

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:23-cv-01471-JMF**

Reclaim the Records et al v. United States Department of State
Assigned to: Judge Jesse M. Furman
Cause: 05:552 Freedom of Information Act

Date Filed: 02/22/2023
Date Terminated: 08/08/2024
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Reclaim the Records

represented by **Benjamin Edward Meyers**
Theodore Friedman P.C.
11 Park Place, Suite 1100
New York, NY 10007
(646)-496-2353
Fax: (917)-591-6777
Email: ben.meyers.esq@gmail.com
ATTORNEY TO BE NOTICED

Jeffrey F Kinkle
Dunnington Bartholow & Miller LLP
230 Park Avenue
21st Floor
10169
New York, NY 10169
212-682-8811
Email: jkinkle@dunnington.com
TERMINATED: 12/18/2023

Katherine Adams
Beldock Levine & Hoffman LLP
99 Park Ave.
Suite PH/26th Fl.
New York, NY 10016
212-277-5824
Fax: 212-277-5880
Email: qadamsesq@gmail.com
TERMINATED: 12/26/2023

David Bruce Rankin
Beldock Levine & Hoffman LLP
99 Park Ave 26th Floor
New York, NY 10016
212-490-0400
Fax: 212-277-5880
Email: drankin@BLHNY.com
ATTORNEY TO BE NOTICED

Plaintiff

Alec Ferretti

represented by **Benjamin Edward Meyers**
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey F Kinkle
(See above for address)
TERMINATED: 12/18/2023

Katherine Adams
(See above for address)
TERMINATED: 12/26/2023

David Bruce Rankin
 (See above for address)
 ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of State

represented by **Joseph Anthony Pantoja**
 U.S. Attorney's Office, SDNY (86
 Chambers St.)
 86 Chambers Street
 New York, NY 10007
 212 637-2200
 Fax: 212 637-2730
 Email: Joseph.Pantoja@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/22/2023	<u>1</u>	COMPLAINT against United States Department of State. (Filing Fee \$ 402.00, Receipt Number ANYSDC-27375317) Document filed by Reclaim the Records, Alec Ferretti. (Attachments: # <u>1</u> Exhibit A – FOIA, # <u>2</u> Exhibit B – Ack Ltr, # <u>3</u> Exhibit C – Status 1, # <u>4</u> Exhibit D – Status 2, # <u>5</u> Exhibit E – Status 3, # <u>6</u> Exhibit F – Status 4, # <u>7</u> Exhibit G – Status 5, # <u>8</u> Exhibit H – Missing Data).(Rankin, David) (Entered: 02/22/2023)
02/22/2023	<u>2</u>	CIVIL COVER SHEET filed..(Rankin, David) (Entered: 02/22/2023)
02/22/2023	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of State, re: <u>1</u> Complaint,. Document filed by Alec Ferretti, Reclaim the Records..(Rankin, David) (Entered: 02/22/2023)
02/22/2023	<u>4</u>	NOTICE OF APPEARANCE by Katherine Adams on behalf of Alec Ferretti, Reclaim the Records..(Adams, Katherine) (Entered: 02/22/2023)
02/23/2023		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney David Bruce Rankin. The following case opening statistical information was erroneously selected/entered: Jurisdiction code 3 (Federal Question);. The following correction(s) have been made to your case entry: the Jurisdiction code has been modified to 2 (U.S. Government Defendant);. (jgo) (Entered: 02/23/2023)
02/23/2023		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Jesse M. Furman. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(jgo) (Entered: 02/23/2023)
02/23/2023		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (jgo) (Entered: 02/23/2023)
02/23/2023		Case Designated ECF. (jgo) (Entered: 02/23/2023)
02/23/2023	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of State..(jgo) (Entered: 02/23/2023)

02/23/2023	<u>6</u>	ORDER: This case arises under the Freedom of Information Act, Title 5, United States Code, Section 552. The parties are hereby ORDERED to submit a joint letter, no later than two weeks from the date of this order and not to exceed two pages, indicating whether there is any need for discovery or an initial conference in this case. If there is no such need, the parties should include in their letter a proposed briefing schedule for any motions, including motions for summary judgment. If Defendant has not yet entered a notice of appearance, Plaintiff shall promptly serve a copy of this Order on Defendant and file proof of such service. SO ORDERED. (Signed by Judge Jesse M. Furman on 2/23/2023) (tg) (Entered: 02/23/2023)
02/23/2023	<u>7</u>	NOTICE OF APPEARANCE by Jeffrey F Kinkle on behalf of Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 02/23/2023)
02/27/2023	<u>8</u>	NOTICE OF APPEARANCE by Joseph Anthony Pantoja on behalf of United States Department of State..(Pantoja, Joseph) (Entered: 02/27/2023)
02/27/2023	<u>9</u>	SUMMONS RETURNED EXECUTED. United States Department of State served on 2/27/2023, answer due 3/20/2023. Service was made by EMAIL. Document filed by Reclaim the Records; Alec Ferretti..(Rankin, David) (Entered: 02/27/2023)
03/07/2023	<u>10</u>	JOINT LETTER addressed to Judge Jesse M. Furman from AUSA Joseph A. Pantoja dated March 7, 2023 re: joint letter pursuant to 2/23/23 Order (ECF No. 6). Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 03/07/2023)
03/08/2023	<u>11</u>	MEMO ENDORSEMENT on re: <u>10</u> Letter pursuant to 2/23/23 Order (ECF No. 6) filed by United States Department of State. ENDORSEMENT : Application GRANTED. Defendant's deadline to answer or otherwise respond to the complaint is hereby extended to May 26, 2023. SO ORDERED., (United States Department of State answer due 5/26/2023.) (Signed by Judge Jesse M. Furman on 3/7/23) (yv) (Entered: 03/08/2023)
05/04/2023	<u>12</u>	LETTER addressed to Judge Jesse M. Furman from Jeffrey F. Kinkle dated May 3, 2023 re: Status Update. Document filed by Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 05/04/2023)
05/04/2023	<u>13</u>	MEMO ENDORSEMENT on re: <u>12</u> Letter filed by Alec Ferretti, Reclaim the Records. ENDORSEMENT: The parties shall submit a joint update letter, no later than May 25, 2023, and not to exceed two pages, indicating whether there is any need for discovery or an initial conference and, if not, proposing a briefing schedule for any motions, including motions for summary judgment. SO ORDERED. (Signed by Judge Jesse M. Furman on 5/4/2023) (tg) (Entered: 05/04/2023)
05/24/2023	<u>14</u>	FIRST LETTER MOTION for Extension of Time to File Answer addressed to Judge Jesse M. Furman from AUSA Joseph A. Pantoja dated May 24, 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 05/24/2023)
05/24/2023	<u>15</u>	ORDER granting <u>14</u> Letter Motion for Extension of Time to Answer addressed to Judge Jesse M. Furman from AUSA Joseph A. Pantoja dated May 24, 2023. Application GRANTED. The Clerk of Court is directed to terminate ECF No. 14. SO ORDERED. <u>1</u> Complaint., United States Department of State answer due 7/25/2023. (Signed by Judge Jesse M. Furman on 5/24/2023) (vfr) (Entered: 05/24/2023)
07/21/2023	<u>16</u>	JOINT LETTER MOTION for Extension of Time to File Answer addressed to Judge Jesse M. Furman from AUSA Joseph A. Pantoja dated July 21, 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 07/21/2023)
07/24/2023	<u>17</u>	ORDER granting <u>16</u> Letter Motion for Extension of Time to Answer re <u>16</u> JOINT LETTER MOTION for Extension of Time to File Answer addressed to Judge Jesse M. Furman from AUSA Joseph A. Pantoja dated July 21, 2023. Application GRANTED. Defendant's motion for summary judgment is due October 8, 2023. Plaintiffs' opposition is due November 10, 2023. Defendants' reply is due December 1, 2023. The Clerk of Court is directed to terminate ECF No. 16. United States Department of State answer due 9/8/2023. (Signed by Judge Jesse M. Furman on 7/24/2023) (ate) (Entered: 07/24/2023)
07/24/2023		Set/Reset Deadlines: Motions due by 10/8/2023. Responses due by 11/10/2023. Replies due by 12/1/2023. (ate) (Entered: 07/24/2023)

09/07/2023	<u>18</u>	ANSWER to <u>1</u> Complaint,. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 09/07/2023)
10/05/2023	<u>19</u>	FIRST LETTER MOTION for Extension of Time to File <i>motion for summary judgment</i> addressed to Judge Jesse M. Furman from AUSA Joseph A. Pantoja dated October 5, 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 10/05/2023)
10/06/2023	<u>20</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time to File. The Application is GRANTED. The Government's motion for summary judgment is due October 24, 2023, Plaintiffs' opposition is due December 8, 2023, and the Government's reply, if any, is due January 8, 2024. The Clerk of Court is directed to terminate ECF No. 19. SO ORDERED. (Signed by Judge Jesse M. Furman on 10/6/2023) (vfr) (Entered: 10/06/2023)
10/06/2023		Set/Reset Deadlines: Motions due by 10/24/2023. Responses due by 12/8/2023 Replies due by 1/8/2024. (vfr) (Entered: 10/06/2023)
10/24/2023	<u>21</u>	MOTION for Summary Judgment . Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 10/24/2023)
10/24/2023	<u>22</u>	DECLARATION of Regina L. Ballard in Support re: <u>21</u> MOTION for Summary Judgment .. Document filed by United States Department of State. (Attachments: # <u>1</u> Exhibit FOIA request, # <u>2</u> Exhibit DOS retention schedule as of 2021-02-09, # <u>3</u> Exhibit DOS SORN re Passport records, # <u>4</u> Exhibit DOS letter re final response 2023.04.13).(Pantoja, Joseph) (Entered: 10/24/2023)
10/24/2023	<u>23</u>	MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Summary Judgment . . Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 10/24/2023)
11/27/2023	<u>24</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment . addressed to Judge Jesse M. Furman from JEFFREY KINKLE dated Nov. 27, 2023. Document filed by Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 11/27/2023)
11/28/2023	<u>25</u>	ORDER granting <u>24</u> Letter Motion for Extension of Time to File Response/Reply re <u>24</u> CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment . addressed to Judge Jesse M. Furman from JEFFREY KINKLE dated Nov. 27, 2023., <u>21</u> MOTION for Summary Judgment . Application GRANTED. The Clerk of Court is directed to terminate ECF No. 24. SO ORDERED. (Responses due by 12/22/2023 Replies due by 1/22/2024.) (Signed by Judge Jesse M. Furman on 11/28/23) (yv) (Entered: 11/28/2023)
12/15/2023	<u>26</u>	SECOND LETTER MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment . <i>on Consent</i> addressed to Judge Jesse M. Furman from David B. Rankin dated Dec. 15, 2023. Document filed by Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 12/15/2023)
12/15/2023	<u>27</u>	MOTION for Jeffrey F. Kinkle to Withdraw as Attorney . Document filed by Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) Modified on 12/19/2023 (yv). (Entered: 12/15/2023)
12/18/2023	<u>28</u>	ORDER granting <u>26</u> Letter Motion for Extension of Time to File Response/Reply re <u>26</u> SECOND LETTER MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment . <i>on Consent</i> addressed to Judge Jesse M. Furman from David B. Rankin dated Dec. 15, 2023., <u>21</u> MOTION for Summary Judgment . Application GRANTED. The Clerk of Court is directed to terminate ECF No. 26. SO ORDERED. (Responses due by 2/5/2024 Replies due by 3/7/2024.). (Signed by Judge Jesse M. Furman on 12/18/23) (yv) (Entered: 12/18/2023)
12/18/2023	<u>29</u>	MEMO ENDORSED ORDER granting <u>27</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application GRANTED. The Clerk of Court is directed to terminate ECF No. 27 and terminate Jeffrey F. Kinkle as counsel for Plaintiff. SO ORDERED., (Attorney Jeffrey F Kinkle terminated.) (Signed by Judge Jesse M. Furman on 12/18/23) (yv) Modified on 12/19/2023 (yv). (Entered: 12/18/2023)

12/22/2023	<u>30</u>	MOTION for Katherine Adams to Withdraw as Attorney . Document filed by Alec Ferretti, Reclaim the Records. (Attachments: # <u>1</u> Affidavit of Katherine Adams in Support).(Adams, Katherine) (Entered: 12/22/2023)
12/26/2023	<u>31</u>	MEMO ENDORSED ORDER granting <u>30</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application GRANTED. The Clerk of Court is directed to terminate ECF No. 30 and terminate Katherine Adams as counsel for plaintiffs. SO ORDERED. (Attorney Katherine Adams terminated.) (Signed by Judge Jesse M. Furman on 12/26/23) (yv) (Entered: 12/26/2023)
01/30/2024	<u>32</u>	NOTICE OF APPEARANCE by Benjamin Edward Meyers on behalf of Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 01/30/2024)
02/01/2024	<u>33</u>	THIRD LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Jesse M. Furman from Benjamin Meyers dated February 1, 2024. Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 02/01/2024)
02/01/2024	<u>34</u>	ORDER granting <u>33</u> Letter Motion for Extension of Time to File Response/Reply re <u>33</u> THIRD LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Jesse M. Furman from Benjamin Meyers dated February 1, 2024., <u>21</u> MOTION for Summary Judgment . Application GRANTED. The Clerk of Court is directed to terminate ECF No. 33. SO ORDERED. (Responses due by 2/19/2024, Replies due by 3/21/2024.) (Signed by Judge Jesse M. Furman on 2/1/24) (yv) (Entered: 02/01/2024)
02/19/2024	<u>35</u>	CROSS MOTION for Summary Judgment . Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 02/19/2024)
02/19/2024	<u>36</u>	DECLARATION of David B. Rankin in Support re: <u>35</u> CROSS MOTION for Summary Judgment .. Document filed by Alec Ferretti, Reclaim the Records. (Attachments: # <u>1</u> Exhibit Ex. 1 – FOIA Request, # <u>2</u> Exhibit Ex. 2 – Def's acknowledgment letter, # <u>3</u> Exhibit Ex. 3 – Status update 1, # <u>4</u> Exhibit Ex. 4 – Status update 2, # <u>5</u> Exhibit Ex. 5 – Status update 3, # <u>6</u> Exhibit Ex. 6 – Status update 4, # <u>7</u> Exhibit Ex. 7 – Status update 5, # <u>8</u> Exhibit Ex. 8 – Def's info query and response, # <u>9</u> Exhibit Ex. 9 – Def's Database Privacy Assessment).(Meyers, Benjamin) (Entered: 02/19/2024)
02/19/2024	<u>37</u>	MEMORANDUM OF LAW in Support re: <u>35</u> CROSS MOTION for Summary Judgment . <i>and in Opposition to DOS's Summary Judgment Motion</i> . Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 02/19/2024)
02/21/2024	<u>38</u>	ORDER: On February 19, 2024, Plaintiffs timely filed their opposition to Defendant's motion for summary judgment together with a cross motion for summary judgment. See ECF Nos. 35–37. The current briefing schedule did not contemplate a cross–motion and provides that Defendant's reply, if any, shall be filed no later than March 21, 2024. See ECF No. 34. That deadline will remain in place, but in light of Plaintiffs' cross motion, by March 21, 2024, Defendant shall file together its reply in support of its motion as well as its opposition to Plaintiffs' cross motion in a single brief not to exceed twenty–five pages. Plaintiffs may then file any reply in support of their motion, not to exceed ten pages, no later than April 4, 2024. SO ORDERED. (Replies due by 4/4/2024. Responses due by 3/21/2024) (Signed by Judge Jesse M. Furman on 2/20/2024) (va) (Entered: 02/21/2024)
03/20/2024	<u>39</u>	FIRST LETTER MOTION for Extension of Time to Amend <i>Plaintiffs' MOL and file supplemental Expert Declaration</i> addressed to Judge Jesse M. Furman from Benjamin Meyers dated March 20, 2024. Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 03/20/2024)
03/20/2024	<u>40</u>	ORDER granting <u>39</u> Letter Motion for Extension of Time to Amend <u>39</u> FIRST LETTER MOTION for Extension of Time to Amend <i>Plaintiffs' MOL and file supplemental Expert Declaration</i> addressed to Judge Jesse M. Furman from Benjamin Meyers dated March 20, 2024. Application GRANTED. Given the generous briefing schedule approved herein, the parties should not expect any further extensions to be granted. The Clerk of Court is directed to terminate ECF No. 39. (Signed by Judge Jesse M. Furman on 3/20/2024) (rro) (Entered: 03/20/2024)
03/20/2024		Set/Reset Deadlines: Replies due by 5/27/2024. (rro) (Entered: 03/20/2024)

03/29/2024	<u>41</u>	DECLARATION of Ron Schnell in Support re: <u>35</u> CROSS MOTION for Summary Judgment .. Document filed by Alec Ferretti, Reclaim the Records. (Attachments: # <u>1</u> Exhibit Ex 1 – Schnell CV, # <u>2</u> Exhibit Ex 2 – Schnell Publications, # <u>3</u> Exhibit Ex 3 – Schnell Testifying Experience).(Meyers, Benjamin) (Entered: 03/29/2024)
03/29/2024	<u>42</u>	AMENDED MEMORANDUM OF LAW in Support re: <u>35</u> CROSS MOTION for Summary Judgment . <i>and in Opposition to DOS's Summary Judgment Motion.</i> Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 03/29/2024)
05/10/2024	<u>43</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply (<i>reply papers</i>) addressed to Judge Jesse M. Furman from Joseph A. Pantoja, AUSA dated May 10, 2024. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 05/10/2024)
05/10/2024	<u>44</u>	ORDER granting <u>43</u> Letter Motion for Extension of Time to File Response/Reply re <u>43</u> FIRST LETTER MOTION for Extension of Time to File Response/Reply (<i>reply papers</i>) addressed to Judge Jesse M. Furman from Joseph A. Pantoja, AUSA dated May 10, 2024., <u>21</u> MOTION for Summary Judgment ., <u>35</u> CROSS MOTION for Summary Judgment . Application GRANTED. No further extensions will be granted. The Clerk of Court is directed to terminate ECF No. 43.SO ORDERED. (Responses due by 6/12/2024 Replies due by 6/26/2024.) (Signed by Judge Jesse M. Furman on 5/10/24) (yv) (Entered: 05/10/2024)
06/12/2024	<u>45</u>	REPLY MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Summary Judgment . <i>And in opposition to Plaintiffs' cross-motion for summary judgment.</i> Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 06/12/2024)
06/12/2024	<u>46</u>	DECLARATION of Regina L. Ballard in Support re: <u>21</u> MOTION for Summary Judgment .. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 06/12/2024)
06/12/2024	<u>47</u>	DECLARATION of Sharon Westmark in Support re: <u>21</u> MOTION for Summary Judgment .. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 06/12/2024)
06/20/2024	<u>48</u>	LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Jesse M. Furman from Benjamin Meyers dated June 20, 2024. Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 06/20/2024)
06/20/2024	<u>49</u>	ORDER granting <u>48</u> Letter Motion for Extension of Time to File Response/Reply re <u>48</u> LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Jesse M. Furman from Benjamin Meyers dated June 20, 2024. Application GRANTED. Further extensions are unlikely to be granted. The Clerk of Court is directed to terminate ECF No. 48. Replies due by 7/3/2024.. (Signed by Judge Jesse M. Furman on 6/20/2024) (rro) (Entered: 06/20/2024)
07/02/2024	<u>50</u>	CONSENT LETTER MOTION for Extension of Time to File <i>Reply</i> addressed to Judge Jesse M. Furman from David Rankin dated July 2, 2024. Document filed by Alec Ferretti, Reclaim the Records..(Rankin, David) (Entered: 07/02/2024)
07/03/2024	<u>51</u>	ORDER granting <u>50</u> Letter Motion for Extension of Time to File Application GRANTED. The Court wishes Mr. Meyers well. Given the length of time for which these motions have been pending, however, the Court will not grant any further extensions, no matter the reason. Accordingly, to the extent Mr. Meyers believes he may not be able to complete the briefing by the now-extended deadline of August 2, 2024, Plaintiff should promptly make arrangements for another attorney to take on the task. The Clerk of Court is directed to terminate ECF No. 50. SO ORDERED.. (Signed by Judge Jesse M. Furman on 7/2/2024) (jca) (Entered: 07/03/2024)
07/03/2024		Set/Reset Deadlines: Replies due by 8/2/2024. (jca) (Entered: 07/03/2024)
08/02/2024	<u>52</u>	REPLY MEMORANDUM OF LAW in Support re: <u>35</u> CROSS MOTION for Summary Judgment . . Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 08/02/2024)

08/07/2024	<u>53</u>	OPINION AND ORDER re: <u>35</u> CROSS MOTION for Summary Judgment . filed by Alec Ferretti, Reclaim the Records, <u>21</u> MOTION for Summary Judgment . filed by United States Department of State. In conclusion, the Department establishes through Ballard's and Westmark's declarations that it conducted an adequate search for the requested index and that fulfilling Plaintiffs' request would require the creation of a new document, which FOIA does not require. At bottom, Plaintiffs' arguments to the contrary are nothing more than "purely speculative claims about the existence and discoverability of other documents," which is not enough. Grand Cent. P'ship, 166 F.3d at 489. It follows that the Department's motion for summary judgment must be and is GRANTED, and Plaintiffs' cross-motion for summary judgment must be and is DENIED. The Clerk of Court is directed to terminate ECF Nos. 21 and 35, to enter judgment in the Department's favor, and to close the case. SO ORDERED. (Signed by Judge Jesse M. Furman on 8/7/24) (yv) Transmission to Orders and Judgments Clerk for processing. (Entered: 08/07/2024)
08/08/2024	<u>54</u>	CLERK'S JUDGMENT re: <u>53</u> Memorandum & Opinion in favor of United States Department of State against Reclaim the Records, Alec Ferretti. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated August 7, 2024, the Department's motion for summary judgment must be and is GRANTED, and Plaintiffs' cross-motion for summary judgment must be and is DENIED. Accordingly, the case is closed. (Signed by Clerk of Court – Acting Daniel Ortiz on 8/8/2024) (Attachments: # <u>1</u> Appeal Package) (tp) (Entered: 08/08/2024)
09/06/2024	<u>55</u>	NOTICE OF APPEAL from <u>54</u> Clerk's Judgment,,. Document filed by Alec Ferretti, Reclaim the Records. Filing fee \$ 605.00, receipt number ANYSDC-29855934. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Rankin, David) (Entered: 09/06/2024)
09/06/2024		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>55</u> Notice of Appeal. (tp) (Entered: 09/06/2024)
09/06/2024		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>55</u> Notice of Appeal, filed by Alec Ferretti, Reclaim the Records were transmitted to the U.S. Court of Appeals.(tp) (Entered: 09/06/2024)