

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:23-cv-01427-APM**

FRIENDS OF ANIMALS v. NATIONAL MARINE  
FISHERIES SERVICE et al  
Assigned to: Judge Amit P. Mehta  
Case in other court: Colorado, 1:23-cv-00809  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/17/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: Federal Question

**Plaintiff****FRIENDS OF ANIMALS**

represented by **Jennifer Best**  
FRIENDS OF ANIMALS  
7500 E. Arapahoe Road  
Suite 385  
Centennial, CO 80112  
(720) 949-7791  
Fax: (888) 236-3303  
Email: [Jennifer@friendsofanimals.org](mailto:Jennifer@friendsofanimals.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen Russel Hernick**  
FRIENDS OF ANIMALS  
7500 E. Arapahoe Road  
Suite 385  
Centennial, CO 80112  
720-949-7791  
Email: [shernick@friendsofanimals.org](mailto:shernick@friendsofanimals.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**NATIONAL MARINE FISHERIES  
SERVICE**  
*an agency of the United States*

represented by **Kartik Narayan Venguswamy**  
DOJ-USAO  
601 D Street NW  
Washington, DC 20579  
(202) 252-1790  
Email: [kartik.venguswamy@usdoj.gov](mailto:kartik.venguswamy@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Christina O'Tousa**  
DOJ-USAO  
601 D Street NW  
Washington, DC 20530  
(202) 252-2437  
Email: [christina.o'tousa@usdoj.gov](mailto:christina.o'tousa@usdoj.gov)  
**TERMINATED: 01/17/2024**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**ANIMAL AND PLANT HEALTH  
INSPECTION SERVICE**  
*an agency of the United States*

represented by **Kartik Narayan Venguswamy**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Intervenor Defendant**

**SEA RESEARCH FOUNDATION,  
INC.**  
*doing business as*  
**MYSTIC AQUARIUM**

represented by **James Hardwick Lister**  
BIRCH HORTON BITTNER &  
CHEROT, PC  
1150 Connecticut Avenue NW  
Suite 350  
Washington, DC 20036-4142  
202-659-5800  
Fax: 202-659-1027  
Email: [jlister@bhb.com](mailto:jlister@bhb.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**George R. Pitts**  
BIRCH HORTON BITTNER &  
CHEROT, PC  
1150 Connecticut Ave, NW  
Suite 350  
Washington, DC 20036-4142  
202-659-5800  
Fax: 202-659-1027  
Email: [gpitts@dc.bhb.com](mailto:gpitts@dc.bhb.com)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/30/2023	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402,Receipt Number ACODC-9020433)Attorney Stephen Russel Hernick added to party Friends of Animals(pty:pla), filed by Friends of Animals. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons AG, # <u>3</u> Summons US Attorney, # <u>4</u> Summons NMFS, # <u>5</u> Summons APHIS)(Hernick, Stephen) [Transferred from Colorado on 5/19/2023.] (Entered: 03/30/2023)
03/30/2023	<u>2</u>	Case assigned to Magistrate Judge Kristen L. Mix. Text Only Entry (norlin, ) [Transferred from Colorado on 5/19/2023.] (Entered: 03/30/2023)
03/30/2023	<u>3</u>	SUMMONS issued by Clerk. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Magistrate Judge Consent Form) (norlin, ) [Transferred from Colorado on 5/19/2023.] (Entered: 03/30/2023)
04/18/2023	<u>4</u>	NOTICE of Entry of Appearance by Thomas Alan Isler on behalf of Animal and Plant Health Inspection Service, National Marine Fisheries ServiceAttorney Thomas Alan Isler added to party Animal and Plant Health Inspection Service(pty:dft), Attorney Thomas Alan Isler added to party National Marine Fisheries Service(pty:dft) (Isler, Thomas) [Transferred from Colorado on 5/19/2023.] (Entered: 04/18/2023)
05/01/2023	<u>5</u>	SUMMONS Returned Executed upon defendant(s) Animal and Plant Health Inspection Service served on 4/7/2023, answer due 6/6/2023; National Marine Fisheries Service served on 4/7/2023, answer due 6/6/2023. (Hernick, Stephen) [Transferred from Colorado on 5/19/2023.] (Entered: 05/01/2023)
05/02/2023	<u>6</u>	REASSIGNING MAGISTRATE JUDGE. This action is reassigned to Magistrate Judge Susan Prose upon her appointment. All future pleadings should reference Magistrate Judge Prose at the beginning of the civil action number (such as 23-cv-00809-SP). Unless otherwise ordered, the dates and times for all previously scheduled matters will be maintained and will now be handled by Magistrate Judge Prose in Courtroom C-205. Her chambers are located in Room C-254 of the Byron G. Rogers Courthouse. Her telephone number is 303-335-2722. (Text only entry) (agarc, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/02/2023)
05/05/2023	<u>7</u>	STIPULATION for Extension of Time to Answer or Respond to the Complaint by Defendants Animal and Plant Health Inspection Service, National Marine Fisheries Service. Animal and Plant Health Inspection Service answer due 5/12/2023; National Marine Fisheries Service answer due 5/12/2023. (Isler, Thomas) [Transferred from Colorado on 5/19/2023.] (Entered: 05/05/2023)

05/08/2023	<u>8</u>	ORDER OF RECUSAL by US Magistrate Judge Susan Begesse Prose on 05/08/2023. IT IS ORDERED that I recuse myself from further service in this matter; and The Clerk of the Court shall cause this case to be reassigned. (alave, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/09/2023)
05/09/2023	9	CASE REASSIGNED pursuant to <u>8</u> Order of Recusal. This case is randomly reassigned Judge Robert E. Blackburn and drawn to Magistrate Judge Michael E. Hegarty. All future pleadings should be designated as 23-cv-00809-REB. (Text Only Entry) (alave, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/09/2023)
05/09/2023	<u>10</u>	MEMORANDUM RETURNING CASE by Senior Judge Blackburn. This case is randomly reassigned to Chief Judge Philip A. Brimmer and drawn to Magistrate Judge Michael E. Hegarty. All future pleadings should be designated as 23-cv-00809-PAB. (athom, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/09/2023)
05/09/2023	11	ORDER REFERRING CASE to Magistrate Judge Michael E. Hegarty for <b>non-dispositive matters</b> . Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, and (4) conduct a pretrial conference and enter a pretrial order. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the magistrate judge or on the request of the parties by motion, this court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding, by Chief Judge Philip A. Brimmer on 5/09/2023. Text Only Entry (pabsec, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/09/2023)
05/09/2023	12	REASSIGNING JUDGE. Due to the <u>8</u> Order of Recusal this action is returned to Magistrate Judge Kristen L. Mix. All future pleadings should be designated as 23-cv-00809-KLM. (Text Only Entry). (Text Only Entry) (agarc, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/09/2023)
05/10/2023	<u>13</u>	Joint MOTION to Transfer Case by Defendants Animal and Plant Health Inspection Service, National Marine Fisheries Service. (Isler, Thomas) [Transferred from Colorado on 5/19/2023.] (Entered: 05/10/2023)
05/10/2023	<u>14</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint, by Defendants Animal and Plant Health Inspection Service, National Marine Fisheries Service. (Isler, Thomas) [Transferred from Colorado on 5/19/2023.] (Entered: 05/10/2023)
05/11/2023	<u>15</u>	CONSENT to Jurisdiction of Magistrate Judge by Plaintiff Friends of Animals All parties consent.. (Hernick, Stephen) [Transferred from Colorado on 5/19/2023.] (Entered: 05/11/2023)
05/11/2023	<u>16</u>	MINUTE ORDER by Magistrate Judge Kristen L. Mix on May 11, 2023. This matter is before the Court on the Unopposed Motion for Extension of Time to Respond to the Complaint by Defendants <u>14</u> (the "Motion"). IT IS HEREBY ORDERED that the Motion <u>14</u> is GRANTED. The responsive pleading deadline is extended to either (1) twenty-one days after this matter is docketed in the District of Columbia if the Parties' Joint Motion to Transfer <u>13</u> is granted; or (2) if the Joint Motion to Transfer <u>13</u> is denied, seven days after such denial.(csarr, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/11/2023)
05/12/2023	17	ORDER OF REFERENCE. Pursuant to the consent of the parties to the jurisdiction of the magistrate judge [Docket No. <u>15</u> ], this case is referred to Magistrate Judge Kristen L. Mix for all purposes pursuant to 28 U.S.C. § 636(c). By Chief Judge Philip A. Brimmer on 5/12/2023. Text Only Entry. (jtorr, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/12/2023)
05/17/2023	<u>18</u>	ORDER OF TRANSFER by Magistrate Judge Kristen L. Mix on 05/17/2023. IT IS HEREBY ORDERED that the Joint Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404 <u>13</u> is granted. Pursuant to 28 U.S.C. § 1404(a), the Clerk of Court shall transfer

		this case to the United States District Court for the District of Columbia.(alave, ) [Transferred from Colorado on 5/19/2023.] (Entered: 05/17/2023)
05/19/2023	<u>19</u>	Case transferred in from District of Colorado; Case Number 1:23-cv-00809. Original file ,transfer order and docket sheet received. (Entered: 05/19/2023)
06/09/2023	<u>20</u>	ANSWER to <u>1</u> Complaint, by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE.(Venguswamy, Kartik) (Entered: 06/09/2023)
06/12/2023	<u>21</u>	ORDER. The parties shall meet and confer and file a Joint Status Report on or before June 23, 2023. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 06/12/2023. (lcapm1) (Entered: 06/12/2023)
06/12/2023		Set/Reset Deadlines: Joint Status Report due by 6/23/2023. (smc) (Entered: 06/12/2023)
06/23/2023	<u>22</u>	Joint STATUS REPORT by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. (Venguswamy, Kartik) (Entered: 06/23/2023)
06/26/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by August 21, 2023, which updates the court as to the Plaintiff's administrative appeal and the processing and production of responsive records. Signed by Judge Amit P. Mehta on 06/26/2023. (lcapm1) (Entered: 06/26/2023)
08/21/2023	<u>23</u>	NOTICE of Appearance by Jennifer Best on behalf of FRIENDS OF ANIMALS (Best, Jennifer) (Entered: 08/21/2023)
08/21/2023	<u>24</u>	Joint STATUS REPORT by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. (Venguswamy, Kartik) (Entered: 08/21/2023)
08/22/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by October 23, 2023, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 08/22/2023. (lcapm1) (Entered: 08/22/2023)
10/23/2023	<u>25</u>	Joint STATUS REPORT by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. (Venguswamy, Kartik) (Entered: 10/23/2023)
10/24/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report on or before December 22, 2023, which updates the court on the processing and production of responsive records and proposes a schedule for summary judgment briefing. Signed by Judge Amit P. Mehta on 10/24/2023. (lcapm1) (Entered: 10/24/2023)
12/22/2023	<u>26</u>	NOTICE of Appearance by Christina O'Tousa on behalf of NATIONAL MARINE FISHERIES SERVICE (O'Tousa, Christina) (Entered: 12/22/2023)
12/22/2023	<u>27</u>	Joint STATUS REPORT by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. (O'Tousa, Christina) (Entered: 12/22/2023)
12/27/2023	<u>28</u>	ORDER. Upon review of the parties' Joint Status Report, ECF No. 27, the court orders the following with regard to further proceedings in this matter: (1) The parties shall have a final meet and confer by no later than January 19, 2024, so as to narrow the issues in actual dispute; (2) Defendants' Motion for Summary Judgment is due on or before February 9, 2024; (3) Plaintiff's Opposition to Defendants' Motion and any Cross-Motion for Summary Judgment is due on or before March 1, 2024; (4) Defendants' Reply in Support of Summary Judgment and Opposition to any Cross-Motion for Summary Judgment is due on or before March 15, 2024; and (5) Plaintiff's Reply is due on or before March 29, 2024. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 12/27/2023. (lcapm1) (Entered: 12/27/2023)
01/17/2024	<u>29</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. Attorney Christina O'Tousa terminated. (O'Tousa, Christina) (Entered: 01/17/2024)

01/29/2024	<u>30</u>	Joint MOTION for Extension of Time to <i>Limit Scope of Issues</i> by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. (Venguswamy, Kartik) (Entered: 01/29/2024)
01/30/2024		MINUTE ORDER granting <u>30</u> Motion to Extend Deadlines. Defendants' Motion for Summary Judgment shall now be due on April 9, 2024; Plaintiff's Opposition/Cross-Motion for Summary Judgment shall be due on May 1, 2024; Defendants' Reply/Cross-Opposition shall be due on May 15, 2024; and Plaintiff's Reply shall be due on May 29, 2024. Signed by Judge Amit P. Mehta on 01/30/2024. (lcapm1) (Entered: 01/30/2024)
02/22/2024	<u>31</u>	Unopposed MOTION to Intervene by Sea Research Foundation, Inc., dba Mystic Aquarium. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Lister, James) (Entered: 02/22/2024)
02/22/2024	<u>32</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by Sea Research Foundation, Inc., dba Mystic Aquarium (Lister, James) (Entered: 02/22/2024)
02/23/2024	<u>33</u>	ORDER granting <u>31</u> Motion to Intervene. It is hereby ORDERED that Mystic is granted leave to intervene as of right in these proceedings as a party defendant; and Mystic's proposed answer to the complaint herein, filed as Exhibit A to the Motion, shall be deemed filed as of the date this order is entered. See attached Order for additional details. Signed by Judge Amit P. Mehta on 2/23/2024. (lcapm1) (Entered: 02/23/2024)
02/23/2024	<u>34</u>	ANSWER to <u>1</u> Complaint, by SEA RESEARCH FOUNDATION.(mg) (Entered: 02/23/2024)
02/23/2024	<u>35</u>	NOTICE of Appearance by George R. Pitts on behalf of SEA RESEARCH FOUNDATION, INC. (Pitts, George) (Entered: 02/23/2024)
04/09/2024	<u>36</u>	Joint MOTION for Extension of Time to File <i>Summary Judgment</i> by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. (Venguswamy, Kartik) (Entered: 04/09/2024)
04/09/2024	<u>37</u>	MOTION for Joinder re <u>36</u> Joint MOTION for Extension of Time to File <i>Summary Judgment</i> by SEA RESEARCH FOUNDATION, INC.. (Pitts, George) (Entered: 04/09/2024)
04/10/2024		MINUTE ORDER granting the parties' <u>36</u> Joint Motion to Extend Deadlines. Defendants'/Intervenor's Motion for Summary Judgment shall be due on or before June 19, 2024; Plaintiff's Opposition/Cross-Motion shall be due on or before July 16, 2024; Defendants'/Intervenor's Reply/Cross-Opposition shall be due on or before July 30, 2024. Plaintiff's Reply shall be due on or before August 13, 2024. Signed by Judge Amit P. Mehta on 04/10/2024. (lcapm1) (Entered: 04/10/2024)
04/10/2024		MINUTE ORDER granting Defendant-Intervenor Sea Research Foundation's <u>37</u> Motion for Joinder in Joint Motion to Extend Time. Signed by Judge Amit P. Mehta on 04/10/2024. (lcapm1) (Entered: 04/10/2024)
04/10/2024		Set/Reset Deadlines: Summary Judgment motions due by 6/19/2024. Response to Motion for Summary Judgment due by 7/16/2024. Reply to Motion for Summary Judgment due by 7/30/2024. Replies due by 8/13/2024. (lsj) (Entered: 04/10/2024)
06/18/2024	<u>38</u>	Unopposed MOTION for Extension of Time to File Answer re Set/Reset Deadlines by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. (Venguswamy, Kartik) (Entered: 06/18/2024)
06/20/2024		MINUTE ORDER granting <u>38</u> Unopposed Motion to Revise Scheduling Order. The briefing schedule is hereby stayed, and the parties shall file a Joint Status Report by August 2, 2024, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 06/20/2024. (lcapm1) (Entered: 06/20/2024)
08/02/2024	<u>39</u>	Joint STATUS REPORT by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, NATIONAL MARINE FISHERIES SERVICE. (Venguswamy, Kartik) (Entered: 08/02/2024)

08/05/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by October 1, 2024, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 08/05/2024. (lcapm1) (Entered: 08/05/2024)
08/05/2024		Set/Reset Deadlines: Status Report due by 10/1/2024 (zakb) (Entered: 08/05/2024)