

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-02920-CKK**

BARTH v. UNITED STATES DEPARTMENT OF JUSTICE et al
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 09/28/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**JOHN S. BARTH**

represented by **JOHN S. BARTH**
4311 Brazilnut Ave
Sarasota, FL 34234
(207) 608-1741
PRO SE

V.

Defendant**UNITED STATES DEPARTMENT OF JUSTICE**

represented by **Kaitlin Kerry Eckrote**
DOJ-USAO
Civil Division
601 D Street NW
Room 7.1525
Washington DC, DC 20530
202-252-2485
Email: kaitlin.eckrote@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

FEDERAL BUREAU OF INVESTIGATION
TERMINATED: 07/15/2024

represented by **Kaitlin Kerry Eckrote**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

HOMELAND SECURITY INVESTIGATIONS
TERMINATED: 07/15/2024

represented by **Kaitlin Kerry Eckrote**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/28/2023	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION, HOMELAND SECURITY INVESTIGATIONS, UNITED STATES DEPARTMENT OF JUSTICE (Filing fee \$ 402, receipt number 205679) filed by JOHN S. BARTH. (Attachments: # <u>1</u> Exhibits, # <u>2</u> Civil Cover Sheet)(zjm) (Entered: 10/04/2023)
09/28/2023		SUMMONS (4) Issued as to FEDERAL BUREAU OF INVESTIGATION, HOMELAND SECURITY INVESTIGATIONS, UNITED STATES DEPARTMENT OF JUSTICE, and U.S. Attorney. (zjm) (Entered: 10/04/2023)
09/28/2023	<u>2</u>	MOTION for CM/ECF Password by JOHN S. BARTH. (zjm) (Entered: 10/04/2023)
11/24/2023	<u>3</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 11/24/23. (DM) (Entered: 11/24/2023)

11/27/2023		<p>MINUTE ORDER denying Plaintiff's <u>2</u> Motion for CM/ECF User Name and Password. Pursuant to Local Rule of Civil Procedure a "pro se party may obtain a CM/ECF user name and password from the Clerk with leave of Court." The decision whether to grant the motion "is within the discretion of the judge to whom the case is assigned." The motion must describe the party's access to the internet and certify that he "either has successfully completed the entire Clerk's Office on-line tutorial or has been permitted to file electronically in other federal courts." LCvR 5.4(b)(2).</p> <p>Plaintiff has included the appropriate information in his <u>2</u> Motion, stating that he has regular access to the Internet and has completed the on-line tutorial. However, in the short history of this case so far, Plaintiff has demonstrated sufficient ability to file pleadings on the docket. Therefore, in an exercise of the Court's discretion, Plaintiff's <u>2</u> Motion for CM/ECF User Name and Password is DENIED WITHOUT PREJUDICE. The Clerk of Court will continue to mail copies of docket entries to Plaintiff, and, if necessary, Chambers will provide courtesy copies via email. <i>The Clerk of Court is respectfully directed to mail a copy of this minute order to Plaintiff at his address of record.</i> Signed by Judge Colleen Kollar-Kotelly on November 27, 2023. (lcckk1) (Entered: 11/27/2023)</p>
01/02/2024	<u>4</u>	Rule 4(m) Order. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff at their address of record. Signed by Judge Colleen Kollar-Kotelly on January 2, 2024. (lcckk1) (Entered: 01/02/2024)
01/02/2024		Set/Reset Deadlines: Time to effectuate service upon party due by 2/15/2024. (dot) (Entered: 01/02/2024)
01/06/2024	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 01/03/2024., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 1/3/2024; HOMELAND SECURITY INVESTIGATIONS served on 1/2/2024; UNITED STATES DEPARTMENT OF JUSTICE served on 1/3/2024, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/6/2024. (Answer due for ALL FEDERAL DEFENDANTS by 2/5/2024.) (zjm) (Entered: 01/08/2024)
01/17/2024	<u>6</u>	MOTION to Provide Summons by JOHN S. BARTH. (zjm) (Entered: 01/22/2024)
01/17/2024	<u>7</u>	REQUEST FOR SUMMONS TO ISSUE filed by JOHN S. BARTH.(zjm) (Entered: 01/22/2024)
01/18/2024	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 01/03/2024., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. HOMELAND SECURITY INVESTIGATIONS served on 1/4/2024 (zjm) (Entered: 01/22/2024)
01/22/2024		SUMMONS (1) Issued as to U.S. Attorney (zjm) (Entered: 01/22/2024)
01/23/2024		MINUTE ORDER: Upon review of the docket, it appears that the relief Plaintiff seeks in his <u>6</u> Second Motion to Issue Summons has been obtained. Summons was issued on January 22, 2024. Accordingly, the Court shall DENY AS MOOT Plaintiff's <u>6</u> Second Motion to Issue Summons. The Clerk of Court is respectfully directed to mail a copy of this minute order to Plaintiff at his address of record. Signed by Judge Colleen Kollar-Kotelly on 1/23/2024. (lcckk1) (Entered: 01/23/2024)
02/08/2024	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/31/2024. Answer due for ALL FEDERAL DEFENDANTS by 3/1/2024. (zjm) (Entered: 02/08/2024)
02/12/2024	<u>10</u>	NOTICE of Appearance by Kaitlin Kerry Eckrote on behalf of All Defendants (Eckrote, Kaitlin) (Entered: 02/12/2024)
02/12/2024	<u>11</u>	CERTIFICATE OF SERVICE by FEDERAL BUREAU OF INVESTIGATION, HOMELAND SECURITY INVESTIGATIONS, UNITED STATES DEPARTMENT OF JUSTICE . (Eckrote, Kaitlin) (Entered: 02/12/2024)

02/12/2024	<u>12</u>	NOTICE of Consent by JOHN S. BARTH (zjm) (Entered: 02/14/2024)
02/14/2024	<u>13</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by FEDERAL BUREAU OF INVESTIGATION, HOMELAND SECURITY INVESTIGATIONS, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Eckrote, Kaitlin) (Entered: 02/14/2024)
02/15/2024		MINUTE ORDER: The Court is in receipt of Defendants' <u>13</u> Consent Motion for Extension of Time to Respond. Therein, Defendants request that the Court extend the deadline to respond to Plaintiff's Complaint by thirty days. Counsel for Defendants explains that additional time is required to "discuss this matter with the relevant agency, explore whether this case may be resolved without litigation, and if not, formulate Defendants' response to" the Complaint. In light of Plaintiff's consent, and upon good cause shown, the Court shall GRANT Defendants' <u>13</u> Consent Motion for Extension of Time to Respond. Defendants shall file an answer or otherwise respond to the Complaint on or before April 1, 2024 . Signed by Judge Colleen Kollar-Kotelly on 2/15/2024. (lcckk1) (Entered: 02/15/2024)
02/15/2024		Set/Reset Deadlines: Defendants shall file an answer or otherwise respond to the Complaint on or before 4/1/2024. (dot) (Entered: 02/15/2024)
04/01/2024	<u>14</u>	MOTION to Dismiss <i>in part</i> , MOTION for Partial Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, HOMELAND SECURITY INVESTIGATIONS, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Text of Proposed Order, # <u>6</u> Certificate of Service)(Eckrote, Kaitlin) (Entered: 04/01/2024)
04/01/2024	<u>15</u>	ORDER setting briefing schedule. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff at his address of record. Signed by Judge Colleen Kollar-Kotelly on 4/1/2024. (lcckk1) (Entered: 04/01/2024)
04/01/2024		Set/Reset Deadlines: Plaintiff's Response to <u>14</u> due by 5/6/2024. Defendants' Reply due by 5/13/2024. (dot) (Entered: 04/04/2024)
04/07/2024	<u>16</u>	RESPONSE re <u>14</u> MOTION to Dismiss <i>in part</i> MOTION for Partial Summary Judgment filed by JOHN S. BARTH. (zdp) (Entered: 04/08/2024)
04/11/2024	<u>18</u>	Memorandum in opposition to re <u>14</u> Motion to Dismiss,, Motion for Partial Summary Judgment, filed by JOHN S. BARTH. (Attachment: # <u>1</u> Text of Proposed Order)(zjm) (Entered: 04/19/2024)
04/15/2024	<u>17</u>	REPLY to opposition to motion re <u>14</u> MOTION to Dismiss <i>in part</i> MOTION for Partial Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION, HOMELAND SECURITY INVESTIGATIONS, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Certificate of Service)(Eckrote, Kaitlin) (Entered: 04/15/2024)
04/30/2024	<u>19</u>	MOTION for Leave to File Surreply by JOHN S. BARTH. "LEAVE TO FILE GRANTED." signed by Judge Colleen Kollar-Kotelly on 04/30/2024 (zjm) (Entered: 04/30/2024)
04/30/2024		MINUTE ORDER: The Court is in receipt of pro se Plaintiff's <u>19</u> Motion for Leave to File A Surreply. In general, surreplies are "disfavored," and it is within the discretion of the district court to grant or deny leave to file a surreply. <i>See Crummy v. SSA</i> , 794 F. Supp. 2d 46, 62 (D.D.C. 2011). Based on a review of the parties' briefing, the Court concludes that a surreply is not warranted at this time. If, however, when ruling on the pending <u>14</u> Motion for Summary Judgment in Part or in the Alternative to Dismiss, the Court determines that a surreply would be beneficial, the Court shall request such from the parties. Accordingly, the Court shall DENY WITHOUT PREJUDICE Plaintiff's <u>19</u> Motion for Leave to File a Surreply. The Clerk of Court is respectfully directed to mail a copy of this minute order to the pro se Plaintiff at his address of record. Signed by Judge Colleen Kollar-Kotelly on 4/30/2024. (lcckk1) (Entered: 04/30/2024)
06/06/2024	<u>20</u>	MOTION for Summary Judgment by JOHN S. BARTH. (zjm) (Entered: 06/14/2024)

06/06/2024	<u>21</u>	ERRATA by JOHN S. BARTH re <u>20</u> Motion for Summary Judgment. (zjm) (Entered: 06/14/2024)
06/20/2024	<u>22</u>	MOTION to Hold in Abeyance re <u>21</u> Errata, <u>20</u> MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, HOMELAND SECURITY INVESTIGATIONS, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Eckrote, Kaitlin) (Entered: 06/20/2024)
07/15/2024	<u>23</u>	MEMORANDUM OPINION AND ORDER granting Defendants FBI and HSI's <u>14</u> Motion for Summary Judgment in Part or, in the Alternative, to Dismiss, and denying in part Plaintiff's <u>21</u> Motion for Summary Judgment as to Defendants FBI and HSI. Plaintiff's <u>21</u> Motion for Summary Judgment is denied without prejudice as to Defendant DOJ. Defendant DOJ is hereby ORDERED to file an answer or otherwise respond to the Complaint on or before July 29, 2024 . The Clerk of Court is respectfully directed to mail a copy of this Memorandum Opinion and Order to pro se Plaintiff at his address of record. Signed by Judge Colleen Kollar-Kotelly on 7/15/2024. (lcckk1) (Entered: 07/15/2024)
07/15/2024		MINUTE ORDER: In light of the Court's <u>23</u> Memorandum Opinion and Order, the <u>22</u> Order on Motion to Hold in Abeyance is hereby DENIED AS MOOT . Signed by Judge Colleen Kollar-Kotelly on 7/15/2024. (lcckk1) (Entered: 07/15/2024)
07/15/2024		Set/Reset Deadlines: Answer due by 7/29/2024. (dot) (Entered: 07/18/2024)
07/18/2024	<u>24</u>	MOTION for Reconsideration re <u>23</u> Order on Motion to Dismiss., by JOHN S. BARTH. (zjm) (Entered: 07/24/2024)
07/25/2024		MINUTE ORDER: The Court is in receipt of Plaintiff's <u>24</u> Motion for Reconsideration and Order of Compliance. The Court sets the following briefing schedule: Defendants shall file a response on or before August 8, 2024 ; Plaintiff may file a reply on or before August 22, 2024 . The Clerk of Court is respectfully directed to mail a copy of this minute order to the pro se Plaintiff at his address of record. Signed by Judge Colleen Kollar-Kotelly on 7/25/2024. (lcckk1) (Entered: 07/25/2024)
07/25/2024		Set/Reset Deadlines: Defendants' Response to <u>24</u> due by 8/8/2024. Plaintiff's Reply due by 8/22/2024. (dot) (Entered: 07/29/2024)
07/29/2024	<u>25</u>	ANSWER to <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Certificate of Service)(Eckrote, Kaitlin) (Entered: 07/29/2024)
07/29/2024	<u>26</u>	ORDER directing the parties to file a joint status report no later than August 29, 2024 . The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff at his address of record. Signed by Judge Colleen Kollar-Kotelly on 7/29/2024. (lcckk1) (Entered: 07/29/2024)
07/29/2024		Set/Reset Deadlines: Joint Meet & Confer Statement due by 8/29/2024. (dot) (Entered: 07/29/2024)
08/04/2024	<u>28</u>	RESPONSE re <u>25</u> Answer to Complaint filed by JOHN S. BARTH. (zjm) (Entered: 08/07/2024)
08/06/2024	<u>27</u>	Memorandum in opposition to re <u>24</u> Motion for Reconsideration filed by FEDERAL BUREAU OF INVESTIGATION, HOMELAND SECURITY INVESTIGATIONS, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Eckrote, Kaitlin) (Entered: 08/06/2024)
08/29/2024	<u>29</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Eckrote, Kaitlin) (Entered: 08/29/2024)
08/30/2024		MINUTE ORDER: The Court is in receipt of DOJ's <u>29</u> Status Report. Therein, DOJ explains that it hopes to produce "its first and final response" to Plaintiff's FOIA request by October 4, 2024. DOJ also proposes to file a joint status report with Plaintiff on or before November 27, 2024. The Court shall ADOPT DOJ's suggestion. The Court orders the parties to file a joint status report on or before November 27,

		2024 , updating the Court as to the status of Plaintiff's FOIA request, and, if necessary, every sixty days thereafter. Signed by Judge Colleen Kollar-Kotelly on 08/30/2024. (lcckk1) (Entered: 09/03/2024)
08/30/2024		Set/Reset Deadlines: Joint Status Report due by 11/27/2024 updating the Court as to the status of Plaintiff's FOIA request, and, if necessary, every sixty days thereafter. (dot) (Entered: 09/06/2024)