

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:22-cv-02114-BAH**

INSTITUTE FOR ENERGY RESEARCH v. FEDERAL
 ENERGY REGULATORY COMMISSION
 Assigned to: Judge Beryl A. Howell
 Cause: 05:552 Freedom of Information Act

Date Filed: 07/19/2022
 Date Terminated: 07/18/2024
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

**INSTITUTE FOR ENERGY
 RESEARCH**

represented by **Christopher Cochran Horner**
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V.

Defendant

**FEDERAL ENERGY REGULATORY
 COMMISSION**

represented by **Sam Escher**
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TERMINATED: 10/31/2022

Date Filed	#	Docket Text
07/19/2022	<u>1</u>	COMPLAINT against FEDERAL ENERGY REGULATORY COMMISSION (Filing fee \$ 402 receipt number ADCDC-9379663) filed by INSTITUTE FOR ENERGY RESEARCH. (Attachments: # <u>1</u> Summons Proposed to US Attorney, US Attorney

		General, and FERC, # <u>2</u> Civil Cover Sheet)(Hardin, Matthew) (Entered: 07/19/2022)
07/19/2022		Case Assigned to Chief Judge Beryl A. Howell. (znmg) (Entered: 07/19/2022)
07/19/2022	<u>2</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on July 19, 2022. (lcbah4) (Entered: 07/19/2022)
07/20/2022	<u>3</u>	NOTICE of Appearance by Christopher Cochran Horner on behalf of INSTITUTE FOR ENERGY RESEARCH (Horner, Christopher) (Entered: 07/20/2022)
07/21/2022	<u>4</u>	SUMMONS (3) Issued Electronically as to FEDERAL ENERGY REGULATORY COMMISSION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsss) (Entered: 07/21/2022)
08/12/2022	<u>5</u>	NOTICE of Appearance by Benton Gregory Peterson on behalf of FEDERAL ENERGY REGULATORY COMMISSION (Peterson, Benton) (Entered: 08/12/2022)
08/22/2022	<u>6</u>	ANSWER to Complaint by FEDERAL ENERGY REGULATORY COMMISSION.(Peterson, Benton) (Entered: 08/22/2022)
09/30/2022		MINUTE ORDER (paperless) DIRECTING plaintiff to SHOW CAUSE, by October 7, 2022, why this case should not be dismissed for failure to prosecute, given that more than four weeks have passed since defendant filed its <u>6</u> Answer, on August 22, 2022, and the parties have not filed a Joint Meet and Confer Report as required under this Court's <u>2</u> Standing Order, <i>see id.</i> para. 3.b. Signed by Chief Judge Beryl A. Howell on September 30, 2022. (lcbah4) (Entered: 09/30/2022)
09/30/2022		Set/Reset Deadlines: Response to Show Cause due by 10/7/2022. (ztg) (Entered: 09/30/2022)
10/06/2022	<u>7</u>	Joint STATUS REPORT by INSTITUTE FOR ENERGY RESEARCH. (Hardin, Matthew) (Entered: 10/06/2022)
10/06/2022		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>7</u> Joint Status Report, the parties to submit, by November 7, 2022, a joint status report advising the Court of the status of their discussions concerning the resolution of this matter and proposing a schedule for further proceedings. Signed by Chief Judge Beryl A. Howell on October 6, 2022. (lcbah4) (Entered: 10/06/2022)
10/07/2022		Set/Reset Deadlines: Joint Status Report due by 11/7/2022. (ztg) (Entered: 10/07/2022)
10/07/2022	<u>8</u>	RESPONSE TO ORDER TO SHOW CAUSE re Order, filed by INSTITUTE FOR ENERGY RESEARCH. (Hardin, Matthew) (Entered: 10/07/2022)
10/31/2022	<u>9</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sam Escher on behalf of FEDERAL ENERGY REGULATORY COMMISSION Substituting for attorney Benton Peterson (Escher, Sam) (Entered: 10/31/2022)
11/07/2022	<u>10</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 11/07/2022)
11/08/2022	<u>11</u>	MOTION for Summary Judgment by INSTITUTE FOR ENERGY RESEARCH. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Counsel (with exhibits), # <u>4</u> Exhibit A (to Declaration of Counsel), # <u>5</u> Exhibit B (to Declaration of Counsel), # <u>6</u> Exhibit C (to Declaration of Counsel), # <u>7</u> Exhibit D (to Declaration of Counsel), # <u>8</u> Exhibit E (to Declaration of Counsel), # <u>9</u> Exhibit F (to Declaration of Counsel), # <u>10</u> Exhibit G (to Declaration of Counsel))(Hardin, Matthew) (Entered: 11/08/2022)
11/17/2022	<u>12</u>	Consent MOTION for Extension of Time to <i>Respond to Plaintiff's Motion for Summary Judgment</i> by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 11/17/2022)
11/17/2022		MINUTE ORDER (paperless) GRANTING the government's <u>12</u> Motion for Extension of Time; and ISSUING, in consideration of the government's <u>12</u> Motion for Extension of Time and the parties' <u>10</u> Joint Status Report, the following SCHEDULING ORDER: 1. By December 7, 2022, the parties shall file a joint status report advising the Court

		<p>what disputes remain between the parties, and if so, proposing a schedule for further proceedings;</p> <p>2. By December 16, 2022, the government shall file its response to plaintiffs motion for summary judgment;</p> <p>3. By January 6, 2023, the plaintiff shall file any reply in support of its motion for summary judgment. Signed by Chief Judge Beryl A. Howell on November 17, 2022. (lcbah4) (Entered: 11/17/2022)</p>
11/18/2022		Set/Reset Deadlines: Joint Status Report due by 12/7/2022; government's response to motion for summary judgment due by 12/16/2022; plaintiff's reply in support of its motion for summary judgment due by 1/6/2023. (ztg) (Entered: 11/18/2022)
12/07/2022	<u>13</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 12/07/2022)
12/16/2022	<u>14</u>	Memorandum in opposition to re <u>11</u> Motion for Summary Judgment,, filed by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Sarah Venuto, # <u>3</u> Vaughn Index, # <u>4</u> Text of Proposed Order)(Escher, Sam) (Entered: 12/16/2022)
12/16/2022	<u>15</u>	Cross MOTION for Summary Judgment by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Sarah Venuto, # <u>4</u> Vaughn Index, # <u>5</u> Text of Proposed Order)(Escher, Sam) (Entered: 12/16/2022)
12/23/2022	<u>16</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment filed by INSTITUTE FOR ENERGY RESEARCH. (Attachments: # <u>1</u> Statement of Facts)(Hardin, Matthew) (Entered: 12/23/2022)
12/23/2022	<u>17</u>	Memorandum in opposition to re <u>15</u> Motion for Summary Judgment filed by INSTITUTE FOR ENERGY RESEARCH. (Attachments: # <u>1</u> Statement of Facts)(Hardin, Matthew) (Entered: 12/23/2022)
12/29/2022	<u>18</u>	Unopposed MOTION for Extension of Time to <i>Reply</i> by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 12/29/2022)
12/29/2022		MINUTE ORDER (paperless) GRANTING the government's <u>18</u> Unopposed Motion for Extension of Time to Reply, and DIRECTING the government to file any reply in support of its <u>15</u> Cross Motion for Summary Judgment by January 13, 2023. Signed by Chief Judge Beryl A. Howell on December 29, 2022. (lcbah4) (Entered: 12/29/2022)
12/30/2022		Set/Reset Deadlines: Government's reply in support of its <u>15</u> Cross Motion for Summary Judgment due by 1/13/2023. (ztg) (Entered: 12/30/2022)
01/13/2023	<u>19</u>	REPLY to opposition to motion re <u>15</u> Cross MOTION for Summary Judgment filed by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 01/13/2023)
09/19/2023	<u>20</u>	ORDER DENYING, without prejudice, plaintiff's <u>11</u> Motion for Summary Judgment, and GRANTING IN PART and DENYING IN PART, without prejudice, defendant's <u>15</u> cross-motion for summary judgment. See order for further details. Signed by Judge Beryl A. Howell on September 19, 2023. (lcbah4) (Entered: 09/19/2023)
09/19/2023	<u>21</u>	MEMORANDUM OPINION regarding plaintiff's <u>11</u> Motion for Summary Judgment and defendant's <u>15</u> Cross-Motion for Summary Judgment. Signed by Judge Beryl A. Howell on September 19, 2023. (lcbah4) (Entered: 09/19/2023)
09/19/2023		Set/Reset Deadlines: Parties Status Report due by 10/3/2023 (mac) (Entered: 09/19/2023)
10/03/2023	<u>22</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 10/03/2023)
10/30/2023		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>22</u> Joint Status Report, the parties to submit, by December 6, 2023, a joint status report advising the Court whether any disputes remain between the parties, and if so, proposing a schedule for further proceedings. Signed by Judge Beryl A. Howell on October 30, 2023. (lcbah4) (Entered: 10/30/2023)

10/31/2023		Set/Reset Deadlines: Parties Joint Status Report due by 12/6/2023 (mac) (Entered: 10/31/2023)
12/06/2023	<u>23</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 12/06/2023)
12/12/2023		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>23</u> Joint Status Report, the parties to submit, by December 28, 2023, a joint status report advising the Court whether any disputes remain between the parties, and if so, proposing a schedule for further proceedings. Signed by Judge Beryl A. Howell on December 12, 2023. (lcbah4) (Entered: 12/12/2023)
12/12/2023		Set/Reset Deadlines: Parties Joint Status Report due by 12/28/2023 (mac) (Entered: 12/12/2023)
12/26/2023	<u>24</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 12/26/2023)
12/29/2023		MINUTE ORDER (paperless), upon consideration of the schedule proposed in the parties' <u>24</u> Joint Status Report, ISSUING the following SCHEDULING ORDER: (1) By March 4, 2024, defendant shall file any motion for summary judgment; (2) By April 1, 2024, plaintiff shall file any combined cross-motion for summary judgment and opposition to defendant's motion; (3) By April 22, 2024, defendant shall file any combined opposition to plaintiff's motion and reply in support of defendant's motion; and (4) By May 13, 2024, plaintiff shall file any reply in support of its motion. Signed by Judge Beryl A. Howell on December 29, 2023. (lcbah4) (Entered: 12/29/2023)
12/29/2023		Set/Reset Deadlines: Defendant Motion For Summary Judgment due by 3/4/2024. Plaintiff Combined Cross-Motion For Summary Judgment And Opposition To Defendant's Motion due by 4/1/2024. Defendant Combined Opposition To Plaintiff's Motion And Reply In Support Of Defendant's Motion due by 4/22/2024. Plaintiff Reply In Support Of It's Motion due by 5/13/2024. (mac) (Entered: 12/29/2023)
02/26/2024	<u>25</u>	Joint MOTION for Extension of Time to <i>File Renewed Motions for Summary Judgment</i> by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 02/26/2024)
02/29/2024		MINUTE ORDER (paperless) GRANTING the parties' <u>25</u> Joint Motion for Extension of Time to File Renewed Motions for Summary Judgment, and MODIFYING the SCHEDULING ORDER issued on December 29, 2023, as follows: (1) By April 2, 2024, defendant shall file any motion for summary judgment; (2) By April 30, 2024, plaintiff shall file any combined cross-motion for summary judgment and opposition to defendant's motion; (3) By May 14, 2024, defendant shall file any combined opposition to plaintiff's motion and reply in support of defendant's motion; and (4) By June 4, 2024, plaintiff shall file any reply in support of its motion. Signed by Judge Beryl A. Howell on February 29, 2024. (lcbah4) (Entered: 02/29/2024)
03/01/2024		Set/Reset Deadlines: Defendant Motion For Summary Judgment due by 4/2/2024. Plaintiff Combined Cross-Motion For Summary Judgment And Opposition To Defendant's Motion due by 4/30/2024. Defendant Combined To Plaintiff's Motion And Reply In Support Of Defendant's Motion due by 5/14/2024. Plaintiff Reply In Support Of Its Motion due by 6/4/2024. (mac) (Entered: 03/01/2024)

03/25/2024	<u>26</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 03/25/2024)
03/27/2024		MINUTE ORDER (paperless) GRANTING the parties' request as stated in their <u>26</u> Joint Status Report, to vacate the SCHEDULING ORDER issued on December 29, 2023, and amended on February 29, 2024, VACATING the SCHEDULING ORDER, and DIRECTING the parties to file, by May 2, 2024, a joint status report advising the Court of the status of this matter, whether any disputes remain between the parties and, if so, proposing a schedule to govern further proceedings. Signed by Judge Beryl A. Howell on March 27, 2024. (lcbah4) (Entered: 03/27/2024)
05/01/2024	<u>27</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 05/01/2024)
05/05/2024		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>27</u> Joint Status Report, the parties to submit, by June 27, 2024, and every sixty days thereafter, a joint status report advising the Court on the status of this matter. Signed by Judge Beryl A. Howell on May 5, 2024. (lcbah4) (Entered: 05/05/2024)
05/06/2024		Set/Reset Deadlines: Parties Joint Status Report due by 6/27/2024. (mac) (Entered: 05/06/2024)
06/22/2024	<u>28</u>	Joint STATUS REPORT by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 06/22/2024)
06/24/2024		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>28</u> Joint Status Report, the parties to file, by August 27, 2024, another joint status report advising the Court of the status of this matter, whether any disputes remain between the parties and, if so, proposing a schedule to govern further proceedings. Signed by Judge Beryl A. Howell on June 24, 2024. (lcbah4) (Entered: 06/24/2024)
06/25/2024		Set/Reset Deadlines: Parties Joint Status Report due by 8/27/2024. (mac) (Entered: 06/25/2024)
07/16/2024	<u>29</u>	STIPULATION of Dismissal by FEDERAL ENERGY REGULATORY COMMISSION. (Escher, Sam) (Entered: 07/16/2024)
07/17/2024		MINUTE ORDER (paperless) DISMISSING this matter, with prejudice, pursuant to the parties' <u>29</u> Stipulation of Dismissal and Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The Clerk of Court is directed to close this case. Signed by Judge Beryl A. Howell on July 17, 2024. (lcbah4) (Entered: 07/17/2024)