

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:23-cv-04402-AT**

The New York Times Company et al v United States
Department of Justice
Assigned to: Judge Analisa Torres
Cause: 05:552 Freedom of Information Act

Date Filed: 05/25/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**The New York Times Company**

represented by **Maya Gandhi**
The New York Times
Legal Department
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TERMINATED: 09/09/2024

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Plaintiff**Mara Hvistendahl**

represented by **Maya Gandhi**
(See above for address)
TERMINATED: 09/09/2024

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V.

Defendant**United States Department of Justice**

represented by **Peter Max Aronoff**
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Date Filed	#	Docket Text
05/25/2023	<u>1</u>	COMPLAINT against United States Department of Justice. (Filing Fee \$ 402.00, Receipt Number ANYSDC-27791402) Document filed by The New York Times Company, Mara Hvistendahl. (Attachments: # <u>1</u> Exhibit Denial of FOIA Request).(Green, Dana) (Entered: 05/25/2023)

05/25/2023	<u>2</u>	CIVIL COVER SHEET filed..(Green, Dana) (Entered: 05/25/2023)
05/25/2023	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Justice, re: <u>1</u> Complaint. Document filed by Mara Hvistendahl, The New York Times Company..(Green, Dana) (Entered: 05/25/2023)
05/25/2023	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The New York Times Company..(Green, Dana) (Entered: 05/25/2023)
05/26/2023		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Analisa Torres. 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..(vf) (Entered: 05/26/2023)
05/26/2023		Magistrate Judge Barbara C. Moses 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 . (vf) (Entered: 05/26/2023)
05/26/2023		Case Designated ECF. (vf) (Entered: 05/26/2023)
05/26/2023	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Justice. (vf) (Entered: 05/26/2023)
05/30/2023	<u>6</u>	ORDER: To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge. If any party does not consent to conducting all further proceedings before the assigned Magistrate Judge, the parties must file a joint letter, by July 24, 2023, advising the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent. The parties are free to withhold consent without negative consequences. SO ORDERED. (Signed by Judge Analisa Torres on 5/30/2023) (jca) Modified on 5/30/2023 (jca). (Entered: 05/30/2023)
05/30/2023	<u>7</u>	ORDER: To protect the public health, while promoting the "just, speedy, and inexpensive determination of every action and proceeding," Fed. R. Civ. P. 1, it is ORDERED pursuant to Rules 30(b)(3) and 30(b)(4) of the Federal Rules of Civil Procedure that all depositions in this action may be taken via telephone, videoconference, or other remote means. It is further ORDERED pursuant to Rule 30(b)(5) that a deposition will be deemed to have taken place "before an officer appointed or designated under Rule 28" if such officer attends the deposition using the same remote means used to connect all other participants, so long as all participants (including the officer) can clearly hear and be heard by all other participants. The parties are encouraged to engage in discovery through remote means at every available opportunity. SO ORDERED. (Signed by Judge Analisa Torres on 5/30/2023) (jca) (Entered: 05/30/2023)
05/30/2023	<u>8</u>	INITIAL PRETRIAL SCHEDULING ORDER: Counsel for all parties are directed to submit a joint letter and a jointly proposed Case Management Plan and Scheduling Order by July 24, 2023, in accordance with Rule 16 of the Federal Rules of Civil Procedure and the instructions set forth below. COUNSEL FOR PLAINTIFF IS DIRECTED TO IMMEDIATELY SEND A COPY OF THIS ORDER AND THE COURT'S INDIVIDUAL PRACTICES TO ALL PARTIES. If this case has been settled or otherwise terminated, counsel are required to file a stipulation of discontinuance, voluntary dismissal, or other proof of termination electronically on ECF, with a courtesy copy emailed to chambers in accordance with the Courts Individual Practices. (And as further set forth herein.) SO ORDERED. (Signed by Judge Analisa Torres on 5/30/2023) (jca) (Entered: 05/30/2023)

07/24/2023	<u>9</u>	JOINT LETTER addressed to Judge Analisa Torres from Peter Aronoff dated 7/24/2023 re: response to Court's May 30, 2023 order, and also request to extend answer date. Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 07/24/2023)
07/25/2023	<u>10</u>	MEMO ENDORSEMENT on re: <u>9</u> Letter filed by United States Department of Justice. ENDORSEMENT: GRANTED. The deadline to submit the proposed case management plan is ADJOURNED sine die. By August 25, 2023, the parties shall file a joint status letter. SO ORDERED. (Signed by Judge Analisa Torres on 7/25/2023) (kv) (Entered: 07/25/2023)
07/30/2023	<u>11</u>	ANSWER to <u>1</u> Complaint. Document filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit A (initial FOIA request)).(Aronoff, Peter) (Entered: 07/30/2023)
08/23/2023	<u>12</u>	STATUS REPORT. (<i>joint</i>) and proposal for further status report by September 25 Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 08/23/2023)
08/24/2023	<u>13</u>	MEMO ENDORSEMENT on re: <u>12</u> Status Report filed by United States Department of Justice ENDORSEMENT GRANTED. By September 25, 2023, the parties shall file a joint status update. SO ORDERED. (Signed by Judge Analisa Torres on 8/24/2023) (jca) (Entered: 08/24/2023)
09/25/2023	<u>14</u>	STATUS REPORT. (<i>joint</i>) and proposal for further status report by October 25, 2023 Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 09/25/2023)
09/26/2023	<u>15</u>	MEMO ENDORSEMENT on re: <u>14</u> Status Report filed by United States Department of Justice ENDORSEMENT GRANTED. SO ORDERED. (Signed by Judge Analisa Torres on 9/26/2023) (jca) (Entered: 09/26/2023)
10/25/2023	<u>16</u>	STATUS REPORT. (<i>joint</i>) and proposal for further status report by November 27, 2023 Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 10/25/2023)
10/26/2023	<u>17</u>	MEMO ENDORSEMENT on re: <u>16</u> Status Report filed by United States Department of Justice ENDORSEMENT GRANTED. SO ORDERED. (Signed by Judge Analisa Torres on 10/26/2023) (jca) (Entered: 10/26/2023)
11/27/2023	<u>18</u>	STATUS REPORT. (<i>joint</i>) and proposal for further status report by January 5, 2024 Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 11/27/2023)
11/28/2023	<u>19</u>	MEMO ENDORSEMENT on re: <u>18</u> Status Report filed by United States Department of Justice. ENDORSEMENT: GRANTED. SO ORDERED. (Signed by Judge Analisa Torres on 11/28/2023) (vfr) (Entered: 11/28/2023)
01/05/2024	<u>20</u>	STATUS REPORT. Document filed by United States Department of Justice..(Normand, Sarah) (Entered: 01/05/2024)
02/05/2024	<u>21</u>	STATUS REPORT. (<i>joint</i>) and proposal for further status report by March 5, 2024 Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 02/05/2024)
02/06/2024	<u>22</u>	MEMO ENDORSEMENT on re: <u>21</u> Status Report filed by United States Department of Justice. ENDORSEMENT: GRANTED. SO ORDERED. (Signed by Judge Analisa Torres on 2/6/2024) (vfr) (Entered: 02/06/2024)
03/05/2024	<u>23</u>	STATUS REPORT. (<i>joint</i>) and proposal for further status report by April 5, 2024 Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 03/05/2024)
03/06/2024	<u>24</u>	MEMO ENDORSEMENT on re: <u>23</u> Status Report filed by United States Department of Justice. ENDORSEMENT: The parties shall file a joint status report by April 5, 2024. SO ORDERED. (Signed by Judge Analisa Torres on 3/6/2024) (tg) (Entered: 03/06/2024)

04/05/2024	<u>25</u>	STATUS REPORT. (<i>joint</i>) and proposal for further status report by April 12, 2024 Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 04/05/2024)
04/08/2024	<u>26</u>	MEMO ENDORSEMENT on re: <u>25</u> Status Report filed by United States Department of Justice. ENDORSEMENT: The parties shall submit the proposed joint status update by April 12, 2024. SO ORDERED. (Signed by Judge Analisa Torres on 4/8/2024) (va) (Entered: 04/08/2024)
04/12/2024	<u>27</u>	STATUS REPORT. (<i>joint</i>) and proposed schedule for summary judgment briefing Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 04/12/2024)
04/15/2024	<u>28</u>	MEMO ENDORSEMENT on re: <u>27</u> Status Report filed by United States Department of Justice. ENDORSEMENT: DENIED. The parties are directed to observe the Court's motion practices set forth in Section III of the Court's Individual Practices in Civil Cases. By May 6, 2024, the parties shall file their pre-motion letters, attaching the opposing party's response to the Rule 56.1 statement. See id. Section III.C.iii. SO ORDERED. (Signed by Judge Analisa Torres on 4/15/2024) (va) (Entered: 04/15/2024)
05/06/2024	<u>29</u>	JOINT LETTER MOTION for Conference <i>pre-motion letter regarding parties' anticipated cross-motions for summary judgment, request for waiver of Local Rule 56.1, and proposed schedule</i> addressed to Judge Analisa Torres from Peter Aronoff dated 5/6/2024. Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 05/06/2024)
05/07/2024	<u>30</u>	ORDER granting <u>29</u> Letter Motion for Conference re: <u>29</u> JOINT LETTER MOTION for Conference <i>pre-motion letter regarding parties' anticipated cross-motions for summary judgment, request for waiver of Local Rule 56.1, and proposed schedule</i> addressed to Judge Analisa Torres from Peter Aronoff dat GRANTED. The parties shall adhere to the briefing schedule proposed on page 5 of their submission, and need not file Rule 56.1 statements. SO ORDERED.. (Signed by Judge Analisa Torres on 5/7/2024) (jca) (Entered: 05/07/2024)
05/07/2024		Set/Reset Deadlines: Responses due by 7/22/2024 Replies due by 8/12/2024. (jca) (Entered: 06/13/2024)
06/03/2024	<u>31</u>	MOTION for Summary Judgment . Document filed by United States Department of Justice. Responses due by 7/1/2024.(Aronoff, Peter) (Entered: 06/03/2024)
06/03/2024	<u>32</u>	MEMORANDUM OF LAW in Support re: <u>31</u> MOTION for Summary Judgment . . Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 06/03/2024)
06/03/2024	<u>33</u>	DECLARATION of Michael G. Seidel in Support re: <u>31</u> MOTION for Summary Judgment .. Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 06/03/2024)
06/03/2024	<u>34</u>	DECLARATION of Deborah M. Waller in Support re: <u>31</u> MOTION for Summary Judgment .. Document filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit FOIA request, # <u>2</u> Exhibit investigative summary, # <u>3</u> Exhibit OIG initial response letter, # <u>4</u> Exhibit OIP appeal determination (expedited processing), # <u>5</u> Exhibit OIG initial release, # <u>6</u> Exhibit NYT administrative appeal letter, # <u>7</u> Exhibit OIP appeal determination (merits), # <u>8</u> Exhibit processed report).(Aronoff, Peter) (Entered: 06/03/2024)
06/13/2024	<u>35</u>	NOTICE OF APPEARANCE by Maya Gandhi on behalf of Mara Hvistendahl, The New York Times Company..(Gandhi, Maya) (Entered: 06/13/2024)
07/01/2024	<u>36</u>	CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> . Document filed by Mara Hvistendahl, The New York Times Company. Responses due by 7/22/2024.(Green, Dana) (Entered: 07/01/2024)
07/01/2024	<u>37</u>	MEMORANDUM OF LAW in Support re: <u>36</u> CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> . . Document filed by Mara Hvistendahl, The New York Times Company..(Green, Dana) (Entered: 07/01/2024)

07/01/2024	<u>38</u>	DECLARATION of Maya Gandhi in Support re: <u>36</u> CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> .. Document filed by Mara Hvistendahl, The New York Times Company. (Attachments: # <u>1</u> Exhibit A – FBI Policy Directive 0535D).(Green, Dana) (Entered: 07/01/2024)
07/19/2024	<u>39</u>	CONSENT LETTER MOTION for Extension of Time <i>by four days to file opposition/reply brief</i> addressed to Judge Analisa Torres from Peter Aronoff dated 7/19/2024. Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 07/19/2024)
07/22/2024	<u>40</u>	ORDER granting <u>39</u> Letter Motion for Extension of Time. GRANTED. SO ORDERED. (Signed by Judge Analisa Torres on 7/22/2024) (mml) (Entered: 07/22/2024)
07/22/2024		Set/Reset Deadlines: Responses due by 7/26/2024 Replies due by 8/16/2024. (mml) (Entered: 07/22/2024)
07/26/2024	<u>41</u>	MEMORANDUM OF LAW in Opposition re: <u>36</u> CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment. and reply in support of the government's motion</i> . Document filed by United States Department of Justice..(Aronoff, Peter) (Entered: 07/26/2024)
07/26/2024	<u>42</u>	DECLARATION of Michael G. Seidel in Support re: <u>31</u> MOTION for Summary Judgment .. Document filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit A--reprocessed report).(Aronoff, Peter) (Entered: 07/26/2024)
08/16/2024	<u>43</u>	REPLY MEMORANDUM OF LAW in Support re: <u>36</u> CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> .. Document filed by Mara Hvistendahl, The New York Times Company..(Gandhi, Maya) (Entered: 08/16/2024)
09/05/2024	<u>44</u>	MOTION for Maya Gandhi to Withdraw as Attorney . Document filed by Mara Hvistendahl, The New York Times Company..(Gandhi, Maya) (Entered: 09/05/2024)
09/09/2024	<u>45</u>	MEMO ENDORSEMENT granting <u>44</u> Motion to Withdraw as Attorney. ENDORSEMENT: GRANTED. The Clerk of Court is respectfully directed to terminate Maya Gandhi from the docket. SO ORDERED. Attorney Maya Gandhi terminated. (Signed by Judge Analisa Torres on 9/9/2024) (tg) (Entered: 09/10/2024)