

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:23-cv-01519-BAH**

BLOOMBERG L.P. v. U.S. DEPARTMENT OF ARMY et al  
Assigned to: Judge Beryl A. Howell  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/26/2023  
Date Terminated: 08/22/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**BLOOMBERG L.P.**

represented by **Merrick Jason Wayne**  
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V.

**Defendant**

**U.S. DEPARTMENT OF ARMY**

represented by **Alane Ballweg**  
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**TERMINATED: 06/06/2024**  
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**Defendant**

**U.S. DEPARTMENT OF DEFENSE**

represented by **Alane Ballweg**  
(See above for address)

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Patrick Doyle**  
(See above for address)  
TERMINATED: 06/06/2024  
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V.

**Intervenor Defendant**

**OLIN WINCHESTER, LLC**

represented by **Christopher M. Loveland**  
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Date Filed	#	Docket Text
05/26/2023	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 402 receipt number ADCDC-10098893) filed by BLOOMBERG L.P.. (Attachments: # <u>1</u> Exhibit Exhibits 1-12, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Topic, Matthew) (Entered: 05/26/2023)
05/26/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BLOOMBERG L.P. (Topic, Matthew) Modified on 5/30/2023 to correct docket entry text (zsl). (Entered: 05/26/2023)
05/26/2023	<u>3</u>	NOTICE of Appearance by Matthew Topic on behalf of BLOOMBERG L.P. (Topic, Matthew) (Entered: 05/26/2023)
05/26/2023	<u>4</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of BLOOMBERG L.P. (Wayne, Merrick) (Entered: 05/26/2023)
05/30/2023		Case Assigned to Judge Beryl A. Howell. (zsl) (Entered: 05/30/2023)
05/30/2023	<u>5</u>	SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsl) (Entered: 05/30/2023)
05/31/2023	<u>6</u>	STANDING ORDER. Signed by Judge Beryl A. Howell on May 31, 2023. (lcbah1) (Entered: 05/31/2023)
06/26/2023	<u>7</u>	NOTICE of Appearance by Patrick Doyle on behalf of U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE (Doyle, Patrick) (Entered: 06/26/2023)
06/27/2023	<u>8</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 06/27/2023)
06/28/2023		MINUTE ORDER (paperless) GRANTING defendants' <u>8</u> Consent Motion for Extension of Time and DIRECTING defendants to answer or otherwise respond to plaintiff's <u>1</u> Complaint by August 3, 2023. Signed by Judge Beryl A. Howell on June 28, 2023. (lcbah1) (Entered: 06/28/2023)
06/28/2023		Set/Reset Deadlines: Answer to the Complaint due by 8/3/2023. (ztg) (Entered: 06/28/2023)
08/03/2023	<u>9</u>	ANSWER to Complaint by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE.(Doyle, Patrick) (Entered: 08/03/2023)

08/25/2023	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 08/25/2023)
08/29/2023		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>10</u> Joint Status Report, the parties to file a joint status report by September 25, 2023, proposing a schedule to govern further proceedings. Signed by Judge Beryl A. Howell on August 29, 2023. (lcbah1) (Entered: 08/29/2023)
08/29/2023		Set/Reset Deadlines: Parties Joint Status Report due by 9/25/2023 (mac) (Entered: 08/29/2023)
09/22/2023	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 09/22/2023)
09/25/2023		MINUTE ORDER (paperless) DIRECTING the parties, upon consideration of their <u>11</u> Joint Status Report, to submit, by October 2, 2023, a joint status report, advising the Court of the status of this matter, whether any disputes remain between the parties, and if so, proposing a schedule to govern further proceedings. Signed by Judge Beryl A. Howell on September 25, 2023. (lcbah1) (Entered: 09/25/2023)
09/25/2023		Set/Reset Deadlines: Joint Status Report due by 10/2/2023 (mac) (Entered: 09/25/2023)
10/02/2023	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 10/02/2023)
10/03/2023		MINUTE ORDER (paperless) DIRECTING the parties, upon consideration of their <u>12</u> Joint Status Report, to file, by December 19, 2023, a joint status report advising the Court of the status of this matter. Signed by Judge Beryl A. Howell on October 3, 2023. (lcbah1) (Entered: 10/03/2023)
10/04/2023		Set/Reset Deadlines: Joint Status Report due by 12/19/2023. (mac) (Entered: 10/04/2023)
12/19/2023	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 12/19/2023)
12/20/2023		MINUTE ORDER (paperless) DIRECTING the parties, upon consideration of their <u>13</u> Joint Status Report, to file, by January 19, 2024, a joint status report advising the Court of the status of this matter. Signed by Judge Beryl A. Howell on December 20, 2023. (lcbah1) (Entered: 12/20/2023)
12/21/2023		Set/Reset Deadlines: Joint Status Report due by 1/19/2024. (mac) (Entered: 12/21/2023)
01/19/2024	<u>14</u>	MOTION to Intervene by Olin Winchester, LLC. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Michael Stock, # <u>2</u> Exhibit 2 – Answer, # <u>3</u> Exhibit 3– Proposed Order)(Loveland, Christopher) (Entered: 01/19/2024)
01/19/2024	<u>15</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by Olin Winchester, LLC (Loveland, Christopher) (Entered: 01/19/2024)
01/19/2024	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 01/19/2024)
01/22/2024		MINUTE ORDER (paperless) DIRECTING the parties, upon consideration of their <u>16</u> Joint Status Report, to file, by February 20, 2024, a joint status report, advising the Court of the status of this matter. Signed by Judge Beryl A. Howell on January 22, 2024. (lcbah1) (Entered: 01/22/2024)
01/22/2024		MINUTE ORDER (paperless) GRANTING proposed intervenor Olin Winchester LLC's ("Olin") <u>14</u> Motion to Intervene. "On timely motion, the court must permit anyone to intervene who... claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a

		<p>practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). A party's right to intervene under Rule 24(a) turns on four factors: "(1) the timeliness of the motion; (2) whether the applicant claims an interest relating to the property or transaction which is the subject of the action; (3) whether the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest; and (4) whether the applicant's interest is adequately represented by existing parties." <i>Fund for Animals, Inc. v. Norton</i>, 322 F.3d 728, 731 (D.C. Cir. 2003) (cleaned up). All four factors favor granting Olin's motion.</p> <p>At the outset, the FOIA request at issue seeks, in relevant part, "[c]opies of all Commercial Sales Summary reports and sales projections filed by Olin..., between January 1, 2020 and February 20, 2023." <u>16</u> Joint Status Report at 1. Put differently, all responsive records are documents "filed by Olin." Framed as such, Olin's right to intervene is clear. First, Olin was alerted to this matter on November 27, 2023, when the government informed Olin that records "filed by Olin" were found responsive to plaintiff's FOIA request. <i>See</i> <u>13</u> Joint Status Report at 2 ("The Army's search did not locate any responsive records that were not required to be sent to Olin."). Promptly thereafter, on December 7, 2023, Olin objected to the release of six categories of information within the responsive records pursuant to FOIA's Exemption 4. <i>Id.</i> The government has not yet produced any records to plaintiff, and no dispositive motions have been filed. <u>16</u> Joint Status Report at 2. Olin's motion is thus timely. As to the second and third factors, Olin has a cognizable interest in its privileged or confidential commercial or financial information, and this interest may be impaired or impeded by disposition of this action, such as if the documents are disclosed. Fourth and finally, Olin's interests are not adequately represented by any existing party because the government does not share identical commercial or financial interests in the records as Olin, and neither party has opposed Olin's intervention.</p> <p>Accordingly, the Court finds that Olin's motion, incorporated memorandum, and supporting declaration, which together make clear Olin's position in this case, satisfy the requirements of Rule 24(c). <i>See, e.g., Mandan, Hidatsa &amp; Arikara Nation v. U.S. Dep't of the Interior</i>, No. 20-cv-1918, 2020 WL 1265958, at *3 (D.D.C. Aug. 27, 2020). Olin's Motion to Intervene is GRANTED, and Olin is DIRECTED to abide by all the deadlines imposed on the parties, including joint status report deadlines.</p> <p>Signed by Judge Beryl A. Howell on January 22, 2024. (lcbah1) (Entered: 01/22/2024)</p>
01/22/2024	<u>17</u>	ANSWER to Complaint by OLIN WINCHESTER, LLC.(mg) (Entered: 01/23/2024)
01/23/2024		Set/Reset Deadlines: Parties Joint Status Report due by 2/20/2024 (mac) (Entered: 01/23/2024)
02/20/2024	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 02/20/2024)
02/22/2024		MINUTE ORDER (paperless) DIRECTING the parties, upon consideration of their <u>18</u> Joint Status Report, to file, by March 20, 2024, a joint status report, advising the Court of the status of this matter and whether any disputes remain between the parties, and, if so, proposing a schedule to govern further proceedings. Signed by Judge Beryl A. Howell on February 22, 2024. (lcbah1) (Entered: 02/22/2024)
02/22/2024		Set/Reset Deadlines: Parties Joint Status Report due by 3/20/2024 (mac) (Entered: 02/22/2024)
03/20/2024	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 03/20/2024)
03/20/2024		MINUTE ORDER (paperless) DIRECTING the parties, upon consideration of their <u>19</u> Joint Status Report, to file, by April 22, 2024, a joint status report, advising the Court of the status of this matter and whether any disputes remain between the parties, and, if so, proposing a schedule to govern further proceedings. Signed by Judge Beryl A. Howell on March 20, 2024. (lcbah1) (Entered: 03/20/2024)

03/21/2024		Set/Reset Deadlines: Joint Status Report due by 4/22/2024 (mac) (Entered: 03/21/2024)
04/22/2024	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 04/22/2024)
04/23/2024		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>20</u> Joint Status Report, the following SCHEDULING ORDER: (1) by June 6, 2024, federal defendants and intervenor shall file any motion for summary judgment; (2) by July 8, 2024, plaintiff shall file any opposition and cross-motion for summary judgment; (3) by August 7, 2024, federal defendants and intervenor shall file any reply and opposition to plaintiffs cross-motion; and (4) by August 28, 2024, plaintiff shall file any reply in support of the cross-motion. Signed by Judge Beryl A. Howell on April 23, 2024. (lcbah1) (Entered: 04/23/2024)
04/24/2024		Set/Reset Deadlines: Federal defendants and intervenor shall file any motion for summary judgment by 6/6/2024. Plaintiff shall file any opposition and cross-motion for summary judgment by 7/8/2024. Federal defendants and intervenor shall file any reply and opposition to plaintiff's cross-motion by 8/7/2024. Plaintiff shall file any reply in support of the cross-motion by 8/28/2024. (zalh) (Entered: 04/24/2024)
06/06/2024	<u>21</u>	MOTION for Summary Judgment by OLIN WINCHESTER, LLC. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit 1 – Declaration of Michael Stock, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Text of Proposed Order)(Loveland, Christopher) (Entered: 06/06/2024)
06/06/2024	<u>22</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Alane Ballweg on behalf of All Defendants Substituting for attorney Patrick Doyle (Ballweg, Alane) (Entered: 06/06/2024)
06/06/2024	<u>23</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Declaration Mack, # <u>5</u> Declaration Barrows)(Ballweg, Alane) (Entered: 06/06/2024)
07/02/2024	<u>24</u>	Unopposed MOTION to Modify <i>Briefing Schedule</i> by BLOOMBERG L.P.. (Topic, Matthew) (Entered: 07/02/2024)
07/02/2024		MINUTE ORDER (paperless) GRANTING plaintiffs' <u>24</u> Unopposed Motion to Modify Briefing Schedule, and MODIFYING the Court's April 23, 2024 Scheduling Order as follows: (1) by July 22, 2024, plaintiff shall file any opposition and cross-motion for summary judgment; (3) by August 21, 2024, federal defendants and intervenor shall file any reply and opposition to plaintiffs cross-motion; and (4) by September 11, 2024, plaintiff shall file any reply in support of the cross-motion. Signed by Judge Beryl A. Howell on July 2, 2024. (lcbah1) (Entered: 07/02/2024)
07/03/2024		Set/Reset Deadlines: Plaintiff Opposition And Cross-Motion For Summary Judgment due by 7/22/2024. (3) by August 21, 2024, Federal Defendants And Intervenor Reply And Opposition To Plaintiffs Cross-Motion due by 8/21/2024. Plaintiff Reply In Support Of The Cross-Motion due by 9/11/2024. (mac) (Entered: 07/03/2024)
07/16/2024	<u>25</u>	Unopposed MOTION to Modify <i>Briefing Schedule</i> by BLOOMBERG L.P.. (Topic, Matthew) (Entered: 07/16/2024)
07/17/2024		MINUTE ORDER (paperless) GRANTING plaintiff's <u>25</u> Unopposed Motion to Modify Briefing Schedule, and MODIFYING the Court's April 23, 2024 Scheduling Order as follows: (1) by August 19, 2024, plaintiff shall file any opposition and cross-motion for summary judgment; (2) by September 18, 2024, federal defendants and intervenor shall file any reply and opposition to plaintiff's cross-motion; and (3) by October 9, 2024, plaintiff shall file any reply in support of the cross-motion. Signed by Judge Beryl A. Howell on July 17, 2024. (lcbah1) (Entered: 07/17/2024)
07/18/2024		Set/Reset Deadlines: Plaintiff Opposition And Cross-Motion For Summary Judgment due by 8/19/2024. Response to Cross Motion due by 9/18/2024. Federal Defendants And Intervenor Reply And Opposition To Plaintiff's Cross-Motion due by 9/18/2024. Plaintiff Reply In Support Of The Cross-Motion due by 10/9/2024. (mac) (Entered: 07/18/2024)

08/21/2024	<u>26</u>	Consent MOTION for Extension of Time to File <i>Petition for Attorneys' Fees and Costs</i> by BLOOMBERG L.P.. (Wayne, Merrick) (Entered: 08/21/2024)
08/21/2024	<u>27</u>	STIPULATION of Dismissal by BLOOMBERG L.P.. (Wayne, Merrick) (Entered: 08/21/2024)
08/21/2024		MINUTE ORDER (paperless) GRANTING the parties' <u>26</u> Consent Motion for Extension of Time to File Petition for Attorneys' Fees and Costs; and DIRECTING plaintiff to file, by October 2, 2024, any motion for attorneys' fees. Signed by Judge Beryl A. Howell on August 21, 2024. (lcbah1) (Entered: 08/21/2024)
08/21/2024		MINUTE ORDER (paperless) DENYING AS MOOT defendants' <u>23</u> Motion for Summary Judgment; DENYING AS MOOT intervenor's <u>21</u> Motion for Summary Judgment; DISMISSING, with prejudice, Count I as it relates to parts 6, 10, and 12, of plaintiff's March 6, 2023 FOIA Request, pursuant to the parties' <u>27</u> Stipulation of Dismissal and Federal Rule of Civil Procedure 41(a)(1)(A)(ii); and DISMISSING, without prejudice, the rest of Count I, as well as Counts II–VI, pursuant to the parties' <u>27</u> Stipulation of Dismissal and Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The Clerk of the Court is directed to close this case. Signed by Judge Beryl A. Howell on August 21, 2024. (lcbah1) (Entered: 08/21/2024)
08/22/2024		Set/Reset Deadlines: Plaintiff's Motion For Attorney Fees due by 10/2/2024. (mac) (Entered: 08/22/2024)