

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:23-cv-02938-CKK**

BERNSTEIN v. NATIONAL INSTITUTE OF STANDARDS  
AND TECHNOLOGY et al  
Assigned to: Judge Colleen Kollar-Kotelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/03/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****DANIEL J. BERNSTEIN**

represented by **Merrick Jason Wayne**  
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*ATTORNEY TO BE NOTICED*

**Matthew Topic**  
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V.

**Defendant****NATIONAL INSTITUTE OF  
STANDARDS AND TECHNOLOGY**

represented by **Bradley Silverman**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****U.S. DEPARTMENT OF  
COMMERCE**

represented by **Bradley Silverman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/03/2023	<u>1</u>	COMPLAINT against NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE ( Filing fee \$ 402 receipt number ADCDC-10394655) filed by DANIEL J. BERNSTEIN. (Attachments: # <u>1</u> Exhibit 1-3, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Topic, Matthew) (Entered: 10/03/2023)
10/03/2023	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of DANIEL J. BERNSTEIN (Topic, Matthew) (Entered: 10/03/2023)

10/03/2023	<u>3</u>	SEALED DOCUMENT filed by DANIEL J. BERNSTEIN(This document is SEALED and only available to authorized persons.)(Topic, Matthew) (Entered: 10/03/2023)
10/03/2023	<u>4</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of DANIEL J. BERNSTEIN (Wayne, Merrick) (Entered: 10/03/2023)
10/04/2023		Case Assigned to Judge Colleen Kollar-Kotelly. (zsl) (Entered: 10/04/2023)
10/04/2023	<u>5</u>	SUMMONS (4) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsl) (Entered: 10/04/2023)
10/31/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF COMMERCE served on 10/12/2023 (Topic, Matthew) (Entered: 10/31/2023)
10/31/2023	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/17/2023. (Topic, Matthew) (Entered: 10/31/2023)
10/31/2023	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/5/2023. Answer due for ALL FEDERAL DEFENDANTS by 11/4/2023. (Topic, Matthew) (Entered: 10/31/2023)
11/01/2023	<u>9</u>	NOTICE of Appearance by Bradley Silverman on behalf of All Defendants (Silverman, Bradley) (Entered: 11/01/2023)
11/06/2023	<u>10</u>	ANSWER to Complaint by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE.(Silverman, Bradley) (Entered: 11/06/2023)
11/07/2023	<u>11</u>	ORDER directing parties to file joint status report on or before <b>December 4, 2023</b> . Signed by Judge Colleen Kollar-Kotelly on November 6, 2023. (lcckk1) (Entered: 11/07/2023)
11/07/2023		Set/Reset Deadlines: Joint Status Report due by 12/4/2023. (dot) (Entered: 11/08/2023)
12/04/2023	<u>12</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Silverman, Bradley) (Entered: 12/04/2023)
12/04/2023	<u>13</u>	NOTICE OF RELATED CASE by All Defendants. Case related to Case No. 22-2319. (Silverman, Bradley) (Entered: 12/04/2023)
01/04/2024		MINUTE ORDER: The Court is in receipt of the parties' <u>12</u> Joint Status Report. Therein, Defendants explain that processing the records in this case will likely conclude by May 2024, with potential exceptions, and the initial production of records will likely occur that same month, with "rolling productions thereafter as consultations with other agencies complete." Accordingly, the Court <b>ADOPTS</b> the parties' suggestion in their <u>12</u> Joint Status Report. The parties shall file a joint status report on or before <b>April 1, 2024</b> , and, if necessary, every sixty days thereafter. Signed by Judge Colleen Kollar-Kotelly on January 4, 2024. (lcckk1) (Entered: 01/04/2024)
01/04/2024		Set/Reset Deadlines: Joint Status Report due by 4/1/2024, and, if necessary, every sixty days thereafter. (dot) (Entered: 01/04/2024)
04/01/2024	<u>14</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Silverman, Bradley) (Entered: 04/01/2024)
04/01/2024		MINUTE ORDER: The Court is in receipt of the parties' <u>14</u> Joint Status Report. Therein, Defendant explains that it expects to complete the processing of <i>Bernstein I</i> by May 2024, with productions in this case beginning in late June 2024. As such, the parties propose filing another joint status report by July 31, 2024. The Court shall <b>ADOPT</b> the parties' suggestion. The parties shall file a joint status report on or before <b>July 31, 2024</b> , and, if necessary, every sixty days thereafter. Signed by Judge Colleen Kollar-Kotelly on 4/1/2024. (lcckk1) (Entered: 04/01/2024)

04/01/2024		Set/Reset Deadlines: Joint Status Report due by 7/31/2024, and, if necessary, every sixty days thereafter.(dot) (Entered: 04/01/2024)
07/31/2024	<u>15</u>	Joint STATUS REPORT by NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE. (Silverman, Bradley) (Entered: 07/31/2024)