

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:21-cv-12030-DJC**

Harvard Immigration and Refugee Clinical Program v. United States Department of Homeland Security et al
Assigned to: Judge Denise J. Casper
Cause: 05:552 Freedom of Information Act

Date Filed: 12/13/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Harvard Immigration and Refugee Clinical Program

represented by **Sabrineh Ardalan**
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V.

Defendant

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Defendant

United States Immigration and Customs Enforcement

represented by **Michael Fitzgerald**
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Rayford A. Farquhar
(See above for address)
TERMINATED: 05/25/2022
ATTORNEY TO BE NOTICED

Email All Attorneys
Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
12/13/2021	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 402, receipt number AMADC-9095864 (Fee Status: Filing Fee paid), filed by Harvard Immigration and Refugee Clinical Program. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Local Category Form, # <u>3</u> Exhibit)(Ardalan, Sabrineh) (Entered: 12/13/2021)
12/13/2021	2	ELECTRONIC NOTICE of Case Assignment. Judge Denise J. Casper assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Donald L. Cabell. (Finn, Mary) (Entered: 12/13/2021)
12/13/2021	<u>3</u>	Summons Issued as to All Defendants. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Currie, Haley) (Entered: 12/13/2021)
12/14/2021	4	NOTICE of Appearance by Philip L. Torrey on behalf of Harvard Immigration and Refugee Clinical Program (Torrey, Philip) (Entered: 12/14/2021)
12/15/2021	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Amanda Azarian Filing fee: \$ 100, receipt number AMADC-9099243 by Harvard Immigration and Refugee

		Clinical Program.(Ardalan, Sabrineh) (Entered: 12/15/2021)
12/15/2021	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice for admission of David Bitkower Filing fee: \$ 100, receipt number AMADC-9099251 by Harvard Immigration and Refugee Clinical Program.(Ardalan, Sabrineh) (Entered: 12/15/2021)
12/29/2021	7	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>5</u> Motion for Leave to Appear Pro Hac Vice Added Amanda Azarian ; granting <u>6</u> Motion for Leave to Appear Pro Hac Vice Added David Bitkower. Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account. Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm . A Notice of Appearance must be entered on the docket by the newly admitted attorney. (Currie, Haley) (Entered: 12/29/2021)
01/05/2022	<u>8</u>	NOTICE of Appearance by Rayford A. Farquhar on behalf of United States Department of Homeland Security, United States Immigration and Customs Enforcement (Farquhar, Rayford) (Entered: 01/05/2022)
01/07/2022	<u>9</u>	NOTICE of Appearance by Amanda Azarian on behalf of Harvard Immigration and Refugee Clinical Program (Azarian, Amanda) (Entered: 01/07/2022)
01/08/2022	<u>10</u>	NOTICE of Appearance by David Bitkower on behalf of Harvard Immigration and Refugee Clinical Program (Bitkower, David) (Entered: 01/08/2022)
01/18/2022	<u>11</u>	NOTICE of Appearance by Michael Fitzgerald on behalf of United States Department of Homeland Security, United States Immigration and Customs Enforcement (Fitzgerald, Michael) (Entered: 01/18/2022)
01/18/2022	<u>12</u>	Assented to MOTION for Extension of Time to February 21, 2022 to Respond to the Complaint by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Fitzgerald, Michael) (Entered: 01/18/2022)
01/19/2022	13	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>12</u> Motion for Extension of Time to 2/21/22 to file a response to the complaint. (Hourihan, Lisa) (Entered: 01/19/2022)
02/01/2022	<u>14</u>	AFFIDAVIT OF SERVICE Executed by Harvard Immigration and Refugee Clinical Program. United States Department of Homeland Security served on 12/15/2021. Acknowledgement filed by Harvard Immigration and Refugee Clinical Program. (Bitkower, David) (Entered: 02/01/2022)
02/01/2022	<u>15</u>	AFFIDAVIT OF SERVICE Executed by Harvard Immigration and Refugee Clinical Program. United States Immigration and Customs Enforcement served on 12/15/2021. Acknowledgement filed by Harvard Immigration and Refugee Clinical Program. (Bitkower, David) (Entered: 02/01/2022)
02/01/2022	<u>16</u>	AFFIDAVIT of Service re <u>1</u> Complaint, <i>served upon the Attorney General of the United States, U.S. Department of Justice</i> by Harvard Immigration and Refugee Clinical Program. (Bitkower, David) (Entered: 02/01/2022)
02/01/2022	<u>17</u>	AFFIDAVIT of Service re <u>1</u> Complaint, <i>served upon the United States Attorney's Office, Civil-Process Clerk</i> by Harvard Immigration and Refugee Clinical Program. (Bitkower, David) (Entered: 02/01/2022)
02/22/2022	<u>18</u>	ANSWER to <u>1</u> Complaint, by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Fitzgerald, Michael) (Entered: 02/22/2022)
02/23/2022	<u>19</u>	NOTICE of Scheduling Conference

		<p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>Scheduling Conference set for 3/28/2022 03:00 PM in Courtroom 11 (Remote only) before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 02/23/2022)</p>
02/23/2022	<u>20</u>	Judge Denise J. Casper: ORDER entered. Standing Order Re: Courtroom Opportunities for Relatively Inexperienced Attorneys(Hourihan, Lisa) (Entered: 02/23/2022)
02/23/2022	<u>21</u>	Judge Denise J. Casper: Standing Order Regarding Appearance of Counsel Via Telephone or Video Conference(Hourihan, Lisa) (Entered: 02/23/2022)
03/11/2022	<u>22</u>	MOTION Leave to Appear as Law Student by Harvard Immigration and Refugee Clinical Program. (Attachments: # <u>1</u> Law Student Certification Form, # <u>2</u> Declaration of Law Student in Support of Motion for Leave)(Ardalan, Sabrineh) (Entered: 03/11/2022)
03/21/2022	<u>23</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by Harvard Immigration and Refugee Clinical Program.(Ardalan, Sabrineh) (Entered: 03/21/2022)
03/21/2022	<u>24</u>	CERTIFICATION pursuant to Local Rule 16.1 by Harvard Immigration and Refugee Clinical Program.(Ardalan, Sabrineh) (Entered: 03/21/2022)
03/21/2022	<u>25</u>	CERTIFICATION pursuant to Local Rule 16.1 of <i>Defendants</i> . (Fitzgerald, Michael) (Entered: 03/21/2022)
03/25/2022	26	Judge Denise J. Casper: ELECTRONIC ORDER entered. D. 23: In light of the filing of the parties' joint statement and given that this is a FOIA case, the Court ORDERS as follows. Given that the usual discovery schedule is not necessary and Defendants indicate that they anticipate the additional production of documents to Plaintiff, D. 23 at 3-4, the Court will not set a schedule for cross motions for summary judgment at this time. Instead, the Court will set this case for a status conference on May 31, 2022 at 2:00 p.m. The parties shall file a joint status report by May 25, 2022. The Court anticipates setting a summary judgment motion schedule then and will consider the parties' proposal in that regard then.(Hourihan, Lisa) (Entered: 03/25/2022)
03/25/2022	27	<p>ELECTRONIC NOTICE of Hearing.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>Status Conference set for 5/31/2022 02:00 PM in Courtroom 11 (Remote only) before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 03/25/2022)</p>
03/25/2022	28	ELECTRONIC NOTICE Canceling Hearing. In light of D. 26, the scheduling conference set for 3/28/22 is canceled. (Hourihan, Lisa) (Entered: 03/25/2022)

04/05/2022	29	<p>ELECTRONIC NOTICE OF RESCHEDULING</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>Status Conference set for 5/31/2022 09:30 AM in Courtroom 11 (Remote only) before Judge Denise J. Casper. NOTE TIME CHANGE ONLY(Hourihan, Lisa) (Entered: 04/05/2022)</p>
04/27/2022	30	<p>Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>22</u> MOTION Leave to Appear as Law Student (Currie, Haley) (Entered: 04/27/2022)</p>
05/25/2022	<u>31</u>	<p>STATUS REPORT <i>Jointly Filed</i> by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 05/25/2022)</p>
05/25/2022	<u>32</u>	<p>NOTICE of Withdrawal of Appearance by Rayford A. Farquhar (Farquhar, Rayford) (Entered: 05/25/2022)</p>
05/27/2022	33	<p>ELECTRONIC NOTICE OF RESCHEDULING</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>In light of joint status report, the Court reschedules the Status Conference for 7/28/2022 03:00 PM in Courtroom 11 (Remote only) before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 05/27/2022)</p>
07/27/2022	<u>34</u>	<p>MOTION for Leave to Appear Pro Hac Vice for admission of Andrew D. Hoeg Filing fee: \$ 100, receipt number AMADC-9430238 by Harvard Immigration and Refugee Clinical Program.(Ardalan, Sabrineh) (Entered: 07/27/2022)</p>
07/27/2022	<u>35</u>	<p>MOTION to Withdraw <u>9</u> Notice of Appearance by <i>Amanda Azarian</i> by Harvard Immigration and Refugee Clinical Program.(Bitkower, David) (Entered: 07/27/2022)</p>
07/28/2022	36	<p>Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>34</u> Motion for Leave to Appear Pro Hac Vice Added Andrew D. Hoeg.</p> <p>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account.</p> <p>Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p>

		(Currie, Haley) (Entered: 07/28/2022)
07/28/2022	37	Electronic Clerk's Notes for proceedings held before Judge Denise J. Casper: Status Conference held on 7/28/2022 by video conference. Court granting <u>35</u> MOTION to Withdraw <u>2</u> Notice of Appearance by <i>Amanda Azarian</i> . FOIA to be completed by 9/28/22. Motions for summary judgment to be filed by 11/4/22. Opposition and cross motions for summary judgment to be filed by 12/5/22. Hearing set for 1/26/23 at 3:00PM. (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Sabrineh Ardalan, David Bitkower, Philip Torrey and Andrew Hoeg for the plaintiff. Michael Fitzgerald for the defendants.) (Hourihan, Lisa) (Entered: 08/02/2022)
07/28/2022	38	ELECTRONIC NOTICE Setting Hearing on Cross Motions for Summary Judgment. Motion Hearing set for 1/26/2023 03:00 PM in Courtroom 11 (In person only) before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 08/02/2022)
10/27/2022	<u>40</u>	Joint MOTION for Extension of Time <i>Regarding Summary Judgment Schedule</i> by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Fitzgerald, Michael) (Entered: 10/27/2022)
11/01/2022	41	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>40</u> Motion for Extension of Time. Summary judgment motions to be filed by 12/16/22. Opposition and cross motions for summary judgment to be filed by 1/13/23. Reply and opposition to cross motions for summary judgment to be filed by 1/27/23. Reply in support of cross motions for summary judgment to be filed by 2/10/23. Hearing set for 3/15/23 at 2:00PM. (Hourihan, Lisa) (Entered: 11/01/2022)
11/01/2022	42	ELECTRONIC NOTICE Resetting Hearing on Cross Motions for Summary Judgment. Motion Hearing set for 3/15/2023 02:00 PM in Courtroom 11 (In person only) before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 11/01/2022)
12/15/2022	<u>43</u>	Joint MOTION for Extension of Time <i>Regarding Summary Judgment Schedule</i> by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Fitzgerald, Michael) (Entered: 12/15/2022)
01/05/2023	<u>44</u>	NOTICE of Appearance by Andrew Hoeg on behalf of Harvard Immigration and Refugee Clinical Program (Hoeg, Andrew) (Entered: 01/05/2023)
01/06/2023	<u>45</u>	MOTION for Extension of Time to February 20, 2023 to File <i>Motion for Summary Judgment</i> by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Fitzgerald, Michael) (Entered: 01/06/2023)
01/11/2023	46	Judge Denise J. Casper: ELECTRONIC ORDER entered re: <u>43</u> Motion for Extension of Time and <u>45</u> Motion for Extension of Time to File Summary Judgment. The Court has considered the joint motion to extend deadlines, D. 43, and Defendants' (partially assented to) motion for further extension. The Court ALLOWS the motions to the following extent: Defendants' motion for summary judgment to be filed by 2/20/23. Plaintiff's Opposition to motion for summary judgment and cross motion to be filed by 3/13/23. Defendants' Reply and Opposition to cross motion for summary judgment to be filed by 4/3/23. Plaintiff's reply to be filed by 4/18/23. Hearing on motions for summary judgment set for 5/11/23 at 3PM. NO FURTHER EXTENSIONS ANTICIPATED (Hourihan, Lisa) (Entered: 01/11/2023)
01/11/2023	47	ELECTRONIC NOTICE Resetting Hearing on Cross Motions for Summary Judgment. Motion Hearing set for 5/11/2023 03:00 PM in Courtroom 11 (In person only) before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 01/11/2023)
02/21/2023	<u>48</u>	MOTION for Summary Judgment by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Fitzgerald, Michael) (Entered: 02/21/2023)
02/21/2023	<u>49</u>	DECLARATION <i>Transmittal</i> by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14, # <u>15</u> Exhibit Exhibit 15, # <u>16</u> Exhibit Exhibit 16, # <u>17</u> Exhibit Exhibit 17, # <u>18</u> Exhibit Exhibit 18)(Fitzgerald, Michael) (Entered: 02/21/2023)

02/21/2023	<u>50</u>	Statement of Material Facts L.R. 56.1 re <u>48</u> MOTION for Summary Judgment filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 02/21/2023)
02/21/2023	<u>51</u>	MEMORANDUM in Support re <u>48</u> MOTION for Summary Judgment filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 02/21/2023)
03/08/2023	<u>52</u>	MOTION for Leave to File Excess Pages by Harvard Immigration and Refugee Clinical Program.(Bitkower, David) (Entered: 03/08/2023)
03/09/2023	53	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>52</u> Motion for Leave to File Excess Pages. Harvard Immigration and Refugee Clinical Program Memo in support of its motion for summary judgment and in opposition to Defendants' motion for summary judgment not to exceed 25 pages in length; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Hourihan, Lisa) (Entered: 03/09/2023)
03/13/2023	<u>54</u>	Assented to MOTION Law Student Appearance <i>Farris Peale</i> by Harvard Immigration and Refugee Clinical Program. (Attachments: # <u>1</u> Exhibit Law Student Declaration, # <u>2</u> Exhibit Supervisor Declaration, # <u>3</u> Exhibit Dean Declaration)(Torrey, Philip) (Entered: 03/13/2023)
03/13/2023	<u>55</u>	Assented to MOTION Law Student Appearance <i>Ennely Medina</i> by Harvard Immigration and Refugee Clinical Program. (Attachments: # <u>1</u> Exhibit Law Student Declaration, # <u>2</u> Exhibit Supervisor Declaration, # <u>3</u> Exhibit Dean Declaration)(Torrey, Philip) (Entered: 03/13/2023)
03/13/2023	<u>56</u>	Assented to MOTION Law Student Appearance <i>David Perlman</i> by Harvard Immigration and Refugee Clinical Program. (Attachments: # <u>1</u> Exhibit Law Student Declaration, # <u>2</u> Exhibit Supervisor Declaration, # <u>3</u> Exhibit Dean Declaration)(Torrey, Philip) (Entered: 03/13/2023)
03/13/2023	<u>57</u>	Assented to MOTION Law Student Appearance <i>Rachel Shapiro</i> by Harvard Immigration and Refugee Clinical Program. (Attachments: # <u>1</u> Exhibit Law Student Declaration, # <u>2</u> Exhibit Supervisor Declaration, # <u>3</u> Exhibit Dean Declaration)(Torrey, Philip) (Entered: 03/13/2023)
03/14/2023	<u>58</u>	Response by Harvard Immigration and Refugee Clinical Program to <u>50</u> Statement of Material Facts L.R. 56.1 . (Bitkower, David) (Entered: 03/14/2023)
03/14/2023	<u>59</u>	Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment</i> by Harvard Immigration and Refugee Clinical Program.(Bitkower, David) (Entered: 03/14/2023)
03/14/2023	<u>60</u>	MEMORANDUM in Support re <u>59</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment</i> filed by Harvard Immigration and Refugee Clinical Program. (Bitkower, David) (Entered: 03/14/2023)
03/14/2023	<u>61</u>	DECLARATION re <u>59</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment / Transmittal Declaration of Andrew D. Hoeg</i> by Harvard Immigration and Refugee Clinical Program. (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> Exhibit I, # <u>10</u> Exhibit J)(Bitkower, David) (Entered: 03/14/2023)
03/14/2023	<u>62</u>	Statement of Material Facts L.R. 56.1 re <u>59</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment</i> filed by Harvard Immigration and Refugee Clinical Program. (Bitkower, David) (Entered: 03/14/2023)
03/20/2023	63	Judge Denise J. Casper: ELECTRONIC ORDER entered granting D. <u>54</u> Assented to MOTION Law Student Appearance <i>Farris Peale</i> ; D. <u>55</u> Assented to MOTION Law Student Appearance <i>Ennely Medina</i> ; D. <u>56</u> Assented to MOTION Law Student Appearance <i>David Perlman</i> ; D. <u>57</u> Assented to MOTION Law Student Appearance <i>Rachel Shapiro</i> (Currie, Haley) (Entered: 03/20/2023)

04/03/2023	<u>64</u>	Response by United States Department of Homeland Security, United States Immigration and Customs Enforcement to <u>62</u> Statement of Material Facts L.R. 56.1 . (Fitzgerald, Michael) (Entered: 04/03/2023)
04/03/2023	<u>65</u>	Opposition re <u>59</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment and Reply in Support of Defendants' Motion for Summary Judgment</i> filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 04/03/2023)
04/18/2023	<u>66</u>	REPLY to Response to <u>59</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment / Reply in Support of Plaintiff's Cross-Motion for Summary Judgment and in Opposition to Defendants' Motion for Summary Judgment</i> filed by Harvard Immigration and Refugee Clinical Program. (Bitkower, David) (Entered: 04/18/2023)
04/18/2023	<u>67</u>	DECLARATION re <u>66</u> Reply to Response to Motion, / <i>Transmittal Declaration of Andrew D. Hoeg</i> by Harvard Immigration and Refugee Clinical Program. (Attachments: # <u>1</u> Exhibit K)(Bitkower, David) (Entered: 04/18/2023)
04/27/2023	<u>68</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Aime J. Joo Filing fee: \$ 125, receipt number AMADC-9828486 by Harvard Immigration and Refugee Clinical Program.(Ardalan, Sabrineh)(Additional attachment(s) added on 4/28/2023: # <u>1</u> Exhibit A) (Currie, Haley). Modified on 4/28/2023 to separate exhibit from main document (Currie, Haley). (Entered: 04/27/2023)
05/10/2023	69	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>68</u> Motion for Leave to Appear Pro Hac Vice Added Aime J. Joo. Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at https://pacer.uscourts.gov/register-account. You must put the docket number on your form when registering or it will be rejected. Pro Hac Vice Admission Request Instructions https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm . A Notice of Appearance must be entered on the docket by the newly admitted attorney. (Currie, Haley) (Entered: 05/10/2023)
05/11/2023	<u>70</u>	NOTICE of Appearance by Aime Jh Joo on behalf of Harvard Immigration and Refugee Clinical Program (Joo, Aime) (Entered: 05/11/2023)
05/11/2023	71	Electronic Clerk's Notes for proceedings held before Judge Denise J. Casper: Motion Hearing held on 5/11/2023 re Cross Motions for Summary Judgment. Arguments. Court takes under advisement <u>48</u> Motion for Summary Judgment; takes under advisement <u>59</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' Motion for Summary Judgment</i> filed by Harvard Immigration and Refugee Clinical Program.(Court Reporter: Kelly Mortellite at mortellite@gmail.com.)(Attorneys present: Aime Joo, Rachel Shapiro, Sabrineh Ardalan, David Bitkower and Philip Torrey for the plaintiff. Michael Fitzgerald for the defendants) (Hourihan, Lisa) (Entered: 05/12/2023)
05/26/2023	<u>72</u>	Transcript of Motion Hearing held on May 11, 2023, before Judge Denise J. Casper. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite at mortellite@gmail.com. Redaction Request due 6/16/2023. Redacted Transcript Deadline set for 6/26/2023. Release of Transcript Restriction set for 8/24/2023. (McDonagh, Christina) (Entered: 05/26/2023)
05/26/2023	73	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at https://www.mad.uscourts.gov/caseinfo/transcripts.htm (McDonagh, Christina) (Entered: 05/26/2023)

07/21/2023	<u>74</u>	Judge Denise J. Casper: ORDER entered. MEMORANDUM AND ORDER – As to the adequacy of searches, the Court ALLOWS the Agencies' motion for summary judgment only as to the locations searched as to the CRCL portion of the OIG and CRCL FOIA Request and otherwise DENIES the motion. The Court correspondingly DENIES HIRCP's motion for summary judgment only as to the locations searched as to the CRCL portion of the OIG and CRCL FOIA Request and otherwise ALLOWS HIRCP's motion for summary judgment as to the adequacy of OIG's and ICE's searches. As to the exemptions, the Court DENIES the Agencies' motion as to Exemptions 6 and 7(C) as moot, but ALLOWS it as to Exemption 7(E) and DENIES it as to Exemption 5. The Court ALLOWS HIRCP's motion as to Exemption 5 and DENIES it as to Exemption 7. The Court ORDERS counsel for the parties to meet and confer to agree on search terms and locations (except as to the locations searched as to the CRCL portion of the OIG and CRCL FOIA request) to be searched as to both OIG's search and ICE's search with a proposed time frame for completion of this search. Such joint proposal should be filed by September 1, 2023. The Court also ORDERS DHS to review the document withheld or redacted solely on the basis of Exemption 5, including all expert reports, and either submit a revised Vaughn index by September 1, 2023, correcting the deficiencies outlined above, or produce the documents unredacted to HIRCP and inform the Court of its decision, also by September 1, 2023. (Hourihan, Lisa) (Entered: 07/21/2023)
08/25/2023	<u>75</u>	Assented to MOTION for Extension of Time to September 15, 2023 to Comply with the Court's Summary Judgment Order (<i>with respect to DHS CRCL</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Fitzgerald, Michael) (Entered: 08/25/2023)
09/01/2023	<u>76</u>	DECLARATION of <i>Fernando Pineiro</i> by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit Exhibit A – ICE Revised Vaughn Index)(Fitzgerald, Michael) (Entered: 09/01/2023)
09/01/2023	<u>77</u>	STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 09/01/2023)
09/05/2023	78	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>75</u> Motion for Extension of Time to September 15, 2023 to Comply with the Court's Summary Judgment Order (with respect to DHS CRCL) by United States Department of Homeland Security, United States Immigration and Customs Enforcement (Hourihan, Lisa) (Entered: 09/05/2023)
09/11/2023	<u>79</u>	STATUS REPORT <i>Jointly Filed</i> by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 09/11/2023)
09/15/2023	<u>80</u>	DECLARATION <i>Transmittal</i> by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit Exhibit A)(Fitzgerald, Michael) (Entered: 09/15/2023)
09/22/2023	81	Judge Denise J. Casper: ELECTRONIC ORDER entered re <u>79</u> Status Report filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. The Court has received and reviewed the joint status report, D. 79, and understands that the parties have agreed about search terms to execute and that "rolling" productions will be made to Plaintiffs. The Court will impose the monthly status report requirement suggested by the parties and, accordingly, orders counsel to file a further status report by October 23, 2023, providing a further status report to the Court and every 30 days thereafter until the production is complete or the Court orders otherwise.(Hourihan, Lisa) (Entered: 09/22/2023)
10/23/2023	<u>82</u>	STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 10/23/2023)
11/01/2023	83	Judge Denise J. Casper: ELECTRONIC ORDER entered re <u>82</u> Status Report filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. The Court has reviewed the parties' October 23, 2023 status report and understands that the production of documents is ongoing. Accordingly, the Court

		reiterates its prior order, D. 81, and orders the parties to file a further, joint status report by November 22, 2023.(Hourihan, Lisa) (Entered: 11/01/2023)
11/22/2023	<u>84</u>	STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 11/22/2023)
12/06/2023	85	Judge Denise J. Casper: ELECTRONIC ORDER entered re <u>84</u> Status Report filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. The Court has received and received the parties' most recent, joint statement, D. 84, and understands that discovery production is ongoing. The Court orders the parties to file a further joint statement on January 8, 2024. Such joint statement shall include a date by which the parties anticipate completion of the further discovery and any further filings anticipated by the Court's July 21, 2023 Order, D. 74.(Hourihan, Lisa) (Entered: 12/06/2023)
01/08/2024	<u>86</u>	STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 01/08/2024)
02/07/2024	<u>87</u>	STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 02/07/2024)
03/08/2024	<u>88</u>	STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 03/08/2024)
03/22/2024	89	<p>In light of the parties' last filing, D. 88, the Court's prior order, dated July 21, 2023, D. 74, the Court sets a further scheduling conference for April 22, 2024 at 3:15 pm. Counsel for the parties should confer and file a joint, proposed schedule for the remainder of this case and file same by 4/15/24. Scheduling Conference set for 4/22/2024 03:15 PM in Courtroom 11 (Remote only) before Judge Denise J. Casper.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the courtroom deputy of the session as soon as possible.</p> <p>Audio access to the hearing may be available to the media and public. Please check the Court schedule. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Hourihan, Lisa) (Entered: 03/22/2024)</p>
04/15/2024	<u>90</u>	STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 04/15/2024)
04/22/2024	91	Electronic Clerk's Notes for proceedings held before Judge Denise J. Casper: Scheduling Conference held on 4/22/2024 by video conference. Counsel report on the status of the case and that they are working on search terms and request more time. By 5/22/24, counsel to file a joint statement identifying remaining issues. Each side to identify their positions and recommendations. Court will decide if a further status to be scheduled. (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Sabrineh Ardalan, Andrew Hoeg, Aime Joo and Philip Torrey for the plaintiffs. Michael Fitzgerald for the defendants.) (Hourihan, Lisa) (Entered: 04/23/2024)
05/22/2024	<u>92</u>	STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 05/22/2024)

05/31/2024	93	<p>Judge Denise J. Casper: ELECTRONIC ORDER entered re <u>92</u> Status Report (<i>Joint</i>) filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. In light of the parties' most recent status report, D. <u>92</u> , reflecting the further progress on production and the parties' respective positions regarding the same, the Court ORDERS as follows:</p> <p>As to the ICE supplemental production as to Boston Field Office and SRMS spreadsheet, the Court gives Plaintiff until to July 31, 2024 to review this production and identify four additional field offices as suggested by ICE. The Court will then give ICE until September 30, 2024 to collect and review the responsive documents regarding same and the parties shall, in its final status report, provide a joint timeline for producing same.</p> <p>As to the Consolidated ICE FOIA request, ICE shall continue to review and produce its collection of documents that were responsive to the nine search terms to which the parties had agreed. ICE shall also review files that contain the term segregat* as proposed by Plaintiff (and as discussed in the Court's Memorandum and Order, D. <u>74</u> at 17–18). In the parties' final status report, the parties will propose a joint timeline for the production of same.</p> <p>As to the production of the Detention Monitoring Council (DMC), the Court accepts and adopts ICE's proposal for collecting and reviewing the emails for 13 DMC members and that collection and review shall proceed and ICE shall produce those search results to Plaintiff by June 10, 2024 and shall provide a proposal for the completion of same by June 12, 2024 to Plaintiff.</p> <p>The parties shall file a final status report reflecting the progress on the matters above to the Court by August 15, 2024. Such report shall also contain a joint timeline with specified dates for the completion of all of these production to the extent that such production are still in progress at that time. The Court, in light of its resolution of the summary judgment in July 2023, D. <u>74</u> , and the recent status conference with counsel, D. <u>91</u> , and subsequent status report, D. <u>92</u> , anticipates adopting a final schedule regarding these productions and entering a final judgment regarding same after review and consideration of the parties' August 15, 2024 status report. If the parties want to propose of a form of final judgment regarding same, the Court will consider it. (Cook, Savannah) (Entered: 05/31/2024)</p>
08/15/2024	<u>94</u>	<p>STATUS REPORT (<i>Joint</i>) by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Fitzgerald, Michael) (Entered: 08/15/2024)</p>