

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:23-cv-00257-AN**

Berlant v. US Election Assistance Commission
Assigned to: Judge Adrienne Nelson
Cause: 05:552 Freedom of Information Act

Date Filed: 02/21/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Shannon Berlant

represented by **Shannon Berlant**
8290 SW Peters Road
Portland, OR 97224
503-335-3453
Email: sंबरlant@yahoo.com
PRO SE

V.

Defendant

US Election Assistance Commission

represented by **Michael James Jeter**
DOJ-USAO
1000 SW 3rd Ave
Ste 600
Portland, OR 97204
503-727-1064
Email: michael.jeter@usdoj.gov
ATTORNEY TO BE NOTICED

Austin Rice-Stitt
U.S. Attorney's Office
Civil
Mark O. Hatfield Courthouse
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TERMINATED: 05/02/2024
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/21/2023	<u>1</u>	Complaint. Filing fee in the amount of \$402 collected. Receipt No. 101573. Summons issued as to US Election Assistance Commission. Jury Trial Requested: No. Filed by Shannon Berlant against US Election Assistance Commission (Attachments: # <u>1</u> Civil Cover Sheet). (kgc) (Entered: 02/22/2023)
02/21/2023	<u>2</u>	Notice of Case Assignment to Judge Michael H. Simon and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 6/21/2023. Joint Alternate Dispute Resolution Report is due by 7/21/2023. Pretrial Order is due by 7/21/2023. Ordered by Judge Michael H. Simon. (<i>Deposited in outgoing mail to pro se party on 2/22/2023.</i>) (kgc) (Entered: 02/22/2023)
02/21/2023	<u>3</u>	Summons Issued at Intake at the time of filing as to US Election Assistance Commission. (kgc) (Entered: 02/22/2023)
02/21/2023	<u>4</u>	Application for CM/ECF Registration as a Self-Represented Party. Filed by Shannon Berlant. (kgc) (Entered: 02/22/2023)

02/27/2023	<u>5</u>	Return of Service Executed as to US Election Assistance Commission served on 2/21/2023, answer due on 3/23/2023. Service specifically made upon Attorney General Merrick Garland, U.S. Election Assistance Commission, U.S. Attorney for the District of Columbia. (kgc) (Entered: 02/28/2023)
02/28/2023	<u>6</u>	ORDER – The Court GRANTS Plaintiff's Application for CM/ECF Registration as a Self-Represented Party, ECF <u>4</u> . Ordered by Judge Michael H. Simon. (mja) (Entered: 02/28/2023)
03/22/2023	<u>7</u>	Notice of Case Reassignment: This case has been reassigned from Judge Michael H. Simon to Judge Adrienne Nelson. (eo) (Entered: 03/22/2023)
03/25/2023	<u>8</u>	Affidavit of Shannon Berlant . Filed by Shannon Berlant. (Related document(s): Complaint, <u>1</u> .) (Attachments: # <u>1</u> Exhibit) (Berlant, Shannon) (Entered: 03/25/2023)
03/25/2023	<u>9</u>	Stricken per Order <u>14</u> . Motion for Summary Judgment . Filed by Shannon Berlant. (Berlant, Shannon) Modified to Strike on 5/26/2023 (joha). (Entered: 03/25/2023)
03/29/2023	<u>10</u>	Certificate of Service by Shannon Berlant of Motion for Summary Judgment <u>9</u> Filed by Shannon Berlant. (Berlant, Shannon) (Entered: 03/29/2023)
04/17/2023	<u>11</u>	Supplemental Return of Service (Berlant, Shannon) (Entered: 04/17/2023)
05/18/2023	<u>12</u>	Amended Motion for Summary Judgment . Filed by Shannon Berlant. (Berlant, Shannon) (Entered: 05/18/2023)
05/19/2023	<u>13</u>	Answer to <u>1</u> Complaint, . Filed by US Election Assistance Commission. (Rice–Stitt, Austin) (Entered: 05/19/2023)
05/25/2023	<u>14</u>	OPINION AND ORDER: Plaintiff's Motion for Summary Judgment, ECF <u>9</u> , is STRUCK from the record. Plaintiff is permitted to refile that motion after properly complying with Local Rule 7–1(a). Further, the Court construes plaintiff's Amended Motion for Summary Judgment, ECF <u>12</u> , as a Motion for Leave to File an Amended Motion for Summary Judgment and that motion is DENIED. Signed on 5/25/2023 by Judge Adrienne Nelson. (joha) Modified Docket text to remove notice of mailing on 5/25/2023 (joha). (Entered: 05/25/2023)
06/02/2023	<u>15</u>	STRICKEN per Order 16. Response to Defendant's Answer. (Related document(s): Answer to Complaint <u>13</u> .) Filed by Shannon Berlant. (Attachments: # <u>1</u> Exhibit Response Exhibits <u>1–13</u>) (Berlant, Shannon) Modified tp Strike on 6/7/2023 (joha). (Entered: 06/02/2023)
06/07/2023	<u>16</u>	ORDER: Plaintiff recently filed a Response to Defendant's Answer, ECF <u>15</u> . For the foregoing reasons, that response is STRUCK from the record. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(C), a reply to an answer is mandated only if this Court issues an order directing that one be filed. This Court has neither issued such an order, nor has plaintiff requested leave to file a reply to defendant's answer. Although plaintiff is proceeding pro se, she is still required to comply with this Court's procedural rules. See Carter v. Commissioner of Internal Revenue, 784 F.2d 1006, 1008 (9th Cir. 1986). Ordered by Judge Adrienne Nelson. (joha) (Entered: 06/07/2023)
06/20/2023	<u>17</u>	Joint Status Report by US Election Assistance Commission. Filed by US Election Assistance Commission. (Rice–Stitt, Austin) (Entered: 06/20/2023)
06/21/2023	<u>18</u>	ORDER: The Court is in receipt of the parties' Joint Status Report, ECF <u>17</u> . The parties are ordered to submit a second joint status report by August 18, 2023. Ordered by Judge Adrienne Nelson. (joha) (Entered: 06/21/2023)
08/18/2023	<u>19</u>	Joint Status Report by US Election Assistance Commission. Filed by US Election Assistance Commission. (Rice–Stitt, Austin) (Entered: 08/18/2023)
08/21/2023	<u>20</u>	ORDER: The Court is in receipt of the parties' Joint Status Report, ECF <u>17</u> . The parties are ordered to submit a final joint status report by October 30, 2023. Ordered by Judge Adrienne Nelson. (joha) (Entered: 08/21/2023)
10/30/2023	<u>21</u>	Joint Status Report by US Election Assistance Commission. Filed by US Election Assistance Commission. (Rice–Stitt, Austin) (Entered: 10/30/2023)

11/01/2023	22	ORDER: The Court is in receipt of the parties' Joint Status report, ECF <u>21</u> . The parties are ordered to submit an additional joint status report by December 15, 2023. Ordered by Judge Adrienne Nelson. (joha) (Entered: 11/01/2023)
12/15/2023	<u>23</u>	Joint Status Report . Filed by US Election Assistance Commission. (Rice–Stitt, Austin) (Entered: 12/15/2023)
12/28/2023	24	ORDER: The Court is in receipt of the parties' Joint Status Report, ECF <u>23</u> . The parties are ordered to submit an additional joint status report by February 2, 2024. Ordered by Judge Adrienne Nelson. (<i>Deposited in outgoing mail to pro se party on 12/28/2023.</i>) (mja) (Entered: 12/28/2023)
01/08/2024	<u>25</u>	Mail Returned – Undeliverable: Scheduling Order (ECF No. 24) sent to pro se party returned as undeliverable. (dino) (Entered: 01/08/2024)
02/02/2024	<u>26</u>	Joint Status Report by US Election Assistance Commission. Filed by US Election Assistance Commission. (Rice–Stitt, Austin) (Entered: 02/02/2024)
02/06/2024	27	ORDER: The Court is in receipt of the parties' Joint Status Report, ECF <u>26</u> . The parties are ordered to submit an additional joint status report by April 2, 2024. If unresolved issues remain at that time, the Court will set a schedule for summary judgment briefing. Ordered by Judge Adrienne Nelson. (joha) (Entered: 02/06/2024)
04/02/2024	<u>28</u>	Joint Status Report by US Election Assistance Commission. Filed by US Election Assistance Commission. (Rice–Stitt, Austin) (Entered: 04/02/2024)
04/03/2024	29	ORDER: The Court is in receipt of the parties' Joint Status Report, ECF <u>28</u> . Plaintiff is ordered to file her Motion to Compel by May 3, 2024. Defendant is ordered to respond to the motion by June 3, 2024. Plaintiff may file a reply by June 17, 2024. Ordered by Judge Adrienne Nelson. (dsg) (Entered: 04/03/2024)
05/02/2024	<u>30</u>	Notice of Attorney Substitution: Michael James Jeter is substituted as counsel of record in place of Attorney Austin Rice–Stitt . Filed by on behalf of US Election Assistance Commission. (Jeter, Michael) (Entered: 05/02/2024)
05/03/2024	<u>31</u>	Motion to Compel <i>Document Production and for Limited Discovery</i> . Oral Argument requested. Filed by Shannon Berlant. (Berlant, Shannon) (Entered: 05/03/2024)
05/17/2024	<u>32</u>	Motion for Extension of Time to File a Response/Reply to Motion to Compel <i>Document Production and for Limited Discovery</i> <u>31</u> . Filed by US Election Assistance Commission. (Jeter, Michael) (Entered: 05/17/2024)
05/20/2024	33	ORDER: Defendant's Unopposed Motion for Extension of Time, ECF <u>32</u> , is GRANTED. Defendant's deadline to respond to the motion to compel is now June 17, 2024. Plaintiff's deadline to file a reply is July 1, 2024, or fourteen (14) days after defendant files its response, whichever is earlier. Ordered by Judge Adrienne Nelson. (dsg) (Entered: 05/20/2024)
06/17/2024	<u>34</u>	Response <i>in Opposition</i> to Motion to Compel <i>Document Production and for Limited Discovery</i> <u>31</u> . Filed by US Election Assistance Commission. (Jeter, Michael) (Entered: 06/17/2024)
06/17/2024	<u>35</u>	Declaration of Camden Kelliher . Filed by US Election Assistance Commission. (Related document(s): Response to Motion <u>34</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9) (Jeter, Michael) (Entered: 06/17/2024)
06/28/2024	<u>36</u>	Motion for Summary Judgment . Filed by US Election Assistance Commission. (Jeter, Michael) (Entered: 06/28/2024)
07/01/2024	<u>37</u>	Reply <i>in Support of Plaintiff's Motion [ECF31]</i> to Motion to Compel <i>Document Production and for Limited Discovery</i> <u>31</u> . Filed by Shannon Berlant. (Berlant, Shannon) (Entered: 07/01/2024)
07/19/2024	<u>38</u>	Motion <i>to Allow Limited Discovery Pursuant to Rule 56</i> . Filed by Shannon Berlant. (Berlant, Shannon) (Entered: 07/19/2024)
07/19/2024	<u>39</u>	Response <i>in Opposition to Defendant's ECF 36</i> to Motion for Summary Judgment <u>36</u> . Filed by Shannon Berlant. (Berlant, Shannon) (Entered: 07/19/2024)

08/02/2024	<u>40</u>	Reply <i>in Support</i> to Motion for Summary Judgment <u>36</u> . Filed by US Election Assistance Commission. (Jeter, Michael) (Entered: 08/02/2024)
08/02/2024	<u>41</u>	Response to Motion <i>to Allow Limited Discovery Pursuant to Rule 56</i> <u>38</u> . Filed by US Election Assistance Commission. (Jeter, Michael) (Entered: 08/02/2024)