

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:23-cv-02251-AJB-DEB**

Voice of San Diego et al v. U.S. International Boundary and
Water Commission et al
Assigned to: Judge Anthony J. Battaglia
Referred to: Magistrate Judge Daniel E. Butcher
Cause: 05:0552fi Freedom of Information Act

Date Filed: 12/08/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Voice of San Diego

represented by **Thomas Rohlfs Burke**
Davis Wright Tremaine LLP
50 California Street
Ste 23rd Floor
San Francisco, CA 94111
415-276-6500
Fax: 415-276-6599
Email: thomasburke@dwt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Zoe Nicole McKinney
ACLU of San Diego & Imperial Counties
P.O. Box 87131
San Diego, CA 92138-7131
619-232-2121
Fax: 619-232-0036
Email: zmckinney@aclusandiego.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Mackenzie Elmer

represented by **Thomas Rohlfs Burke**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Zoe Nicole McKinney
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. International Boundary and
Water Commission**

represented by **U S Attorney CV**
U S Attorneys Office Southern District of
California
Civil Division
880 Front Street
Suite 6253
San Diego, CA 92101
(619)557-5662
Fax: (619)557-7122
Email: Efile.dkt.civ@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Juliet Keene

Office of the United States Attorney
880 Front St.
Room 6293
San Diego, CA 92101
619-546-6768
Email: juliet.keene@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Department of State
TERMINATED: 02/05/2024

represented by **U S Attorney CV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/08/2023	<u>1</u>	COMPLAINT against U.S. Department of State, U.S. International Boundary and Water Commission (Filing fee \$ 405 receipt number ACASDC-18409733.), filed by Voice of San Diego, Mackenzie Elmer. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:23-cv-2251-AJB-DEB. Judge Anthony J. Battaglia and Magistrate Judge Daniel E. Butcher are assigned to the case. (Thomas R. Burke)(rx) (anh). (Entered: 12/08/2023)
12/08/2023	<u>2</u>	NOTICE of Party With Financial Interest by Mackenzie Elmer, Voice of San Diego. No Parties With Financial Interest. (rx) (anh). (Entered: 12/08/2023)
12/08/2023	<u>3</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (rx) (anh). (Entered: 12/08/2023)
12/14/2023	<u>4</u>	SUMMONS Returned Executed by Voice of San Diego, Mackenzie Elmer. All Defendants served. (Burke, Thomas) (jms). (Entered: 12/14/2023)
01/03/2024	<u>5</u>	Joint MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. International Boundary and Water Commission. (Keene, Juliet)Attorney Juliet Keene added to party U.S. International Boundary and Water Commission(pty:dft) (maq). (Entered: 01/03/2024)
01/04/2024	<u>6</u>	ORDER Granting Joint Motion to Extend Time to Respond to Complaint. Signed by Judge Anthony J. Battaglia on 1/4/2024. (maq) (Entered: 01/04/2024)
02/02/2024	<u>7</u>	Joint MOTION to Dismiss Defendant US Department of State without Prejudice, by U.S. International Boundary and Water Commission. (Keene, Juliet) (maq). (Entered: 02/02/2024)
02/05/2024	<u>8</u>	ORDER GRANTING Joint Motion to Dismiss Defendant U.S. Department of State without Prejudice. Signed by Judge Anthony J. Battaglia on 2/5/2024. (maq) (Entered: 02/05/2024)
02/12/2024	<u>9</u>	ANSWER to <u>1</u> Complaint and Affirmative Defenses by U.S. International Boundary and Water Commission. (Keene, Juliet) (maq). (Entered: 02/12/2024)
02/13/2024	<u>10</u>	NOTICE AND ORDER for Early Neutral Evaluation Conference Early Neutral Evaluation & Case Management Conference set for 4/3/2024 09:30 AM before Magistrate Judge Daniel E. Butcher. Joint Discovery Plan due 3/27/2024. Signed by Magistrate Judge Daniel E. Butcher on 2/13/2024. (maq) (Entered: 02/13/2024)
03/08/2024	<u>11</u>	Joint MOTION to Vacate Rule 26 Discovery Requirements and Deadline for Joint Discovery Plan by U.S. International Boundary and Water Commission. (Keene, Juliet) (maq). (Entered: 03/08/2024)
03/12/2024	<u>12</u>	ORDER. The Court GRANTS the parties' Joint Motion to Vacate Rule 26 Discovery Requirements and Deadline for Joint Discovery Plan (Dkt. No. <u>11</u>). The parties must

		include a proposed briefing schedule for their motions for summary judgment in their ENE briefs. Signed by Magistrate Judge Daniel E. Butcher on 3/12/2024. (no document attached) (rxa) (Entered: 03/12/2024)
03/19/2024	13	<u>ORDER</u> . Due to a conflict in the Court's calendar, the Early Neutral Evaluation and Case Management Conference are rescheduled for 5/2/2024 at 9:30 AM before Magistrate Judge Daniel E. Butcher. The parties must submit their ENE briefs to efile_butcher@casd.uscourts.gov on or before 4/25/2024 . All other guidelines and requirements remain as previously set. <i>See</i> Dkt. Nos. 10, 12. Signed by Magistrate Judge Daniel E. Butcher on 3/19/2024. (no document attached) (rxa) (Entered: 03/19/2024)
05/02/2024	14	<u>Minute Entry for proceedings held before Magistrate Judge Daniel E. Butcher and Order</u> . The Court held an Early Neutral Evaluation Conference ("ENE") on 5/2/2024. The Court sets a follow-up ENE for 6/17/2024 at 2:00 PM before Magistrate Judge Daniel E. Butcher. The Court will circulate the Zoom invitation closer to the continued session. The parties must submit a Joint Status Report to efile_butcher@casd.uscourts.gov on or before COB on 6/12/2024 . (Plaintiffs' Attorney Alexandra Cadena, Zoe Nicole McKinney). (Defendant's Attorney Juliet Keene). (no document attached) (rxa) (Entered: 05/02/2024)
06/17/2024	15	<u>Minute Entry for proceedings held before Magistrate Judge Daniel E. Butcher and Order</u> . The Court held an Early Neutral Evaluation Conference ("ENE") on 6/17/2024. The Court sets a follow-up ENE for 8/14/2024 at 9:30 AM before Magistrate Judge Daniel E. Butcher. The Court will circulate the Zoom invitation closer to the continued session. The parties must submit a Joint Status Report to efile_butcher@casd.uscourts.gov on or before COB on 8/9/2024 . (Plaintiffs' Attorney Alexandra Cadena). (Defendant's Attorney Juliet Keene). (no document attached) (rxa) (Entered: 06/17/2024)
08/14/2024	16	<u>Minute Entry for proceedings held before Magistrate Judge Daniel E. Butcher and Order</u> . The Court held an Early Neutral Evaluation conference on 8/14/2024. The parties have reached a settlement in principle. If any issues emerge that the parties cannot resolve, the parties are directed to jointly contact the undersigned's Chambers to schedule a status conference. The Court sets a Settlement Disposition Conference ("SDC") for 10/21/2024 at 9:30 AM before Magistrate Judge Daniel E. Butcher. To join the SDC, counsel must call the Court's teleconference line at 1-888-398-2342, enter access code 83-89-272, and press * to bypass the security code prompt. The Court will vacate the SDC if the parties file a joint motion for dismissal with the Court and separately e-mail a proposed order for dismissal to the district judge's e-mail address. IT IS SO ORDERED . (Plaintiff Attorney Alexandra Cadena). (Defendant Attorney Juliet Keene). (no document attached) (rxa) (Entered: 08/14/2024)