

**U.S. District Court  
Middle District of Tennessee (Nashville)  
CIVIL DOCKET FOR CASE #: 3:23-cv-00467**

Star News Digital Media, Inc. et al v. Federal Bureau of  
Investigation  
Assigned to: District Judge Aleta A. Trauger  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/10/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Star News Digital Media, Inc.**

represented by **Daniel P. Lennington**  
Wisconsin Institute for Law & Liberty,  
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**Plaintiff**

**Michael Patrick Leahy**

represented by **Daniel P. Lennington**  
(See above for address)  
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**Lucas T. Vebber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Matthew J. McClanahan**  
(See above for address)

ATTORNEY TO BE NOTICED

**Richard M. Esenberg**  
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**Plaintiff**

**Matthew D. Kittle**

represented by **Daniel P. Lennington**  
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ATTORNEY TO BE NOTICED

**Lucas T. Vebber**  
(See above for address)  
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**Matthew J. McClanahan**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Richard M. Esenberg**  
(See above for address)  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**Federal Bureau of Investigation**

represented by **Alexander William Resar**  
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Date Filed	#	Docket Text
05/10/2023	<u>1</u>	COMPLAINT against Federal Bureau of Investigation (Filing fee \$402, Receipt number ATNMDC-3821364) filed by Michael Patrick Leahy, Star News Digital Media, Inc., Matthew D. Kittle. (Attachments: # <u>1</u> Exhibit 1 – FOIA Request, # <u>2</u> Exhibit 2 – Denial of expedited treatment, # <u>3</u> Exhibit 3 – FOIA Clarification Letter, # <u>4</u> Exhibit 4 – FOIA Denial, # <u>5</u> Exhibit 5 – Administrative Appeal, # <u>6</u> Exhibit 6 – Final Decision, # <u>7</u> Attachment 1 – Civil Cover Sheet)(ln) (Entered: 05/10/2023)
05/10/2023	<u>2</u>	NOTICE/INFORMATION regarding Consent of the Parties to the Magistrate Judge. (ln) (Entered: 05/10/2023)
05/10/2023	<u>3</u>	NOTICE of Business Entity Disclosure Statement filing requirement. (ln) (Entered: 05/10/2023)
05/10/2023	<u>4</u>	NOTICE of Initial Case Management Conference set for 8/7/2023 at 2:30 PM in Chambers – Suite 6325 before District Judge Aleta A. Trauger. (ln) (Entered: 05/10/2023)

05/10/2023		TN State Bar status verified as active for Matthew J. McClanahan <b>admitted to this court.</b> (ln) (Entered: 05/10/2023)
05/10/2023		WI State Bar status verified as active for Daniel P. Lennington, Lucas T. Vebber, Richard M. Esenberg <b>not admitted to this court – Local counsel secured.</b> (ln) (Entered: 05/10/2023)
05/10/2023		NOTICE TO COUNSEL Daniel P. Lennington, Lucas T. Vebber, Richard M. Esenberg: WITHIN 21 DAYS, counsel shall file a Motion to Appear Pro Hac Vice, a Certificate of Good Standing signed by the Clerk of a United States District Court or a U. S. appellate court where admitted, and pay a fee of \$150.00 (LR 83.01(b)). PHV due by 5/31/2023. (ln) (Entered: 05/10/2023)
05/16/2023	<u>5</u>	****DISREGARD. WRONG EVENT USED. ATTORNEY TO RE-FILE **** MOTION for Limited Admission by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Attachments: # <u>1</u> Attachment Exhibit 1–Esenberg Cert. of Good Standing 5/15/23)(McClanahan, Matthew) (Entered: 05/16/2023)
05/16/2023	<u>6</u>	****DISREGARD. WRONG EVENT USED. ATTORNEY TO RE-FILE. **** MOTION for Limited Admission by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. (Attachments: # <u>1</u> Exhibit 1–Veber Cert. of Good Standing 5/15/23)(McClanahan, Matthew) (Entered: 05/16/2023)
05/16/2023	<u>7</u>	BUSINESS ENTITY DISCLOSURE STATEMENT filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (McClanahan, Matthew) (Entered: 05/16/2023)
05/16/2023	<u>8</u>	****DISREGARD. WRONG EVENT USED. ATTORNEY TO RE-FILE. **** MOTION for Limited Admission by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. (Attachments: # <u>1</u> Exhibit 1–Lennington Cert. of Good Standing 5/15/23)(McClanahan, Matthew) (Entered: 05/16/2023)
05/18/2023	<u>9</u>	NOTICE of Summons to be Issued as to Federal Bureau of Investigation. (McClanahan, Matthew) (Entered: 05/18/2023)
05/18/2023	<u>10</u>	NOTICE of Summons to be Issued as to Federal Bureau of Investigation. (McClanahan, Matthew) (Entered: 05/18/2023)
05/19/2023		NOTICE TO FILER re DE# <u>5</u> , <u>6</u> , <u>8</u> : The wrong event was used. The correct event should be Motion to Appear Pro Hac Vice. Counsel shall re-file the documents. Counsel shall also include a signature on the Certificate of Service. (ln) (Entered: 05/19/2023)
05/22/2023	<u>11</u>	****DISREGARD. WRONG EVENT USED. ATTORNEY TO RE-FILE. **** MOTION for Limited Admission by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. (Attachments: # <u>1</u> Exhibit 1 – Cert. of Good Standing)(McClanahan, Matthew) Modified on 5/22/2023 (ln). (Entered: 05/22/2023)
05/22/2023	<u>12</u>	****DISREGARD. WRONG EVENT USED. ATTORNEY TO RE-FILE. **** MOTION for Limited Admission by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. (Attachments: # <u>1</u> Exhibit 1 – Cert. of Good Standing)(McClanahan, Matthew) Modified on 5/22/2023 (ln). (Entered: 05/22/2023)
05/22/2023	<u>13</u>	****DISREGARD. WRONG EVENT USED. ATTORNEY TO RE-FILE. **** MOTION for Limited Admission by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. (Attachments: # <u>1</u> Exhibit 1 – Cert. of Good Standing)(McClanahan, Matthew) Modified on 5/22/2023 (ln). (Entered: 05/22/2023)
05/22/2023	<u>14</u>	MOTION for attorney Daniel Lennington to Appear Pro Hac Vice (paid \$150 PHV fee; receipt number ATNMDC–3829546) by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Attachments: # <u>1</u> Exhibit Ex. 1 – Cert. of Good Standing 5/22/23)(McClanahan, Matthew) (Entered: 05/22/2023)
05/22/2023	<u>15</u>	MOTION for attorney Richard M. Esenberg to Appear Pro Hac Vice (paid \$150 PHV fee; receipt number ATNMDC–3829553) by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Attachments: # <u>1</u> Exhibit Ex. 1 – Cert. of Good Standing 5/22/23)(McClanahan, Matthew) (Entered: 05/22/2023)

05/22/2023		NOTICE TO FILER re DE# <u>11</u> , <u>12</u> , <u>13</u> : The wrong event was used. The correct event should be Motion to Appear Pro Hac Vice. Counsel shall re-file the documents. (ln) (Entered: 05/22/2023)
05/22/2023	<u>16</u>	MOTION for attorney Lucas T. Vebber to Appear Pro Hac Vice (paid \$150 PHV fee; receipt number ATNMDC-3829567) by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Attachments: # <u>1</u> Exhibit Ex. 1 – Cert. of Good Standing 5/22/23)(McClanahan, Matthew) (Entered: 05/22/2023)
05/22/2023	<u>17</u>	Summons issued as to Federal Bureau of Investigation. Service copies will be returned to counsel by mail. (ln) (Entered: 05/22/2023)
05/25/2023	<u>18</u>	ORDER granting <u>14</u> , <u>15</u> , and <u>16</u> : Having satisfied the requirements of Local Rule 83.01(b), the Motions for Daniel Lennington, Richard M. Esenberg, and Lucas T. Vebber to Appear Pro Hac Vice are granted. Signed by Lynda M. Hill, Clerk of Court, on 05/25/2023. (lh) (Entered: 05/25/2023)
05/25/2023	<u>19</u>	AFFIDAVIT of Service for Issued Summons; Verified Complaint, Exhibits and Civil Cover Sheet; Notice Regarding Consent of the Parties; Notice Regarding Business Entity Disclosure Statement; Notice of Setting Initial Case Management Conference; Plaintiffs Business Entity Disclosure; Summons (un-issued); Notice of Summons; and Motions for Admission Pro Hac Vice of Lennington, Vebber and Esenberg. (ECF 1 to 4, 7, 9, 10, 14 to 17) served on Defendant Federal Bureau of Investigation, Office of U.S. Attorney Civil Process Clerk, Office of U.S. Attorney General on 05/23/2023, filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Attachments: # <u>1</u> Attachment Certified Mail Receipts)(Lennington, Daniel) (Entered: 05/25/2023)
05/25/2023	<u>20</u>	MOTION for Summary Judgment by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Lennington, Daniel) (Entered: 05/25/2023)
05/25/2023	<u>21</u>	MEMORANDUM in Support of <u>20</u> MOTION for Summary Judgment filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. . (Lennington, Daniel) (Entered: 05/25/2023)
05/25/2023	<u>22</u>	STATEMENT of facts filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. in support of <u>20</u> Motion for Summary Judgment. (Lennington, Daniel) (Entered: 05/25/2023)
06/01/2023	<u>23</u>	AFFIDAVIT of Service for Affidavit of Service <u>19</u> , Motion for Summary Judgment <u>20</u> , Memorandum in Support of M. for Summary Judgment <u>21</u> , and Statement of Undisputed Material Facts <u>22</u> served on Defendant Federal Bureau of Investigation, Office of U.S. Attorney Civil Process Clerk, Office of U.S. Attorney General on 05/26/23, filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. (Attachments: # <u>1</u> Certified Mail Receipts)(Lennington, Daniel) Modified on 6/2/2023 (ln). (Entered: 06/01/2023)
06/12/2023	<u>24</u>	NOTICE of Appearance by Anica Clarissa Jones on behalf of Federal Bureau of Investigation (Jones, Anica) (Entered: 06/12/2023)
06/12/2023	<u>25</u>	MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Summary Judgment by Federal Bureau of Investigation. (Attachments: # <u>1</u> Exhibit A – Metro Government's Brief, # <u>2</u> Attachment – Proposed Order)(Jones, Anica) (Entered: 06/12/2023)
06/12/2023	<u>26</u>	ORDER: It is hereby ORDERED that the plaintiffs shall file a response to the defendant's Motion to Extend Time to Respond to Plaintiffs' Motion for Summary Judgment (Doc. No. <u>25</u> ) by 12:00 noon on Wednesday, June 14, 2023. Signed by District Judge Aleta A. Trauger on 6/12/2023. (ds) (Entered: 06/12/2023)
06/13/2023		TN State Bar status verified as active for Anica Clarissa Jones <b>admitted to this court.</b> (ln) (Entered: 06/13/2023)
06/13/2023	<u>27</u>	MOTION for attorney Alexander W. Resar to Appear Pro Hac Vice (Fee waived) by Federal Bureau of Investigation. (Attachments: # <u>1</u> Attachment – Certificate of Good Standing)(Jones, Anica) Modified on 6/14/2023 (lh). (Entered: 06/13/2023)

06/14/2023		NY State Bar status verified as active for Alexander William Resar <b>not admitted to this court – Local counsel secured.</b> (ln) (Entered: 06/14/2023)
06/14/2023	<u>28</u>	RESPONSE to Motion re <u>25</u> MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Summary Judgment filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Lennington, Daniel) (Entered: 06/14/2023)
06/14/2023	29	ORDER granting <u>27</u> : Having satisfied the requirements of Local Rule 83.01(b), the Motion for Alexander W. Resar to Appear Pro Hac Vice is granted. Signed by Lynda M. Hill, Clerk of Court, on 06/14/2023. (lh) (Entered: 06/14/2023)
06/14/2023	<u>30</u>	ORDER granting in part <u>25</u> Motion for Extension of Time to File Response to Motion for Summary Judgment. Response deadline extended to 7/3/2023. Signed by District Judge Aleta A. Trauger on 6/14/2023. (ds) (Entered: 06/14/2023)
06/26/2023	<u>31</u>	ANSWER to <u>1</u> Complaint, by Federal Bureau of Investigation.(Resar, Alexander) (Entered: 06/26/2023)
06/29/2023	<u>32</u>	Joint MOTION for Leave to Consolidate Summary Judgment Briefing, Enlarge Briefing Page Limits, and Stay All Other Case Deadlines by Federal Bureau of Investigation. (Resar, Alexander) (Entered: 06/29/2023)
06/30/2023	<u>33</u>	ORDER: Motion <u>32</u> GRANTED. ICMC CANCELLED. Signed by District Judge Aleta A. Trauger on 6/30/2023. (af) (Entered: 06/30/2023)
07/03/2023	<u>34</u>	Cross MOTION for Summary Judgment by Federal Bureau of Investigation. (Attachments: # <u>1</u> Attachment Defendant's Memorandum of Law In Support of Defendant's Cross-Motion for Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment, # <u>2</u> Attachment Declaration of Michael G. Seidel, # <u>3</u> Exhibit Exhibits A through H to the Declaration of Michael G. Seidel, # <u>4</u> Attachment Declaration of Lieutenant Brent Gibson, # <u>5</u> Attachment Response to Plaintiffs' Statement of Undisputed Material Facts, # <u>6</u> Attachment Defendant's Statement of Undisputed Material Facts)(Resar, Alexander) (Entered: 07/03/2023)
07/24/2023	<u>35</u>	RESPONSE in Opposition re <u>34</u> Cross MOTION for Summary Judgment , <u>20</u> MOTION for Summary Judgment ( <i>Combined Reply-Response</i> ) filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Lennington, Daniel) (Entered: 07/24/2023)
07/24/2023	<u>36</u>	DECLARATION of Matthew D. Kittle filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc. re: <u>35</u> Response in Opposition to Motion,. (Lennington, Daniel) (Entered: 07/24/2023)
07/24/2023	<u>37</u>	STATEMENT of facts ( <i>Response to [34-6] Defendant's Statement of Undisputed Material Facts</i> ). (Lennington, Daniel) (Entered: 07/24/2023)
07/31/2023	<u>38</u>	REPLY to Response to re <u>34</u> Cross MOTION for Summary Judgment filed by Federal Bureau of Investigation. (Resar, Alexander) (Entered: 07/31/2023)
11/07/2023	<u>39</u>	MOTION To Open Discovery for Limited Purpose, Shorten Response Times, and Supplemental Briefing by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Attachments: # <u>1</u> Attachment Memorandum in Support, # <u>2</u> Exhibit Declaration of Michael Patrick Leahy, # <u>3</u> Attachment Proposed Order)(Lennington, Daniel) (Entered: 11/07/2023)
11/21/2023	<u>40</u>	RESPONSE in Opposition re <u>39</u> MOTION To Open Discovery for Limited Purpose, Shorten Response Times, and Supplemental Briefing filed by Federal Bureau of Investigation. (Resar, Alexander) (Entered: 11/21/2023)
11/28/2023	<u>41</u>	REPLY to Response to re <u>39</u> MOTION To Open Discovery for Limited Purpose, Shorten Response Times, and Supplemental Briefing filed by Matthew D. Kittle, Michael Patrick Leahy, Star News Digital Media, Inc.. (Lennington, Daniel) (Entered: 11/28/2023)
03/15/2024	<u>42</u>	ORDER: The plaintiffs' Motion for Summary Judgment (Doc. No. <u>20</u> ) and the FBI's Cross-Motion for Summary Judgment (Doc. No. <u>34</u> ) are DENIED without prejudice to renewal following in camera review. The plaintiffs' Motion to Open Discovery (Doc. No. <u>39</u> ) is hereby DENIED as moot. The FBI is ORDERED to produce ex parte all documents that are potentially responsive to the defendants' Freedom of

		Information Act request for in camera review, with the exception that, based on the plaintiffs' concessions in this litigation, the FBI need not produce any documents that could not reasonably be construed to bear on Audrey Hale's motives. The Government shall also file ex parte any declarations or affidavits necessary for evaluating the produced documents. All deadlines are hereby STAYED pending the completion of the court's review, at which time the court will enter an order requesting, as necessary, renewed motions and supplemental briefing. It is so ORDERED. Signed by District Judge Aleta A. Trauger on 3/15/2024. <b>(DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)</b> (af) (Entered: 03/15/2024)
04/17/2024	<u>43</u>	NOTICE by Federal Bureau of Investigation of <i>Submission of Documents for In Camera Review</i> (Resar, Alexander) (Entered: 04/17/2024)
07/08/2024	<u>44</u>	NOTICE by Federal Bureau of Investigation of <i>Decision in State Court Action</i> (Attachments: # <u>1</u> Attachment Chancellor's Memorandum and Final Order on Petition for Access to Public Records)(Resar, Alexander) (Entered: 07/08/2024)