

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-03302-CKK**

PROTECT THE PUBLIC'S TRUST v. FEDERAL BUREAU
OF INVESTIGATION
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 11/03/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

PROTECT THE PUBLIC'S TRUST
doing business as
Government Oversight and Education,
Inc.

represented by **Gary Lawkowski**
DHILLON LAW GROUP, INC..
2121 Eisenhower Avenue
Suite 608
Alexandria, VA 22314
703-574-1654
Email: glawkowski@dhillonlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Stephen DeGenaro**
601 D Street NW
Washington, DC 20530
202-252-7229
Email: Stephen.DeGenaro@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/03/2023	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 402 receipt number ADCDC-10470412) filed by PROTECT THE PUBLIC'S TRUST. (Attachments: # <u>1</u> Exhibit Exhibit A – FOIA 1585922, # <u>2</u> Exhibit Exhibit B – 1585922 Initial Determination, # <u>3</u> Exhibit Exhibit C – Appeal of 158922, # <u>4</u> Exhibit Exhibit D – FOIA 1585928, # <u>5</u> Exhibit Exhibit E – 1585928 Initial Determination, # <u>6</u> Exhibit Exhibit F – Appeal of 1585928, # <u>7</u> Exhibit Exhibit G – Denial of Appeal 1585928, # <u>8</u> Exhibit Exhibit H – FOIA 1585931, # <u>9</u> Exhibit Exhibit I – 1585931 Initial Determination, # <u>10</u> Exhibit Exhibit J – Appeal 1585931, # <u>11</u> Exhibit Exhibit K – Denial of Appeal 1585931, # <u>12</u> Exhibit Exhibit L – FOIA 1585935, # <u>13</u> Exhibit Exhibit M – 1585935 Initial Determination, # <u>14</u> Exhibit Exhibit N – Appeal 1585935, # <u>15</u> Exhibit Exhibit O – FOIA 1585937, # <u>16</u> Exhibit Exhibit P – 1585937 Initial Determination, # <u>17</u> Exhibit Exhibit Q – Appeal 1585937, # <u>18</u> Exhibit Exhibit R – Denial of Appeal 1585937, # <u>19</u> Exhibit Exhibit S – FOIA 1585938, # <u>20</u> Exhibit Exhibit T – 1585938 Initial Denial, # <u>21</u> Exhibit Exhibit U – Appeal 1585938, # <u>22</u> Exhibit Exhibit V – Denial of Appeal 1585938, # <u>23</u> Civil Cover Sheet Civil Cover Sheet, # <u>24</u> Summons Summons US Attorney's Office, # <u>25</u> Summons Summons – Attorney General, # <u>26</u> Summons Summons – FBI)(Lawkowski, Gary) (Entered: 11/03/2023)
11/03/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PROTECT THE PUBLIC'S TRUST (Lawkowski, Gary) (Entered: 11/03/2023)
11/06/2023		Case Assigned to Judge Colleen Kollar-Kotelly. (zcb) (Entered: 11/06/2023)
11/06/2023	<u>3</u>	SUMMONS (3) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 11/06/2023)

11/06/2023	<u>4</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR–KOTELLY. Signed by Judge Colleen Kollar–Kotelly on 11/6/23. (DM) (Entered: 11/06/2023)
12/20/2023	<u>5</u>	NOTICE of Appearance by Stephen DeGenaro on behalf of FEDERAL BUREAU OF INVESTIGATION (DeGenaro, Stephen) (Entered: 12/20/2023)
12/20/2023	<u>6</u>	Unopposed MOTION for Extension of Time to <i>Respond to the Complaint</i> by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 12/20/2023)
12/21/2023		MINUTE ORDER: The Court is in receipt of Defendant's <u>6</u> Unopposed Motion for Extension of Time to Respond. Defendant requests for a 30–day extension to respond to the complaint, setting the new deadline for January 26, 2024. Defendant explains that the U.S. Attorney's Office has experienced an increase in case volume, which has overwhelmed the Office's "already swollen civil intake, triage, and assignment queues," and "delay[s] certain case assignments to Assistant U.S. Attorneys and initial coordination efforts with agency clients, including in this case." As a result, counsel for Defendant "requires a reasonable period of additional time to discuss this matter with the relevant agency," and explore whether the matter can be resolved without further litigation. As Plaintiff consents, and upon good cause shown, the Court shall GRANT Defendant's <u>6</u> Unopposed Motion for Extension of Time to Respond. Defendant shall file an answer or otherwise respond to the complaint on or before January 26, 2024 . Signed by Judge Colleen Kollar–Kotelly on December 21, 2023. (lcckk1) (Entered: 12/21/2023)
12/21/2023		Set/Reset Deadlines: Defendant shall file an answer or otherwise respond to the complaint on or before by 1/26/2024. (dot) (Entered: 12/22/2023)
01/26/2024	<u>7</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION.(DeGenaro, Stephen) (Entered: 01/26/2024)
01/26/2024	<u>8</u>	ORDER requiring briefing schedule no later than March 1, 2024 . See Order for more details. Signed by Judge Colleen Kollar–Kotelly on 1/26/2024. (lcckk1) (Entered: 01/26/2024)
01/26/2024		Set/Reset Deadlines: Joint Meet & Confer Statement due by 3/1/2024. (dot) (Entered: 01/31/2024)
03/01/2024	<u>9</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 03/01/2024)
03/01/2024	<u>10</u>	SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar–Kotelly on 3/1/2024. (lcckk1) (Entered: 03/01/2024)
03/01/2024		Set/Reset Deadlines: Defendant's Summary Judgment Motion due by 3/5/2024. Response to Motion for Summary Judgment due by 6/3/2024. Reply to Motion for Summary Judgment due by 7/3/2024. Plaintiff's Cross Motion for Summary Judgment due by 6/3/2024. Response to Cross Motion for Summary Judgment due by 7/3/2024. Reply to Cross Motion for Summary Judgment due by 8/2/2024. (dot) (Entered: 03/01/2024)
05/03/2024	<u>11</u>	WITHDRAWN PURSUANT TO THE MINUTE ORDER FILED ON 8/23/2024..... MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Michael Seidel, # <u>4</u> Text of Proposed Order)(DeGenaro, Stephen) Modified on 8/23/2024 (zbn). (Entered: 05/03/2024)
06/03/2024	<u>12</u>	WITHDRAWN PURSUANT TO THE MINUTE ORDER FILED ON 8/23/2024.....Cross MOTION for Summary Judgment by PROTECT THE PUBLIC'S TRUST. (Attachments: # <u>1</u> Memorandum in Support Statement of Points and Authorities, # <u>2</u> Statement of Facts Plaintiff's Statement of Facts, # <u>3</u> Statement of Facts Response to Defendant's Statement of Facts, # <u>4</u> Exhibit Exhibit A – Taibbi Testimony, # <u>5</u> Exhibit Exhibit B– Excerpt of Taibbi Amicus Brief, # <u>6</u> Exhibit Exhibit C – Twitter, an FBI Subsidiary, # <u>7</u> Exhibit Exhibit D – Twitter Files Tweets, # <u>8</u> Exhibit Exhibit E – Chan Deposition Excerpts, # <u>9</u> Exhibit Exhibit F – Wray Testimony Excerpt, # <u>10</u> Exhibit Exhibit G – Application for Stay, # <u>11</u> Exhibit Exhibit H – Roth FEC Deposition, # <u>12</u> Exhibit Exhibit I – Roth Testimony, # <u>13</u>

		Exhibit Exhibit J – Judiciary Complaint Against Chan, # <u>14</u> Text of Proposed Order Proposed Order)(Lawkowski, Gary) Modified on 8/23/2024 (zbn). (Entered: 06/03/2024)
06/03/2024	<u>13</u>	RESPONSE re <u>11</u> MOTION for Summary Judgment filed by PROTECT THE PUBLIC'S TRUST. (Attachments: # <u>1</u> Memorandum in Support Statement and Points and Authority, # <u>2</u> Statement of Facts Plaintiff's Statement of Facts, # <u>3</u> Statement of Facts Response to Defendant's Statement of Facts, # <u>4</u> Exhibit Exhibit A – Taibbi Testimony, # <u>5</u> Exhibit Exhibit B – Excerpt of Taibbi Amicus Brief, # <u>6</u> Exhibit Exhibit C – Twitter, an FBI Subsidiary, # <u>7</u> Exhibit Exhibit D – Twitter Files Tweets, # <u>8</u> Exhibit Exhibit E – Chan Deposition Excerpts, # <u>9</u> Exhibit Exhibit F – Wray Testimony Excerpt, # <u>10</u> Exhibit Exhibit G – Application for Stay, # <u>11</u> Exhibit Exhibit H – Roth FEC Deposition, # <u>12</u> Exhibit Exhibit I – Roth Testimony, # <u>13</u> Exhibit Exhibit J – Judiciary Complaint Against Chan, # <u>14</u> Text of Proposed Order Proposed Order)(Lawkowski, Gary) (Entered: 06/03/2024)
06/25/2024	<u>14</u>	MOTION for Extension of Time to <i>the Briefing Schedule</i> by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 06/25/2024)
06/26/2024		MINUTE ORDER: The Court is in receipt of Defendant's <u>14</u> Unopposed Motion for Extension of the Briefing Schedule. Therein, Defendant explains that it requires additional time to research and address the numerous issues raised in Plaintiff's cross-motion for summary judgment. The Court's current briefing schedule would require Defendant to file its combined reply and response by July 3, 2024, with Plaintiff filing its reply no later than August 2, 2024. Defendant requests a one-month extension to provide it sufficient time to review and address Plaintiff's cross-motion. Although Plaintiff consents to only a two-week extension of time, Defendant explains that counsel will be out of the office from July 5, 2024 through July 12, 2024, and therefore will not have sufficient time to complete the combined reply and response brief. As such, upon good cause shown, the Court GRANTS Defendant's <u>14</u> Unopposed Motion for Extension of the Briefing Schedule. Defendant shall file its combined reply and response brief on or before August 2, 2024 ; Plaintiff shall file a reply on or before September 2, 2024 . Signed by Judge Colleen Kollar-Kotelly on 6/26/2024. (lcckk1) (Entered: 06/26/2024)
06/26/2024		Set/Reset Deadlines: Defendant's Reply to Motion for Summary Judgment due by 8/2/2024. Defendant's Response to Cross Motion due by 8/2/2024. Plaintiff's Reply to Cross Motions due by 9/2/2024. (dot) (Entered: 07/18/2024)
07/26/2024	<u>15</u>	Consent MOTION to Vacate <i>Briefing Schedule</i> by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 07/26/2024)
07/29/2024		MINUTE ORDER: The Court is in receipt of Defendant's <u>15</u> Consent Motion to Vacate Briefing Schedule. Therein, Defendant explains that it "will make a discretionary decision to withdraw its Glomar response," and therefore the remainder of the motions for summary judgment briefing schedule may be vacated by this Court. Defendant further requests that the parties submit a joint status report by August 22, 2024, to inform the Court of the status of its records processing and to suggest further proceedings. In light of Plaintiff's consent, and upon good cause shown, the Court shall GRANT Defendant's <u>15</u> Consent Motion to Vacate Briefing Schedule. The briefing schedule set in the Court's June 26, 2024 Minute Order is hereby VACATED . The Court directs the parties to file a joint status report on or before August 22, 2024 , updating the Court as to the status of Defendant's processing of records. Therein, the parties shall also confirm if they are withdrawing the pending motions for summary judgment, as the motions focus on Defendant's Glomar response. Signed by Judge Colleen Kollar-Kotelly on 7/29/2024. (lcckk1) (Entered: 07/29/2024)
07/29/2024		Set/Reset Deadlines: Joint Status Report due by 8/22/2024, updating the Court as to the status of Defendant's processing of records. (dot) (Entered: 07/29/2024)
08/22/2024	<u>16</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(DeGenaro, Stephen) (Entered: 08/22/2024)

08/23/2024	<p>MINUTE ORDER: The Court is in receipt of the parties' <u>16</u> Joint Status Report. Therein, Defendant explains that the search process for potentially responsive records remains ongoing, but anticipates that the search will be complete in the coming weeks. The parties propose filing another joint status report on or before October 21, 2024, updating the Court as to the status of Plaintiff's FOIA request. The Court shall ADOPT the parties' suggestion. The Court orders the parties to file a joint status report on or before October 21, 2024, and, if necessary, every sixty days thereafter.</p> <p>Additionally, the Clerk of Court is respectfully directed to withdraw the pending <u>11</u> Motion for Summary Judgment and <u>12</u> Cross-Motion for Summary Judgment, as requested by the parties in the <u>16</u> Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on 8/23/2024. (lcckk1) (Entered: 08/23/2024)</p>
08/23/2024	<p>Set/Reset Deadlines: Joint Status Report due by 10/21/2024.(znbn) (Entered: 08/23/2024)</p>