

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00151-TSC**

PROJECT SOUTH: THE INSTITUTION FOR THE
ELIMINATION OF POVERTY AND GENOCIDE, INC. v.
U.S. DEPARTMENT OF HOMELAND SECURITY et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 01/21/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**PROJECT SOUTH: THE
INSTITUTION FOR THE
ELIMINATION OF POVERTY AND
GENOCIDE, INC.**

represented by **Ahmed J. Davis**
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V.

Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

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TERMINATED: 02/03/2023

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TERMINATED: 11/04/2022

Defendant

**U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT**

represented by **Fithawi Berhane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christina O'Tousa
(See above for address)
TERMINATED: 02/03/2023

Stephen DeGenaro
(See above for address)
TERMINATED: 11/04/2022

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Fithawi Berhane**
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ATTORNEY TO BE NOTICED

Christina O'Tousa
(See above for address)
TERMINATED: 02/03/2023

Stephen DeGenaro
(See above for address)
TERMINATED: 11/04/2022

Date Filed	#	Docket Text
01/21/2022	<u>1</u>	COMPLAINT against All Defendants <i>U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, FEDERAL BUREAU OF INVESTIGATION</i> (Filing fee \$ 402 receipt number ADCDC-8995002) filed by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF

		POVERTY AND GENOCIDE, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Davis, Ahmed) (Entered: 01/21/2022)
01/21/2022	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC. (Davis, Ahmed) (Entered: 01/21/2022)
01/24/2022		NOTICE OF ERROR re <u>1</u> Complaint; emailed to davis@fr.com, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. No signature. Please file the signed document using the event Errata. All filings must have an original signature or '/s/ Attorney Name' to represent an electronic signature of the filer., 2. COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied. (znmg,) (Entered: 01/24/2022)
01/24/2022	<u>3</u>	ERRATA <i>Civil Cover Sheet</i> by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC. re <u>1</u> Complaint, filed by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC.. (Davis, Ahmed) (Entered: 01/24/2022)
01/24/2022		Case Assigned to Judge Tanya S. Chutkan. (znmg) (Entered: 01/24/2022)
01/27/2022	<u>4</u>	SUMMONS (5) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(rj) (Entered: 01/27/2022)
02/07/2022	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Jonathan B. Bright, Filing fee \$ 100, receipt number ADCDC–9027780. Fee Status: Fee Paid. by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC.. (Attachments: # <u>1</u> Declaration of Jonathan B. Bright, # <u>2</u> Text of Proposed Order)(Davis, Ahmed) (Entered: 02/07/2022)
02/07/2022	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Brian P. Boyd, Filing fee \$ 100, receipt number ADCDC–9028775. Fee Status: Fee Paid. by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC.. (Attachments: # <u>1</u> Declaration of Brian P. Boyd, # <u>2</u> Text of Proposed Order)(Davis, Ahmed) (Entered: 02/07/2022)
02/07/2022	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Noah C. Graubart, Filing fee \$ 100, receipt number ADCDC–9028801. Fee Status: Fee Paid. by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC.. (Attachments: # <u>1</u> Declaration of Noah C. Graubart, # <u>2</u> Text of Proposed Order)(Davis, Ahmed) (Entered: 02/07/2022)
02/07/2022	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Thad C. Kodish, Filing fee \$ 100, receipt number ADCDC–9028819. Fee Status: Fee Paid. by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC.. (Attachments: # <u>1</u> Declaration of Thad C. Kodish, # <u>2</u> Text of Proposed Order)(Davis, Ahmed) (Entered: 02/07/2022)
02/11/2022	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/8/2022. Answer due for ALL FEDERAL DEFENDANTS by 3/10/2022. (Attachments: # <u>1</u> Affidavit Of Process Server)(Davis, Ahmed) Modified dates on 2/14/2022 (znmw). (Entered: 02/11/2022)
02/11/2022	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 2/3/2022 (Attachments: # <u>1</u> Affidavit Of Process Server)(Davis, Ahmed) (Entered: 02/11/2022)
02/14/2022		Set/Reset Deadlines: Answer due by 3/10/2022. (znmw) (Entered: 02/14/2022)
03/07/2022	<u>11</u>	NOTICE of Appearance by Stephen DeGenaro on behalf of All Defendants (DeGenaro, Stephen) (Entered: 03/07/2022)
03/07/2022	<u>12</u>	Consent MOTION for Extension of Time to <i>Respond to the Complaint</i> by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 03/07/2022)

03/07/2022		MINUTE ORDER: Granting Consent <u>12</u> Motion for Extension of Deadlines. Defendant shall answer or otherwise respond to the Complaint by April 11, 2022. Signed by Judge Tanya S. Chutkan on 3/7/22. (DJS) (Entered: 03/07/2022)
03/08/2022		Set/Reset Deadlines: Answer due by 4/11/2022. (tb) (Entered: 03/08/2022)
03/11/2022	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/09/2022. (Attachments: # <u>1</u> Exhibit A)(Davis, Ahmed) (Entered: 03/11/2022)
03/11/2022	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT served on 2/8/2022 (Attachments: # <u>1</u> Exhibit A)(Davis, Ahmed) (Entered: 03/11/2022)
03/11/2022	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOMELAND SECURITY served on 2/8/2022 (Attachments: # <u>1</u> Exhibit A)(Davis, Ahmed) (Entered: 03/11/2022)
04/05/2022		MINUTE ORDER: Granting <u>5</u> , <u>6</u> , <u>7</u> , <u>8</u> Motions for Leave to Appear Pro Hac Vice. Jonathan B. Bright, Brian P. Boyd, Noah C. Graubart, and Thad C. Kodish are hereby admitted pro hac vice to appear in this matter on behalf of Plaintiff. Counsel should register for e-filing via PACER and file notices of appearance pursuant to LCvR 83.6(a) . Signed by Judge Tanya S. Chutkan on 04/05/2022. (lcwk) (Entered: 04/05/2022)
04/11/2022	<u>16</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.(DeGenaro, Stephen) (Entered: 04/11/2022)
04/13/2022	<u>17</u>	NOTICE of Appearance by Brian Boyd on behalf of PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC. (Boyd, Brian) (Entered: 04/13/2022)
04/13/2022	<u>18</u>	NOTICE of Appearance by Jonathan Benjamin Bright on behalf of PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC. (Bright, Jonathan) (Entered: 04/13/2022)
04/13/2022	<u>19</u>	NOTICE of Appearance by Noah C. Graubart on behalf of PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC. (Graubart, Noah) (Entered: 04/13/2022)
04/13/2022	<u>20</u>	NOTICE of Appearance by Thad C. Kodish on behalf of PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC. (Kodish, Thad) (Entered: 04/13/2022)
04/29/2022		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than 6/13/22. The joint status report shall be accompanied by a proposed order Signed by Judge Tanya S. Chutkan on 4/29/22. (DJS) (Entered: 04/29/2022)
05/02/2022		Set/Reset Deadlines: Joint Status Report due by 6/13/2022. (tb) (Entered: 05/02/2022)
06/13/2022	<u>21</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 06/13/2022)
07/13/2022	<u>22</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 07/13/2022)

07/13/2022		MINUTE ORDER: Having considered the parties' joint status report, it is hereby ordered that the parties shall file another joint report by August 12, 2022, and every 30 days thereafter. To the the parties propose a change in the status quo, the report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 7/13/22. (DJS) (Entered: 07/13/2022)
07/13/2022		Set/Reset Deadlines: Joint Status Report due by 8/12/2022. (jth) (Entered: 07/13/2022)
08/12/2022	<u>23</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 08/12/2022)
09/12/2022	<u>24</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 09/12/2022)
11/04/2022	<u>25</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Christina O'Tousa on behalf of FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT Substituting for attorney Stephen DeGenaro (O'Tousa, Christina) (Entered: 11/04/2022)
11/10/2022	<u>26</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (O'Tousa, Christina) (Entered: 11/10/2022)
11/16/2022	<u>27</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(O'Tousa, Christina) (Entered: 11/16/2022)
12/05/2022		MINUTE ORDER: Upon consideration of the Parties' <u>26</u> Consent Motion for Extension of Time to File Joint Status Report and <u>27</u> Joint Status Report, the court denies the <u>26</u> Consent Motion for Extension of Time as moot. Parties shall file another Joint Status Report no later than February 8, 2023, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests and any agreements reached between the parties regarding the processing of the FOIA requests. Signed by Judge Tanya S. Chutkan on 12/5/2022. (lcsr) (Entered: 12/05/2022)
12/07/2022		Set/Reset Deadlines: Joint Status Report due by 2/8/2023. (tb) (Entered: 12/07/2022)
02/03/2023	<u>28</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Fithawi Berhane on behalf of FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT Substituting for attorney Christina O'Tousa (Berhane, Fithawi) (Entered: 02/03/2023)
02/08/2023	<u>29</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Berhane, Fithawi) (Entered: 02/08/2023)
04/05/2023	<u>30</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Berhane, Fithawi) (Entered: 04/05/2023)
06/05/2023	<u>31</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 06/05/2023)
08/07/2023	<u>32</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 08/07/2023)

08/08/2023		MINUTE ORDER: Having considered the parties' <u>32</u> joint status report, it is hereby ordered that the parties shall file another joint report by October 9, 2023, and every 60 days thereafter. The parties shall update the Court on the status of Defendant's processing of Plaintiff's FOIA requests and any agreements reached between the parties regarding the processing of the FOIA requests. If the parties propose a change in the status quo, the report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 8/8/23. (lcsr) (Entered: 08/08/2023)
08/09/2023		Set/Reset Deadline: Joint Status Report due by 10/9/2023. (jth) (Entered: 08/09/2023)
10/10/2023	<u>33</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Berhane, Fithawi) (Entered: 10/10/2023)
12/13/2023	<u>34</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Berhane, Fithawi) (Entered: 12/13/2023)
02/13/2024	<u>35</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Berhane, Fithawi) (Entered: 02/13/2024)
03/15/2024	<u>36</u>	Joint STATUS REPORT by PROJECT SOUTH: THE INSTITUTION FOR THE ELIMINATION OF POVERTY AND GENOCIDE, INC.. (Graubart, Noah) (Entered: 03/15/2024)
05/15/2024	<u>37</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Berhane, Fithawi) (Entered: 05/15/2024)
07/22/2024		MINUTE ORDER: On August 8, 2023, this court entered an order directing the parties in this FOIA action to file a joint status report by 10/9/23 and every 60 days thereafter. The parties filed their last report on 5/15/2024 and have not sought to be relieved from the obligation of filing reports. Accordingly, the parties shall file a joint status report by 7/29/24 and every 60 days thereafter. If the parties propose a change in the status quo, the report shall be accompanied by a proposed order. Failure to comply with this order may result in dismissal of this action without further notice for failure to prosecute. Signed by Judge Tanya S. Chutkan on 7/22/2024. (lca) (Entered: 07/22/2024)
07/29/2024	<u>38</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Berhane, Fithawi) (Entered: 07/29/2024)