

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-02525-CKK**

LUNDERGAN v. EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
Assigned to: Judge Colleen Kollar-Kotelly
Case: 1:21-cv-01965-CKK
Cause: 05:552 Freedom of Information Act

Date Filed: 09/28/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**GERALD G. LUNDERGAN**

represented by **Shon Hopwood**
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V.

Defendant**EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS**

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Date Filed	#	Docket Text
09/28/2021	<u>1</u>	COMPLAINT against EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Filing fee \$ 402 receipt number ADCDC-8764948) filed by GERALD G. LUNDERGAN. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons Summons)(Singhal, Kyle) (Entered: 09/28/2021)

09/28/2021	<u>2</u>	NOTICE OF RELATED CASE by GERALD G. LUNDERGAN. Case related to Case No. 21-cv-1965. (Singhal, Kyle) (Entered: 09/28/2021)
09/29/2021		NOTICE OF ERROR re <u>1</u> Complaint; emailed to kyle@hopwoodsinghal.com, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Noncompliance with LCvR 5.1(c). Please file an errata correcting the initiating pleading to include the name & full residence address of each party using the event Errata., 2. COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied. (znmg,) (Entered: 09/29/2021)
09/29/2021	<u>3</u>	ERRATA <i>Corrected Complaint</i> by GERALD G. LUNDERGAN re <u>1</u> Complaint, filed by GERALD G. LUNDERGAN. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Singhal, Kyle) (Entered: 09/29/2021)
09/29/2021	4	Case Assigned to Judge Colleen Kollar-Kotelly. (zsb) (Entered: 09/29/2021)
10/04/2021	<u>5</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 10/4/2021. (DM) (Entered: 10/04/2021)
10/05/2021	<u>6</u>	SUMMONS (1) Issued Electronically as to EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachment: # <u>1</u> Notice and Consent)(znmg) (Entered: 10/05/2021)
11/01/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/13/2021. Answer due for ALL FEDERAL DEFENDANTS by 11/12/2021. (Singhal, Kyle) (Entered: 11/01/2021)
11/01/2021	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/12/2021. (Singhal, Kyle) (Entered: 11/01/2021)
11/01/2021	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS served on 10/12/2021 (Singhal, Kyle) (Entered: 11/01/2021)
12/17/2021	<u>10</u>	NOTICE of Appearance by Christopher Charles Hair on behalf of EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Hair, Christopher) (Entered: 12/17/2021)
12/17/2021	<u>11</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, <i>nunc pro tunc</i> by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hair, Christopher) (Entered: 12/17/2021)
12/20/2021		MINUTE ORDER. The Court is in receipt of Defendant's <u>11</u> Consent Motion for an Extension of Time to Respond to Plaintiff's Complaint, <i>Nunc Pro Tunc</i> . Defendant indicates that, due to a possible administrative error, it did not receive Plaintiff's complaint, which Plaintiff's <u>7</u> affidavit of service indicates was served on the U.S. Attorney's Office for the District of Columbia on October 13, 2021. Defendant seeks an extension of time to answer or otherwise respond to the Complaint. Plaintiff consents to the requested extension. Accordingly, the Court GRANTS Defendant's motion for an extension <i>nunc pro tunc</i> and ORDERS Defendant to answer or otherwise respond to the Complaint by no later than JANUARY 18, 2022. Signed by Judge Colleen Kollar-Kotelly on 12/20/21. (lcckk3) (Entered: 12/20/2021)
12/20/2021		Set/Reset Deadlines: Answer due by 1/18/2022. (kt) (Entered: 12/20/2021)
01/18/2022	<u>12</u>	ANSWER to Complaint by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS.(Hair, Christopher) (Entered: 01/18/2022)
01/19/2022	<u>13</u>	ORDER requiring the parties to meet and confer and file a Joint Status Report by no later than MARCH 4, 2022. Signed by Judge Colleen Kollar-Kotelly on 1/19/22. (lcckk3) (Entered: 01/19/2022)
01/19/2022		Set/Reset Deadlines: Joint Meet & Confer Statement due by 3/4/2022. (dot) (Entered: 01/19/2022)

03/04/2022	<u>14</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hair, Christopher) (Entered: 03/04/2022)
03/07/2022	<u>15</u>	SCHEDULING & PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on 3/7/22. (lcckk3) (Entered: 03/07/2022)
03/07/2022		Set/Reset Deadlines: Defendant's Summary Judgment Motion due by 5/3/2022. Opposition to Motion for Summary Judgment due by 5/31/2022. Reply to Motion for Summary Judgment due by 6/14/2022. Plaintiff's Cross Motion for Summary Judgment due by 5/31/2022. Opposition to Cross Motion for Summary Judgment due by 6/14/2022. Reply to Cross Motion for Summary Judgment due by 6/28/2022. Defendant's Vaughn Index due by 5/3/2022. (dot) (Entered: 03/08/2022)
04/12/2022	<u>16</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kenneth A. Adebonojo on behalf of EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS Substituting for attorney Christopher C. Hair (Adebonojo, Kenneth) (Entered: 04/12/2022)
05/05/2022		MINUTE ORDER. Pursuant to the Court's <u>15</u> Scheduling and Procedures Order (which adopted the briefing schedule proposed by the parties in their <u>14</u> Joint Status Report), Defendant's Motion for Summary Judgment was due to be filed by MAY 3, 2022. As of the date of this order, Defendant has not filed a motion for summary judgment or a motion seeking an extension of its deadline to do so. The Court notes that new counsel entered an appearance on behalf of Defendant after the Court entered its <u>15</u> scheduling order, see ECF No. <u>16</u> . The Court ORDERS that by no later than 12:00 pm on MAY 9, 2022, Defendant shall file its motion for summary judgment or an appropriate motion seeking an extension of time to do so. Signed by Judge Colleen Kollar-Kotelly on 5/5/22. (lcckk3) (Entered: 05/05/2022)
05/09/2022	<u>17</u>	MOTION for Extension of Time to <i>File Defendant's Dispositive Motion</i> by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 05/09/2022)
05/10/2022	<u>18</u>	Memorandum in opposition to re <u>17</u> MOTION for Extension of Time to <i>File Defendant's Dispositive Motion with Plaintiff's Proposed Order</i> filed by GERALD G. LUNDERGAN. (Singhal, Kyle) (Entered: 05/10/2022)
05/11/2022	<u>19</u>	ORDER granting Defendant's <u>17</u> Motion for Extension of Time to file dispositive motions nunc pro tunc; setting forth modified summary judgment briefing schedule. Please review Order for details. Signed by Judge Colleen Kollar-Kotelly on 5/11/22. (lcckk3) (Entered: 05/11/2022)
05/11/2022		Set/Reset Deadlines: Defendant's Vaughn Index due by 6/7/2022. Defendant's Summary Judgment Motion due by 6/7/2022. Response to Motion for Summary Judgment due by 7/8/2022. Reply to Motion for Summary Judgment due by 7/22/2022. Plaintiff's Cross Motion for Summary Judgment due by 7/8/2022. Response to Cross Motion for Summary Judgment due by 7/22/2022. Reply to Cross Motion for Summary Judgment due by 8/5/2022. (dot) (Entered: 05/20/2022)
06/06/2022	<u>20</u>	Joint MOTION to Stay by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 06/06/2022)
06/07/2022		MINUTE ORDER. The Court is in receipt of the parties' <u>20</u> Joint Motion to Stay. The parties request a stay of the summary judgment briefing schedule (see ECF No. <u>19</u>) to allow time for Defendant to process records responsive to Plaintiffs FOIA request due to the "expir[ation]" of "Defendant's reliance on FOIA Exemption 7(A)." Defendant indicates that there are "several thousand pages of responsive records" and that its processing of responsive records will proceed at a rate of approximately 500 pages per month. The parties also indicate that they have conferred to narrow Plaintiff's FOIA request. The parties request a stay of summary judgment proceedings until September 9, 2022 and propose submitting joint status reports on August 10, 2022 and September 9, 2022, updating the Court on the status of Defendant's response to Plaintiff's FOIA request. The Court GRANTS the parties' <u>20</u> Joint Motion and ORDERS that the briefing deadlines set forth in the Court's <u>19</u> Order are VACATED. The Court further ORDERS that the parties shall submit Joint Status Reports on or before August 10, 2022 and September 9, 2022, updating the Court on the status of Defendants response to Plaintiff's FOIA request and, if appropriate, proposing next steps for proceeding with the case. Signed by Judge Colleen Kollar-Kotelly on 6/7/22. (lcckk3) (Entered: 06/07/2022)

06/28/2022	<u>21</u>	NOTICE of Appearance by Shon Hopwood on behalf of GERALD G. LUNDERGAN (Hopwood, Shon) (Main Document 21 replaced on 6/29/2022) (znmw). (Entered: 06/28/2022)
08/10/2022	<u>22</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 08/10/2022)
08/11/2022		MINUTE ORDER. The Court is in receipt of the parties' <u>22</u> Joint Status Report, in which the parties indicate that Defendant has processed 500 pages per month and "released records in full and in part based on the parties' agreed priorities." Defendant made productions in July and August and anticipates making an additional production "on schedule" in September. As proposed by the parties, the Court ORDERS that the parties shall submit a further Joint Status Report on or before September 9, 2022, updating the Court on the status of Defendant's response to Plaintiff's FOIA request and, if appropriate, proposing next steps for proceeding with the case. Signed by Judge Colleen Kollar-Kotelly on 8/11/22. (lcckk3) (Entered: 08/11/2022)
08/11/2022		Set/Reset Deadlines: Joint Status Report due by 9/9/2022, updating the Court on the status of Defendant's response to Plaintiff's FOIA request and, if appropriate, proposing next steps for proceeding with the case. (dot) (Entered: 08/15/2022)
09/09/2022	<u>23</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 09/09/2022)
09/12/2022		MINUTE ORDER. The Court is in receipt of the parties' <u>23</u> Joint Status Report, in which the parties indicate that Defendant has continued to process records responsive to Plaintiff's FOIA Request and make monthly productions. The parties jointly propose submitting a further status report by no later than November 9, 2022. Accordingly, the Court ORDERS the parties to file another Joint Status Report by NOVEMBER 9, 2022, and every 60 days thereafter updating the Court on the status of Defendant's response to Plaintiff's FOIA request. If the parties require more immediate attention, they may file a status report between deadlines. Signed by Judge Colleen Kollar-Kotelly on 9/12/22. (lcckk3) (Entered: 09/12/2022)
09/12/2022		Set/Reset Deadlines: Joint Status Report due by 11/9/2022, and every 60 days thereafter updating the Court on the status of Defendant's response to Plaintiff's FOIA request. (dot) (Entered: 09/12/2022)
11/09/2022	<u>24</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 11/09/2022)
01/11/2023		MINUTE ORDER. Pursuant to the Court's September 12, 2022 Minute Order, the parties were ordered to file a Joint Status Report every 60 days, the latest of which was due by January 10, 2023, as recognized in the parties' <u>24</u> Joint Status Report. The parties failed to do so. The Court ORDERS the parties to file another Joint Status Report by JANUARY 16, 2023 and every 60 days thereafter updating the Court on the status of Defendant's response to Plaintiff's FOIA request. If the parties require more immediate attention, they may file a status report between deadlines. Signed by Judge Colleen Kollar-Kotelly on 1/11/23. (lcckk3) (Entered: 01/11/2023)
01/11/2023		Set/Reset Deadlines: Joint Status Report due by 1/16/2023 and every 60 days thereafter updating the Court on the status of Defendant's response to Plaintiff's FOIA request. (dot) (Entered: 01/12/2023)
01/17/2023	<u>25</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 01/17/2023)
03/16/2023	<u>26</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 03/16/2023)
03/20/2023		MINUTE ORDER. The Court is in receipt of the <u>26</u> Joint Status Report, in which the parties indicate that Defendant is continuing to process and release records. The parties explain that they "believe that they have hit their stride in terms of production/releases and conferring about same" and therefore, "it might be more judicially efficient to file status reports every ninety days, if the Court is so inclined, with Plaintiff reserving his right to seek the Court's intervention if needed during any status report intervals." Accordingly, the Court ORDERS the parties to file a joint status report by JUNE 14, 2023 and every 90 days thereafter updating the Court on the status of Defendant's

		response to Plaintiff's FOIA request. Signed by Judge Colleen Kollar-Kotelly on 3/20/23. (lcckk3) (Entered: 03/20/2023)
03/20/2023		Set/Reset Deadlines: Joint Status Report due by 6/14/2023 and every 90 days thereafter updating the Court on the status of Defendant's response to Plaintiff's FOIA request. (dot) (Entered: 03/31/2023)
06/14/2023	<u>27</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 06/14/2023)
09/18/2023		MINUTE ORDER. By Minute Order on March 20, 2023, the Court ordered the parties to file a joint status report by June 14, 2023 and every 90 days thereafter updating the Court on the status of Defendant's response to Plaintiff's FOIA request. No report has been filed since June 14, 2023. The Court ORDERS the parties to file such joint status report by SEPTEMBER 22, 2023 and every ninety (90) days thereafter. Signed by Judge Colleen Kollar-Kotelly on 9/18/23. (lcckk3) (Entered: 09/18/2023)
09/18/2023		Set/Reset Deadlines: Joint Status Report due by 9/22/2023 and every ninety (90) days thereafter. (dot) (Entered: 09/18/2023)
09/20/2023	<u>28</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 09/20/2023)
12/15/2023	<u>29</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 12/15/2023)
03/15/2024	<u>30</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 03/15/2024)
06/14/2024	<u>31</u>	Joint STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 06/14/2024)
09/13/2024	<u>32</u>	STATUS REPORT by EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Adebonojo, Kenneth) (Entered: 09/13/2024)