

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:23-cv-01421-MN**

Heritage Foundation et al v. Weiss et al
Assigned to: Judge Maryellen Noreika
Related Cases: [1:23-cv-00955-MN](#)
[1:24-cv-00053-MN](#)
Cause: 05:552 Freedom of Information Act

Date Filed: 12/11/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Heritage Foundation

represented by **Julianne Elizabeth Murray**
Law Offices of Murray Phillips & Gay
215 E. Market Street
Georgetown, DE 19947
302-855-9300
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Email: julie@murrayphillipslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Mike Howell

represented by **Julianne Elizabeth Murray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

David C. Weiss
*in his official capacity as United States
Attorney for the District of Delaware*

represented by **Michael Patrick Clendenen**
DOJ-Civ
Civil Division, Federal Programs Branch
1100 L Street NW
Ste 12028
Washington, DC 20005
202-532-5747
Email: michael.p.clendenen@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

U.S. Department of Justice

represented by **Michael Patrick Clendenen**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/11/2023	<u>1</u>	COMPLAINT filed against U.S. Department of Justice, David C. Weiss (Filing fee \$ 405, receipt number ADEDC-4292302.) – filed by Heritage Foundation, Mike Howell. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Civil Cover Sheet)(mpb) (Entered: 12/12/2023)
12/11/2023	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (mpb) (Entered: 12/12/2023)
12/11/2023		DEFICIENCY NOTICE issued by the Court to Plaintiff: Pursuant to Fed. R. Civ. P. 7.1 (b)(1), A party must: (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. Counsel is

		requested to supplement the docket with an appropriate Rule 7.1 Disclosure Statement. (mpb) (Entered: 12/12/2023)
12/11/2023	<u>3</u>	Summons Issued as to U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Summons Issued)(mpb) (Entered: 12/12/2023)
12/13/2023		Case Assigned to Judge Maryellen Noreika. Please include the initials of the Judge (MN) after the case number on all documents filed. (rjb) (Entered: 12/13/2023)
12/23/2023	<u>4</u>	Disclosure Statement pursuant to Rule 7.1: No Parents or Affiliates Listed filed by Heritage Foundation, Mike Howell. (Murray, Julianne) (Entered: 12/23/2023)
01/15/2024	<u>5</u>	Pro Hac Vice Fee – Credit Card Payment received for Samuel Everett Dewey. (Payment of \$ 50, receipt number ADEDC-4314618).(Murray, Julianne) (Entered: 01/15/2024)
01/15/2024	<u>6</u>	MOTION for Pro Hac Vice Appearance of Attorney Samuel Everett Dewey – filed by Heritage Foundation, Mike Howell. (Murray, Julianne) (Entered: 01/15/2024)
01/15/2024	<u>7</u>	Return of Service Executed by Heritage Foundation, Mike Howell. U.S. Department of Justice served on 1/5/2024, answer due 1/26/2024. (Murray, Julianne) (Entered: 01/15/2024)
01/15/2024	<u>8</u>	Return of Service Executed by Heritage Foundation, Mike Howell. David C. Weiss served on 1/9/2024, answer due 1/30/2024. (Murray, Julianne) (Entered: 01/15/2024)
01/16/2024		SO ORDERED re <u>6</u> MOTION for Pro Hac Vice Appearance of Attorney Samuel Everett Dewey filed by Heritage Foundation, Mike Howell. ORDERED by Judge Maryellen Noreika on 1/16/2024. (dlw) (Entered: 01/16/2024)
02/08/2024	<u>9</u>	NOTICE of Appearance by Michael Patrick Clendenen on behalf of U.S. Department of Justice, David C. Weiss (Clendenen, Michael) (Entered: 02/08/2024)
02/08/2024	<u>10</u>	ANSWER to <u>1</u> Complaint,, by U.S. Department of Justice, David C. Weiss.(Clendenen, Michael) (Entered: 02/08/2024)
02/12/2024	<u>11</u>	ORAL ORDER – IT IS HEREBY ORDERED that the parties shall confer regarding proposed dates in the scheduling order and shall submit a proposed order, including a proposal for the length and timing of trial, to the Court no later than thirty (30) days from the date of this Order. The parties are to use the Court's form scheduling order, which is posted at http://www.ded.uscourts.gov (see Chambers, Judge Noreika, Forms). If there are disputes or issues that the Court needs to address in the proposed scheduling order, the parties shall direct the Court to the paragraph numbers in which those appear in a cover letter to the Court. ORDERED by Judge Maryellen Noreika on 2/12/2024. (dlw) (Entered: 02/12/2024)
03/13/2024	<u>12</u>	Joint RESPONSE to Order re 11 Oral Order,, filed by U.S. Department of Justice, David C. Weiss. (Attachments: # <u>1</u> Text of Proposed Order)(Clendenen, Michael) (Entered: 03/13/2024)
03/14/2024	<u>13</u>	ORAL ORDER re <u>12</u> Response to Order – IT IS HEREBY ORDERED that the parties' joint request to file joint status report no later than 4/12/2024 is GRANTED. ORDERED by Judge Maryellen Noreika on 3/14/2024. (dlw) (Entered: 03/14/2024)
04/12/2024	<u>14</u>	Joint STATUS REPORT by U.S. Department of Justice, David C. Weiss. (Attachments: # <u>1</u> Text of Proposed Order)(Clendenen, Michael) (Entered: 04/12/2024)
04/17/2024	<u>15</u>	ORDER – IT IS HEREBY ORDERED that the following schedule shall govern summary judgment briefing in this matter: Opening Brief due 5/17/2024. Answering Brief/Cross Motion due 6/14/2024. Reply Brief/Opposition to Cross Motion due 7/12/2024. Surreply in support of Cross Motion due 8/9/2024. Signed by Judge Maryellen Noreika on 4/17/2024. (dlw) (Entered: 04/17/2024)
05/15/2024	<u>16</u>	Unopposed MOTION for Extension of Time to Move for Summary Judgment – filed by U.S. Department of Justice, David C. Weiss. (Attachments: # <u>1</u> Text of Proposed Order)(Clendenen, Michael) Modified on 5/15/2024 (dlw). (Entered: 05/15/2024)

05/15/2024		SO ORDERED re <u>16</u> Unopposed MOTION for Extension of Time to Move for Summary Judgment (Set Briefing Schedule – Opening Brief due 5/24/2024. Answering Brief/Cross Motion due 6/21/2024. Reply Brief/Opposition to Cross Motion due 7/19/2024. Surreply in support of Cross Motion due by 8/16/2024). ORDERED by Judge Maryellen Noreika on 5/15/2024. (dlw) (Entered: 05/15/2024)
05/24/2024	<u>17</u>	MOTION for Summary Judgment – filed by U.S. Department of Justice, David C. Weiss. (Attachments: # <u>1</u> Exhibit Declaration of Kara Cain)(Clendenen, Michael) (Entered: 05/24/2024)
06/14/2024	<u>18</u>	ANSWERING BRIEF in Opposition re <u>17</u> MOTION for Summary Judgment and Cross Motion for Summary Judgment filed by Heritage Foundation, Mike Howell. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 5, # <u>5</u> Exhibit 6, # <u>6</u> Exhibit 7, # <u>7</u> Declaration of Julianne E. Murray)(Murray, Julianne) Modified on 6/14/2024 (dlw). (Entered: 06/14/2024)
07/19/2024	<u>19</u>	REPLY to Response to Motion re <u>17</u> MOTION for Summary Judgment and Response in Opposition to Cross–Motion for Summary Judgment filed by U.S. Department of Justice, David C. Weiss. (Attachments: # <u>1</u> Affidavit Declaration of Michael P. Clendenen)(Clendenen, Michael) Modified on 7/19/2024 (dlw). (Entered: 07/19/2024)
08/16/2024	<u>20</u>	SUR–REPLY BRIEF re <u>17</u> MOTION for Summary Judgment filed by Heritage Foundation, Mike Howell. (Murray, Julianne) (Entered: 08/16/2024)