

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:24-cv-00200-RBW**

HERITAGE FOUNDATION et al v. U.S. DEPARTMENT OF JUSTICE
Assigned to: Judge Reggie B. Walton
Cause: 05:552 Freedom of Information Act

Date Filed: 01/23/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

HERITAGE FOUNDATION

represented by **Eric Neal Cornett**
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Plaintiff

MIKE HOWELL

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Samuel Everett Dewey
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V.

Defendant

U.S. DEPARTMENT OF JUSTICE

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Date Filed	#	Docket Text
01/23/2024	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE with Jury Demand (Filing fee \$ 405 receipt number ADCDC-10639699) filed by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Exhibit 1, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> Exhibit 4, # <u>9</u> Exhibit 5, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9, # <u>14</u> Exhibit 10, # <u>15</u> Exhibit 11, # <u>16</u> Exhibit 12, # <u>17</u> Exhibit 13, # <u>18</u> Exhibit 14)(Dewey, Samuel) (Entered: 01/23/2024)
01/23/2024	<u>2</u>	NOTICE OF RELATED CASE by HERITAGE FOUNDATION, MIKE HOWELL. Case related to Case No. 23-cv-1854. (Dewey, Samuel) (Entered: 01/23/2024)
01/25/2024		Case Assigned to Judge Dabney L. Friedrich. (zcb) (Entered: 01/25/2024)
01/25/2024	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 01/25/2024)
01/25/2024	<u>4</u>	STANDARD ORDER for Civil Cases. See text for details. Signed by Judge Dabney L. Friedrich on January 25, 2024. (lcldf2) (Entered: 01/25/2024)
01/31/2024	<u>5</u>	NOTICE of Appearance by Jason C. Lynch on behalf of U.S. DEPARTMENT OF JUSTICE (Lynch, Jason) (Entered: 01/31/2024)
01/31/2024	<u>6</u>	NOTICE of Objection Under Local Civil Rule 40.5(b)(2) to Plaintiffs' <u>2</u> Notice of Designation of Related Civil Cases by U.S. DEPARTMENT OF JUSTICE (Lynch, Jason) (Entered: 01/31/2024)
01/31/2024		MINUTE ORDER. The plaintiffs are directed to file a response not to exceed 5 pages to the defendant's <u>6</u> Objection to Plaintiffs' Related-Case Designation on or before February 7, 2024. So Ordered by Judge Dabney L. Friedrich on January 31, 2024. (lcldf2) (Entered: 01/31/2024)
02/01/2024	<u>7</u>	NOTICE of Appearance by Eric Neal Cornett on behalf of HERITAGE FOUNDATION, MIKE HOWELL (Cornett, Eric) (Entered: 02/01/2024)
02/07/2024	<u>8</u>	RESPONSE re <u>6</u> Notice (Other) filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 02/07/2024)
02/13/2024	<u>9</u>	ORDER regarding the plaintiffs' <u>2</u> Notice of Designation of Related Civil Cases. Upon consideration of the parties' submissions, the Court concludes that this case is not related to <i>Heritage Foundation v. U.S. Department of Justice</i> , 23-cv-1854, under Local Rule 40.5(a)(3). The Clerk of Court is directed to transfer this case to the Calendar and Case Management Committee under Local Rule 40.5(c)(1) for further proceedings. See text for details. Signed by Judge Dabney L. Friedrich on February 13, 2024. (lcldf2) (Entered: 02/13/2024)
02/14/2024		Case randomly reassigned to Judge Reggie B. Walton as the case is not related to an earlier filed case. Judge Dabney L. Friedrich is no longer assigned to the case. (rj) (Entered: 02/14/2024)
02/26/2024	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Lynch, Jason) (Entered: 02/26/2024)
03/08/2024	<u>11</u>	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on March 8, 2024. (lcrbw1) (Entered: 03/08/2024)
03/08/2024		MINUTE ORDER. To ensure the expeditious resolution of this action, and because this qualifies as an exempted case under Local Civil Rule 16.3(b), it is hereby ORDERED that, on or before April 8, 2024, the parties shall file a joint proposed briefing schedule governing further proceedings. Signed by Judge Reggie B. Walton

		on March 8, 2024. (lcrbw1) (Entered: 03/08/2024)
04/08/2024	<u>12</u>	Joint STATUS REPORT <i>and Proposal for Further Proceedings</i> by U.S. DEPARTMENT OF JUSTICE. (Lynch, Jason) (Entered: 04/08/2024)
04/11/2024		MINUTE ORDER. Upon consideration of the parties' <u>12</u> Joint Status Report and Proposal for Further Proceedings, and for good cause shown, it is hereby ORDERED that, on or before April 29, 2024, the parties shall submit a joint status report regarding how they wish to proceed in this case. Signed by Judge Reggie B. Walton on April 11, 2024. (lcrbw1) (Entered: 04/11/2024)
04/26/2024	<u>13</u>	Joint STATUS REPORT <i>and Proposal for Further Proceedings</i> by U.S. DEPARTMENT OF JUSTICE. (Lynch, Jason) (Entered: 04/26/2024)
05/10/2024	<u>14</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before June 14, 2024, the defendant shall file its motion for summary judgment. It is further ORDERED that, on or before July 5, 2024, the plaintiffs shall file their combined opposition to the defendant's motion and cross-motion for summary judgment. It is further ORDERED that, on or before July 26, 2024, the defendant shall file its combined reply in support of its motion and opposition to the plaintiffs' cross-motion. It is further ORDERED that, on or before August 9, 2024, the plaintiffs shall file a reply in support of their cross-motion. It is further ORDERED that the parties shall appear before the Court for a status conference on December 6, 2024, at 9:00 a.m., which will serve as a target date for the resolution of the parties' summary judgment motions. Signed by Judge Reggie B. Walton on May 10, 2024. (lcrbw1) (Entered: 05/10/2024)
06/11/2024	<u>15</u>	MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Lynch, Jason) (Entered: 06/11/2024)
06/11/2024	<u>16</u>	NOTICE of Appearance by Max Taylor Matheu on behalf of All Plaintiffs (Matheu, Max) (Main Document 16 replaced on 6/12/2024) (znmw). (Entered: 06/11/2024)
06/12/2024	<u>17</u>	ENTERED IN ERROR.....Memorandum in opposition to re <u>15</u> Motion for Extension of Time to filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) Modified on 6/13/2024; refiled as docket entry <u>18</u> (znmw). (Entered: 06/12/2024)
06/12/2024	<u>18</u>	Memorandum in opposition to re <u>15</u> Motion for Extension of Time to filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 06/12/2024)
06/12/2024	<u>19</u>	DECLARATION of <i>Max Taylor Matheu</i> by HERITAGE FOUNDATION, MIKE HOWELL re <u>18</u> Memorandum in Opposition. (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)(Dewey, Samuel) (Entered: 06/12/2024)
06/12/2024	<u>21</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that the defendant's <u>15</u> Motion for Two-Week Extension of Time to Move for Summary Judgment, and Motion to File Ex Parte Declaration in Support is GRANTED. It is further ORDERED that the defendant's ex parte declaration is ACCEPTED AS FILED and the Clerk of the Court shall forthwith file the declaration on the docket under seal. It is further ORDERED that, on or before June 21, 2024, the defendant shall file a redacted copy of its ex parte declaration on the public docket, redacting only the information that should be shielded from public view. It is further ORDERED that, on or before June 28, 2024, the defendant shall file its motion for summary judgment. It is further ORDERED that, on or before July 29, 2024, the plaintiffs shall file their combined opposition to the defendant's motion and cross-motion for summary judgment. It is further ORDERED that, on or before August 9, 2024, the defendant shall file its combined reply in support of its motion and opposition to the plaintiffs' cross-motion. It is further ORDERED that, on or before August 23, 2024, the plaintiffs shall file a reply in support of their cross-motion. It is further ORDERED that the status conference currently scheduled for December 6, 2024, is CONTINUED to December 20, 2024, at 9:00 a.m., which will serve as a target date for the resolution of the parties' summary judgment motions. Signed by Judge Reggie B. Walton on June 12, 2024. (lcrbw1) (Entered: 06/12/2024)

06/17/2024		Set/Reset Deadlines: Defendant Redacted Copy Of Ex Parte Declaration On The Public Docket due by 6/21/2024. (mac) (Entered: 06/17/2024)
06/21/2024	<u>22</u>	RESPONSE TO ORDER OF THE COURT re <u>21</u> Order on Motion for Extension of Time to,,,,,, Set/Reset Deadlines/Hearings,,,,, <i>Redacted Form of Ex Parte Declaration</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration (Redacted per Court order))(Lynch, Jason) (Entered: 06/21/2024)
06/28/2024	<u>23</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Bobak Talebian (June 28, 2024), # <u>3</u> Vaughn Index, # <u>4</u> Text of Proposed Order)(Lynch, Jason) (Entered: 06/28/2024)
07/29/2024	<u>24</u>	RESPONSE re <u>23</u> MOTION for Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. (Cornett, Eric) (Entered: 07/29/2024)
07/29/2024	<u>25</u>	Cross MOTION for Summary Judgment by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Exhibit Ex. 1)(Cornett, Eric) (Entered: 07/29/2024)
08/09/2024	<u>26</u>	Memorandum in opposition to re <u>25</u> Motion for Summary Judgment <i>and Reply In Support of <u>23</u> Motion for Summary Judgment</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1 – Hr'g Tr. (July 17, 2024) (D. Del.), # <u>2</u> Exhibit 2 – 2d Talebian Decl.)(Lynch, Jason) (Entered: 08/09/2024)
08/09/2024	27	REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (See Docket Entry <u>26</u> to view document). (znmw) (Entered: 08/12/2024)
08/15/2024	<u>28</u>	MOTION for Extension of Time to File <i>Response to Plaintiffs' Statement of Undisputed Material Facts (Nunc Pro Tunc)</i> by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Defendant's Response to Plaintiffs' Statement of Undisputed Material Facts, # <u>2</u> Text of Proposed Order)(Lynch, Jason) (Entered: 08/15/2024)
08/22/2024		MINUTE ORDER. Upon consideration of the <u>28</u> Defendant's Motion for Extension of Time Nunc Pro Tunc to File Response to Plaintiffs' Statement of Material Facts, and for good cause shown, it is hereby ORDERED that the <u>28</u> Defendant's Motion for Extension of Time Nunc Pro Tunc to File Response to Plaintiffs' Statement of Material Facts is GRANTED. It is further ORDERED that the [28–1] Defendant's Response to Plaintiffs' Statement of Undisputed Material Facts is ACCEPTED AS FILED, and the Clerk of the Court shall file it as a separate entry on the docket. Signed by Judge Reggie B. Walton on August 22, 2024. (lcrbw1) (Entered: 08/22/2024)
08/22/2024	<u>30</u>	RESPONSE re <u>25</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (zdp) (Entered: 08/27/2024)
08/23/2024	<u>29</u>	REPLY to opposition to motion re <u>25</u> Cross MOTION for Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 08/23/2024)