

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:23-cv-01380-TJK**

BIDDLE v. U.S. DEPARTMENT OF DEFENSE  
Assigned to: Judge Timothy J. Kelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/16/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****SAM BIDDLE**

represented by **Justin Pendleton**  
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V.

**Defendant****U.S. DEPARTMENT OF DEFENSE**

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Date Filed	#	Docket Text
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05/16/2023	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF DEFENSE ( Filing fee \$ 402 receipt number ADCDC-10071093) filed by SAM BIDDLE. (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, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Civil Cover Sheet, # <u>11</u> Summons (United States Attorney's Office), # <u>12</u> Summons (U.S. Department of Defense), # <u>13</u> Summons (United States Attorney General))(Britz, Benjamin) Modified on 5/17/2023 to add filing fee information (zsl). (Entered: 05/16/2023)
05/17/2023		Case Assigned to Judge Timothy J. Kelly. (zsl) (Entered: 05/17/2023)
05/17/2023	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsl) (Entered: 05/17/2023)
05/17/2023	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Stephen A. Fowler, Filing fee \$ 100, receipt number ADCDC-10075909. Fee Status: Fee Paid. by SAM BIDDLE. (Attachments: # <u>1</u> Declaration of Stephen A. Fowler, # <u>2</u> Exhibit 1 (Certificate of Good Standing))(Britz, Benjamin) (Entered: 05/17/2023)
05/17/2023	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Justin Pendleton, Filing fee \$ 100, receipt number ADCDC-10075953. Fee Status: Fee Paid. by SAM BIDDLE. (Attachments: # <u>1</u> Declaration of Justin Pendleton, # <u>2</u> Exhibit 1 (Certificate of Good Standing))(Britz, Benjamin) (Entered: 05/17/2023)
05/18/2023		MINUTE ORDER granting Plaintiffs' <u>3</u> <u>4</u> Motions for Leave to Appear Pro Hac Vice. Attorneys Stephen A. Fowler and Justin Pendleton are hereby admitted pro hac vice to appear on behalf of Plaintiff. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> Signed by Judge Timothy J. Kelly on 5/18/2023. (lctjk2) (Entered: 05/18/2023)
05/24/2023	<u>5</u>	NOTICE of Appearance by Stephen Alexander Fowler on behalf of SAM BIDDLE (Fowler, Stephen) (Entered: 05/24/2023)
05/26/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General May 23, 2023. (Fowler, Stephen) (Entered: 05/26/2023)
05/26/2023	<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 5/22/2023. Answer due for ALL FEDERAL DEFENDANTS by 6/21/2023. (Fowler, Stephen) (Entered: 05/26/2023)
05/26/2023	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF DEFENSE served on 5/22/2023 (Fowler, Stephen) (Entered: 05/26/2023)
06/20/2023	<u>9</u>	NOTICE of Appearance by Stephanie R. Johnson on behalf of U.S. DEPARTMENT OF DEFENSE (Johnson, Stephanie) (Entered: 06/20/2023)
06/21/2023	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF DEFENSE.(Johnson, Stephanie) (Entered: 06/21/2023)
06/22/2023		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by July 12, 2023. Signed by Judge Timothy J. Kelly on 6/22/2023. (lctjk2) (Entered: 06/22/2023)
06/27/2023	<u>11</u>	NOTICE of Appearance by Justin Pendleton on behalf of SAM BIDDLE (Pendleton, Justin) (Entered: 06/27/2023)
07/12/2023	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE. (Johnson, Stephanie) (Entered: 07/12/2023)
07/13/2023		MINUTE ORDER: Upon consideration of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the following schedule shall govern summary-judgment briefing in this case: Defendant shall file its motion for summary judgment by September 11, 2023; Plaintiff shall file his combined opposition and cross-motion for summary judgment by November 10, 2023; Defendant shall file its combined reply and cross-opposition by December 11, 2023; and Plaintiff shall file his cross-reply by

		January 10, 2024. Signed by Judge Timothy J. Kelly on 7/13/2023. (lctjk2) (Entered: 07/13/2023)
09/06/2023	<u>13</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> , Unopposed MOTION to Modify <i>Briefing Schedule</i> by U.S. DEPARTMENT OF DEFENSE. (Johnson, Stephanie) (Entered: 09/06/2023)
09/08/2023		MINUTE ORDER granting Defendant's <u>13</u> Unopposed Motion for Extension of Time to File Their Motion for Summary Judgment and Motion to Modify the Briefing Schedule. It is hereby ORDERED, for good cause shown, that Defendant's <u>13</u> Unopposed Motion is GRANTED. It is further ORDERED that the deadlines in the Minute Order of July 13, 2023, are VACATED, and the following schedule shall govern summary–judgment briefing in this case: Defendant shall file its motion for summary judgment by October 11, 2023; Plaintiff shall file his combined opposition and cross–motion for summary judgment by December 11, 2023; Defendant shall file its combined reply and cross–opposition by January 10, 2024; and Plaintiff shall file his cross–reply by February 9, 2024. Signed by Judge Timothy J. Kelly on 9/8/2023. (lctjk2) (Entered: 09/08/2023)
10/11/2023	<u>14</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Declaration of Mark H. Herrington)(Johnson, Stephanie) (Entered: 10/11/2023)
12/08/2023	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Evan D. Cooper, Filing Fee \$100; receipt number ADCDC–10547583. by SAM BIDDLE. (Attachments: # <u>1</u> Declaration of Evan D. Cooper in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificate of Good Standing)(Britz, Benjamin) Modified to add payment information on 12/11/2023 (znmw). (Entered: 12/08/2023)
12/11/2023		MINUTE ORDER granting Plaintiff's <u>15</u> Motion for Leave to Appear Pro Hac Vice. It is hereby ORDERED that Plaintiff's <u>15</u> Motion is GRANTED. Attorney Evan D. Cooper is hereby admitted pro hac vice on behalf of Plaintiff. <b>Counsel should register for e–filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> Signed by Judge Timothy J. Kelly on 12/11/2023. (lctjk2) (Entered: 12/11/2023)
12/11/2023	<u>16</u>	Memorandum in opposition to re <u>14</u> Motion for Summary Judgment filed by SAM BIDDLE. (Attachments: # <u>1</u> [PROPOSED] ORDER, # <u>2</u> [ALTERNATIVE PROPOSED] ORDER, # <u>3</u> PLAINTIFFS RESPONSE TO DEFENDANTS STATEMENT OF MATERIAL FACTS AND STATEMENT OF ADDITIONAL MATERIAL UNDISPUTED FACTS, # <u>4</u> CERTIFICATE OF SERVICE, # <u>5</u> DECLARATION OF JUSTIN PENDLETON, # <u>6</u> Exhibit 1, # <u>7</u> Exhibit 2, # <u>8</u> Exhibit 3, # <u>9</u> Exhibit 4, # <u>10</u> Exhibit 5, # <u>11</u> Exhibit 6, # <u>12</u> Exhibit 7, # <u>13</u> Exhibit 8, # <u>14</u> Exhibit 9, # <u>15</u> Exhibit 10, # <u>16</u> Exhibit 11, # <u>17</u> Exhibit 12, # <u>18</u> Exhibit 13, # <u>19</u> Exhibit 14, # <u>20</u> Exhibit 15, # <u>21</u> Exhibit 16, # <u>22</u> Exhibit 17, # <u>23</u> Exhibit 18, # <u>24</u> Exhibit 19, # <u>25</u> Exhibit 20, # <u>26</u> Exhibit 21, # <u>27</u> Exhibit 22, # <u>28</u> Exhibit 23, # <u>29</u> Exhibit 24, # <u>30</u> Exhibit 25)(Britz, Benjamin) (Entered: 12/11/2023)
12/11/2023	<u>17</u>	Cross MOTION for Summary Judgment by SAM BIDDLE. (Attachments: # <u>1</u> PLAINTIFFS COMBINED STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF ITS CROSS–MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # <u>2</u> [PROPOSED] ORDER, # <u>3</u> [ALTERNATIVE PROPOSED] ORDER, # <u>4</u> PLAINTIFFS RESPONSE TO DEFENDANTS STATEMENT OF MATERIAL FACTS AND STATEMENT OF ADDITIONAL MATERIAL UNDISPUTED FACTS, # <u>5</u> CERTIFICATE OF SERVICE, # <u>6</u> DECLARATION OF JUSTIN PENDLETON, # <u>7</u> Exhibit 1, # <u>8</u> Exhibit 2, # <u>9</u> Exhibit 3, # <u>10</u> Exhibit 4, # <u>11</u> Exhibit 5, # <u>12</u> Exhibit 6, # <u>13</u> Exhibit 7, # <u>14</u> Exhibit 8, # <u>15</u> Exhibit 9, # <u>16</u> Exhibit 10, # <u>17</u> Exhibit 11, # <u>18</u> Exhibit 12, # <u>19</u> Exhibit 13, # <u>20</u> Exhibit 14, # <u>21</u> Exhibit 15, # <u>22</u> Exhibit 16, # <u>23</u> Exhibit 17, # <u>24</u> Exhibit 18, # <u>25</u> Exhibit 19, # <u>26</u> Exhibit 20, # <u>27</u> Exhibit 21, # <u>28</u> Exhibit 22, # <u>29</u> Exhibit 23, # <u>30</u> Exhibit 24, # <u>31</u> Exhibit 25)(Britz, Benjamin) (Entered: 12/11/2023)
01/08/2024	<u>18</u>	Unopposed MOTION for Extension of Time to <i>File Defendant's Combined Reply and Opposition</i> , Unopposed MOTION to Modify <i>Briefing Schedule</i> by U.S. DEPARTMENT OF DEFENSE. (Johnson, Stephanie) (Entered: 01/08/2024)

01/09/2024		MINUTE ORDER granting Defendant's <u>18</u> Unopposed Motion for Extension of Time and to Modify the Briefing Schedule. Upon consideration of Defendant's <u>18</u> Unopposed Motion, and for good cause shown, it is hereby ORDERED that the Unopposed Motion is GRANTED. Defendant shall file its combined reply and cross-opposition by February 16, 2024, and Plaintiff shall file his cross-reply by March 25, 2024. Signed by Judge Timothy J. Kelly on 1/9/2024. (lctjk2) (Entered: 01/09/2024)
02/15/2024	<u>19</u>	Unopposed MOTION for Extension of Time to <i>File Reply and Opposition</i> , Unopposed MOTION to Modify <i>Briefing Schedule</i> by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Stephanie) (Entered: 02/15/2024)
02/16/2024		MINUTE ORDER granting Defendant's <u>19</u> Unopposed Motion for Extension of Time and to Modify the Briefing Schedule. Upon consideration of Defendant's <u>19</u> Unopposed Motion, and for good cause shown, it is hereby ORDERED that the Unopposed Motion is GRANTED. Defendant shall file its combined reply and cross-opposition by February 21, 2024, and Plaintiff shall file his cross-reply by April 1, 2024. Signed by Judge Timothy J. Kelly on 2/16/2024. (lctjk2) (Entered: 02/16/2024)
02/16/2024		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 2/21/2024. (zkh) (Entered: 02/16/2024)
02/21/2024	<u>20</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Facts)(Johnson, Stephanie) (Entered: 02/21/2024)
02/21/2024	<u>21</u>	Memorandum in opposition to re <u>17</u> Motion for Summary Judgment,, filed by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Facts)(Johnson, Stephanie) (Entered: 02/21/2024)
04/01/2024	<u>22</u>	REPLY to opposition to motion re <u>17</u> Cross MOTION for Summary Judgment filed by SAM BIDDLE. (Britz, Benjamin) (Entered: 04/01/2024)
04/01/2024	<u>23</u>	NOTICE of Appearance by Evan Cooper on behalf of SAM BIDDLE (Cooper, Evan) (Entered: 04/01/2024)
09/13/2024	<u>24</u>	MEMORANDUM ORDER denying Defendant's <u>14</u> Motion for Summary Judgment and Plaintiff's <u>17</u> Cross-Motion for Summary Judgment without prejudice and ordering the parties to meet, confer, and submit a joint schedule for briefing renewed motions for summary judgment by October 15, 2024. See Memorandum Order for details. Signed by Judge Timothy J. Kelly on 9/13/2024. (lctjk2) (Entered: 09/13/2024)
09/13/2024		Set/Reset Deadlines: Proposed Briefing Schedule due by 10/15/2024. (zkh) (Entered: 09/13/2024)