

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-03207-ACR**

AMERICANS FOR PROSPERITY FOUNDATION v.
FEDERAL TRADE COMMISSION
Assigned to: Judge Ana C. Reyes
Cause: 05:552 Freedom of Information Act

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

Plaintiff

**AMERICANS FOR PROSPERITY
FOUNDATION**

represented by **Eric R. Bolinder**
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TERMINATED: 06/12/2023
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V.

Defendant

FEDERAL TRADE COMMISSION

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Date Filed	#	Docket Text
12/08/2021	<u>1</u>	COMPLAINT against FEDERAL TRADE COMMISSION (Filing fee \$ 402 receipt number ADCDC-8913352) 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> Civil Cover Sheet, # <u>5</u> Summons FTC, # <u>6</u> Summons USAG, # <u>7</u> Summons USAO-DC)(Mulvey, Ryan) (Entered: 12/08/2021)
12/08/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICANS FOR PROSPERITY FOUNDATION (Mulvey, Ryan) (Entered: 12/08/2021)
12/08/2021		Case Assigned to Judge Florence Y. Pan. (zsb) (Entered: 12/08/2021)
12/09/2021	<u>3</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 Florence Y. Pan on 12/9/2021. (lcswh) (Entered: 12/09/2021)
12/09/2021	<u>4</u>	SUMMONS (3) Issued Electronically as to FEDERAL TRADE COMMISSION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 12/09/2021)
12/13/2021	<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 12/10/2021. Answer due for ALL FEDERAL DEFENDANTS by 1/9/2022. (Mulvey, Ryan) (Entered: 12/13/2021)
12/13/2021	<u>6</u>	NOTICE of Appearance by Eric R. Bolinder on behalf of AMERICANS FOR PROSPERITY FOUNDATION (Bolinder, Eric) (Entered: 12/13/2021)
12/31/2021	<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 12/23/2021. (Mulvey, Ryan) (Entered: 12/31/2021)
12/31/2021	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL TRADE COMMISSION served on 12/22/2021 (Mulvey, Ryan) (Entered: 12/31/2021)
01/04/2022	<u>9</u>	NOTICE of Appearance by Anna Davis Walker on behalf of FEDERAL TRADE COMMISSION (Walker, Anna) (Entered: 01/04/2022)
01/04/2022	<u>10</u>	Unopposed MOTION for Extension of Time to File Answer <i>or Otherwise Respond</i> by FEDERAL TRADE COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Anna) (Entered: 01/04/2022)
01/05/2022		MINUTE ORDER granting Defendant's <u>10</u> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond, for good cause shown. Defendant's response to the Complaint is due on February 9, 2022. Signed by Judge Florence Y. Pan on 1/5/2022. (lcswh) (Entered: 01/05/2022)
01/05/2022		Set/Reset Deadlines: Defendant's response to the Complaint due by 2/9/2022. (zacr) (Entered: 01/05/2022)
02/09/2022	<u>11</u>	ANSWER to Complaint by FEDERAL TRADE COMMISSION.(Walker, Anna) (Entered: 02/09/2022)
02/10/2022	<u>12</u>	ORDER directing the parties to file a joint status report proposing a schedule for litigation of this case on or before March 10, 2022. Signed by Judge Florence Y. Pan on 2/10/2022. (lcswh) (Entered: 02/10/2022)
02/10/2022		Set/Reset Deadlines: Joint Status Report due by 3/10/2022. (zacr) (Entered: 02/10/2022)
03/10/2022	<u>13</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 03/10/2022)

03/10/2022		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, the parties are directed to file another status report on or before May 9, 2022, and every 60 days thereafter. Signed by Judge Florence Y. Pan on 3/10/2022. (lcsw) (Entered: 03/10/2022)
03/10/2022		Set/Reset Deadlines: Joint Status Report due by 5/9/2022. (zacr) (Entered: 03/10/2022)
05/09/2022	<u>14</u>	NOTICE of Appearance by Erika Kirstie Oblea on behalf of All Defendants (Oblea, Erika) (Entered: 05/09/2022)
05/09/2022	<u>15</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Oblea, Erika) (Entered: 05/09/2022)
07/08/2022	<u>16</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 07/08/2022)
09/06/2022	<u>17</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 09/06/2022)
09/23/2022		Judge Florence Y. Pan has been elevated to serve on the U.S. Court of Appeals for the D.C. Circuit. She is therefore no longer assigned to this case, and this matter has been reassigned to the Calendar Committee, which will oversee it until it is assigned to another district judge. Any questions should be directed to Judge Pan's former deputy clerk, Samantha Calloway, at 202-354-3163 or samantha_calloway@dcd.uscourts.gov. (ztnr) (Entered: 09/23/2022)
11/07/2022	<u>18</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 11/07/2022)
01/06/2023	<u>19</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 01/06/2023)
02/24/2023		Case directly reassigned to District Judge Ana C. Reyes. Circuit Judge Florence Y. Pan is no longer assigned to the case. (ztnr) (Entered: 02/24/2023)
03/03/2023	<u>20</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Anna) (Entered: 03/03/2023)
03/03/2023		MINUTE ORDER. UPON CONSIDERATION of the parties' <u>20</u> Joint Status Report and the entire record in this case, and for good cause shown, it is hereby ORDERED that the parties shall file a further joint status report on or before April 7, 2023, apprising the Court as to the status of Plaintiff's FOIA request and proposing a schedule for further proceedings, if necessary. Signed by Judge Ana C. Reyes on 3/3/2023. (lcjo) (Entered: 03/03/2023)
03/03/2023		Set/Reset Deadlines/Hearings: Joint Status Report due by 4/7/2023. (zcdw) (Entered: 03/03/2023)
04/07/2023	<u>21</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 04/07/2023)
04/10/2023		MINUTE ORDER. Upon consideration of the parties' <u>21</u> Joint Status Report, and for good cause shown, it is hereby ORDERED that the parties shall file a further joint status report on or before June 6, 2023. The Court notes that the parties are not required to seek the Court's approval to file further joint status reports per Judge Reyes' Standing Order in Civil Cases, which is available on her webpage. Signed by Judge Ana C. Reyes on 4/10/23. (lcas) (Entered: 04/10/2023)
04/11/2023		Set/Reset Deadlines/Hearings: Joint Status Report due by 6/6/2023. (zcdw) (Entered: 04/11/2023)
06/01/2023	<u>22</u>	NOTICE of Appearance by Lee A. Steven on behalf of AMERICANS FOR PROSPERITY FOUNDATION (Steven, Lee) (Entered: 06/01/2023)
06/01/2023	<u>23</u>	Joint MOTION for Briefing Schedule <i>for motion for protective order</i> by FEDERAL TRADE COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Anna) (Entered: 06/01/2023)
06/05/2023	<u>24</u>	Joint MOTION for Leave to File <i>under Seal</i> by AMERICANS FOR PROSPERITY FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 06/05/2023)

		06/05/2023)
06/06/2023	<u>25</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 06/06/2023)
06/07/2023	<u>26</u>	Unopposed MOTION to Amend/Correct <u>23</u> Joint MOTION for Briefing Schedule <i>for motion for protective order</i> by FEDERAL TRADE COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Anna) (Entered: 06/07/2023)
06/07/2023		MINUTE ORDER: Upon consideration of the parties' Joint Motion for Briefing Schedule for Motion for Protective Order <u>23</u> , Joint Motion for Leave to File Under Seal <u>24</u> , and Motion to Amend Joint Motion for Briefing Schedule <u>26</u> , it is hereby ORDERED that each motion is DENIED without prejudice. The parties are directed to meet and confer in person to resolve their disagreement over the contested record. The Court also reminds the parties that attorneys are under ethical obligations to not review documents a party claims are privileged or work product, and in some circumstances, to return such documents immediately upon request. The Court expects the parties to resolve any issue regarding the non-dissemination of document(s) that one party contends to be privileged and confidential pending the outcome of the case. Signed by Judge Ana C. Reyes on 6/7/2023. (lcas) (Entered: 06/07/2023)
06/12/2023	<u>27</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICANS FOR PROSPERITY FOUNDATION. Attorney Eric R. Bolinder terminated. (Bolinder, Eric) (Entered: 06/12/2023)
07/06/2023	<u>28</u>	Joint MOTION for Briefing Schedule (<i>Renewed</i>) by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 07/06/2023)
07/07/2023		MINUTE ORDER: The Court has reviewed the parties' Renewed Motion for Entry of Briefing Schedule <u>28</u> . It is hereby ORDERED that Plaintiff not disseminate the materials at issue pending further order from the Court or resolution of a motion for "claw back" order and for a protective order. It is further ORDERED that the parties file a pre-motion joint statement that explains the basis of their disagreement on or before July 28, 2023. Signed by Judge Ana C. Reyes on 7/7/23. (lcas) (Entered: 07/07/2023)
07/11/2023		Set/Reset Deadlines/Hearings: Pre-motion joint statement due by 7/28/2023. (zcdw) (Entered: 07/11/2023)
07/28/2023	<u>29</u>	NOTICE of Pre-Motion Joint Statement, Pursuant to July 7, 2023 Minute Order by FEDERAL TRADE COMMISSION (Walker, Anna) (Entered: 07/28/2023)
07/31/2023		MINUTE ORDER: It is hereby ORDERED that Defendant Federal Trade Commission send the contested document to the Court for in camera review via an email to Chambers. The parties are directed to reach out to Judge Reyes' Courtroom Deputy, Chashawn White (Chashawn_White@dcd.uscourts.gov), to set a pre-motion conference date. Signed by Judge Ana C. Reyes on 7/31/23. (lcas) Modified on 8/1/2023 to correct typo (zcdw). (Entered: 07/31/2023)
08/07/2023	<u>30</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 08/07/2023)
08/14/2023		NOTICE of Hearing:Pre-Motion Conference set for 8/17/2023 at 1:30 PM in Courtroom 12 before Judge Ana C. Reyes. (zcdw) (Entered: 08/14/2023)
08/17/2023		Minute Entry for proceedings held before Judge Ana C. Reyes: Pre-motion Conference held on 8/17/2023. (Court Reporter: Christine Asif) (zcdw) (Entered: 08/17/2023)
08/18/2023	<u>31</u>	NOTICE Concerning Use of the Contested Record in Further Proceedings by AMERICANS FOR PROSPERITY FOUNDATION (Mulvey, Ryan) (Entered: 08/18/2023)
09/13/2023	<u>32</u>	TRANSCRIPT OF PROCEEDINGS before Judge Ana C. Reyes held on 8/17/2023; Page Numbers: 1-42. Date of Issuance:9/13/2023. Court Reporter Christine T. Asif, Telephone number 202-354-3247, Transcripts may be ordered by submitting the <u>Transcript Order Form</u>

		<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 10/4/2023. Redacted Transcript Deadline set for 10/14/2023. Release of Transcript Restriction set for 12/12/2023.(Asif, Christine) (Entered: 09/13/2023)</p>
10/06/2023	<u>33</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 10/06/2023)
01/09/2024	<u>34</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 01/09/2024)
03/08/2024	<u>35</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 03/08/2024)
05/07/2024	<u>36</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 05/07/2024)
07/08/2024	<u>37</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 07/08/2024)
08/26/2024	<u>38</u>	STANDING ORDER. The Court hereby ORDERS the parties to comply with its Standing Order. See Standing Order for details. Signed by Judge Ana C. Reyes on 8/26/2024. (lcar3) (Entered: 08/26/2024)
09/06/2024	<u>39</u>	Joint STATUS REPORT by FEDERAL TRADE COMMISSION. (Walker, Anna) (Entered: 09/06/2024)