U.S. District Court District of Columbia (Washington, DC) CIVIL DOCKET FOR CASE #: 1:22-cv-03421-RDM

SONOMA FILMS LLC v. CENTRAL INTELLIGENCE

AGENCY

Assigned to: Judge Randolph D. Moss Cause: 05:552 Freedom of Information Act Date Filed: 11/08/2022 Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

SONOMA FILMS LLC

represented by Maxwell S. Mishkin

BALLARD SPAHR LLP 1909 K Street, NW

12th Floor

Washington, DC 20006

 $(202)\ 508-1140$ Fax: (202) 661–2299

Email: mishkinm@ballardspahr.com ATTORNEY TO BE NOTICED

V.

Defendant

CENTRAL INTELLIGENCE AGENCY

represented by Erika Kirstie Oblea

DOJ-USAO

US Attorney's Office 601 D Street NW

Washington, DC 20530 $(202)\ 252-2567$

Email: erika.oblea@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Marsha Wellknown Yee

DOJ-USAO Civil Division 601 D Street, NW Washington, DC 20530

202-252-2539

Email: marshawyee@gmail.com TERMINATED: 11/14/2023

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas Duffey

U.S. ATTORNEY'S OFFICE 555 4th Street, NW Washington, DC 20530 $(202)\ 252-2510$

Email: thomas.duffey@usdoi.gov LEAD ATTORNEY

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|---|---|
| 11/08/2022 | 1 | COMPLAINT against CENTRAL INTELLIGENCE AGENCY (Filing fee \$ 402 receipt number ADCDC–9657606) filed by SONOMA FILMS LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit |

| | | L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Civil Cover Sheet, # 23 Summons CIA, # 24 Summons US Attorney, # 25 Summons US Attorney General)(Mishkin, Maxwell) (Entered: 11/08/2022) |
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| 11/08/2022 | 2 | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by SONOMA FILMS LLC (Mishkin, Maxwell) (Entered: 11/08/2022) |
| 11/09/2022 | | Case Assigned to Judge Randolph D. Moss. (zcb) (Entered: 11/09/2022) |
| 11/09/2022 | <u>3</u> | SUMMONS (3) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # 1 Notice and Consent)(zcb) (Entered: 11/09/2022) |
| 11/09/2022 | 4 | 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 Randolph D. Moss on 11/9/2022. (lcrdm1) (Entered: 11/09/2022) |
| 11/14/2022 | <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 11/10/2022. Answer due for ALL FEDERAL DEFENDANTS by 12/10/2022. (Mishkin, Maxwell) (Entered: 11/14/2022) |
| 11/14/2022 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 11/10/2022 (Mishkin, Maxwell) (Entered: 11/14/2022) |
| 11/18/2022 | 7 | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/14/2022. (Mishkin, Maxwell) (Entered: 11/18/2022) |
| 12/07/2022 | <u>8</u> | NOTICE of Appearance by Marsha Wellknown Yee on behalf of CENTRAL INTELLIGENCE AGENCY (Yee, Marsha) (Entered: 12/07/2022) |
| 12/07/2022 | 9 | Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Yee, Marsha) (Entered: 12/07/2022) |
| 12/08/2022 | | MINUTE ORDER: Upon consideration of Defendant's consent motion for extension of time to file its answer, Dkt. 2, it is hereby ORDERED that the motion is GRANTED. Defendant shall file its answer or otherwise respond to the complaint on or before January 19, 2023. Signed by Judge Randolph D. Moss on 12/8/2022. (lcrdm1) (Entered: 12/08/2022) |
| 01/19/2023 | <u>10</u> | ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY.(Yee, Marsha) (Entered: 01/19/2023) |
| 01/20/2023 | | MINUTE ORDER: It is ORDERED that, on or before February 15, 2023, the parties shall confer and file a joint status report addressing (1) any documents still to be produced pursuant to FOIA; (2) an anticipated schedule for processing and producing any such documents; and (3) any substantive areas of disagreement between the parties. It is further ORDERED that the parties shall appear by video for an Initial Scheduling Conference to be held via Zoom on February 22, 2023, at 9:00 a.m. Signed by Judge Randolph D. Moss on 1/20/2023. (lcrdm1) (Entered: 01/20/2023) |
| 02/15/2023 | <u>11</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Yee, Marsha) (Entered: 02/15/2023) |
| 02/22/2023 | | Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held via Zoom. CIA to complete review and perform addition searches by 3/31/23 and release to plaintiff 500 pages per month beginning 4/3/23. A Joint Status Report shall be filed on or before 5/1/2023 and on the first Monday of every month thereafter. (Court Reporter Nancy Meyer) (zglw) (Entered: 02/22/2023) |
| 05/01/2023 | <u>12</u> | Joint STATUS REPORT by SONOMA FILMS LLC. (Mishkin, Maxwell) (Entered: 05/01/2023) |
| 05/02/2023 | | MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>12</u> , the parties are directed to review the Court's Standing Order, Dkt. <u>4</u> , and the procedures it |

| | | sets forth for summary judgment motions. If the parties wish to cross—move for summary judgment, they must adhere to those requirements, both those that are generally applicable (including the filing of a notice of the basis for the anticipated motion) and those specific to FOIA cases. Signed by Judge Randolph D. Moss on 5/2/2023. (lcrdm1) (Entered: 05/02/2023) | |
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| 06/05/2023 | <u>13</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Yee, Marsha) (Entered: 06/05/2023) | |
| 06/09/2023 | | MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>13</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before July 6, 2023. Signed by Judge Randolph D. Moss on 6/9/2023. (lcrdm1) (Entered: 06/09/2023) | |
| 07/06/2023 | <u>14</u> | Joint STATUS REPORT by SONOMA FILMS LLC. (Mishkin, Maxwell) (Entered: 07/06/2023) | |
| 08/07/2023 | <u>15</u> | Joint STATUS REPORT by SONOMA FILMS LLC. (Mishkin, Maxwell) (Entered: 08/07/2023) | |
| 08/07/2023 | | MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>15</u> , it is hereby ORDERED that the parties shall file a further joint status report in 90 days, in lieu of filing a further joint status report on or before September 4, 2023. Signed by Judge Randolph D. Moss on 8/7/2023. (lcrdm1) (Entered: 08/07/2023) | |
| 11/06/2023 | <u>16</u> | Joint STATUS REPORT by SONOMA FILMS LLC. (Mishkin, Maxwell) (Entered: 11/06/2023) | |
| 11/08/2023 | | MINUTE ORDER: Upon consideration of parties' joint status report, Dkt. <u>16</u> , and in light of section 10(a) of the Court's Standing Order, the Court finds a pre–motion conference is appropriate. It is hereby ORDERED that the parties shall appear for a pre–motion conference on November 16, 2023 at 10:00 a.m. in Courtroom 8. Signed by Judge Randolph D. Moss on 11/8/2023. (lcrdm1) (Entered: 11/08/2023) | |
| 11/14/2023 | <u>17</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Erika Kirstie Oblea on behalf of CENTRAL INTELLIGENCE AGENCY Substituting for attorney Marsha Wellknown Yee (Oblea, Erika) (Entered: 11/14/2023) | |
| 11/14/2023 | <u>18</u> | onsent MOTION to Continue <i>Pre-motion Conference</i> by CENTRAL NTELLIGENCE AGENCY. (Attachments: # 1 Text of Proposed Order)(Oblea, rika) (Entered: 11/14/2023) | |
| 11/15/2023 | | MINUTE ORDER: Upon consideration of Defendant's consent motion to continue the premotion conference, Dkt. <u>18</u> , it is hereby ORDERED that the premotion conference scheduled for November 16, 2023 is VACATED and RESCHEDULED to November 21, 2023 at 2:30 p.m. in Courtroom 8. Signed by Judge Randolph D. Moss on 11/15/2023. (lcrdm1) (Entered: 11/15/2023) | |
| 11/21/2023 | | Minute Entry for proceedings held before Judge Randolph D. Moss: Pre–Motion Conference held on 11/21/2023. Parties to file a Joint Status Report on or before 12/15/2023. (Court Reporter Tammi Sefranek) (zglw) (Entered: 11/22/2023) | |
| 12/15/2023 | <u>19</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Duffey, Thomas) (Entered: 12/15/2023) | |
| 01/02/2024 | | MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. 19, it is hereby ORDERED that Defendant's motion for summary judgment is due on or before February 29, 2024; Plaintiff's opposition and cross—motion, if any, is due on or before April 11, 2024; Defendant's reply and opposition is due on or before April 25, 2024; and Plaintiff's reply is due on or before May 9, 2024. Signed by Judge Randolph D. Moss on 1/2/2024. (lcrdm1) (Entered: 01/02/2024) | |
| 02/26/2024 | <u>20</u> | MOTION to Modify summary judgment briefing schedule by CENTRAL INTELLIGENCE AGENCY. (Duffey, Thomas) (Entered: 02/26/2024) | |
| 02/27/2024 | | MINUTE ORDER: In light of Defendant's motion to modify the summary judgment briefing schedule, Dkt. <u>20</u> , Plaintiff is hereby ORDERED to respond to the motion on or before February 28, 2024. Signed by Judge Randolph D. Moss on 2/27/2024. (lcrdm1) (Entered: 02/27/2024) | |

| 02/27/2024 | <u>21</u> | RESPONSE re 20 MOTION to Modify summary judgment briefing schedule filed by |
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| 02/27/2024 | | SONOMA FILMS LLC. (Mishkin, Maxwell) (Entered: 02/27/2024) MINUTE ORDER: Upon consideration of Defendant's motion to modify the summary judgment briefing schedule, Dkt. 20, and Plaintiff's consent to that motion, Dkt. 21, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant's motion for summary judgment is due on or before March 15, 2024; Plaintiff's opposition and cross—motion, if any, is due on or before April 26, 2024; Defendant's reply and opposition is due on or before May 10, 2024; and Plaintiff's reply is due on or before May 24, 2024. Signed by Judge Randolph D. Moss on 2/27/2024. (lcrdm1) (Entered: 02/27/2024) |
| 03/15/2024 | <u>22</u> | MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY. (Attachments: # 1 Memorandum in Support, # 2 Declaration Williams, # 3 Exhibit A–E, # 4 Exhibit Vaughn Index, # 5 Statement of Facts, # 6 Text of Proposed Order)(Duffey, Thomas) (Entered: 03/15/2024) |
| 04/19/2024 | <u>23</u> | Consent MOTION to Modify <i>Summary Judgment Briefing Schedule</i> by SONOMA FILMS LLC. (Attachments: # 1 Text of Proposed Order)(Mishkin, Maxwell) (Entered: 04/19/2024) |
| 04/20/2024 | | MINUTE ORDER: Upon consideration of Plaintiff's consent motion to modify schedule, Dkt. <u>23</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Plaintiff's cross—motion for summary judgment and opposition is due on or before May 10, 2024; Defendant's reply is due on or before May 24, 2024; and Plaintiff's reply is due on or before June 7, 2024. Signed by Judge Randolph D. Moss on 4/20/2024. (lcrdm1) (Entered: 04/20/2024) |
| 05/10/2024 | <u>24</u> | Memorandum in opposition to re <u>22</u> Motion for Summary Judgment, filed by SONOMA FILMS LLC. (Attachments: # <u>1</u> Response to Defendant's Statement of Undisputed Material Facts, # <u>2</u> Decl. of David Schneider, # <u>3</u> Ex. A to Schneider Decl., # <u>4</u> Ex. B to Schneider Decl., # <u>5</u> Ex. C to Schneider Decl., # <u>6</u> Decl. of Maxwell S. Mishkin, # <u>7</u> Ex. A to Mishkin Decl., # <u>8</u> Ex. B to Mishkin Decl., # <u>9</u> Ex. C to Mishkin Decl., # <u>10</u> Ex. D to Mishkin Decl., # <u>11</u> Ex. E to Mishkin Decl., # <u>12</u> Ex. F to Mishkin Decl., # <u>13</u> Ex. G to Mishkin Decl., # <u>14</u> Ex. H to Mishkin Decl., # <u>15</u> Ex. I to Mishkin Decl., # <u>16</u> Ex. J to Mishkin Decl., # <u>17</u> Ex. K to Mishkin Decl., # <u>18</u> Ex. L to Mishkin Decl., # <u>19</u> Ex. M to Mishkin Decl., # <u>20</u> Proposed Order)(Mishkin, Maxwell) (Entered: 05/10/2024) |
| 05/10/2024 | <u>25</u> | Cross MOTION for Summary Judgment by SONOMA FILMS LLC. (Attachments: # 1 Memorandum in Support, # 2 Statement of Undisputed Material Facts, # 3 Decl. of David Schneider, # 4 Ex. A to Schneider Decl., # 5 Ex. B to Schneider Decl., # 6 Ex. C to Schneider Decl., # 7 Decl. of Maxwell S. Mishkin, # 8 Ex. A to Mishkin Decl., # 9 Ex. B to Mishkin Decl., # 10 Ex. C to Mishkin Decl., # 11 Ex. D to Mishkin Decl., # 12 Ex. E to Mishkin Decl., # 13 Ex. F to Mishkin Decl., # 14 Ex. G to Mishkin Decl., # 15 Ex. H to Mishkin Decl., # 16 Ex. I to Mishkin Decl., # 17 Ex. J to Mishkin Decl., # 18 Ex. K to Mishkin Decl., # 19 Ex. L to Mishkin Decl., # 20 Ex. M to Mishkin Decl., # 21 Proposed Order)(Mishkin, Maxwell) (Entered: 05/10/2024) |
| 05/12/2024 | <u>26</u> | Consent MOTION to Modify <i>Briefing Schedule</i> by CENTRAL INTELLIGENCE AGENCY. (Attachments: # 1 Text of Proposed Order)(Oblea, Erika) (Entered: 05/12/2024) |
| 05/15/2024 | | MINUTE ORDER: Upon consideration of Defendant's consent motion to modify schedule, Dkt. <u>26</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant's combined opposition and reply is due on or before June 24, 2024; and Plaintiff's reply is due on or before July 15, 2024. Signed by Judge Randolph D. Moss on 5/15/2024. (lcrdm1) (Entered: 05/15/2024) |
| 06/24/2024 | <u>27</u> | REPLY to opposition to motion re <u>22</u> MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Statement of Facts – Response and Reply)(Oblea, Erika) (Entered: 06/24/2024) |
| 06/24/2024 | <u>28</u> | Memorandum in opposition to re <u>25</u> Cross MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Statement of Facts – Response and Reply, # <u>2</u> Text of Proposed Order)(Oblea, Erika) Modified on 6/25/2024 to correct event (zjm). (Entered: 06/24/2024) |

| 07/15/2024 29 REPLY to opposition to motion re 25 Cross MOTION for Sumi SONOMA FILMS LLC. (Mishkin, Maxwell) (Entered: 07/15/2 |
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