

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01888-LLA**

EVANS v. CENTRAL INTELLIGENCE AGENCY
Assigned to: Judge Loren L. AliKhan
Cause: 05:552 Freedom of Information Act

Date Filed: 06/29/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**BILLY WAYNE EVANS, JR.**

represented by **C. Peter Sorenson**
SORENSEN LAW OFFICE
P.O. Box 10836
Eugene, OR 97440
541-606-9173
Email: peter@sorensonfoialaw.com
ATTORNEY TO BE NOTICED

V.

Defendant**CENTRAL INTELLIGENCE AGENCY**

represented by **Dedra Seibel Curteman**
DOJ-USAO
US Attorney's Office, Civil Division
601 D Street, NW
Washington, DC 20530
(202) 252-2550
Email: dedra.curteman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/29/2023	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY (Filing fee \$ 402 receipt number ADCDC-10173066) filed by BILLY WAYNE EVANS, JR. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to CIA, # <u>3</u> Summons to USAG, # <u>4</u> Summons to USAO-DC, # <u>5</u> Exhibit 1, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> Exhibit 4, # <u>9</u> Exhibit 5)(Sorenson, C.) (Entered: 06/29/2023)
06/29/2023		Case Assigned to Judge Randolph D. Moss. (zsl) (Entered: 06/29/2023)
06/30/2023	<u>2</u>	SUMMONS (3) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(mg) (Entered: 06/30/2023)
06/30/2023	<u>3</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 6/30/2023. (lcrdm3) (Entered: 06/30/2023)
08/08/2023	<u>4</u>	NOTICE of Appearance by Dedra Seibel Curteman on behalf of All Defendants (Curteman, Dedra) (Entered: 08/08/2023)
08/08/2023	<u>5</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 08/08/2023)
08/08/2023		MINUTE ORDER: Upon consideration of Defendant's consent motion for an extension of time, Dkt. <u>5</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant shall respond to the Complaint in this action on or before September 13, 2023. Signed by Judge Randolph D. Moss on 08/08/2023. (lcrdm3) (Entered: 08/08/2023)

08/14/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 7/13/2023, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/13/2023., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/13/2023. (Answer due for ALL FEDERAL DEFENDANTS by 8/12/2023.) (Sorenson, C.) (Entered: 08/14/2023)
09/13/2023	<u>7</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY.(Curteman, Dedra) (Entered: 09/13/2023)
09/15/2023		MINUTE ORDER: It is ORDERED that, on or before September 28, 2023, the parties shall confer and file a joint status report addressing (1) any documents still to be produced pursuant to FOIA; (2) an anticipated schedule for processing and producing any such documents; and (3) any substantive areas of disagreement between the parties. It is FURTHER ORDERED that the parties shall appear for an Initial Scheduling Conference on October 5, 2023, at 10:00 a.m, before Judge Randolph D. Moss. Signed by Judge Randolph D. Moss on 09/15/2023. (lcrdm3) (Entered: 09/15/2023)
09/20/2023	<u>8</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 09/20/2023)
09/20/2023	<u>9</u>	Consent MOTION for Leave to Appear by Telephone by BILLY WAYNE EVANS, JR. (Attachments: # <u>1</u> 7(m) Certification, # <u>2</u> Declaration Evans, # <u>3</u> Declaration Sorenson, # <u>4</u> Text of Proposed Order)(Sorenson, C.) Modified on 9/22/2023 to correct relief/ docket text (zjm). (Entered: 09/20/2023)
09/20/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>8</u> , the parties are directed to review the Court's requirement, described in subsection 10(a)(i) of the Court's standing order, Dkt. <u>3</u> at 4, that they seek a promotion conference and file promotion statements before proceeding to summary judgement. If the parties wish to use the Initial Scheduling Conference currently scheduled for October 5, 2023, as a promotion conference, they will need to file statements sufficiently in advance, as required under the Court's standing order. It is further ORDERED that, upon consideration of Plaintiff's consent motion to appear via telephone, Dkt. <u>9</u> , the motion is GRANTED. Counsel for Plaintiff may appear by Zoom at the Initial Scheduling Conference scheduled for October 5, 2023, at 10:00 a.m. Signed by Judge Randolph D. Moss on 09/20/2023. (lcrdm3) (Entered: 09/20/2023)
10/05/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Defendant to produce search declaration and pre-motion statement on or before 12/15/2023. Plaintiff to file a response to defendant's pre-motion statement or a Joint Status Report on or before 2/14/2024 Pre-motion Conference set for 3/1/2024 at 10:00 AM in Courtroom 8 before Judge Randolph D. Moss. (Court Reporter Tammi Sefranek) (zglw) (Entered: 10/06/2023)
12/14/2023	<u>10</u>	NOTICE by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Declaration)(Curteman, Dedra) (Entered: 12/14/2023)
12/15/2023		Case directly reassigned to Judge Loren L. AliKhan. Judge Randolph D. Moss is no longer assigned to the case. (rj) (Entered: 12/15/2023)
02/02/2024	<u>11</u>	TRANSCRIPT OF STATUS HEARING before Judge Randolph D. Moss held on 10/5/23; Page Numbers: 1-10. Date of Issuance:2/2/24. Court Reporter/Transcriber Tamara Sefranek, Telephone number 202-354-3246, Transcripts may be ordered by submitting the <u>Transcript Order Form</u> For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made

		<p>available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 2/23/2024. Redacted Transcript Deadline set for 3/4/2024. Release of Transcript Restriction set for 5/2/2024.(Sefranek, Tamara) (Entered: 02/02/2024)</p>
02/14/2024	<u>12</u>	RESPONSE re <u>10</u> Notice by BILLY WAYNE EVANS, JR (Sorenson, C.); Modified text and added docket entry relationship on 2/15/2024 (ztth). (Entered: 02/14/2024)
02/15/2024		NOTICE of Hearing: Pre-motion Conference (hybrid proceedings) set for 3/5/2024 at 10:00 AM in Courtroom 19 before Judge Loren L. AliKhan. (zcdw) Modified on 2/15/2024 to correct hearing date (zcdw). (Entered: 02/15/2024)
03/03/2024	<u>13</u>	Consent MOTION to Continue <i>Pre-Motion Conference</i> by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 03/03/2024)
03/04/2024		MINUTE ORDER: Upon consideration of Defendant's Consent Motion to Continue Pre-Motion Hearing <u>13</u> , it is ORDERED that the motion is GRANTED and the parties shall appear for hybrid proceedings before the court on March 12, 2024 at 3:00 PM in Courtroom 19. Signed by Judge Loren L. AliKhan on 03/04/2024. (lclla3) (Entered: 03/04/2024)
03/06/2024		Set/Reset Deadlines/Hearings: Pre-motion Conference (hybrid proceedings) set for 3/12/2024 at 3:00 PM in Courtroom 19 before Judge Loren L. AliKhan. (zcdw) (Entered: 03/06/2024)
03/12/2024		Minute Entry for hybrid proceedings held before Judge Loren L. AliKhan: Pre-motion Conference held on 3/12/2024. Parties directed to submit a proposed briefing schedule by 3/29/2024. (Court Reporter: Jeff Hook) (zcdw) (Entered: 03/12/2024)
03/27/2024	<u>14</u>	Joint STATUS REPORT by BILLY WAYNE EVANS, JR. (Attachments: # <u>1</u> Text of Proposed Order)(Sorenson, C.) (Entered: 03/27/2024)
03/28/2024		MINUTE ORDER: Upon consideration of the parties' joint status report <u>14</u> , it is hereby ORDERED that the following schedule shall govern summary judgment briefing in this case: (1) Defendant shall file a motion for summary judgment on or before May 22, 2024; (2) Plaintiff shall file an opposition and cross-motion for summary judgment, if any, on or before June 21, 2024; (3) Defendant shall file a reply and opposition, if any, on or before July 22, 2024; (4) Plaintiff shall file a reply, if any, on or before August 22, 2024. Signed by Judge Loren L. AliKhan on 03/28/2024. (lclla3) (Entered: 03/28/2024)
05/06/2024	<u>15</u>	<p>TRANSCRIPT OF PRE-MOTION CONFERENCE before Judge Loren L. AliKhan held on March 12, 2024. Page Numbers: 1 – 8. Date of Issuance: May 6, 2024. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 5/27/2024. Redacted Transcript Deadline set for 6/6/2024. Release of Transcript Restriction set for 8/4/2024.(Hook, Jeff) (Entered: 05/06/2024)</p>
05/20/2024	<u>16</u>	Consent MOTION to Modify <i>Scheduling Order</i> by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 05/20/2024)

		05/20/2024)
05/22/2024		MINUTE ORDER: Upon consideration of Defendant's consent motion <u>16</u> to amend the scheduling order, it is ORDERED that the motion is GRANTED and the following schedule shall govern summary judgment briefing in this case: (1) Defendant shall file a motion for summary judgment on or before July 12, 2024; (2) Plaintiff shall file an opposition and cross-motion for summary judgment, if any, on or before August 12, 2024; (3) Defendant shall file a reply and opposition, if any, on or before September 12, 2024; (4) Plaintiff shall file a reply, if any, on or before October 15, 2024. Signed by Judge Loren L. AliKhan on 05/22/2024. (lc1a3) (Entered: 05/22/2024)
05/28/2024		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 7/12/2024. Response to Motion for Summary Judgment due by 8/12/2024. Reply to Motion for Summary Judgment due by 9/12/2024. Plaintiff's Cross Motion due by 8/12/2024. Response to Cross Motion due by 9/12/2024. Reply to Cross Motion due by 10/15/2024. (zcdw) (Entered: 05/28/2024)
05/29/2024	<u>17</u>	STRICKEN PURSUANT TO COURT'S ORDER OF 5/30/2024.....Supplemental ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY.(Curteman, Dedra) Modified docket text on 5/29/2024 (znmw). Modified on 6/4/2024 (zcdw). (Entered: 05/29/2024)
05/30/2024		MINUTE ORDER: The time for Defendant to amend its pleading as a matter of course under Federal Rule of Civil Procedure 15(a)(1) has passed. Accordingly, Plaintiff's consent or leave of court is required to amend. Fed. R. Civ. P. 15(a)(2). Defendant's Supplemental Answer to Complaint <u>17</u> does not indicate Plaintiff's consent and this court has not granted Defendant leave to file an amended pleading. It is thus ORDERED that Defendant's filing <u>17</u> is stricken. Should Defendant seek to amend its pleading, it may do so in accordance with Rule 15. Signed by Judge Loren L. AliKhan on 05/30/2024. (lc1a3) (Entered: 05/30/2024)
05/30/2024	<u>18</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY.(Curteman, Dedra) (Entered: 05/30/2024)
07/12/2024	<u>19</u>	MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Declaration Williams, # <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> Statement of Facts, # <u>8</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 07/12/2024)
08/12/2024	<u>20</u>	Memorandum in opposition to re <u>19</u> Motion for Summary Judgment, filed by BILLY WAYNE EVANS, JR. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration 2d Evans, # <u>3</u> Statement of Facts, # <u>4</u> Memorandum in Support)(Sorenson, C.) (Entered: 08/12/2024)
08/12/2024	<u>21</u>	Cross MOTION for Summary Judgment by BILLY WAYNE EVANS, JR. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration 2d Evans, # <u>3</u> Statement of Facts, # <u>4</u> Memorandum in Support)(Sorenson, C.) (Entered: 08/12/2024)
09/10/2024	<u>22</u>	Consent MOTION for Extension of Time to <i>File Opposition and Replies</i> by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 09/10/2024)
09/10/2024	<u>23</u>	ERRATA by CENTRAL INTELLIGENCE AGENCY re <u>22</u> Motion for Extension of Time to. (Attachments: # <u>1</u> Text of Proposed Order)(Curteman, Dedra) (Entered: 09/10/2024)
09/10/2024		MINUTE ORDER: Upon consideration of Defendant's Consent Motion for Extension of Time to File Opposition and Reply <u>22</u> and Errata <u>23</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall file its reply in support of its Motion for Summary Judgment <u>19</u> and opposition to Plaintiff's Cross Motion for Summary Judgment <u>21</u> on or before September 27, 2024, and Plaintiff shall file his reply in support of his Cross Motion for Summary Judgment on or before November 8, 2024. Signed by Judge Loren L. AliKhan on 9/10/2024. (lc1a3) (Entered: 09/10/2024)
09/13/2024		Set/Reset Deadlines/Hearings: Reply to <u>19</u> Motion for Summary Judgment due by 9/27/2024. Response to <u>21</u> Cross Motion due by 9/27/2024. Reply to Cross Motion due by 11/8/2024. (zcdw) (Entered: 09/13/2024)