

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:24-cv-00997-JD**

FoiaConsciousness.com LLC v. National Archives & Records
Administration et al
Assigned to: Judge James Donato
Cause: 05:552 Freedom of Information Act

Date Filed: 02/20/2024
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

FoiaConsciousness.com LLC

represented by **Mark Louis Javitch**
Javitch Law Office
3 East 3rd Ave. Ste. 200
San Mateo, CA 94401
650-781-8000
Email: mark@javitchlawoffice.com
ATTORNEY TO BE NOTICED

V.

Defendant

**National Archives & Records
Administration**

represented by **Michael Joseph Gerardi**
US Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
(202) 616-0680
Email: michael.j.gerardi@usdoj.gov
LEAD ATTORNEY
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Andrew Freidah

DOJ-Civ
Civil Division, Federal Programs Branch
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Email: andrew.f.freidah@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

US Attorney

represented by **Michael Joseph Gerardi**
(See above for address)
LEAD ATTORNEY
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V.

Respondent

**The Dallas Historical Foundation d/b/a
The Sixth Floor Museum at Dealey
Plaza**
TERMINATED: 07/29/2024

represented by **Daniel Anthony Solitro**
Locke Lord LLP
300 South Grand Avenue, Suite 2600
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Date Filed	#	Docket Text
02/20/2024	<u>1</u>	COMPLAINT against National Archives & Records Administration (Filing fee \$ 405, receipt number ACANDC-19139870.). Filed by FoiaConsciousness.com LLC. (Attachments: # <u>1</u> Civil Cover Sheet)(Javitch, Mark) (Filed on 2/20/2024) (Entered: 02/20/2024)
02/20/2024	<u>2</u>	Proposed Summons. (Javitch, Mark) (Filed on 2/20/2024) (Entered: 02/20/2024)
02/20/2024	<u>3</u>	Proposed Summons. (Javitch, Mark) (Filed on 2/20/2024) (Entered: 02/20/2024)
02/20/2024	<u>4</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by FoiaConsciousness.com LLC.. (Javitch, Mark) (Filed on 2/20/2024) (Entered: 02/20/2024)
02/20/2024	<u>5</u>	Case assigned to Magistrate Judge Thomas S. Hixson. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 3/5/2024. (as, COURT STAFF) (Filed on 2/20/2024) (Entered: 02/20/2024)
02/21/2024	<u>6</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 5/16/2024. Initial Case Management Conference set for 5/23/2024 10:00 AM in San Francisco, Courtroom E, 15th Floor. (kmg, COURT STAFF) (Filed on 2/21/2024) (Entered: 02/21/2024)
02/21/2024	<u>7</u>	Summons Issued as to National Archives & Records Administration, The Dallas Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza. (kmg, COURT STAFF) (Filed on 2/21/2024) (Entered: 02/21/2024)
02/23/2024	<u>8</u>	SUMMONS Returned Executed (FOIA) by US Attorney. US Attorney served on 2/22/2024, answer due 3/25/2024. (Javitch, Mark) (Filed on 2/23/2024) (Entered: 02/23/2024)
02/23/2024	<u>9</u>	NOTICE by FoiaConsciousness.com LLC of Exhibits Attached to Complaint (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (Javitch, Mark) (Filed on 2/23/2024) Modified on 2/27/2024 (kmg, COURT STAFF). (Entered: 02/23/2024)
02/24/2024	<u>10</u>	SUMMONS Returned Executed by FoiaConsciousness.com LLC. The Dallas Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza served on 2/23/2024, answer due 3/15/2024. (Javitch, Mark) (Filed on 2/24/2024) (Entered: 02/24/2024)
02/27/2024	<u>11</u>	SUMMONS Returned Executed (FOIA) by FoiaConsciousness.com LLC. National Archives & Records Administration served on 2/26/2024, answer due 3/27/2024. (Javitch, Mark) (Filed on 2/27/2024) (Entered: 02/27/2024)

03/15/2024	<u>12</u>	Certificate of Interested Entities by The Dallas Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza (Solitro, Daniel) (Filed on 3/15/2024) (Entered: 03/15/2024)
03/15/2024	<u>13</u>	STIPULATION to Extend the Time for Respondent to Answer or Otherwise Respond to the Complaint filed by The Dallas Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza. (Solitro, Daniel) (Filed on 3/15/2024) (Entered: 03/15/2024)
03/21/2024	<u>14</u>	NOTICE of Appearance by Andrew Freidah (Freidah, Andrew) (Filed on 3/21/2024) (Entered: 03/21/2024)
03/21/2024	<u>15</u>	STIPULATION to Extend the Time for Defendant to Answer or Otherwise Respond to the Complaint filed by National Archives & Records Administration. (Freidah, Andrew) (Filed on 3/21/2024) (Entered: 03/21/2024)
03/21/2024	<u>16</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by National Archives & Records Administration.. (Freidah, Andrew) (Filed on 3/21/2024) (Entered: 03/21/2024)
03/21/2024	<u>17</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by The Dallas Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza.. (Solitro, Daniel) (Filed on 3/21/2024) (Entered: 03/21/2024)
03/22/2024	18	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. <i>This is a text only docket entry; there is no document associated with this notice.</i> (rmm2, COURT STAFF) (Filed on 3/22/2024) (Entered: 03/22/2024)
03/22/2024	<u>19</u>	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge William Alsup for all further proceedings. Magistrate Judge Thomas S. Hixson no longer assigned to case, Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras. Signed by Clerk on 03/22/2024. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(mbc, COURT STAFF) (Filed on 3/22/2024) (Entered: 03/22/2024)
04/02/2024	20	CLERK'S NOTICE SCHEDULING INITIAL CASE MANAGEMENT CONFERENCE ON REASSIGNMENT: Initial Case Management Conference RESET for 5/23/2024 11:00 AM in San Francisco, Courtroom 12, 19th Floor. Joint Case Management Statement due by 5/16/2024. Parties may download Judge Alsup's standing orders from the Court's webpage: https://cand.uscourts.gov/judges/alsup-william-wha/. (This is a text-only entry generated by the court. There is no document associated with this entry.) (afm, COURT STAFF) (Filed on 4/2/2024) (Entered: 04/02/2024)
04/10/2024	<u>21</u>	ORDER OF RECUSAL. Signed by Judge Alsup. (whalc1, COURT STAFF) (Filed on 4/10/2024) (Entered: 04/10/2024)
04/10/2024	<u>22</u>	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge James Donato for all further proceedings. Judge William Alsup no longer assigned to case, Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras.. Signed by Clerk on 4/10/2024. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(ark, COURT STAFF) (Filed on 4/10/2024) (Entered: 04/10/2024)
04/11/2024	<u>23</u>	CASE MANAGEMENT SCHEDULING ORDER: Initial Case Management Conference set for 6/6/2024 10:00 AM in San Francisco, Courtroom 11, 19th

		Floor. Case Management Statement due by 5/30/2024. Signed by Judge James Donato on 4/11/2024. (lrc, COURT STAFF) (Filed on 4/11/2024) (Entered: 04/11/2024)
04/24/2024	<u>24</u>	NOTICE of Appearance by Michael Joseph Gerardi <i>on Behalf of NARA</i> (Gerardi, Michael) (Filed on 4/24/2024) (Entered: 04/24/2024)
04/24/2024	<u>25</u>	ANSWER to Complaint by National Archives & Records Administration, US Attorney. (Gerardi, Michael) (Filed on 4/24/2024) (Entered: 04/24/2024)
04/24/2024	<u>26</u>	MOTION to Dismiss for Lack of Jurisdiction filed by The Dallas Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza. Motion Hearing set for 6/6/2024 10:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Responses due by 5/8/2024. Replies due by 5/15/2024. (Attachments: # <u>1</u> Declaration)(Solitro, Daniel) (Filed on 4/24/2024) (Entered: 04/24/2024)
05/08/2024	<u>27</u>	OPPOSITION/RESPONSE (re <u>26</u> MOTION to Dismiss for Lack of Jurisdiction) filed by FoiaConsciousness.com LLC. (Javitch, Mark) (Filed on 5/8/2024) Modified on 5/9/2024 (kmg, COURT STAFF). (Entered: 05/08/2024)
05/14/2024	<u>28</u>	Certificate of Interested Entities by Foia Consciousness.com LLC (<i>None</i>) (Javitch, Mark) (Filed on 5/14/2024) Modified on 5/14/2024 (kmg, COURT STAFF). (Entered: 05/14/2024)
05/15/2024	<u>29</u>	REPLY in Support of it's Motion to Dismiss (re <u>26</u> MOTION to Dismiss for Lack of Jurisdiction) filed by The Dallas Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza. (Attachments: # <u>1</u> Declaration) (Solitro, Daniel) (Filed on 5/15/2024) (Entered: 05/15/2024)
05/16/2024	<u>30</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 328, receipt number ACANDC-19424581.) filed by The Dallas Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza. (Attachments: # <u>1</u> Certificate of Good Standing)(Phipps, Charles) (Filed on 5/16/2024) (Entered: 05/16/2024)
05/17/2024	<u>31</u>	ORDER by Judge James Donato granting <u>30</u> Motion for Pro Hac Vice. (lrc, COURT STAFF) (Filed on 5/17/2024) (Entered: 05/17/2024)
05/17/2024	32	ADR Clerks Notice re: Non-Compliance with Court Order. The parties have failed to file an ADR Certification as required by the Initial Case Management Scheduling Order. Counsel shall comply promptly with the requirements of ADR L.R. 3-5(b) and shall file the ADR Certification. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>)(cmf, COURT STAFF) (Filed on 5/17/2024) (Entered: 05/17/2024)
05/17/2024	<u>33</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Javitch, Mark) (Filed on 5/17/2024) (Entered: 05/17/2024)
05/17/2024	<u>34</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Solitro, Daniel) (Filed on 5/17/2024) (Entered: 05/17/2024)
05/22/2024	<u>35</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Gerardi, Michael) (Filed on 5/22/2024) (Entered: 05/22/2024)
05/24/2024	<u>36</u>	CASE MANAGEMENT STATEMENT (<i>on behalf of all parties</i>) filed by National Archives & Records Administration. (Gerardi, Michael) (Filed on 5/24/2024) (Entered: 05/24/2024)
05/24/2024	<u>37</u>	STIPULATION WITH PROPOSED ORDER re <u>23</u> Case Management Scheduling Order, (<i>Vacate Case Management Conference</i>) filed by National Archives & Records Administration. (Attachments: # <u>1</u> Proposed Order)(Gerardi, Michael) (Filed on 5/24/2024) (Entered: 05/24/2024)
05/28/2024	38	ORDER. The request to vacate the case management conference set for June 6, 2024, Dkt. No. 37, is denied. Signed by Judge James Donato on 5/28/2024. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (jdlc3, COURT STAFF) (Filed on 5/28/2024) (Entered: 05/28/2024)
06/06/2024	<u>39</u>	Minute Entry for proceedings held before Judge James Donato: Initial Case Management Conference and Motion Hearing held on 6/6/2024. Total Time in

		Court: 9 minutes. Court Reporter: Ruth Levine. (jdlc3, COURT STAFF) (Date Filed: 6/6/2024) (Entered: 06/06/2024)
06/11/2024	<u>40</u>	NOTICE by FoiaConsciousness.com LLC <i>of voluntary dismissal of Respondent Sixth Floor Museum without prejudice pursuant to Rule 41(a)(1)(A)(i)</i> (Javitch, Mark) (Filed on 6/11/2024) (Entered: 06/11/2024)
07/18/2024	<u>41</u>	STIPULATION WITH PROPOSED ORDER <i>to set briefing schedule on parties cross motions for summary judgment</i> filed by FoiaConsciousness.com LLC. (Javitch, Mark) (Filed on 7/18/2024) (Entered: 07/18/2024)
07/29/2024	<u>42</u>	ORDER TO SET BRIEFING SCHEDULE. Signed by Judge James Donato on 7/29/2024. (jdlc3, COURT STAFF) (Filed on 7/29/2024) (Entered: 07/29/2024)
09/05/2024	<u>43</u>	MOTION for Summary Judgment filed by National Archives & Records Administration. Motion for Summary Judgment Hearing set for 12/5/2024 10:00 AM in San Francisco, Courtroom 11, 19th Floor before Judge James Donato. Responses due by 10/7/2024. Replies due by 10/28/2024. (Attachments: # <u>1</u> Rooney Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Proposed Order)(Gerardi, Michael) (Filed on 9/5/2024) (Entered: 09/05/2024)