

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:21-cv-06788-JGLC**

Rapid Defense Network et al v. United States Immigration &  
Customs Enforcement  
Assigned to: Judge Jessica G. L. Clarke  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/12/2021  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Rapid Defense Network**

represented by **Joseph Slaughter**  
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**Plaintiff**

**Transgender Law Center**

represented by **Joseph Slaughter**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Matthew Edward Kelley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jacquelyn Nicole Schell**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**United States Immigration & Customs  
Enforcement**

represented by **Tomoko Onozawa**  
U.S. Attorney's Office, SDNY (Chambers  
Street)  
86 Chambers Street  
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Date Filed	#	Docket Text
08/12/2021	<u>1</u>	COMPLAINT against United States Immigration & Customs Enforcement . (Filing Fee \$ 402.00, Receipt Number ANYSDC-24924074)Document filed by Rapid Defense Network, Transgender Law Center. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4).(Schell, Jacquelyn) (Entered: 08/12/2021)
08/12/2021	<u>2</u>	<b>FILING ERROR – SUMMONS REQUEST As To</b> – REQUEST FOR ISSUANCE OF SUMMONS as to United States Immigration & Customs Enforcement c/o United States Department of Justice, re: <u>1</u> Complaint,. Document filed by Rapid Defense Network , Transgender Law Center..(Schell, Jacquelyn) Modified on 8/12/2021 (jgo). (Entered: 08/12/2021)
08/12/2021	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Immigration & Customs Enforcement, re: <u>1</u> Complaint,. Document filed by Rapid Defense Network , Transgender Law Center.(Schell, Jacquelyn) (Entered: 08/12/2021)
08/12/2021	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Immigration & Customs Enforcement c/o United States Attorney's Office, SDNY, re: <u>1</u> Complaint,. Document filed by Rapid Defense Network, Transgender Law Center..(Schell, Jacquelyn) (Entered: 08/12/2021)
08/12/2021	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Immigration & Customs Enforcement c/o United States Department of Justice, re: <u>1</u> Complaint,. Document filed by Rapid Defense Network , Transgender Law Center..(Schell, Jacquelyn) (Entered: 08/12/2021)
08/12/2021	<u>6</u>	CIVIL COVER SHEET filed..(Schell, Jacquelyn) (Entered: 08/12/2021)
08/12/2021	<u>7</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Rapid Defense Network, Transgender Law Center.(Schell, Jacquelyn) M (Entered: 08/12/2021)
08/13/2021		<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Jacquelyn Nicole Schell. The party information for the following party/parties has been modified: RAPID DEFENSE NETWORK, UNITED STATES IMMIGRATION &amp; CUSTOMS ENFORCEMENT. The information for the party/parties has been modified for the following reason/reasons: party name was entered in all caps. (vf)</b> (Entered: 08/13/2021)
08/13/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Paul G. Gardephe. Please download and review the Individual Practices of the assigned District Judge, located at <a href="https://nysd.uscourts.gov/judges/district–judges">https://nysd.uscourts.gov/judges/district–judges</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="https://nysd.uscourts.gov/rules/ecf–related–instructions">https://nysd.uscourts.gov/rules/ecf–related–instructions</a> ..(vf) (Entered: 08/13/2021)
08/13/2021		Magistrate Judge Ona T. Wang is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf">https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf</a> . (vf) (Entered: 08/13/2021)
08/13/2021		Case Designated ECF. (vf) (Entered: 08/13/2021)
08/13/2021	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to United States Immigration & Customs Enforcement. (vf) (Entered: 08/13/2021)
08/13/2021	<u>9</u>	ELECTRONIC SUMMONS ISSUED as to United States Immigration & Customs Enforcement..(vf) (Entered: 08/13/2021)

08/13/2021	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to United States Immigration & Customs Enforcement. (vf) (Entered: 08/13/2021)
08/18/2021	<u>11</u>	NOTICE OF PRETRIAL CONFERENCE: Counsel for all parties are directed to appear before the Court for an initial pretrial conference in accordance with Rule 16 of the Federal Rules of Civil Procedure on November 18, 2021 at 10:15 a.m. in Courtroom 705 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. Initial Conference set for 11/18/2021 at 10:15 AM in Courtroom 705, 40 Centre Street, New York, NY 10007 before Judge Paul G. Gardephe. (Signed by Judge Paul G. Gardephe on 8/18/2021) (ate) (Entered: 08/18/2021)
08/18/2021	<u>12</u>	NOTICE OF PRETRIAL CONFERENCE: Per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, anyone who appears at any SDNY courthouse must complete a questionnaire and have their temperature taken. Please see the instructions, attached below. Completing the questionnaire ahead of time will save time and effort upon entry. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Please contact chambers if you do not meet the requirements. (And as further set forth herein.) SO ORDERED. Initial Conference set for 11/18/2021 at 10:15 AM in Courtroom 705, 40 Centre Street, New York, NY 10007 before Judge Paul G. Gardephe. (Signed by Judge Paul G. Gardephe on 8/18/2021) (jca) (Entered: 08/18/2021)
08/23/2021	<u>13</u>	CERTIFICATE of Counsel by Jacquelyn Nicole Schell on behalf of Transgender Law Center. Re: <u>11</u> Order for Initial Pretrial Conference,, <u>12</u> Order for Initial Pretrial Conference,,, <i>Certificate of Service</i> .(Schell, Jacquelyn) (Entered: 08/23/2021)
08/24/2021	<u>14</u>	NOTICE OF APPEARANCE by Tomoko Onozawa on behalf of United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 08/24/2021)
08/25/2021	<u>15</u>	AFFIDAVIT OF SERVICE (FOIA CASE) of Summons and Complaint, served. United States Immigration & Customs Enforcement served on 8/17/2021, answer due 9/16/2021. Service was accepted by Dominic Bettiea, US Attorney's Office, SDNY. Document filed by Rapid Defense Network ; Transgender Law Center..(Schell, Jacquelyn) (Entered: 08/25/2021)
08/25/2021	<u>16</u>	AFFIDAVIT OF SERVICE of Summons & Complaint, etc. served on US Immigration & Customs Enforcement c/o US Dep't of Justice on 8/20/2021. Service was made by mail. Document filed by Rapid Defense Network, Transgender Law Center..(Schell, Jacquelyn) (Entered: 08/25/2021)
09/16/2021	<u>17</u>	ANSWER to <u>1</u> Complaint,. Document filed by United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 09/16/2021)
09/17/2021	<u>18</u>	MOTION for Matthew Edward Kelley to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-25078012. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Rapid Defense Network, Transgender Law Center. (Attachments: # <u>1</u> Exhibit Declaration of Matthew E. Kelley, # <u>2</u> Text of Proposed Order Proposed Order).(Kelley, Matthew) (Entered: 09/17/2021)
09/20/2021		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>18</u> MOTION for Matthew Edward Kelley to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-25078012. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies.</b> (bcu) (Entered: 09/20/2021)
09/20/2021	<u>19</u>	ORDER granting <u>18</u> MOTION for Matthew Edward Kelley to Appear Pro Hac Vice. SO ORDERED. (Signed by Judge Paul G. Gardephe on 9/20/2021) (jca) (Entered: 09/20/2021)
11/12/2021	<u>20</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Paul G. Gardephe from AUSA Tomoko Onozawa dated November 12, 2021. Document filed by United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 11/12/2021)
11/17/2021	<u>21</u>	NOTICE OF APPEARANCE by Joseph Slaughter on behalf of Rapid Defense Network, Transgender Law Center..(Slaughter, Joseph) (Entered: 11/17/2021)

11/17/2021	<u>22</u>	ORDER granting <u>20</u> Letter Motion to Adjourn Conference. MEMO ENDORSED: The initial pretrial conference currently scheduled for November 18, 2021 is adjourned sine die. The parties will submit a joint letter by December 1, 2021 to update the Court on the status of their settlement negotiations. SO ORDERED. (Signed by Judge Paul G. Gardephe on 11/17/2021) (mml) (Entered: 11/18/2021)
12/01/2021	<u>23</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 12/01/2021)
12/01/2021	<u>24</u>	STATUS REPORT. Document filed by United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 12/01/2021)
12/02/2021	<u>25</u>	STIPULATION AND ORDER REGARDING DOCUMENT PRODUCTION BY DEFENDANT: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiffs and Defendant as follows: 1. On or before December 15, 2021, and on or before the 15th of each month thereafter, Defendant shall review approximately 500 pages and complete processing (i.e., release of the requested documents, notification to Plaintiffs of the complete or partial withholding pursuant to any applicable FOIA exemption, or consultations with or referrals to other agencies or components) of records responsive to the Non-Excepted Requests. 2. The parties shall meet and confer to negotiate the scope of the Excepted Requests and a consensual schedule for Defendant's processing and production of the Excepted Requests as modified, except to the extent that such documents are withheld or redacted pursuant to applicable FOIA exemptions. If the parties cannot agree on a processing and production schedule, they shall file a letter with the Court setting forth the parties' respective positions and requesting an order setting forth such a schedule. 3. By entering into this Stipulation and Order, Defendant does not concede that Plaintiffs are entitled to prevailing party status under FOIA's fee-shifting provision, 5 U.S.C. § 552(a)(4)(E), and Plaintiffs do not waive any right (i) to file a motion opposing Defendant's complete or partial withholding of responsive documents pursuant to any applicable FOIA exemption; (ii) to request an award of fees pursuant to 5 U.S.C. § 552(a)(4)(E) at the conclusion of this litigation; or (iii) to make any other request for documents in a subsequent FOIA request outside of this litigation. SO ORDERED. (Signed by Judge Paul G. Gardephe on 12/2/2021) (ks) (Entered: 12/02/2021)
12/02/2021	<u>26</u>	MEMO ENDORSEMENT on re: <u>24</u> Status Report filed by United States Immigration & Customs Enforcement. ENDORSEMENT: The Application is granted. SO ORDERED. (Signed by Judge Paul G. Gardephe on 12/2/2021) (ks) (Entered: 12/02/2021)
12/15/2021	<u>27</u>	STATUS REPORT. <i>Regarding processing and production schedule</i> Document filed by Rapid Defense Network, Transgender Law Center..(Kelley, Matthew) (Entered: 12/15/2021)
11/04/2022	<u>28</u>	JOINT LETTER addressed to Judge Paul G. Gardephe from Matthew E. Kelley dated 11/04/2022 re: Case Status. Document filed by Rapid Defense Network, Transgender Law Center..(Kelley, Matthew) (Entered: 11/04/2022)
04/07/2023	<u>29</u>	LETTER addressed to Judge Paul G. Gardephe from Matthew E. Kelley dated 04/07/2023 re: Case Status. Document filed by Rapid Defense Network, Transgender Law Center..(Kelley, Matthew) (Entered: 04/07/2023)
04/10/2023	<u>30</u>	MEMO ENDORSEMENT on re: <u>29</u> Letter filed by Rapid Defense Network, Transgender Law Center. ENDORSEMENT: The Application is granted. SO ORDERED. (Signed by Judge Paul G. Gardephe on 4/10/2023) (rro) (Entered: 04/11/2023)
05/30/2023	<u>31</u>	LETTER addressed to Judge Paul G. Gardephe from Matthew E. Kelley dated May 30, 2023 re: Case Status. Document filed by Rapid Defense Network, Transgender Law Center..(Kelley, Matthew) (Entered: 05/30/2023)
05/31/2023	<u>32</u>	MEMO ENDORSEMENT on re: <u>31</u> Letter Case Status filed by Rapid Defense Network, Transgender Law Center. ENDORSEMENT: SO ORDERED. (Signed by Judge Paul G. Gardephe on 5/31/23) (yv) (Entered: 06/01/2023)
07/25/2023		NOTICE OF CASE ASSIGNMENT to Judge Jessica G. L. Clarke. Judge Paul G. Gardephe is no longer assigned to the case..(kgo) (Entered: 07/25/2023)

07/26/2023	<u>33</u>	NOTICE OF REASSIGNMENT: This case has been reassigned to the undersigned. Unless and until the Court orders otherwise, all prior orders, dates and deadlines shall remain in effect notwithstanding the case's reassignment, including the joint status letter due July 31, 2023, except that any currently scheduled conference or oral argument before the Court is adjourned pending further order of the Court. All counsel must familiarize themselves with the Court's Individual Rules Practices, which are available at <a href="https://nysd.uscourts.gov/hon-jessica-g-l-clarke">https://nysd.uscourts.gov/hon-jessica-g-l-clarke</a> . (Signed by Judge Jessica G. L. Clarke on 7/26/2023) (tro) (Entered: 07/26/2023)
07/31/2023	<u>34</u>	STATUS REPORT. Document filed by United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 07/31/2023)
08/01/2023	<u>35</u>	MEMO ENDORSEMENT on re: <u>34</u> Status Report filed by United States Immigration & Customs Enforcement. ENDORSEMENT: Application GRANTED. The parties shall submit a joint status letter by October 2, 2023. If the parties resolve this matter prior to October 2, 2023, the parties shall immediately notify the Court. SO ORDERED. (Signed by Judge Jessica G. L. Clarke on 8/1/2023) (tg) (Entered: 08/01/2023)
10/02/2023	<u>36</u>	STATUS REPORT. Document filed by United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 10/02/2023)
10/03/2023	<u>37</u>	MEMO ENDORSEMENT on re: <u>36</u> Status Report filed by United States Immigration & Customs Enforcement ENDORSEMENT Application GRANTED. The parties shall submit a joint status letter to the Court by December 4, 2023. If the parties resolve this matter prior to December 4, 2023, they will advise the Court in writing and file a stipulation and proposed order for the Court's review and approval. SO ORDERED. (Signed by Judge Jessica G. L. Clarke on 10/3/2023) (jca) (Entered: 10/03/2023)
12/04/2023	<u>38</u>	STATUS REPORT. Document filed by United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 12/04/2023)
12/05/2023	<u>39</u>	MEMO ENDORSEMENT on re: <u>38</u> Status Report filed by United States Immigration & Customs Enforcement. ENDORSEMENT: Application GRANTED. The parties shall submit a joint status letter to the Court by February 5, 2024. If the parties resolve this matter prior to February 5, 2024, they shall advise the Court in writing and file a stipulation and proposed order for the Court's review and approval. SO ORDERED. (Signed by Judge Jessica G. L. Clarke on 12/5/2023) (tg) (Entered: 12/05/2023)
02/05/2024	<u>40</u>	LETTER addressed to Judge Jessica G. L. Clarke from Matthew E. Kelley dated 02/05/2024 re: Status Report. Document filed by Rapid Defense Network, Transgender Law Center..(Kelley, Matthew) (Entered: 02/05/2024)
02/06/2024	<u>41</u>	MEMO ENDORSEMENT: on re: <u>40</u> Letter filed by Rapid Defense Network, Transgender Law Center. ENDORSEMENT: Application GRANTED. The parties shall submit a joint status letter to the Court by May 2, 2024. If the parties resolve this matter prior to May 2, 2024, they shall advise the Court in writing and file a stipulation and proposed order for the Court's review and approval. SO ORDERED. (Signed by Judge Jessica G. L. Clarke on 2/06/2024) (ama) (Entered: 02/06/2024)
05/02/2024	<u>42</u>	LETTER addressed to Judge Jessica G. L. Clarke from Matthew E. Kelley dated 05/02/2024 re: Case Status Report. Document filed by Rapid Defense Network, Transgender Law Center..(Kelley, Matthew) (Entered: 05/02/2024)
05/06/2024	<u>43</u>	MEMO ENDORSEMENT on re: <u>42</u> Letter filed by Rapid Defense Network, Transgender Law Center. ENDORSEMENT: Application GRANTED. The parties shall submit a joint status letter to the Court by July 31, 2024. The letter shall either indicate that the parties have resolved the case or shall set a proposed schedule with respect to any issues that the parties intend to litigate. If the parties resolve this matter prior to July 31, 2024, they shall advise the Court in writing and file a stipulation and proposed order for the Court's review and approval. SO ORDERED. (Signed by Judge Jessica G. L. Clarke on 5/6/2024) (tg) (Entered: 05/06/2024)
07/31/2024	<u>44</u>	STATUS REPORT. Document filed by United States Immigration & Customs Enforcement..(Onozawa, Tomoko) (Entered: 07/31/2024)
08/02/2024	<u>45</u>	MEMO ENDORSEMENT on re: <u>44</u> Status Report filed by United States Immigration & Customs Enforcement ENDORSEMENT Application GRANTED. The parties shall

submit a joint status letter to the Court by October 31, 2024. If the parties intend to litigate Plaintiffs' demand for fees, they shall submit a proposed briefing schedule in the joint letter. If the parties resolve this matter prior to October 31, 2024, they shall advise the Court in writing and file a stipulation and proposed order for the Court's review and approval. SO ORDERED. (Signed by Judge Jessica G. L. Clarke on 8/2/2024) (jca) (Entered: 08/02/2024)