

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-03024-TSC**

AMERICA FIRST LEGAL FOUNDATION v. COLEY et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 11/15/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICA FIRST LEGAL
FOUNDATION**

represented by **Andrew Block**
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V.

Defendant

ANTHONY COLEY
*in his official capacity as Director, Office
of Public Affairs, United States
Department of Justice*

represented by **Michael Joseph Gerardi**
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Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**

represented by **Michael Joseph Gerardi**
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LEAD ATTORNEY
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Yoseph T. Desta
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/15/2021	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ADCDC-8866864) filed by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Civil Cover Sheet, # <u>18</u> Summons, # <u>19</u> Summons, # <u>20</u> Summons)(Mills, Christopher) (Attachment 17 replaced on 11/16/2021) (adh,). (Entered: 11/15/2021)
11/16/2021	<u>2</u>	SUMMONS (3) Issued Electronically as to ANTHONY COLEY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 11/16/2021)
11/16/2021		Case Assigned to Judge Tanya S. Chutkan. (znmg) (Entered: 11/17/2021)
12/14/2021	<u>3</u>	CERTIFICATE OF SERVICE by AMERICA FIRST LEGAL FOUNDATION re <u>1</u> Complaint,, <u>2</u> Summons Issued Electronically as to AUSA . (Mills, Christopher) (Entered: 12/14/2021)
12/14/2021	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/22/2021., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/22/2021. (Answer due for ALL FEDERAL DEFENDANTS by 12/22/2021.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ANTHONY COLEY served on 11/22/2021. (See Docket Entry <u>3</u> to view document). (znmw) (Entered: 12/15/2021)
12/22/2021	<u>5</u>	NOTICE of Appearance by Michael Joseph Gerardi on behalf of ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE (Gerardi, Michael) (Entered: 12/22/2021)
12/22/2021	<u>6</u>	Partial MOTION to Dismiss by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Gerardi, Michael) (Entered: 12/22/2021)
01/03/2022	<u>7</u>	Consent MOTION to Modify Briefing Schedule <i>on Defendants' Partial Motion to Dismiss</i> by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Mills, Christopher) Modified event on 1/4/2022 (znmw). (Entered: 01/03/2022)
01/05/2022		MINUTE ORDER: Granting Consent <u>7</u> Motion to Modify Deadlines. Plaintiff's Opposition to Defendants' Partial Motion to Dismiss is due 1/12/22. Defendant's Reply due 1/26/22. Signed by Judge Tanya S. Chutkan on 1/5/22. (DJS) (Entered: 01/05/2022)
01/10/2022		Set/Reset Deadlines: Response to Dispositive Motion due by 1/12/2022. Reply to Dispositive Motion due by 1/26/2022. (tb) (Entered: 01/10/2022)
01/12/2022	<u>8</u>	Memorandum in opposition to re <u>6</u> Partial MOTION to Dismiss filed by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Exhibit 1: FOIA Request, # <u>2</u> Exhibit 2: FOIA Response, # <u>3</u> Exhibit 3: Additional FOIA Response, # <u>4</u> Text of Proposed Order)(Mills, Christopher) (Entered: 01/12/2022)
01/26/2022	<u>9</u>	REPLY to opposition to motion re <u>6</u> Partial MOTION to Dismiss filed by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 01/26/2022)
09/30/2022	<u>10</u>	MEMORANDUM AND OPINION re: Defendants' <u>6</u> Partial Motion to Dismiss. Signed by Judge Tanya S. Chutkan on 09/30/2022. (lcss) (Entered: 09/30/2022)

09/30/2022	<u>11</u>	ORDER granting Defendants' <u>6</u> Partial Motion to Dismiss. Signed by Judge Tanya S. Chutkan on 09/30/2022. (lcss) (Entered: 09/30/2022)
09/30/2022		MINUTE ORDER: Defendants shall file an answer by October 21, 2022 . Signed by Judge Tanya S. Chutkan on 09/30/2022. (lcss) (Entered: 09/30/2022)
10/03/2022		Set/Reset Deadlines: Answer due by 10/21/2022. (tb) (Entered: 10/03/2022)
10/21/2022	<u>12</u>	ANSWER to Complaint by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE.(Gerardi, Michael) (Entered: 10/21/2022)
10/23/2022	<u>13</u>	MINUTE ORDER: Before the court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. It is hereby ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than 12/12/2022. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 10/23/2022. (lcja) (Entered: 10/23/2022)
10/24/2022		Set/Reset Deadlines: Joint Status Report due by 12/12/2022. (tb) (Entered: 10/24/2022)
12/12/2022	<u>14</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 12/12/2022)
12/13/2022		MINUTE ORDER: Plaintiff shall file an Amended Complaint no later than December 23, 2022; Defendants shall file an Answer to no later than January 6, 2023; and the parties shall file a Joint Status Report no later than January 20, 2023. The parties' Joint Status Report shall comply with the court's October 23, 2022 Minute Order, and the parties shall email a word version of the accompanying proposed order to chambers. Signed by Judge Tanya S. Chutkan on 12/13/2022. (lcja) (Entered: 12/13/2022)
12/20/2022		Set/Reset Deadlines: Answer due by 1/6/2023. Joint Status Report due by 1/20/2023. (tb) (Entered: 12/20/2022)
12/21/2022	<u>15</u>	NOTICE of Appearance by Andrew Block on behalf of AMERICA FIRST LEGAL FOUNDATION (Block, Andrew) (Entered: 12/21/2022)
12/21/2022	<u>16</u>	AMENDED COMPLAINT against ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE filed by AMERICA FIRST LEGAL FOUNDATION. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit)(Block, Andrew) (Entered: 12/21/2022)
01/06/2023	<u>17</u>	ANSWER to <u>16</u> Amended Complaint, by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE.(Gerardi, Michael) (Entered: 01/06/2023)
01/20/2023	<u>18</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order)(Gerardi, Michael) (Entered: 01/20/2023)
01/23/2023		MINUTE ORDER: Upon consideration of the parties' <u>18</u> joint status report, the Court ORDERS the parties to file status reports every sixty days to apprise the Court of the status of processing in this case. The first joint status report is due March 20, 2023. Signed by Judge Tanya S. Chutkan on 1/23/2023. (lcja) (Entered: 01/23/2023)
01/24/2023		Set/Reset Deadlines: Joint Status Report due by 3/20/2023. (tb) (Entered: 01/24/2023)
03/17/2023	<u>19</u>	Joint MOTION for Extension of Time to File <i>Joint Status Report</i> by AMERICA FIRST LEGAL FOUNDATION. (Mills, Christopher) (Entered: 03/17/2023)
03/20/2023		MINUTE ORDER: The parties' <u>19</u> Joint Motion for Extension of Time is hereby GRANTED. The parties next joint status report shall be due no later than April 3,

		2023, and they shall continue to file joint status reports every 60 days thereafter. To the extent the parties seek a change in the status quo, any such motion or report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 3/20/2023. (lcja) (Entered: 03/20/2023)
03/24/2023		Set/Reset Deadlines: Joint Status Report due by 4/3/2023. (tb) (Entered: 03/24/2023)
04/03/2023	<u>20</u>	Joint STATUS REPORT by AMERICA FIRST LEGAL FOUNDATION. (Mills, Christopher) (Entered: 04/03/2023)
05/22/2023	<u>21</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 05/22/2023)
07/20/2023	<u>22</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 07/20/2023)
09/20/2023	<u>23</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 09/20/2023)
11/20/2023	<u>24</u>	NOTICE of Appearance by Yoseph T. Desta on behalf of All Defendants (Desta, Yoseph) (Entered: 11/20/2023)
11/20/2023	<u>25</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Desta, Yoseph) (Entered: 11/20/2023)
01/19/2024	<u>26</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 01/19/2024)
03/19/2024	<u>27</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Desta, Yoseph) (Entered: 03/19/2024)
05/20/2024	<u>28</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 05/20/2024)
07/22/2024	<u>29</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 07/22/2024)
09/20/2024	<u>30</u>	Joint STATUS REPORT by ANTHONY COLEY, UNITED STATES DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 09/20/2024)