

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00856-ABJ**

ERB v. YELLEN
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 03/30/2022
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**DENNIS ERB**

represented by **Jennie Cathryne Blaine Watson**
ALAN LESCHT & ASSOCIATES, P.C.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

JANET L. YELLEN
Secretary

represented by **Bradley Silverman**
DOJ-USAO
Civil Division
601 D Street NW
Washington, DC 20001
(202) 252-2575
Email: bradley.silverman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 03/30/2022 | <u>1</u> | COMPLAINT against JANET YELLEN (Filing fee \$ 402 receipt number ADCDC-9138351) filed by DENNIS ERB. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons)(Watson, Jennie) (Entered: 03/30/2022) |
| 03/31/2022 | | Case Assigned to Judge Amy Berman Jackson. (zmh) (Entered: 03/31/2022) |
| 03/31/2022 | | NOTICE OF ERROR re <u>1</u> Complaint; emailed to cathryne.watson@leschtlaw.com, cc'd 0 associated attorneys -- The PDF file you docketed contained errors: 1. Missing summonses-government. When naming a government agent or agency as a defendant, you must supply a summons for each defendant & two additional summonses for the U.S. Attorney & U.S. Attorney General. Please submit using the event Request for Summons to Issue. (zmh,) (Entered: 03/31/2022) |
| 03/31/2022 | <u>2</u> | REQUEST FOR SUMMONS TO ISSUE filed by DENNIS ERB. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Civil Cover Sheet)(Watson, Jennie) (Entered: 03/31/2022) |
| 03/31/2022 | <u>3</u> | SUMMONS (3) Issued Electronically as to JANET YELLEN, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zjf) (Entered: 03/31/2022) |
| 04/07/2022 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/4/2022. Answer due for ALL FEDERAL DEFENDANTS by 5/4/2022. (Watson, Jennie) Modified on 4/7/2022 to reflect the correct date of service and the answer due date (jth). (Entered: 04/07/2022) |

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| 04/22/2022 | <u>5</u> | NOTICE of Appearance by Bradley Silverman on behalf of All Defendants (Silverman, Bradley) (Entered: 04/22/2022) |
| 04/25/2022 | <u>6</u> | AFFIDAVIT of Summons and Complaint Executed. (Watson, Jennie) Modified on 4/25/2022 to correct docket event/text. Document(s) mailed out via certified mail on 04/07/2022 (zjf). (Entered: 04/25/2022) |
| 04/25/2022 | <u>7</u> | AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. (Watson, Jennie) Modified on 4/25/2022 to correct docket event/text. Document(s) mailed out via certified mail on 04/07/2022 (zjf). (Entered: 04/25/2022) |
| 04/26/2022 | <u>8</u> | AFFIDAVIT of Summons and Complaint mailed via certified mail as to United States Attorney General on 4/7/2022. (Watson, Jennie) Modified on 4/26/2022 to correct text (zjf). (Entered: 04/26/2022) |
| 04/26/2022 | <u>9</u> | ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. JANET YELLEN served on 4/12/2022 (Watson, Jennie) Modified on 4/26/2022 (zjf). (Entered: 04/26/2022) |
| 04/26/2022 | | NOTICE OF ERROR regarding <u>9</u> Summons Returned Executed as to Federal Defendant. The following error(s) need correction: Document incomplete/illegible. Please refile. (zjf) (Entered: 04/26/2022) |
| 04/27/2022 | <u>10</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. JANET YELLEN served on 4/12/2022 (Watson, Jennie) Modified on 4/28/2022 (zjf). (Entered: 04/27/2022) |
| 04/27/2022 | <u>11</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/12/2022. (Watson, Jennie) (Entered: 04/27/2022) |
| 05/03/2022 | <u>12</u> | ANSWER to Complaint by JANET YELLEN.(Silverman, Bradley) (Entered: 05/03/2022) |
| 05/09/2022 | <u>13</u> | ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before June 6, 2022. See Order for details. SO ORDERED. Signed by Judge Amy Berman Jackson on 05/09/2022. (lcabj2) (Entered: 05/09/2022) |
| 06/06/2022 | <u>14</u> | STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 06/06/2022) |
| 06/08/2022 | | MINUTE ORDER. In light of the recent status report <u>14</u> , it is ORDERED that the parties file a joint status report due by September 6, 2022. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/8/22. (DMK) (Entered: 06/08/2022) |
| 07/28/2022 | <u>15</u> | MOTION for Preliminary Injunction , MOTION for Declaratory Relief, MOTION for Attorney Fees by DENNIS ERB. (Attachments: # <u>1</u> Exhibit MSPB Decision excerpt, # <u>2</u> Exhibit MSPB Hearing excerpt, # <u>3</u> Exhibit Security ROI excerpt, # <u>4</u> Exhibit Notice of Proposed Removal, # <u>5</u> Exhibit Letter re Clearance, # <u>6</u> Exhibit Fed Cir Ext Req, # <u>7</u> Exhibit Emails re: FOIA req)(Watson, Jennie). Added MOTION for Declaratory Relief, MOTION for Attorney Fees on 7/28/2022 (zjf). (Entered: 07/28/2022) |
| 07/28/2022 | <u>16</u> | Consent MOTION for Scheduling Order by JANET YELLEN. (Silverman, Bradley) (Entered: 07/28/2022) |
| 07/28/2022 | | NOTICE OF ERROR re <u>15</u> Motion for Preliminary Injunction; emailed to cathyne.watson@leschtlaw.com, cc'd 2 associated attorneys -- The PDF file you docketed contained errors: 1. Please note the following for future filings; do not refile document , 2. Two-part document; second docket entry is required, 3. DO NOT REFILE – Counsel is reminded to docket/select all parts of their filing (zjf,) (Entered: 07/28/2022) |
| 07/28/2022 | | MINUTE ORDER granting the <u>16</u> motion. Defendant must respond to plaintiff's motion for preliminary injunction <u>15</u> by August 5, 2022. SO ORDERED. Signed by Judge Amy Berman Jackson on 07/28/2022. (lcabj2) (Entered: 07/28/2022) |

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| 08/04/2022 | <u>17</u> | RESPONSE re <u>15</u> MOTION for Preliminary Injunction MOTION for Declaratory Judgment MOTION for Attorney Fees filed by JANET YELLEN. (Silverman, Bradley) (Entered: 08/04/2022) |
| 08/04/2022 | <u>18</u> | ERRATA by JANET YELLEN re <u>17</u> Response to motion filed by JANET YELLEN. (Silverman, Bradley) (Entered: 08/04/2022) |
| 08/23/2022 | <u>19</u> | SUPPLEMENTAL MEMORANDUM to re <u>15</u> MOTION for Preliminary Injunction MOTION for Declaratory Judgment MOTION for Attorney Fees by DENNIS ERB. (Attachments: # <u>1</u> Exhibit Email correspondence between FinCEN FOIA office and plaintiff's counsel) (Watson, Jennie) Modified on 8/23/2022 to correct event/docket text (zjm). (Entered: 08/23/2022) |
| 08/23/2022 | | MINUTE ORDER. Defendant must respond to plaintiff's supplemental memorandum <u>19</u> by August 30, 2022. SO ORDERED. Signed by Judge Amy Berman Jackson on 08/23/2022. (lcabj2) (Entered: 08/23/2022) |
| 08/31/2022 | <u>20</u> | MOTION for Leave to File <i>Response in Opposition to Supplemental Memorandum</i> by JANET L. YELLEN. (Attachments: # <u>1</u> Exhibit Proposed Response in Opposition to Supplemental Memorandum)(Silverman, Bradley) (Entered: 08/31/2022) |
| 09/01/2022 | <u>21</u> | ENTERED IN ERROR.....MOTION to Strike <u>20</u> MOTION for Leave to File <i>Response in Opposition to Supplemental Memorandum</i> by DENNIS ERB. (Watson, Jennie) Modified on 9/1/2022 corrected version refiled by counsel(zjm). (Entered: 09/01/2022) |
| 09/01/2022 | <u>22</u> | MOTION to Strike <u>20</u> MOTION for Leave to File <i>Response in Opposition to Supplemental Memorandum</i> by DENNIS ERB. (Watson, Jennie) Modified on 9/1/2022 to correct docket text (zjm). (Entered: 09/01/2022) |
| 09/01/2022 | <u>23</u> | RESPONSE re <u>22</u> Amended MOTION to Strike <u>20</u> MOTION for Leave to File <i>Response in Opposition to Supplemental Memorandum</i> filed by JANET L. YELLEN. (Silverman, Bradley) (Entered: 09/01/2022) |
| 09/02/2022 | | MINUTE ORDER. Plaintiff filed a <u>19</u> "supplemental memorandum" in support of his <u>15</u> motion for a preliminary injunction, and the Court established a schedule for the filing of any response. After re-reading the Order, the Court can understand defendant's confusion, but defendant actually had it right the first time: the Court intended the due date to be mandatory, not the filing. But now defendant has filed a <u>20</u> motion for leave to file a late response, and that motion, which does not extend the briefing schedule or delay the resolution of the underlying issues unreasonably, will be granted in the Court's discretion. Plaintiff's <u>22</u> motion to strike the motion for leave to file is entirely inappropriate and will be denied; the proper response to a motion one opposes is to oppose it, not to move to strike it, and the Court imagines that there may come a time when the plaintiff needs a few extra days and would expect consideration from opposing counsel in that situation. The Clerk of Court is directed to file the [20-1] response to the supplemental memorandum. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/02/2022. (lcabj2) (Entered: 09/02/2022) |
| 09/02/2022 | <u>24</u> | RESPONSE re <u>19</u> SUPPLEMENTAL MEMORANDUM to re <u>15</u> MOTION for Preliminary Injunction MOTION for Declaratory Judgment MOTION for Attorney Fees filed by JANET L. YELLEN. (zjf) (Entered: 09/06/2022) |
| 09/06/2022 | <u>25</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 09/06/2022) |
| 09/06/2022 | <u>26</u> | ERRATA <i>Amended Status Report</i> by JANET L. YELLEN. (Silverman, Bradley) (Entered: 09/06/2022) |
| 09/08/2022 | | MINUTE ORDER. In light of the <u>26</u> joint status report, the parties must file another status report by October 31, 2022. In the meantime, in order to address the slow pace of production to date, Main Treasury must produce records on September 15, 2022 and every 30 days on a rolling basis thereafter, beginning with the production of, at least, the approximately 45 records it has already reviewed and determined it would produce. FinCEN and OIG must accelerate their review of the responsive records they have identified and produce responsive material that is not subject to withholdings on a rolling basis every 30 days as well, beginning on September 30, 2022. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/08/2022. (lcabj2) (Entered: 09/08/2022) |

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| 09/20/2022 | <u>27</u> | ORDER denying the <u>15</u> Motion for a Preliminary Injunction. Plaintiff's <u>15</u> motion for a declaratory judgment and attorneys' fees is premature, and will therefore also be DENIED without prejudice. See Order for details. Signed by Judge Amy Berman Jackson on 09/20/2022. (lcabj2) (Entered: 09/20/2022) |
| 10/31/2022 | <u>28</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 10/31/2022) |
| 11/01/2022 | | MINUTE ORDER. In light of the <u>28</u> joint status report, the parties must file another status report by January 3, 2023. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/01/2022. (lcabj2) (Entered: 11/01/2022) |
| 01/03/2023 | <u>29</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 01/03/2023) |
| 01/03/2023 | | MINUTE ORDER. In light of the <u>29</u> joint status report, the parties must file another status report by March 3, 2023. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/03/2023. (lcabj2) (Entered: 01/03/2023) |
| 03/03/2023 | <u>30</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 03/03/2023) |
| 03/03/2023 | | MINUTE ORDER. In light of the <u>30</u> joint status report, the parties must file another status report by June 5, 2023. SO ORDERED. Signed by Judge Amy Berman Jackson on 03/03/2023. (lcabj2) (Entered: 03/03/2023) |
| 06/05/2023 | <u>31</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 06/05/2023) |
| 06/22/2023 | | MINUTE ORDER. In light of the <u>31</u> joint status report, the parties must file another status report by September 5, 2023. SO ORDERED. Signed by Judge Amy Berman Jackson on 06/22/2023. (lcabj2) (Entered: 06/22/2023) |
| 09/05/2023 | <u>32</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 09/05/2023) |
| 09/07/2023 | | MINUTE ORDER. In light of the <u>32</u> joint status report, the parties must file another status report by December 5, 2023. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/07/2023. (lcabj2) (Entered: 09/07/2023) |
| 12/05/2023 | <u>33</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 12/05/2023) |
| 12/05/2023 | | MINUTE ORDER. In light of the parties' <u>33</u> joint status report, the parties must file another status report by March 5, 2024. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/5/2023. (lcabj2) (Entered: 12/05/2023) |
| 03/05/2024 | <u>34</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 03/05/2024) |
| 03/05/2024 | | MINUTE ORDER. In light of the parties' <u>34</u> joint status report, the parties must file another status report by June 5, 2024. SO ORDERED. Signed by Judge Amy Berman Jackson on 3/5/2024. (lcabj2) (Entered: 03/05/2024) |
| 06/05/2024 | <u>35</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 06/05/2024) |
| 06/05/2024 | | MINUTE ORDER. In light of the parties' <u>35</u> joint status report, the parties must file another status report by August 5, 2024. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/5/2024. (lcabj2) (Entered: 06/05/2024) |
| 08/05/2024 | <u>36</u> | Joint STATUS REPORT by JANET L. YELLEN. (Silverman, Bradley) (Entered: 08/05/2024) |
| 08/05/2024 | | MINUTE ORDER. In light of the parties' <u>36</u> joint status report, it is ORDERED that the parties must file another status report by November 5, 2024. Plaintiff must present any fees demand to defendant by that date. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/5/2024. (lcabj2) (Entered: 08/05/2024) |