

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:23-cv-01529-VEC**

Reclaim the Records et al v. United States Department of State  
Assigned to: Judge Valerie E. Caproni  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/23/2023  
Date Terminated: 08/27/2024  
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**  
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*TERMINATED: 12/18/2023*

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**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: 01/02/2024*

**David Bruce Rankin**  
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V.

**Defendant**

**United States Department of State**

represented by **Joseph Anthony Pantoja**  
 U.S. Attorney's Office, SDNY (86  
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Date Filed	#	Docket Text
02/23/2023	<u>1</u>	COMPLAINT against United States Department of State. (Filing Fee \$ 402.00, Receipt Number BNYSDC-27381167) Document filed by Reclaim the Records, Alec Ferretti. (Attachments: # <u>1</u> Exhibit A – Index to Consular Reports of Death, # <u>2</u> Exhibit B – FOIA ack).(Rankin, David) (Entered: 02/23/2023)
02/23/2023	<u>2</u>	CIVIL COVER SHEET filed..(Rankin, David) (Entered: 02/23/2023)
02/23/2023	<u>3</u>	<b>FILING ERROR – DEFICIENT – SUMMONS REQUEST – REQUEST FOR ISSUANCE OF SUMMONS</b> as to United States Department of State, re: <u>1</u> Complaint,. Document filed by Alec Ferretti, Reclaim the Records..(Rankin, David) Modified on 2/24/2023 (vf). (Entered: 02/23/2023)
02/24/2023		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Valerie E. Caproni. Please download and review the Individual Practices of the assigned District Judge, located at <a href="https://nysd.uscourts.gov/judges/district-judges">https://nysd.uscourts.gov/judges/district-judges</a> . 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 <a href="https://nysd.uscourts.gov/rules/ecf-related-instructions">https://nysd.uscourts.gov/rules/ecf-related-instructions</a> ..(vf) (Entered: 02/24/2023)
02/24/2023		Magistrate Judge Stewart D. Aaron 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: <a href="https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf">https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf</a> . (vf) (Entered: 02/24/2023)
02/24/2023		Case Designated ECF. (vf) (Entered: 02/24/2023)
02/24/2023		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney David Bruce Rankin to RE-FILE Document No. <u>3</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): Summons Caption Error. Plaintiff party name error on Summons Caption. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF.</b> (vf) (Entered: 02/24/2023)
02/27/2023	<u>4</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: 02/27/2023)
02/27/2023	<u>5</u>	NOTICE OF APPEARANCE by Jeffrey F Kinkle on behalf of Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 02/27/2023)

02/28/2023	<u>6</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 4/28/2023 at 10:00 AM in Courtroom 443, 40 Centre Street, New York, NY 10007 before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 2/28/2023) (tg) (Entered: 02/28/2023)
02/28/2023	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of State. (sj) (Entered: 02/28/2023)
03/06/2023	<u>8</u>	NOTICE OF APPEARANCE by Katherine Adams on behalf of Alec Ferretti, Reclaim the Records..(Adams, Katherine) (Entered: 03/06/2023)
03/16/2023	<u>9</u>	SUMMONS RETURNED EXECUTED. United States Department of State served on 3/16/2023, answer due 4/6/2023. Service was made by Mail. Document filed by Reclaim the Records; Alec Ferretti..(Rankin, David) (Entered: 03/16/2023)
03/24/2023	<u>10</u>	NOTICE OF APPEARANCE by Joseph Anthony Pantoja on behalf of United States Department of State..(Pantoja, Joseph) (Entered: 03/24/2023)
04/14/2023	<u>11</u>	FIRST LETTER MOTION for Extension of Time to File Answer addressed to Judge Valerie E. Caproni from AUSA Joseph A. Pantoja dated April 14, 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 04/14/2023)
04/17/2023	<u>12</u>	ORDER granting <u>11</u> Letter Motion for Extension of Time to Answer addressed to Judge Valerie E. Caproni from AUSA Joseph A. Pantoja dated April 14, 2023. Application GRANTED. SO ORDERED. <u>1</u> Complaint,. United States Department of State answer due 6/19/2023. (Signed by Judge Valerie E. Caproni on 4/17/2023) (vfr) (Entered: 04/17/2023)
04/24/2023	<u>13</u>	FIRST LETTER MOTION to Adjourn Conference addressed to Judge Valerie E. Caproni from Jeffrey Kinkle dated April 24, 2023. Document filed by Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 04/24/2023)
04/24/2023	<u>14</u>	ORDER granting <u>13</u> Letter Motion to Adjourn Conference. Application GRANTED. The initial pretrial conference scheduled for April 28, 2023, is hereby ADJOURNED to Friday, June 30, 2023 at 10:00 a.m. in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties joint submissions in advance of the conference are due no later than June 22, 2023. SO ORDERED. Initial Conference set for 6/30/2023 at 10:00 AM in Courtroom 443, Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007 before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 4/24/2023) (vfr) (Entered: 04/24/2023)
06/15/2023	<u>15</u>	SECOND LETTER MOTION for Extension of Time to File Answer <i>and adjourn the pretrial conference</i> , addressed to Judge Valerie E. Caproni from AUSA Joseph A. Pantoja dated June 15, 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 06/15/2023)
06/16/2023	<u>16</u>	ORDER granting <u>15</u> Letter Motion for Extension of Time to Answer re <u>15</u> SECOND LETTER MOTION for Extension of Time to File Answer <i>and adjourn the pretrial conference</i> , addressed to Judge Valerie E. Caproni from AUSA Joseph A. Pantoja dated June 15, 2023., <u>1</u> Complaint,. Application GRANTED. The initial pretrial conference scheduled for June 30, 2023, and Defendant's deadline to respond to the complaint, are hereby ADJOURNED sine die. The parties must provide a joint status update by no later than August 17, 2023. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/16/2023) (tg) (Entered: 06/16/2023)
08/17/2023	<u>17</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from AUSA Joseph A. Pantoja dated August 17, 2023 re: proposing a schedule for answering the complaint and summary judgment briefing. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 08/17/2023)
08/18/2023	<u>18</u>	MEMO ENDORSEMENT on re: <u>17</u> Letter, filed by United States Department of State ENDORSEMENT Application GRANTED. Defendant's deadline to answer the complaint is September 22, 2023. Defendant's deadline to move for summary judgment is October 23, 2023; Plaintiffs' opposition is due no later than November 24, 2023; Defendant's reply is due December 15, 2023. The parties are instructed to review the Undersigned's Individual Practices with respect to motions for summary judgment and accompanying 56.1 statements. SO ORDERED. United States

		Department of State answer due 9/22/2023.( Motions due by 10/23/2023., Replies due by 12/15/2023., Responses due by 11/24/2023) (Signed by Judge Valerie E. Caproni on 8/18/2023) (jca) (Entered: 08/18/2023)
09/25/2023	<u>19</u>	SECOND LETTER MOTION for Extension of Time to File Answer addressed to Judge Valerie E. Caproni from AUSA Joseph Pantoja dated September 25, 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 09/25/2023)
09/25/2023	<u>20</u>	ANSWER to <u>1</u> Complaint,. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 09/25/2023)
09/26/2023	<u>21</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time to Answer re <u>19</u> SECOND LETTER MOTION for Extension of Time to File Answer addressed to Judge Valerie E. Caproni from AUSA Joseph Pantoja dated September 25, 2023., <u>1</u> Complaint,. Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 9/26/2023) (tg) (Entered: 09/26/2023)
10/18/2023	<u>22</u>	FIRST LETTER MOTION for Extension of Time to File <i>motion for summary judgment</i> addressed to Judge Valerie E. Caproni from AUSA Joseph A. Pantoja dated October 18., 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 10/18/2023)
10/18/2023	<u>23</u>	ORDER granting <u>22</u> Letter Motion for Extension of Time to File. Application GRANTED. The Government's motion for summary judgment is due no later than December 7, 2023. Plaintiff's response is due no later than January 8, 2024. The Government's reply is due no later than January 29, 2024. (Signed by Judge Valerie E. Caproni on 10/18/2023) (ate) (Entered: 10/18/2023)
10/18/2023		Set/Reset Deadlines: Motions due by 12/7/2023. Responses due by 1/8/2024. Replies due by 1/29/2024. (ate) (Entered: 10/18/2023)
12/05/2023	<u>24</u>	SECOND LETTER MOTION for Extension of Time to File <i>motion for summary judgment</i> addressed to Judge Valerie E. Caproni from Joseph Pantoja, AUSA dated December 5, 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 12/05/2023)
12/05/2023	<u>25</u>	ORDER granting <u>24</u> Letter Motion for Extension of Time to File. Application GRANTED. The Government's Motion for Summary Judgment must be filed no later than January 21, 2024. Plaintiff's opposition must be filed no later than February 20, 2024, and the Government's reply is due March 5, 2024. SO ORDERED. (Signed by Judge Valerie E. Caproni on 12/5/2023) (tg) (Entered: 12/05/2023)
12/05/2023		Set/Reset Deadlines: Motions due by 1/21/2024. Responses due by 2/20/2024 Replies due by 3/5/2024. (tg) (Entered: 12/05/2023)
12/15/2023	<u>26</u>	MOTION for Jeffrey F. Kinkle to Withdraw as Attorney . Document filed by Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 12/15/2023)
12/18/2023	<u>27</u>	MEMO ENDORSEMENT granting <u>26</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application GRANTED. The Clerk of Court is respectfully directed to terminate Jeffrey Kinkle as counsel for Plaintiffs. SO ORDERED. Attorney Jeffrey F Kinkle terminated. (Signed by Judge Valerie E. Caproni on 12/18/2023) (tg) (Entered: 12/18/2023)
12/22/2023	<u>28</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)
01/02/2024	<u>29</u>	MEMO ENDORSEMENT granting <u>28</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application GRANTED. The Clerk of Court is respectfully directed to terminate Katherine Adams as counsel for Plaintiffs. SO ORDERED. Attorney Katherine Adams terminated. (Signed by Judge Valerie E. Caproni on 1/2/2024) (tg) (Entered: 01/02/2024)
01/22/2024	<u>30</u>	MOTION for Summary Judgment . Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 01/22/2024)

01/22/2024	<u>31</u>	DECLARATION of Regina L. Ballard in Support re: <u>30</u> MOTION for Summary Judgment .. Document filed by United States Department of State. (Attachments: # <u>1</u> Exhibit FOIA request, # <u>2</u> Exhibit FOIA response, # <u>3</u> Exhibit SORN 2015-03-24).(Pantoja, Joseph) (Entered: 01/22/2024)
01/22/2024	<u>32</u>	MEMORANDUM OF LAW in Support re: <u>30</u> MOTION for Summary Judgment . . Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 01/22/2024)
02/06/2024	<u>33</u>	NOTICE OF APPEARANCE by Benjamin Edward Meyers on behalf of Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 02/06/2024)
02/08/2024	<u>34</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Valerie E. Caproni from Benjamin Meyers dated February 8, 2024. Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 02/08/2024)
02/08/2024	<u>35</u>	ORDER granting <u>34</u> Letter Motion for Extension of Time to File Response/Reply re <u>34</u> FIRST LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Valerie E. Caproni from Benjamin Meyers dated February 8, 2024., <u>30</u> MOTION for Summary Judgment . Application GRANTED. Plaintiff's opposition brief must be filed no later than March 5, 2024, with Defendant's reply, if any, to be filed no later than March 26, 2024. SO ORDERED. Responses due by 3/5/2024 Replies due by 3/26/2024. (Signed by Judge Valerie E. Caproni on 2/8/2024) (tg) (Entered: 02/08/2024)
03/05/2024	<u>36</u>	CROSS MOTION for Summary Judgment . Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 03/05/2024)
03/05/2024	<u>37</u>	DECLARATION of David B. Rankin in Support re: <u>36</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, # <u>4</u> Exhibit Ex. 4 – Def letter of no response, # <u>5</u> Exhibit Ex. 5 – Federal Register excerpt, # <u>6</u> Exhibit Ex. 6 – PIERS Privacy Impact Assessment).(Meyers, Benjamin) (Entered: 03/05/2024)
03/05/2024	<u>38</u>	MEMORANDUM OF LAW in Support re: <u>36</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: 03/05/2024)
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 Valerie E. Caproni from Benjamin Meyers dated March 20, 2024. Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 03/20/2024)
03/21/2024	<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 Valerie E. Caproni from Benjamin Meyers dated March 20, 2024. Application GRANTED. Plaintiff's supplemental declaration and brief, not to exceed one double-spaced page, is due April 1, 2024. Defendant's reply is due May 24, 2026. In light of the lengthy briefing schedule, the Court is highly unlikely to grant any further extension requests. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/21/24) (yv) (Entered: 03/21/2024)
04/01/2024	<u>41</u>	DECLARATION of Ron Schnell in Support re: <u>36</u> CROSS MOTION for Summary Judgment .. Document filed by Alec Ferretti, Reclaim the Records. (Attachments: # <u>1</u> Exhibit Ex 1 – CV, # <u>2</u> Exhibit Ex 2 – publications, # <u>3</u> Exhibit Ex 3 – Testifying experience).(Meyers, Benjamin) (Entered: 04/01/2024)
04/01/2024	<u>42</u>	AMENDED MEMORANDUM OF LAW in Support re: <u>36</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: 04/01/2024)
05/21/2024	<u>43</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply <i>in further support of defendant's motion for summary judgment and in opposition to Plaintiffs' cross-motion</i> addressed to Judge Valerie E. Caproni from Joseph A. Pantoja, AUSA dated May 21, 2024. Document filed by United States Department of State..(Pantoja,

		Joseph) (Entered: 05/21/2024)
05/21/2024	<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>in further support of defendant's motion for summary judgment and in opposition to Plaintiffs' cross-motion</i> addressed to Judge Valerie E. Caproni from Joseph A. Pant, <u>36</u> CROSS MOTION for Summary Judgment ., <u>30</u> MOTION for Summary Judgment . Application GRANTED. The Government's combined reply and opposition is due June 26, 2024, and Plaintiffs' reply is due July 3, 2024. The Court is highly unlikely to grant any further extension requests absent extraordinarily good cause. SO ORDERED. Responses due by 6/26/2024 Replies due by 7/3/2024. (Signed by Judge Valerie E. Caproni on 5/21/2024) (tg) (Entered: 05/22/2024)
06/26/2024	<u>45</u>	REPLY MEMORANDUM OF LAW in Support re: <u>30</u> MOTION for Summary Judgment . . Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 06/26/2024)
06/26/2024	<u>46</u>	REPLY AFFIRMATION of Regina L. Ballard in Support re: <u>30</u> MOTION for Summary Judgment .. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 06/26/2024)
06/26/2024	<u>47</u>	REPLY AFFIRMATION of Sharon Westmark in Support re: <u>30</u> MOTION for Summary Judgment .. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 06/26/2024)
07/03/2024	<u>48</u>	CONSENT LETTER MOTION for Extension of Time to File <i>Reply</i> addressed to Judge Valerie E. Caproni from David B. Rankin dated July 3, 2024. Document filed by Alec Ferretti, Reclaim the Records..(Rankin, David) (Entered: 07/03/2024)
07/03/2024	<u>49</u>	ORDER granting <u>48</u> Letter Motion for Extension of Time to File. Application GRANTED. Plaintiffs' reply brief is due August 2, 2024. No further extensions will be granted absent extraordinarily good cause. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/3/2024) (ks) (Entered: 07/03/2024)
07/03/2024		Set/Reset Deadlines: Replies due by 8/2/2024. (ks) (Entered: 07/03/2024)
08/02/2024	<u>50</u>	REPLY MEMORANDUM OF LAW in Support re: <u>36</u> CROSS MOTION for Summary Judgment . . Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 08/02/2024)
08/08/2024	<u>51</u>	LETTER addressed to Judge Valerie E. Caproni from Joseph A. Pantoja, AUSA dated August 8, 2024 re: providing a copy of recent decision in 23 Civ. 1471 granting summary judgment to the government in a similar FOIA case. Document filed by United States Department of State. (Attachments: # <u>1</u> Exhibit Opinion & Order in 23 civ. 1471 (JMF) [ECF No. 53]).(Pantoja, Joseph) (Entered: 08/08/2024)
08/26/2024	<u>52</u>	OPINION AND ORDER re: <u>30</u> MOTION for Summary Judgment . filed by United States Department of State, <u>36</u> CROSS MOTION for Summary Judgment . filed by Alec Ferretti, Reclaim the Records. For the foregoing reasons, Defendants motion for summary judgment is GRANTED and Plaintiffs cross-motion for summary judgment is DENIED. The Clerk of the Court is respectfully directed to close the motions at Dkts. 30 and 36 and to terminate the case. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/26/2024) (tg) Modified on 8/26/2024 (tg). (Entered: 08/26/2024)
08/26/2024		Transmission to Orders and Judgments Clerk. Transmitted re: <u>52</u> Memorandum & Opinion,,, to the Orders and Judgments Clerk. ***Disregard transmission to Docket Clerk Assistant. Sent in error. (tg) (Entered: 08/26/2024)
08/27/2024	<u>53</u>	CLERK'S JUDGMENT re: <u>52</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 & Order dated August 26, 2024, Defendants motion for summary judgment is GRANTED and Plaintiffs cross-motion for summary judgment is DENIED. Accordingly, the case is closed. (Signed by Clerk of Court – Acting Daniel Ortiz on 8/27/2024) (Attachments: # <u>1</u> Appeal Package) (tp) (Entered: 08/27/2024)