

**U.S. DISTRICT COURT**  
**U.S. District Court, Western District of New York (Buffalo)**  
**CIVIL DOCKET FOR CASE #: 1:24-cv-00129-JLS-MJR**

Investigative Post, Inc. v. Federal Bureau of Investigation et al  
 Assigned to: Hon. John L. Sinatra, Jr.  
 Referred to: Hon. Michael J. Roemer  
 Cause: 05:552 Freedom of Information Act

Date Filed: 02/07/2024  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Investigative Post, Inc.**

represented by **Heather R. Abraham**  
 University at Buffalo School of Law  
 Civil Rights & Transparency Clinic  
 524 O'Brian Hall  
 Buffalo, NY 14260  
 716 645-2073  
 Fax: 716 645-6199  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael F. Higgins**  
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 925 Clinton Square  
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 Email: [mhiggins@ed-llp.com](mailto:mhiggins@ed-llp.com)  
*LEAD ATTORNEY*  
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V.

**Defendant**

**Federal Bureau of Investigation**

represented by **Scott L. Sroka**  
 DOJ-USAO  
 Civil  
 138 Delaware Avenue  
 Buffalo, NY 14202  
 716-843-5831  
 Email: [scott.sroka@usdoj.gov](mailto:scott.sroka@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Department of Justice**

represented by **Scott L. Sroka**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/07/2024	<u>1</u>	COMPLAINT against All Defendants \$ 405 receipt number ANYWDC-5101990, filed by Investigative Post, Inc.. (Attachments: # <u>1</u> Exhibit FOIA Request, # <u>2</u> Exhibit FOIA Acknowledgement, # <u>3</u> Exhibit Fee waiver denial, # <u>4</u> Exhibit Correspondence, # <u>5</u> Exhibit FOIA Request 2, # <u>6</u> Exhibit FOIA response, # <u>7</u> Exhibit FOIA Appeal, # <u>8</u> Exhibit Appeal Acknowledgement, # <u>9</u> Exhibit Appeal Denial)(Higgins, Michael) (Entered: 02/07/2024)

02/08/2024		E-Filing Notification: re <u>1</u> COMPLAINT – Attorney is directed to file a civil cover sheet, pursuant to Local Rule 3. No judge assignment will be made until filing is entered on the docket. Please utilize the Continuation of Exhibits event, located within the Responses and Replies category. (TMK) (Entered: 02/08/2024)
02/08/2024	<u>2</u>	CONTINUATION OF EXHIBITS by Investigative Post, Inc.. to <u>1</u> Complaint, filed by Investigative Post, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet)(Higgins, Michael) (Entered: 02/08/2024)
02/08/2024		Case Assigned to Hon. John L. Sinatra, Jr. Notification to Chambers of on-line civil case opening. (TMK) (Entered: 02/08/2024)
02/08/2024		AUTOMATIC REFERRAL to Mediation: the ADR Plan is available for download at <a href="http://www.nywd.uscourts.gov/alternative-dispute-resolution">http://www.nywd.uscourts.gov/alternative-dispute-resolution</a> .(TMK) (Entered: 02/08/2024)
02/08/2024		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at <a href="http://www.uscourts.gov/services-forms/forms">http://www.uscourts.gov/services-forms/forms</a> . (TMK) (Entered: 02/08/2024)
02/08/2024		Original Summons Not Submitted. (TMK) (Entered: 02/08/2024)
02/14/2024	<u>3</u>	Original Summons Filed. (Attachments: # <u>1</u> Summons)(Higgins, Michael) (Entered: 02/14/2024)
02/14/2024	<u>4</u>	Summons Issued as to Federal Bureau of Investigation, U.S. Attorney and U.S. Attorney General. (JLV) (Entered: 02/14/2024)
06/13/2024	<u>5</u>	MOTION to Dismiss <i>for failure to properly serve defendants</i> by Department of Justice, Federal Bureau of Investigation. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Mary E. Fleming)(Sroka, Scott) (Entered: 06/13/2024)
06/14/2024	<u>6</u>	TEXT REFERRAL ORDER (DISPOSITIVE) – Hon. Michael J. Roemer, United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall also hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 6/14/2024. (KLH) (Entered: 06/14/2024)
06/17/2024		ATTENTION ALL PLAINTIFFS OR INTERVENORS: Pursuant to Fed. R. Civ. P.7.1 and/or General Order No. 157. In the Matter of Disclosure of Members, Shareholders, Partners, and Leaders of Business Organization Parties, all Disclosure Statements are to be filed within seven (7) days of this notice. (KM) (Entered: 06/17/2024)
06/17/2024		SCHEDULING NOTICE as to <u>5</u> MOTION to Dismiss for failure to properly serve defendants. Responses due by 7/8/2024. Replies due by 7/22/2024. Oral argument will be scheduled at the Court's discretion. (RAZ) (Entered: 06/17/2024)
06/23/2024	<u>7</u>	Corporate Disclosure Statement by Investigative Post, Inc. identifying Other Affiliate Jim Heaney for Investigative Post, Inc... (Higgins, Michael) (Entered: 06/23/2024)
06/30/2024	<u>8</u>	AFFIDAVIT of Service for Summons and Complaint served on Federal Bureau of Investigation on 02/15/2024, filed by Investigative Post, Inc.. (Higgins, Michael) (Entered: 06/30/2024)

07/05/2024	<u>9</u>	ACKNOWLEDGEMENT OF SERVICE Executed Acknowledgement filed by Department of Justice, Federal Bureau of Investigation. (Sroka, Scott) (Entered: 07/05/2024)
07/05/2024	<u>10</u>	RESPONSE to Motion re <u>5</u> MOTION to Dismiss <i>for failure to properly serve defendants</i> filed by Department of Justice, Federal Bureau of Investigation. (Sroka, Scott) (Entered: 07/05/2024)
07/08/2024	11	TEXT ORDER. Pursuant to the joint motion of the parties <u>9</u> , the motion to dismiss <u>5</u> for failure to properly serve defendants is hereby DENIED as moot. Defendants shall answer the Complaint on or before on 5/5/2024. SO ORDERED. Issued by Hon. Michael J. Roemer on 7/8/2024. (RAZ) (Entered: 07/08/2024)
07/16/2024	<u>12</u>	NOTICE of Appearance by Heather R. Abraham on behalf of All Plaintiffs (Abraham, Heather) (Entered: 07/16/2024)
08/02/2024	13	AMENDED TEXT ORDER. Pursuant to the joint motion of the parties <u>9</u> , the motion to dismiss <u>5</u> for failure to properly serve defendants is hereby DENIED as moot. Defendants shall answer the Complaint on or before on <b>9/1/2024</b> . SO ORDERED. Issued by Hon. Michael J. Roemer on 8/2/2024. (RAZ) (Entered: 08/02/2024)
08/20/2024	<u>14</u>	ANSWER to <u>1</u> Complaint, by Department of Justice, Federal Bureau of Investigation.(Sroka, Scott) (Entered: 08/20/2024)
09/11/2024	<u>15</u>	TEXT ORDER. The parties are hereby directed to jointly complete and <b>email to chambers at <a href="mailto:roemer@nywd.uscourts.gov">roemer@nywd.uscourts.gov</a></b> , the attached case management order. Such shall be completed within 30 days of the date of this Text Order. The Court will issue a final case management order upon receipt and review of the proposed deadlines. SO ORDERED. Issued by Hon. Michael J. Roemer on 9/11/2024. (RAZ) (Entered: 09/11/2024)