

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:23-cv-01650-JPC**

Reclaim the Records et al v. United States Department of State
Assigned to: Judge John P. Cronan
Cause: 05:552 Freedom of Information Act

Date Filed: 02/27/2023
Date Terminated: 09/09/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Reclaim the Records

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Plaintiff

Alec Ferretti

represented by **Benjamin Edward Meyers**
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Jeffrey F Kinkle
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TERMINATED: 12/29/2023

Katherine Adams
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TERMINATED: 12/29/2023

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V.

Defendant

United States Department of State

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Date Filed	#	Docket Text
02/27/2023	<u>1</u>	COMPLAINT against United States Department of State. (Filing Fee \$ 402.00, Receipt Number ANYSDC-27396473) Document filed by Reclaim the Records, Alec Ferretti. (Attachments: # <u>1</u> Exhibit A - FOIA req).(Rankin, David) (Entered: 02/27/2023)
02/27/2023	<u>2</u>	CIVIL COVER SHEET filed..(Rankin, David) (Entered: 02/27/2023)
02/27/2023	<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: 02/27/2023)
02/28/2023		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge John P. Cronan. 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..(gp) (Entered: 02/28/2023)
02/28/2023		Magistrate Judge Valerie Figueredo 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 . (gp) (Entered: 02/28/2023)
02/28/2023		Case Designated ECF. (gp) (Entered: 02/28/2023)
02/28/2023	<u>4</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of State.(gp) (Entered: 02/28/2023)
02/28/2023	<u>5</u>	NOTICE OF APPEARANCE by Jeffrey F Kinkle on behalf of Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 02/28/2023)
03/06/2023	<u>6</u>	NOTICE OF APPEARANCE by Katherine Adams on behalf of Alec Ferretti, Reclaim the Records..(Adams, Katherine) (Entered: 03/06/2023)

03/21/2023	<u>7</u>	SUMMONS RETURNED EXECUTED. United States Department of State served on 3/21/2023, answer due 4/11/2023. Service was made by Mail. Document filed by Reclaim the Records; Alec Ferretti..(Rankin, David) (Entered: 03/21/2023)
04/19/2023	<u>8</u>	NOTICE OF APPEARANCE by Rebecca Lynn Salk on behalf of United States Department of State..(Salk, Rebecca) (Entered: 04/19/2023)
04/19/2023	<u>9</u>	LETTER MOTION for Extension of Time to File Answer addressed to Judge John P. Cronan from Rebecca Salk dated 4/19/2023. Document filed by United States Department of State..(Salk, Rebecca) (Entered: 04/19/2023)
04/20/2023	<u>10</u>	ORDER granting <u>9</u> Letter Motion for Extension of Time to Answer re <u>9</u> LETTER MOTION for Extension of Time to File Answer addressed to Judge John P. Cronan from Rebecca Salk dated 4/19/2023. The request is granted. Defendant's deadline to respond to the Complaint is adjourned sine die. The parties shall submit a joint status letter by May 19, 2023 regarding any production schedule or briefing schedule for dispositive motions. SO ORDERED. (Signed by Judge John P. Cronan on 4/20/2023) (vfr) (Entered: 04/20/2023)
05/17/2023	<u>11</u>	JOINT LETTER MOTION for Extension of Time <i>to Resolve FOIA Matter Without Court Intervention</i> addressed to Judge John P. Cronan from Rebecca Salk dated 5/17/2023. Document filed by United States Department of State..(Salk, Rebecca) (Entered: 05/17/2023)
05/18/2023	<u>12</u>	ORDER granting <u>11</u> Letter Motion for Extension of Time. The request is granted. The parties' deadline to submit a status letter as to how they intend to proceed in this case is adjourned to June 19, 2023. SO ORDERED. (Signed by Judge John P. Cronan on 5/18/2023) (jca) (Entered: 05/18/2023)
06/15/2023	<u>13</u>	JOINT LETTER MOTION for Extension of Time <i>to Resolve Matter without Court Intervention</i> addressed to Judge John P. Cronan from Rebecca Salk dated 6/15/2023. Document filed by United States Department of State..(Salk, Rebecca) (Entered: 06/15/2023)
06/15/2023	<u>14</u>	ORDER granting <u>13</u> Letter Motion for Extension of Time. The request is granted. The parties' deadline to submit a status letter as to how they intend to proceed in this case is adjourned to July 19, 2023. SO ORDERED. (Signed by Judge John P. Cronan on 6/15/2023) (jca) (Entered: 06/15/2023)
07/19/2023	<u>15</u>	LETTER MOTION for Extension of Time <i>to Provide a Status Update</i> addressed to Judge John P. Cronan from Rebecca Salk dated 7/19/2023. Document filed by United States Department of State..(Salk, Rebecca) (Entered: 07/19/2023)
07/20/2023	<u>16</u>	ORDER: granting <u>15</u> Letter Motion for Extension of Time. The request is granted. The deadline for the parties to submit a status letter as to how they intend to proceed in this case is adjourned to August 4, 2023. The Clerk of Court is respectfully directed to close Docket Number 15. SO ORDERED. (Signed by Judge John P. Cronan on 7/20/2023) (ama) (Entered: 07/20/2023)
08/04/2023	<u>17</u>	STATUS REPORT. Document filed by United States Department of State..(Salk, Rebecca) (Entered: 08/04/2023)
08/07/2023	<u>18</u>	MEMO ENDORSEMENT: on re: <u>17</u> Status Report filed by United States Department of Stat. ENDORSEMENT: The request is granted. The Government shall file its motion for summary judgment by November 1, 2023. Plaintiffs shall file their opposition by December 13, 2023, and the Government shall file its reply, if any, by January 12, 2024. SO ORDERED., (Motions due by 11/1/2023., Responses due by 12/13/2023, Replies due by 1/12/2024.) (Signed by Judge John P. Cronan on 8/07/2023) (ama) (Entered: 08/07/2023)
10/17/2023	<u>19</u>	LETTER MOTION for Extension of Time <i>to File Motion for Summary Judgment</i> addressed to Judge John P. Cronan from Rebecca Salk dated 10/17/2023. Document filed by United States Department of State..(Salk, Rebecca) (Entered: 10/17/2023)
10/18/2023	<u>20</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time. The request is granted. The Government shall file its motion for summary judgment by December 18, 2023. Plaintiffs shall file their opposition by January 29, 2024. The Government may reply by February 26, 2024. SO ORDERED. Motions due by 12/18/2023.. (Signed by Judge

		John P. Cronan on 10/18/2023) (jca) (Entered: 10/18/2023)
10/18/2023		Set/Reset Deadlines: Responses due by 1/29/2024 Replies due by 2/26/2024. (jca) (Entered: 10/18/2023)
12/11/2023	<u>21</u>	NOTICE OF APPEARANCE by Joseph Anthony Pantoja on behalf of United States Department of State..(Pantoja, Joseph) (Entered: 12/11/2023)
12/11/2023	<u>22</u>	SECOND LETTER MOTION for Extension of Time to File <i>motion for summary judgment</i> addressed to Judge John P. Cronan from Joseph A. Pantoja, AUSA dated December 11, 2023. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 12/11/2023)
12/14/2023	<u>23</u>	ORDER granting <u>22</u> Letter Motion for Extension of Time to File The request is granted. The deadline for the Governments motion for summary judgment is extended from December 18, 2023, to February 1, 2024; the deadline for Plaintiffs opposition is extended from January 29, 2024, to March 14, 2024; and the deadline for the Governments reply is extended from February 26, 2024, to April 12, 2024. SO ORDERED.. (Signed by Judge John P. Cronan on 12/14/2023) (jca) (Entered: 12/14/2023)
12/14/2023		Set/Reset Deadlines: Motions due by 2/1/2024. Responses due by 3/14/2024 Replies due by 4/12/2024. (jca) (Entered: 12/14/2023)
12/15/2023	<u>24</u>	MOTION for Jeffrey F. Kinkle to Withdraw as Attorney . Document filed by Alec Ferretti, Reclaim the Records..(Kinkle, Jeffrey) (Entered: 12/15/2023)
12/22/2023	<u>25</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)
12/29/2023	<u>26</u>	MEMO ENDORSEMENT granting <u>25</u> Motion to Withdraw as Attorney. ENDORSEMENT: The request is granted. The Clerk of Court is respectfully directed to terminate Katherine Adams as counsel in this case. SO ORDERED. Attorney Katherine Adams terminated. (Signed by Judge John P. Cronan on 12/29/2023) (tg) (Entered: 12/29/2023)
12/29/2023	<u>27</u>	MEMO ENDORSEMENT granting <u>24</u> MOTION for Jeffrey F. Kinkle to Withdraw as Attorney. ENDORSEMENT The request is granted. The Clerk of Court is respectfully directed to terminate Jeffrey Kinkle as counsel in this case. SO ORDERED. Attorney Jeffrey F Kinkle terminated. (Signed by Judge John P. Cronan on 12/29/2023) (jca) (Entered: 12/29/2023)
02/01/2024	<u>28</u>	MOTION for Summary Judgment . Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 02/01/2024)
02/01/2024	<u>29</u>	DECLARATION of Regina L. Ballard in Support re: <u>28</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 2024-01-30, # <u>3</u> Exhibit Memorandum of Understanding)..(Pantoja, Joseph) (Entered: 02/01/2024)
02/01/2024	<u>30</u>	MEMORANDUM OF LAW in Support re: <u>28</u> MOTION for Summary Judgment . . Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 02/01/2024)
03/12/2024	<u>31</u>	NOTICE OF APPEARANCE by Benjamin Edward Meyers on behalf of Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 03/12/2024)
03/12/2024	<u>32</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge John P. Cronan from Benjamin Meyers dated March 12, 2024. Document filed by Alec Ferretti, Reclaim the Records..(Meyers, Benjamin) (Entered: 03/12/2024)
03/13/2024	<u>33</u>	ORDER granting <u>32</u> Letter Motion for Extension of Time to File Response/Reply re <u>32</u> FIRST LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge John P. Cronan from Benjamin Meyers dated March 12, 2024. This request is granted. Plaintiffs' opposition to Defendant's motion for summary judgment shall be filed by March 28, 2024, and Defendant's reply, if any, shall be filed by May 13, 2024. SO ORDERED. Responses due by 3/28/2024 Replies due by 5/13/2024.. (Signed by Judge John P. Cronan on 3/13/2024) (jca) (Entered: 03/13/2024)

03/28/2024	<u>34</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: 03/28/2024)
03/28/2024	<u>35</u>	DECLARATION of David B. Rankin in Support re: <u>34</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. (Attachments: # <u>1</u> Exhibit Ex A – FOIA Request, # <u>2</u> Exhibit Ex B – Def's ack. ltr., # <u>3</u> Exhibit Ex C – PIERS PIA).(Meyers, Benjamin) (Entered: 03/28/2024)
03/28/2024	<u>36</u>	DECLARATION of Ron Schnell in Support re: <u>34</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. (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: 03/28/2024)
03/28/2024	<u>37</u>	MEMORANDUM OF LAW in Support re: <u>34</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: 03/28/2024)
05/10/2024	<u>38</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply (<i>reply papers</i>) addressed to Judge John P. Cronan from Joseph A. Pantoja, AUSA dated May 10, 2024. Document filed by United States Department of State..(Pantoja, Joseph) (Entered: 05/10/2024)
05/14/2024	<u>39</u>	ORDER granting <u>38</u> Letter Motion for Extension of Time to File Response/Reply re <u>38</u> FIRST LETTER MOTION for Extension of Time to File Response/Reply (<i>reply papers</i>) addressed to Judge John P. Cronan from Joseph A. Pantoja, AUSA dated May 10, 2024. The request is granted. The Government may reply by June 27, 2024. No further extensions will be granted. SO ORDERED. Replies due by 6/27/2024.. (Signed by Judge John P. Cronan on 5/14/2024) (jca) (Entered: 05/14/2024)
06/27/2024	<u>40</u>	REPLY MEMORANDUM OF LAW in Support re: <u>28</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..(Salk, Rebecca) (Entered: 06/27/2024)
06/27/2024	<u>41</u>	DECLARATION of Regina L. Ballard in Support re: <u>28</u> MOTION for Summary Judgment .. Document filed by United States Department of State..(Salk, Rebecca) (Entered: 06/27/2024)
06/27/2024	<u>42</u>	DECLARATION of Sharon Westmark in Support re: <u>28</u> MOTION for Summary Judgment .. Document filed by United States Department of State..(Salk, Rebecca) (Entered: 06/27/2024)
08/12/2024	<u>43</u>	LETTER MOTION for Leave to File Reply Memorandum of Law addressed to Judge John P. Cronan from Benjamin Meyers dated August 12, 2024. Document filed by Alec Ferretti, Reclaim the Records. (Attachments: # <u>1</u> Exhibit Proposed MOL).(Meyers, Benjamin) (Entered: 08/12/2024)
08/12/2024	44	ORDER granting <u>43</u> Letter Motion for Leave to File Document. Plaintiffs may file their reply memorandum of law on their cross-motion for summary judgment. (HEREBY ORDERED by Judge John P. Cronan)(Text Only Order) (SLB) (Entered: 08/12/2024)
08/12/2024	<u>45</u>	REPLY MEMORANDUM OF LAW in Support re: <u>34</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: 08/12/2024)
08/21/2024	<u>46</u>	LETTER addressed to Judge John P. Cronan from Rebecca Salk dated 8/21/2024 re: Supplemental Authority in Support of the Department's Motion for Summary Judgment. Document filed by United States Department of State. (Attachments: # <u>1</u> Exhibit A – PCZ Opinion & Order, # <u>2</u> Exhibit B – Decl. of Ron Schnell from PCZ Case).(Salk, Rebecca) (Entered: 08/21/2024)
09/09/2024	<u>47</u>	OPINION AND ORDER re: <u>34</u> CROSS MOTION for Summary Judgment and in Opposition to DOS's Summary Judgment Motion. filed by Alec Ferretti, Reclaim the

		Records, <u>28</u> MOTION for Summary Judgment. filed by United States Department of State. For the reasons stated, Defendant's motion for summary judgment is granted and Plaintiffs' motion for summary judgment is denied. The Clerk of Court is respectfully directed to close the motions pending at Docket Numbers 28 and 34, to close this case, and to enter judgment in favor of Defendant. SO ORDERED. (Signed by Judge John P. Cronan on 9/9/2024) (jca) Transmission to Orders and Judgments Clerk for processing. (Entered: 09/09/2024)
09/09/2024	<u>48</u>	CLERK'S JUDGMENT re: <u>47</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 September 9, 2024, Defendant's motion for summary judgment is granted and Plaintiffs' motion for summary judgment is denied; accordingly, the case is closed. (Signed by Clerk of Court – Acting Daniel Ortiz on 9/9/2024) (Attachments: # <u>1</u> Appeal Package) (km) (Entered: 09/09/2024)