

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01410-TSC**

AMERICANS FOR PROSPERITY FOUNDATION v. U.S.
DEPARTMENT OF COMMERCE et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICANS FOR PROSPERITY
FOUNDATION**

represented by **Lee A. Steven**
AMERICANS FOR PROSPERITY
FOUNDATION
1310 N. Courthouse Road
Suite 700
Arlington, VA 22201-2961
571-329-1716
Email: lsteven@afphq.org
ATTORNEY TO BE NOTICED

Ryan Patrick Mulvey
AMERICANS FOR PROSPERITY
FOUNDATION
1310 N. Courthouse Road
Suite 700
Arlington, VA 22201-2961
571-444-2841
Email: rmulvey@afphq.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
COMMERCE**

represented by **Sam Escher**
DOJ-USAO
Civil Division
601 D Street NW
7.1527
Washington, DC 20530
(202) 252-2531
Email: sam.escher@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**NATIONAL INSTITUTE OF
STANDARDS AND TECHNOLOGY**

represented by **Sam Escher**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2023	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ADCDC-10076391) filed by AMERICANS FOR PROSPERITY FOUNDATION. (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, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Civil Cover Sheet, # <u>20</u> Summons DOC, # <u>21</u>

		Summons NIST, # <u>22</u> Summons USAG, # <u>23</u> Summons USAO Civil Process Clerk)(Mulvey, Ryan) (Entered: 05/18/2023)
05/18/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICANS FOR PROSPERITY FOUNDATION (Mulvey, Ryan) (Entered: 05/18/2023)
05/18/2023		Case Assigned to Judge Tanya S. Chutkan. (zsl) (Entered: 05/18/2023)
05/18/2023	<u>3</u>	SUMMONS (4) Issued Electronically as to NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsl) (Entered: 05/18/2023)
05/19/2023	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/18/2023. Answer due for ALL FEDERAL DEFENDANTS by 6/17/2023. (Mulvey, Ryan) (Entered: 05/19/2023)
05/30/2023	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF COMMERCE served on 5/19/2023 (Mulvey, Ryan) (Entered: 05/30/2023)
05/30/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/22/23. (Mulvey, Ryan) (Entered: 05/30/2023)
06/01/2023	<u>7</u>	NOTICE of Appearance by Lee A. Steven on behalf of AMERICANS FOR PROSPERITY FOUNDATION (Steven, Lee) (Entered: 06/01/2023)
06/13/2023	<u>8</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 06/13/2023)
06/14/2023		MINUTE ORDER: Defendants' <u>8</u> Consent Motion for Extension of Time is hereby GRANTED. Defendants shall have until July 20, 2023, to respond to the Complaint. Signed by Judge Tanya S. Chutkan on 6/14/2023. (lcja) (Entered: 06/14/2023)
06/14/2023		Set/Reset Deadlines: Defendants' Response to Complaint due by 7/20/2023. (zjd) (Entered: 06/14/2023)
06/16/2023	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY served on 6/13/2023 (Mulvey, Ryan) (Entered: 06/16/2023)
07/20/2023	<u>10</u>	ANSWER to Complaint by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE.(Escher, Sam) (Entered: 07/20/2023)
08/31/2023		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than October 1, 2023. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 8/31/23. (lca) (Entered: 08/31/2023)
08/31/2023		Set/Reset Deadlines: Joint Status Report due by 10/1/2023. (zed) (Entered: 08/31/2023)
09/29/2023	<u>11</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 09/29/2023)

10/04/2023		MINUTE ORDER: Upon consideration of the Joint Status Report <u>11</u> , the court hereby defers entry of a briefing schedule at this time and instead orders the parties to submit a joint status report updating the court on Defendants' response to Plaintiff's FOIA request by November 15, 2023. Signed by Judge Tanya S. Chutkan on 10/4/2023. (lca) (Entered: 10/04/2023)
10/05/2023		Set/Reset Deadlines: Parties Joint Status Report due by 11/15/2023 (mac) (Entered: 10/05/2023)
11/15/2023	<u>12</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Escher, Sam) (Entered: 11/15/2023)
11/16/2023		MINUTE ORDER: Upon consideration of the <u>12</u> Joint Status Report, the parties are hereby ORDERED to file a joint status report on or before January 17, 2024, and every 60 days thereafter, to inform the Court of the status of Plaintiff's FOIA requests. To the extent the parties propose a change in the status quo, the report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 11/16/2023. (lca) (Entered: 11/16/2023)
11/16/2023		Set/Reset Deadlines: Joint Status Report due by 1/17/2024. (zed) (Entered: 11/16/2023)
01/17/2024	<u>13</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Escher, Sam) (Entered: 01/17/2024)
02/16/2024	<u>14</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Escher, Sam) (Entered: 02/16/2024)
04/16/2024	<u>15</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Escher, Sam) (Entered: 04/16/2024)
04/29/2024	<u>16</u>	Joint STATUS REPORT by AMERICANS FOR PROSPERITY FOUNDATION. (Mulvey, Ryan) (Entered: 04/29/2024)
07/01/2024	<u>17</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Escher, Sam) (Entered: 07/01/2024)
09/04/2024	<u>18</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Escher, Sam) (Entered: 09/04/2024)