

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:24-cv-00925-TJK**

AL OTRO LADO, INC. v. U.S. CUSTOMS AND BORDER  
PROTECTION  
Assigned to: Judge Timothy J. Kelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/01/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****AL OTRO LADO, INC.**

represented by **Andrew Christian Fels**  
AL OTRO LADO  
Knoxville  
3214 Fountain Park Blvd.  
37917  
Knoxville, TN 37917  
865-567-4881  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant****U.S. CUSTOMS AND BORDER  
PROTECTION**

represented by **Kaitlin Kerry Eckrote**  
DOJ-USAO  
Civil Division  
601 D Street NW  
Room 7.1525  
Washington DC, DC 20530  
202-252-2485  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/01/2024	<u>1</u>	COMPLAINT against UNITED STATES CUSTOMS AND BORDER PROTECTION ( Filing fee \$ 405 receipt number ADCDC-10793804) filed by AL OTRO LADO, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Fels, Andrew) (Entered: 04/01/2024)
04/02/2024		Case Assigned to Judge Timothy J. Kelly. (znmw) (Entered: 04/02/2024)
04/02/2024		NOTICE OF NEW CASE ERROR regarding <u>1</u> Complaint. The following error(s) need correction: Missing summonses- U.S. government. When naming a U.S. government agent or agency as a defendant, you must supply a summons for each defendant & two additional summonses for the U.S. Attorney & U.S. Attorney General. Please submit using the event Request for Summons to Issue. (znmw) (Entered: 04/02/2024)
04/30/2024	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE filed by AL OTRO LADO, INC.. Related document: <u>1</u> Complaint filed by AL OTRO LADO, INC..(Fels, Andrew) (Entered: 04/30/2024)
05/01/2024	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, U.S. Attorney and U.S. Attorney General (znmw) (Entered: 05/01/2024)
06/11/2024	<u>4</u>	AFFIDAVIT of Mailing. (Fels, Andrew) Modified event on 6/12/2024 (znmw). (Entered: 06/11/2024)

06/11/2024	<u>5</u>	AFFIDAVIT of Mailing. (Fels, Andrew) Modified event on 6/12/2024 (znmw). (Entered: 06/11/2024)
06/11/2024	<u>6</u>	AFFIDAVIT of Mailing. (Fels, Andrew) Modified event on 6/12/2024 (znmw). (Entered: 06/11/2024)
06/25/2024	<u>7</u>	MOTION to Amend/Correct <u>1</u> Complaint by AL OTRO LADO, INC.. (Attachments: # <u>1</u> Exhibit Amended Complaint, # <u>2</u> Exhibit Amended Complaint Exhibit 1, # <u>3</u> Exhibit Amended Complaint Exhibit 2, # <u>4</u> Supplement Civil Standing Order, # <u>5</u> Supplement Complaint Compare Copy)(Fels, Andrew) (Entered: 06/25/2024)
06/26/2024	<u>8</u>	NOTICE of Appearance by Kaitlin Kerry Eckrote on behalf of U.S. CUSTOMS AND BORDER PROTECTION (Eckrote, Kaitlin) (Entered: 06/26/2024)
06/28/2024	<u>9</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Eckrote, Kaitlin) (Entered: 06/28/2024)
07/02/2024		MINUTE ORDER granting Plaintiff's <u>7</u> Motion to Amend the Complaint and Defendant's <u>9</u> Consent Motion for an Extension of Time to File Answer. On June 3, 2024, Defendant was served with the <u>1</u> Complaint, and 22 days later, on June 25, 2024, Plaintiff moved to amend the <u>1</u> Complaint "as a matter of right." Federal Rule of Civil Procedure 15(a)(1) provides that "[a] party may amend its pleading once as a matter of course within...21 days after serving it, or...21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Neither timeframe appears to be met here, "[a]lthough there is some difference of opinion on the matter." <i>Savignac v. Jones Day</i> , 341 F.R.D. 120, 122 (D.D.C. 2022) (adopting a reading of Rule 12(a)(1)(B) that "the time to amend begins when the pleading is served and ends 21 days after the response is served"). Regardless, Federal Rule of Civil Procedure 15(a)(2) provides that a "court should freely give leave [to amend a pleading] when justice so requires." Accordingly, courts typically grant leave to amend a complaint so long as there is no "undue delay, bad faith[,] repeated failure to cure deficiencies[,] undue prejudice[,] futility of amendment, etc." <i>Foman v. Davis</i> , 371 U.S. 178, 182 (1962). Finding no such factors applicable, it is hereby ORDERED that Plaintiff's <u>7</u> Motion to Amend the Complaint is GRANTED. The Clerk of Court is directed to docket Plaintiff's Amended Complaint, ECF No. 7-1, as the operative complaint, along with its exhibits, ECF Nos. 7-2 and 7-3. It is further ORDERED that Defendant's <u>9</u> consent motion is GRANTED, and Defendant shall answer or otherwise respond to the amended complaint by August 8, 2024. Signed by Judge Timothy J. Kelly on 7/2/2024. (lctjk1) (Entered: 07/02/2024)
07/02/2024	<u>10</u>	AMENDED COMPLAINT against U.S. CUSTOMS AND BORDER PROTECTION filed by AL OTRO LADO, INC.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(zdp) (Entered: 07/02/2024)
08/01/2024	<u>11</u>	Consent MOTION for Extension of Time to File Answer re <u>10</u> Amended Complaint by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Eckrote, Kaitlin) (Entered: 08/01/2024)
08/02/2024		MINUTE ORDER granting Defendant's <u>11</u> Consent Motion for an Extension of Time to File an Answer. It is hereby ORDERED, for good cause shown, that Defendant's <u>11</u> consent motion is GRANTED. It is further ORDERED that Defendant shall answer or otherwise respond to Plaintiff's <u>10</u> Amended Complaint by September 9, 2024. Signed by Judge Timothy J. Kelly on 8/2/2024. (lctjk1) (Entered: 08/02/2024)
09/05/2024	<u>12</u>	Consent MOTION for Extension of Time to File Answer re <u>10</u> Amended Complaint by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Eckrote, Kaitlin) (Entered: 09/05/2024)
09/05/2024		MINUTE ORDER granting Defendant's <u>12</u> Consent Motion for an Extension of Time to File an Answer. It is hereby ORDERED, for good cause shown, that Defendant's <u>12</u> consent motion is GRANTED. It is further ORDERED that Defendant shall answer or otherwise respond to Plaintiff's <u>10</u> Amended Complaint by October 9, 2024. Signed by Judge Timothy J. Kelly on 9/5/2024. (lctjk1) (Entered: 09/05/2024)