

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00853-JMC**

AMERICAN CIVIL LIBERTIES UNION et al v.
DEPARTMENT OF JUSTICE
Assigned to: Judge Jia M. Cobb
Cause: 05:552 Freedom of Information Act

Date Filed: 03/30/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN CIVIL LIBERTIES
UNION**

represented by **Maria Morris**
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Plaintiff

**WASHINGTON LAWYERS'
COMMITTEE FOR CIVIL RIGHTS
AND URBAN AFFAIRS**

represented by **Maria Morris**
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LEAD ATTORNEY
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Arthur B. Spitzer
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David L. Sobel
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V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Thomas Duffey**
U.S. ATTORNEY'S OFFICE

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Date Filed	#	Docket Text
03/30/2022	<u>1</u>	COMPLAINT for Injunctive and Declaratory Relief against DEPARTMENT OF JUSTICE (Filing fee \$ 402 receipt number ADCDC-9137365) filed by AMERICAN CIVIL LIBERTIES UNION, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> 26.1 Certificate, # <u>3</u> Summons AG, # <u>4</u> Summons DOJ, # <u>5</u> Summons USAO)(Sobel, David) (Entered: 03/30/2022)
03/30/2022	<u>2</u>	NOTICE of Appearance by Arthur B. Spitzer on behalf of All Plaintiffs (Spitzer, Arthur) (Entered: 03/30/2022)
03/31/2022		NOTICE OF ERROR re <u>1</u> 26.1 Certificate; emailed to sobel@att.net, cc'd 9 associated attorneys -- The PDF file you docketed contained errors: 1. Pleading filed as attachment. Please file pleading as separate entry., 2. Please submit using the event LCvR 26.1 Certificate of Disclosure-Corporate Affiliations/Financial Interests., 3. COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied. (znmg,) (Entered: 03/31/2022)
03/31/2022		Case Assigned to Judge Jia M. Cobb. (znmg) (Entered: 03/31/2022)
03/31/2022	<u>3</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zjf) (Entered: 03/31/2022)
03/31/2022	<u>4</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN CIVIL LIBERTIES UNION, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Sobel, David) (Entered: 03/31/2022)
04/21/2022	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/15/2022. Answer due for ALL FEDERAL DEFENDANTS by 5/15/2022. (Sobel, David) (Entered: 04/21/2022)
04/21/2022	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 4/15/2022 (Sobel, David) Modified on 4/25/2022 to add party/service date (zjf). (Entered: 04/21/2022)
04/22/2022	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/12/2022. (Sobel, David) (Entered: 04/22/2022)
05/13/2022	<u>8</u>	NOTICE of Appearance by Thomas Duffey on behalf of DEPARTMENT OF JUSTICE (Duffey, Thomas) (Entered: 05/13/2022)
05/14/2022	<u>9</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 05/14/2022)
05/17/2022		MINUTE ORDER granting <u>9</u> Consent Motion for Extension of Time to Answer: Upon consideration of Defendant's Motion, and for good cause shown, the Court ORDERS that the Motion is GRANTED. Defendant shall answer or otherwise respond to the Complaint by June 16, 2022. Signed by Judge Jia M. Cobb on May 17, 2022. (lcjmc2) (Entered: 05/17/2022)
06/16/2022	<u>10</u>	ANSWER to Complaint by DEPARTMENT OF JUSTICE.(Duffey, Thomas) (Entered: 06/16/2022)
06/27/2022		MINUTE ORDER: The Court ORDERS that the Parties confer and submit a joint proposed schedule for further proceedings, which shall include a proposed schedule for the processing and release of responsive records or for briefing dispositive motions,

		by July 11, 2022. Signed by Judge Jia M. Cobb on June 27, 2022. (lcjmc2) (Entered: 06/27/2022)
07/11/2022	<u>11</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 07/11/2022)
07/12/2022	<u>12</u>	SCHEDULING ORDER: Joint Status Report due 9/30/22, and every 90 days thereafter. See document for scheduling order and information concerning case procedures. Signed by Judge Jia M. Cobb on July 12, 2022. (lcjmc2) Modified on 7/12/2022, to correct an error. (zgdf). (Entered: 07/12/2022)
08/01/2022	<u>13</u>	NOTICE of Appearance by Maria Morris on behalf of All Plaintiffs (Morris, Maria) (Entered: 08/01/2022)
09/30/2022	<u>14</u>	Joint STATUS REPORT by US DEPT OF JUSTICE. (Duffey, Thomas) (Entered: 09/30/2022)
12/27/2022	<u>15</u>	Joint STATUS REPORT by US DEPT OF JUSTICE. (Duffey, Thomas) (Entered: 12/27/2022)
03/29/2023	<u>16</u>	Joint STATUS REPORT by US DEPT OF JUSTICE. (Duffey, Thomas) (Entered: 03/29/2023)
06/27/2023	<u>17</u>	Joint STATUS REPORT <i>by All Parties</i> by AMERICAN CIVIL LIBERTIES UNION, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Morris, Maria) (Entered: 06/27/2023)
07/07/2023		MINUTE ORDER re <u>17</u> Joint Status Report: Based on the Parties' Joint Status Report, the Court understands that Defendant represents it has finished producing non-exempted documents that are responsive to Plaintiff's FOIA request, but that Plaintiff disputes the adequacy of Defendant's search and the appropriateness of the exemptions invoked by Defendant. The Court would typically issue a schedule for summary judgment briefing in this sort of situation, where a plaintiff disputes the sufficiency of a FOIA response. However, Defendant indicates that it has not had time to fully review the issues outlined by Plaintiff in the Joint Status report. <i>See</i> ECF 17 at 8. To give the Parties another opportunity to narrow the issues for summary judgment, the Court ORDERS the Parties to meet and confer one more time to discuss the remaining issues and determine whether resolution is possible. If the Parties are unable to resolve the remaining issues, the Court will issue a schedule for summary judgment briefing. The Parties shall submit another Joint Status Report by July 26, 2023, updating the Court on the status of the remaining issues and proposing a schedule for summary judgment briefing if needed. Signed by Judge Jia M. Cobb on July 7, 2023. (lcjmc1) (Entered: 07/07/2023)
07/26/2023	<u>18</u>	Joint STATUS REPORT by US DEPT OF JUSTICE. (Duffey, Thomas) (Entered: 07/26/2023)
07/27/2023		MINUTE ORDER re <u>18</u> Joint Status Report: The Court ORDERS the Parties to submit another Joint Status Report on September 11, 2023, and every 90 days thereafter. Signed by Judge Jia M. Cobb on July 27, 2023. (lcjmc1) (Entered: 07/27/2023)
09/11/2023	<u>19</u>	Joint STATUS REPORT by AMERICAN CIVIL LIBERTIES UNION, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS. (Morris, Maria) (Entered: 09/11/2023)
12/11/2023	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 12/11/2023)
12/12/2023	<u>21</u>	NOTICE of Change of Address by Arthur B. Spitzer (Spitzer, Arthur) (Entered: 12/12/2023)
03/11/2024	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 03/11/2024)
03/18/2024		MINUTE ORDER re <u>22</u> Joint Status Report: The Court has reviewed the Parties' joint status report, which reflects disagreements about Defendant's processing rate and whether the Court should set a summary judgment briefing schedule. The Court understands Plaintiff's concern about the amount of time it is taking for its request to

		<p>be processed. However, Defendant responds that Plaintiff's requested rate of 1,150 pages per month would be impossible given the number of FOIA requests its office is processing, its limited staff, and that one of its three attorneys responsible for processing FOIA requests will be on scheduled leave. In light of Defendant's representations, the Court does not find a reason to deviate from the current processing rate of 500 pages per month, which is standard. <i>See Nat'l Sec. Counselors v. DOJ</i>, 848 F.3d 467, 470 (D.C. Cir. 2017). The Court also agrees that a summary judgment briefing schedule is premature. Rather, the Parties should continue to confer to attempt to narrow issues before the Court sets any briefing schedule. The Court's denial of Plaintiff's request is without prejudice if circumstances change that Plaintiff believes warrants the Court revisiting its decision. Signed by Judge Jia M. Cobb on March 18, 2024. (lcjmc1) (Entered: 03/18/2024)</p>
06/11/2024	<u>23</u>	<p>Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 06/11/2024)</p>
06/21/2024		<p>MINUTE ORDER re <u>23</u> Joint Status Report: The Court has reviewed the Parties' joint status report. Based on Plaintiffs' arguments and Defendant's representations about its capacity, the Court does not find a reason to revisit its prior order setting Defendant's processing rate at 500 pages per month. If Plaintiffs have more specific arguments or facts that they believe justify a different processing rate despite Defendant's stated limitations, they may apprise the Court in a future filing. Signed by Judge Jia M. Cobb on June 21, 2024. (lcjmc1) (Entered: 06/21/2024)</p>
09/11/2024	<u>24</u>	<p>Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 09/11/2024)</p>