

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:23-cv-02516-LLA**

EBAN v. U.S. DEPARTMENT OF DEFENSE et al  
Assigned to: Judge Loren L. AliKhan  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/29/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**KATHERINE EBAN**

represented by **Merrick Jason Wayne**  
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V.

**Defendant**

**U.S. DEPARTMENT OF DEFENSE**

represented by **Alane Ballweg**  
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*TERMINATED: 05/28/2024*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. ARMY**

represented by **Alane Ballweg**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Patrick Doyle**  
(See above for address)  
TERMINATED: 05/28/2024  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/29/2023	<u>1</u>	COMPLAINT against U.S. ARMY, U.S. DEPARTMENT OF DEFENSE ( Filing fee \$ 402 receipt number ADCDC-10311186) filed by KATHERINE EBAN. (Attachments: # <u>1</u> Exhibit 1-7, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Topic, Matthew) (Entered: 08/29/2023)
08/29/2023	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of KATHERINE EBAN (Topic, Matthew) (Entered: 08/29/2023)
08/29/2023	<u>3</u>	SEALED DOCUMENT filed by KATHERINE EBAN(This document is SEALED and only available to authorized persons.)(Topic, Matthew) (Entered: 08/29/2023)
08/29/2023		Case Assigned to Judge Trevor N. McFadden. (zljn) (Entered: 08/29/2023)
08/29/2023	<u>4</u>	SUMMONS (4) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zljn) (Entered: 08/29/2023)
08/29/2023	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 8/29/2023. (lctnm2) (Entered: 08/29/2023)
09/26/2023	<u>6</u>	NOTICE of Appearance by Patrick Doyle on behalf of U.S. ARMY, U.S. DEPARTMENT OF DEFENSE (Doyle, Patrick) (Entered: 09/26/2023)
09/26/2023	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 09/26/2023)
09/27/2023		MINUTE ORDER: Defendant's <u>7</u> Consent Motion for Extension of Time to File Answer is GRANTED. Defendant's Answer shall now be filed before or on October 25, 2023. The parties are advised that the pre-existing Standing Order <u>5</u> remains in effect, including the provisions governing motions for an extension of time ("Motions for extensions of time or to re-schedule a hearing must be filed at least four business days prior to the first affected deadline or scheduled hearing.... All motions for extensions of time or to re-schedule a hearing must include... [t]he current deadline or date of the hearing."). SO ORDERED. Signed by Judge Trevor N. McFadden on 9/27/2023. (lctnm2) (Entered: 09/27/2023)
09/29/2023		Set/Reset Deadlines: Answer due by 10/25/2023. (hmc) (Entered: 09/29/2023)
10/25/2023	<u>8</u>	ANSWER to Complaint by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE.(Doyle, Patrick) (Entered: 10/25/2023)
10/25/2023		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, 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 <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before November 29, 2023. Signed by Judge Trevor N. McFadden on 10/25/23. (lctnm2) (Entered: 10/25/2023)
10/31/2023	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ARMY served on 9/5/2023 (Topic, Matthew) (Entered: 10/31/2023)

10/31/2023	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF DEFENSE served on 9/13/2023 (Topic, Matthew) (Entered: 10/31/2023)
10/31/2023	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/8/2023. (Topic, Matthew) (Entered: 10/31/2023)
10/31/2023	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/29/2023. Answer due for ALL FEDERAL DEFENDANTS by 9/28/2023. (Topic, Matthew) (Entered: 10/31/2023)
10/31/2023	<u>13</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of KATHERINE EBAN (Wayne, Merrick) (Entered: 10/31/2023)
11/29/2023	<u>14</u>	Joint STATUS REPORT by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 11/29/2023)
11/29/2023		MINUTE ORDER: After considering the <u>13</u> Joint Status Report, the Court ORDERS the parties to file another JSR by December 13, 2023. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/29/2023. (lctnm2) (Entered: 11/29/2023)
12/13/2023	<u>15</u>	Joint STATUS REPORT by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 12/13/2023)
12/14/2023		MINUTE ORDER: After considering the <u>15</u> Joint Status Report, the Court ORDERS the parties to file another JSR by January 12, 2024, updating the Court on the progress of their resolution efforts and proposing a briefing schedule for dispositive motions, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/14/2023. (lctnm2) (Entered: 12/14/2023)
12/14/2023		Case directly reassigned to Judge Loren L. AliKhan. Judge Trevor N. McFadden is no longer assigned to the case. (rj) (Entered: 12/14/2023)
01/12/2024	<u>16</u>	Joint STATUS REPORT by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 01/12/2024)
01/12/2024		MINUTE ORDER: Upon consideration of the parties' joint status report <u>16</u> , it is hereby ORDERED that the parties shall file another joint status report on or before February 13, 2024. Signed by Judge Loren L. AliKhan on 01/12/2024. (lc1la2) (Entered: 01/12/2024)
01/23/2024		Set/Reset Deadlines/Hearings: Joint Status Report due by 2/13/2024. (zcdw) (Entered: 01/23/2024)
02/13/2024	<u>17</u>	Joint STATUS REPORT by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 02/13/2024)
02/14/2024		MINUTE ORDER: Upon consideration of the parties' joint status report <u>17</u> , it is hereby ORDERED that the parties shall file another joint status report on or before March 14, 2024. Signed by Judge Loren L. AliKhan on 02/14/24. (lc1la2) (Entered: 02/14/2024)
02/14/2024		Set/Reset Deadlines/Hearings: Joint Status Report due by 3/14/2024. (zcdw) (Entered: 02/14/2024)
02/27/2024	<u>18</u>	Consent MOTION for Extension of Time to File <i>Joint Status Report</i> by KATHERINE EBAN. (Wayne, Merrick) (Entered: 02/27/2024)
02/29/2024		MINUTE ORDER: Upon consideration of Plaintiff's consent motion for an extension of time <u>18</u> , it is hereby ORDERED that the motion is granted and the parties shall file their joint status report on or before March 21, 2024.(lc1la2) (Entered: 02/29/2024)
02/29/2024		Set/Reset Deadlines: Joint Status Report due by 3/21/2024. (znbn) (Entered: 02/29/2024)
03/21/2024	<u>19</u>	Joint STATUS REPORT by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 03/21/2024)

03/22/2024		MINUTE ORDER: Upon consideration of the parties' Joint Status Report <u>19</u> , it is hereby ORDERED that the parties shall file another joint status report on or before April 22, 2024. Signed by Judge Loren L. AliKhan on 03/22/2024. (lc1la2) (Entered: 03/22/2024)
03/22/2024		Set/Reset Deadlines/Hearings: Joint Status Report due by 4/22/2024. (zcdw) (Entered: 03/22/2024)
04/22/2024	<u>20</u>	Joint STATUS REPORT by U.S. 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: Upon consideration of the parties' joint status report <u>20</u> , it is hereby ORDERED that the following schedule shall govern this case: (1) Defendants shall file any dispositive motion by June 21, 2024; (2) Plaintiff's opposition and cross-motion, if any, shall be filed by July 22, 2024; (3) Defendants' reply in support of their motion and opposition to Plaintiff's cross-motion shall be filed by August 21, 2024; and (4) Plaintiff's reply shall be filed by September 11, 2024. Signed by Judge Loren L. AliKhan on 04/23/2024. (lc1la2) (Entered: 04/23/2024)
05/28/2024	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Alane Ballweg on behalf of All Defendants Substituting for attorney Patrick Doyle (Ballweg, Alane) (Entered: 05/28/2024)
06/20/2024	<u>22</u>	Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Ballweg, Alane) (Entered: 06/20/2024)
06/20/2024		MINUTE ORDER: Upon consideration of Defendants' consent motion for extension of time <u>22</u> , it is hereby ORDERED that the following schedule shall govern this case: (1) Defendants' motion for summary judgment shall be filed by July 22, 2024; (2) Plaintiff's opposition and cross-motion, if any, shall be filed by August 21, 2024; (3) Defendants' reply in support of their motion and opposition to Plaintiff's cross-motion shall be filed by September 20, 2024; and (4) Plaintiff's reply shall be filed by October 11, 2024. Signed by Judge Loren L. AliKhan on 06/20/2024. (lc1la2) (Entered: 06/20/2024)
07/19/2024	<u>23</u>	Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Ballweg, Alane) (Entered: 07/19/2024)
07/19/2024		MINUTE ORDER: Upon consideration of Defendants' consent motion for extension of time <u>23</u> , it is hereby ORDERED that the following schedule shall govern this case: (1) Defendants' motion for summary judgment shall be filed by September 5, 2024; (2) Plaintiff's opposition and cross-motion, if any, shall be filed by October 7, 2024; (3) Defendants' reply in support of their motion and opposition to Plaintiff's cross-motion shall be filed by November 4, 2024; and (4) Plaintiff's reply shall be filed by November 25, 2024. Signed by Judge Loren L. AliKhan on 07/19/2024. (lc1la2) (Entered: 07/19/2024)
09/04/2024	<u>24</u>	Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by U.S. ARMY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Ballweg, Alane) (Entered: 09/04/2024)
09/04/2024		MINUTE ORDER: Upon consideration of Defendants' consent motion for extension of time <u>24</u> , it is hereby ORDERED that the following schedule shall govern this case: (1) Defendants' motion for summary judgment shall be filed by October 7, 2024; (2) Plaintiff's opposition and cross-motion, if any, shall be filed by November 6, 2024; (3) Defendants reply in support of their motion and opposition to Plaintiff's cross-motion shall be filed by December 4, 2024; and (4) Plaintiff's reply shall be filed by December 27, 2024. Signed by Judge Loren L. AliKhan on 09/04/2024. (lc1la2) (Entered: 09/04/2024)
09/04/2024		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 10/7/2024. Response to Motion for Summary Judgment due by 11/6/2024. Reply to Motion for Summary Judgment due by 12/4/2024. Plaintiff's Cross Motion due by 11/6/2024. Response to Cross Motion due by 12/4/2024. Reply to Cross Motion due by 12/27/2024. (zcdw) (Entered: 09/04/2024)