m. The parties will receive a teleconference number and access code from the Deputy Clerk prior to the teleconference. Signed by Judge Randolph D. Moss on 09/22/2021. (lcrdm3) (Entered: 09/22/2021)
11/22/2021	<u>9</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 11/22/2021)
11/29/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Initial Scheduling Conference held on 11/29/2021. The Government shall process 500 pages each month. The parties shall file a Joint Status Report by 1/31/2022. (Court Reporter: Nancy Meyer.) (kt) (Entered: 11/29/2021)
01/31/2022	<u>10</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration of Lynnea Schurkamp)(Rosen-Shaud, Brian) (Entered: 01/31/2022)

02/18/2022	<u>11</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 02/18/2022)
03/03/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>11</u> , it is hereby ORDERED that (1) the government shall, pursuant to this Court's prior order, <i>see</i> Minute Entry (Nov. 29, 2021), continue to issue its periodic releases on the 15th of each month (or the next business day, if the 15th of any given month is a weekend day or federal holiday); (2) the government shall, pursuant to that same order, continue to process at least 500 pages of records per month; (3) the parties shall meet and confer about how most expeditiously to process the spreadsheets described in the parties' joint status report; and (4) the parties shall file a further status report on or before March 18, 2022. Signed by Judge Randolph D. Moss on 03/03/2022. (lcrdm3) (Entered: 03/03/2022)
03/18/2022	<u>12</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 03/18/2022)
03/26/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>12</u> , it is hereby ORDERED that on or before April 1, 2022, the government shall file a declaration that includes its best estimates for how long the agency requires to review a row of information in the cumulative weekly report spreadsheet described in the status report. Signed by Judge Randolph D. Moss on 03/26/2022. (lcrdm3) (Entered: 03/26/2022)
04/01/2022	<u>13</u>	NOTICE of filing of declaration by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Declaration)(Rosen-Shaud, Brian) (Entered: 04/01/2022)
04/04/2022	<u>14</u>	RESPONSE re <u>13</u> Notice (Other) filed by AMERICA FIRST LEGAL FOUNDATION. (Field, Brian) (Entered: 04/04/2022)
04/07/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>12</u> , the government's declaration, Dkt. [13-1], and Plaintiff's response, Dkt. <u>14</u> , it is hereby ORDERED that (1) the government shall, pursuant to this Court's prior order, <i>see</i> Minute Order (Mar. 3, 2022), continue to issue its periodic releases on the 15th of each month (or the next business day, if the 15th of any given month is a weekend day or federal holiday); (2) the government shall process at least 2,000 rows of the cumulative spreadsheet or 500 pages of records per month; and (3) the parties shall file a further status report on or before June 1, 2022. Signed by Judge Randolph D. Moss on 04/07/2022. (lcrdm3) (Entered: 04/07/2022)
06/01/2022	<u>15</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 06/01/2022)
06/02/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>15</u> , it is hereby ORDERED that the parties shall submit a further status report on or before August 1, 2022. Signed by Judge Randolph D. Moss on 06/02/2022. (lcrdm3) (Entered: 06/02/2022)
08/01/2022	<u>16</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 08/01/2022)
08/02/2022		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 October 1, 2022. Signed by Judge Randolph D. Moss on 08/02/2022. (lcrdm3) (Entered: 08/02/2022)
09/30/2022	<u>17</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 09/30/2022)
10/05/2022		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 December 30, 2022. Signed by Judge Randolph D. Moss on 10/5/2022. (lcrdm3)

		(Entered: 10/05/2022)
12/30/2022	<u>18</u>	Joint STATUS REPORT by AMERICA FIRST LEGAL FOUNDATION. (Field, Brian) (Entered: 12/30/2022)
01/03/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>18</u> , it is hereby ORDERED that the parties shall appear for a video status conference in this matter on Thursday, January 12, 2023, at 9:45 a.m., via Zoom. Signed by Judge Randolph D. Moss on 1/3/2023.(lcrdm3) (Entered: 01/03/2023)
01/10/2023	<u>19</u>	Consent MOTION for Extension of Time to <i>Provide January Production</i> by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Rosen-Shaud, Brian) (Entered: 01/10/2023)
01/10/2023		MINUTE ORDER: Upon consideration of Defendants' consent motion for extension of time, Dkt. <u>19</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendants shall provide Plaintiff with the monthly production in this case on or before January 25, 2023. Signed by Judge Randolph D. Moss on 1/10/2023. (lcrdm3) (Entered: 01/10/2023)
01/12/2023		Minute Entryfor proceedings held before Judge Randolph D. Moss: Video (Zoom)Status Conference held on 1/12/2023 via Zoom. Parties directed to meet and confer and file a joint status report by 2/3/2023. A further Status Conference is set for 2/21/2023 at 9:00 AM before Judge Randolph D. Moss to be held via Zoom. (Court Reporter Jeff Hook) (zglw) (Entered: 01/12/2023)
02/03/2023	<u>20</u>	Joint STATUS REPORT by AMERICA FIRST LEGAL FOUNDATION. (Field, Brian) (Entered: 02/03/2023)
02/03/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>20</u> , it is hereby ORDERED that (1) the parties shall file a further joint status report on or before February 24, 2023; and (2) the video status conference currently scheduled in this matter for February 21, 2023, at 9:00 a.m., is hereby VACATED and RESCHEDULED for March 15, 2023, at 9:30 a.m., via Zoom. Signed by Judge Randolph D. Moss on 2/3/2023. (lcrdm3) (Entered: 02/03/2023)
02/24/2023	<u>21</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 02/24/2023)
02/27/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>21</u> , it is hereby ORDERED that (1) the parties shall file a further joint status report on or before March 17, 2023; and (2) the video status conference currently scheduled in this matter for March 15, at 9:30 a.m., is hereby VACATED and RESCHEDULED for April 4, 2023, at 11:00 a.m., via Zoom. Signed by Judge Randolph D. Moss on 2/27/2023. (lcrdm3) (Entered: 02/27/2023)
03/17/2023	<u>22</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 03/17/2023)
04/04/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 4/4/2023 via Zoom. Parties to confer and file a Joint Status Report on or before 4/21/2023. (Court Reporter Jeff Hook) (zglw) (Entered: 04/04/2023)
04/21/2023	<u>23</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 04/21/2023)
04/24/2023		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 28, 2023, that proposes a briefing schedule for summary judgment motions. Signed by Judge Randolph D. Moss on 4/24/2023. (lcrdm3) (Entered: 04/24/2023)
04/28/2023	<u>24</u>	Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 04/28/2023)

04/30/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>24</u> , it is hereby ORDERED that (1) Plaintiff shall identify up to 40 rows for inclusion in the Vaughn index; (2) Defendants shall file their motion for summary judgment on or before July 28, 2023; (3) Plaintiff shall file its opposition and cross-motion for summary judgment on or before August 18, 2023; (4) Defendants shall file their reply and opposition to Plaintiff's motion on or before September 8, 2023; and (5) Plaintiff shall file its reply on or before September 22, 2023. It is further ORDERED that (1) Defendants shall be relieved of the burden of producing records in May, June, and July 2023; and (2) proceeding with early summary judgment briefing is contingent on Plaintiff's agreement not to raise any additional ground for relief later in the case, except to the extent Defendants change or adopt new parameters for withholding responsive material. Signed by Judge Randolph D. Moss on 4/30/2023. (lcrdm3) (Entered: 04/30/2023)
07/21/2023	<u>25</u>	Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Rosen-Shaud, Brian) (Entered: 07/21/2023)
07/23/2023		MINUTE ORDER: Upon consideration of Defendants' motion for extension of time, Dkt. <u>25</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that: (1) Defendants shall file their motion for summary judgment on or before August 4, 2023; (2) Plaintiff shall file its opposition and cross-motion for summary judgment on or before August 25, 2023; (3) Defendants shall file their reply and opposition to Plaintiff's motion on or before September 15, 2023; and (4) Plaintiff shall file its reply on or before October 6, 2023. Signed by Judge Randolph D. Moss on 07/23/2023. (lcrdm3) (Entered: 07/23/2023)
07/23/2023		Set/Reset Deadlines: Cross Motions due by 8/25/2023. Response to Cross Motions due by 9/15/2023. Reply to Cross Motions due by 10/6/2023. Summary Judgment motions due by 8/4/2023. Response to Motion for Summary Judgment due by 8/25/2023. Reply to Motion for Summary Judgment due by 9/15/2023. (zglw) (Entered: 07/26/2023)
08/04/2023	<u>26</u>	MOTION for Partial Summary Judgment by DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Fernando Pineiro, # <u>3</u> Exhibit Vaughn Index, # <u>4</u> Statement of Facts, # <u>5</u> Text of Proposed Order)(Rosen-Shaud, Brian) (Entered: 08/04/2023)
08/18/2023	<u>27</u>	Consent MOTION for Extension of Time to <i>file Cross-Motion for Summary Judgment</i> by AMERICA FIRST LEGAL FOUNDATION. (Field, Brian) (Entered: 08/18/2023)
08/18/2023		MINUTE ORDER: Upon consideration of Plaintiff's consent motion for extension of time, Dkt. <u>27</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that: (1) Plaintiff's cross-motion and opposition to summary judgment shall be filed on or before September 15, 2023; (2) Defendants' reply and cross-opposition shall be filed on or before October 13, 2023; (3) Plaintiff's reply shall be filed on or before November 1, 2023. Signed by Judge Randolph D. Moss on 08/18/2023. (lcrdm3) (Entered: 08/18/2023)
09/15/2023	<u>28</u>	Cross MOTION for Summary Judgment by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Field, Brian) (Entered: 09/15/2023)
09/15/2023	<u>29</u>	Memorandum in opposition to re <u>26</u> Motion for Partial Summary Judgment, filed by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Field, Brian) (Entered: 09/15/2023)
10/04/2023	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION for Partial Summary Judgment , <u>28</u> Cross MOTION for Summary Judgment by DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Rosen-Shaud, Brian) (Entered: 10/04/2023)
10/04/2023		MINUTE ORDER: Upon consideration of Defendants' motion for extension of deadlines, Dkt. <u>30</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that: (1) Defendants shall file their reply and opposition to Plaintiff's

		motion for summary judgment on or before October 27, 2023; and (2) Plaintiff shall file its reply on or before November 17, 2023. Signed by Judge Randolph D. Moss on 10/04/2023. (lcrdm3) (Entered: 10/04/2023)
10/27/2023	<u>31</u>	REPLY to opposition to motion re <u>26</u> MOTION for Partial Summary Judgment filed by DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Rosen-Shaud, Brian) (Entered: 10/27/2023)
10/27/2023	<u>32</u>	Memorandum in opposition to re <u>28</u> Motion for Summary Judgment filed by DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Statement of Facts Response to Plaintiff's Counter-Statement of Material Facts)(Rosen-Shaud, Brian) (Entered: 10/27/2023)
11/17/2023	<u>33</u>	REPLY to opposition to motion re <u>28</u> Cross MOTION for Summary Judgment filed by AMERICA FIRST LEGAL FOUNDATION. (Field, Brian) (Entered: 11/17/2023)
08/08/2024	<u>34</u>	NOTICE of Appearance by Giselle Barcia on behalf of All Defendants (Barcia, Giselle) (Entered: 08/08/2024)
08/08/2024	<u>35</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT. Attorney Brian C. Rosen-Shaud terminated. (Rosen-Shaud, Brian) (Entered: 08/08/2024)