

**U.S. District Court  
NORTHERN DISTRICT OF OHIO (Youngstown)  
CIVIL DOCKET FOR CASE #: 4:23-cv-01828-BYP**

Government Accountability Project v. Environmental Protection Agency  
Assigned to: Judge Benita Y. Pearson  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/21/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Government Accountability Project**

represented by **Matthew V. Topic**  
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V.

**Defendant**

**Environmental Protection Agency**

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Date Filed	#	Docket Text
09/21/2023	<u>1</u>	<b>Complaint</b> against Environmental Protection Agency. Filing fee paid \$ 402, Receipt number AOHNDK-12191472. Filed by Government Accountability Project. (Attachments: # <u>1</u> Exhibit 1 – FOIA Request, # <u>2</u> Exhibit 2 – Acknowledgment, # <u>3</u> Exhibit 3 – Extension Letter, # <u>4</u> Exhibit 4 – Tracking Number Letter, # <u>5</u> Exhibit 5 – Expedited Processing Determination, # <u>6</u> Exhibit 6 – Fee Waiver Determination, # <u>7</u> Civil Cover Sheet, # <u>8</u> Summons). (Thompson, Tara) (Entered: 09/21/2023)
09/21/2023		Judge Benita Y. Pearson assigned to case. (G,M) (Entered: 09/21/2023)
09/21/2023		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Carmen E. Henderson. (G,M) (Entered: 09/21/2023)
09/21/2023	<u>2</u>	Original Summons and Magistrate Consent Form issued to counsel for service upon Environmental Protection Agency (and US Attorney General, DC., and Office of the US Attorney for the Northern District of Ohio). (Attachments: # <u>1</u> Magistrate Consent Form) (G,M) (Entered: 09/21/2023)
10/19/2023	<u>3</u>	Return of Service by Certified Mail executed upon Environmental Protection Agency on 10/9/2023 filed on behalf of Government Accountability Project (Thompson, Tara) (Entered: 10/19/2023)
10/19/2023	<u>4</u>	Return of Service by Certified Mail executed upon U.S. Attorney General on 10/1/2023 filed on behalf of Government Accountability Project (Thompson, Tara) (Entered: 10/19/2023)
10/19/2023	<u>5</u>	Return of Service by Certified Mail executed upon Environmental Protection Agency on 10/2/2023 filed on behalf of Government Accountability Project (Thompson, Tara) (Entered: 10/19/2023)
10/23/2023	<u>6</u>	<b>Motion</b> for attorney Merrick Wayne to Appear Pro Hac Vice. Filing fee paid,\$120.00. Receipt #148220, filed by Plaintiff Government Accountability Project. Related document(s) <u>1</u> . (Attachments: # <u>1</u> Declaration of Merrick Wayne in Support) (R,AP) (Entered: 10/23/2023)
10/23/2023	<u>7</u>	<b>Motion</b> for attorney Stephen Stich Match to Appear Pro Hac Vice. Filing fee, paid \$120.00. Receipt #148218, filed by Plaintiff Government Accountability Project. Related document(s) <u>1</u> . (Attachments: # <u>1</u> Declaration of Stephen Stich Match in Support) (R,AP) (Entered: 10/23/2023)
10/23/2023	<u>8</u>	<b>Motion</b> for attorney Matthew Topic to Appear Pro Hac Vice. Filing fee paid, \$120.00. Receipt #148219, filed by Plaintiff Government Accountability Project. Related document(s) <u>1</u> . (Attachments: # <u>1</u> Declaration of Matthew Topic in Support) (R,AP) (Entered: 10/23/2023)
10/24/2023	<u>9</u>	<b>Order</b> granting <u>6</u> , <u>7</u> , <u>8</u> Motions for Appearance <i>Pro Hac Vice</i> by Attorneys Merrick Wayne, Stephen Stich Match, and Matthew V. Topic for Plaintiff Government Accountability Project. Local Rule 5.1(c) requires that attorneys register for NextGen CM/ECF and file and receive all documents electronically. NextGen CM/ECF registration can be done online at <a href="http://www.pacer.gov">www.pacer.gov</a> . Login with your PACER credentials, go to the Maintenance tab, click Attorney Admissions/E-File Registration, select Ohio Northern District Court and then select <i>Pro Hac Vice</i> . <b>If you were previously granted <i>pro hac vice</i> status and are already registered to file electronically,</b>

		<b>it is not necessary to register again.</b> Judge Benita Y. Pearson on 10/24/2023. (JLG) (Entered: 10/24/2023)
11/01/2023	<u>10</u>	<b>Answer to <u>1</u> Complaint</b> , filed by Environmental Protection Agency. (Lubrani, Kimberly) (Entered: 11/01/2023)
11/13/2023	<u>11</u>	<b>Case Management Conference Scheduling Order</b> with Telephonic Case Management Conference to be held on 12/18/2023 at 2:00 p.m. before Judge Benita Y. Pearson. Counsel for Plaintiff shall set up the conference call and contact Chambers directly at (330) 884-7435, with all participants on the line. The Court requires personal participation of parties at the Case Management Conference, even when the conference is telephonic. Judge Benita Y. Pearson on 11/13/2023. (Attachments: # <u>1</u> Attachment No. 1, # <u>2</u> Attachment No. 2, # <u>3</u> Attachment No. 3, # <u>4</u> Attachment No. 4, # <u>5</u> Attachment No. 5) (JLG) (Entered: 11/13/2023)
12/13/2023	<u>12</u>	Report of Parties' Planning Meeting – parties do not consent to this case being assigned to the magistrate judge, filed by Environmental Protection Agency. (Lubrani, Kimberly) (Entered: 12/13/2023)
12/18/2023		<b>Minutes of proceedings</b> [non-document] before Judge Benita Y. Pearson. Telephonic Case Management Conference held on 12/18/2023. Present were Attorney Merrick Wayne on behalf of Plaintiff; and Assistant U.S. Attorneys Kimberly L. Lubrani and Lisa Hammond Johnson on behalf of Defendant. Also present were Plaintiff's representatives Jack Kolar and Leslie Pacey; and Defendant's representative Peter Bermes. Parties discussed the nature of the claim, desired outcomes, possible defenses, and how to proceed with the case. The parties are to (1) meaningfully confer regarding the refined request made by Plaintiff and Defendant's response thereto, and (2) file a joint statement on or before 1/12/2024 informing the Court of any resolutions reached. (Court Reporter: None); Time: 45 minutes. (JLG) (Entered: 12/18/2023)
01/12/2024	<u>13</u>	Joint Status Report filed by Environmental Protection Agency. (Lubrani, Kimberly) (Entered: 01/12/2024)
07/22/2024	<u>14</u>	<b>Order</b> For the reasons set forth herein, on or before 8/5/2024, the parties are ordered to file a Notice regarding the status of the search process and whether the parties intend to continue with litigation or consider it resolved. Judge Benita Y. Pearson on 7/22/2024. (JLG) (Entered: 07/22/2024)
08/05/2024	<u>15</u>	Joint Status Report <i>Notice of Status of Case</i> filed by Government Accountability Project. (Wayne, Merrick) (Entered: 08/05/2024)
08/13/2024		<b>Order</b> [non-document] Given the parties' disagreement regarding the status of the case, a Telephonic Status Conference is scheduled for 9/4/2024 at 10:00 a.m. Counsel for Plaintiff shall set up the conference call by joining the other participants and calling the Court at (330) 884-7435. Judge Benita Y. Pearson on 8/13/2024. (JLG) (Entered: 08/13/2024)
09/04/2024		<b>Minutes of proceedings</b> [non-document] before Judge Benita Y. Pearson. Telephonic Status Conference held on 9/4/2024. Present were Attorney Merrick Wayne on behalf of Plaintiff; and Assistant U.S. Attorneys Kimberly L. Lubrani and Lisa Hammond Johnson on behalf of Defendant. Also present was Plaintiff's representative Leslie Pacey. Parties discussed the status of the case, including the EPA's continued production of documents and Plaintiff's ongoing review of the documents produced. The Court grants Plaintiff's oral motion to dismiss the case without prejudice and without objection from Defendant. (Court Reporter: None); Time: 23 Minutes. (JLG) (Entered: 09/04/2024)