

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01854-DLF**

HERITAGE FOUNDATION et al v. U.S. DEPARTMENT OF JUSTICE

Assigned to: Judge Dabney L. Friedrich

Case in other court: USCA, 23-05168

USCA, 23-05171

Cause: 05:552 Freedom of Information Act

Plaintiff

HERITAGE FOUNDATION

Date Filed: 06/26/2023

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: Federal Question

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V.

Defendant

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Date Filed	#	Docket Text
06/26/2023	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 402 receipt number ADCDC-10165346) filed by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <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, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9, # <u>14</u> Exhibit 10, # <u>15</u> Exhibit 11, # <u>16</u> Exhibit 12, # <u>17</u> Exhibit 13, # <u>18</u> Exhibit 14, # <u>19</u> Exhibit 15, # <u>20</u> Exhibit 16, # <u>21</u> Exhibit 17, # <u>22</u> Exhibit 18, # <u>23</u> Exhibit 19, # <u>24</u> Exhibit 20, # <u>25</u> Exhibit 21, # <u>26</u> Exhibit 22, # <u>27</u> Exhibit 23, # <u>28</u> Exhibit 24)(Dewey, Samuel) (Entered: 06/26/2023)

06/27/2023	<u>2</u>	NOTICE of Appearance by Roman Jankowski on behalf of All Plaintiffs (Jankowski, Roman) (Entered: 06/27/2023)
06/27/2023	<u>3</u>	NOTICE of Appearance by Eric Neal Cornett on behalf of All Plaintiffs (Cornett, Eric) (Entered: 06/27/2023)
06/27/2023		Case Assigned to Judge Dabney L. Friedrich. (zrtw) (Entered: 06/27/2023)
06/27/2023	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrtw) (Entered: 06/27/2023)
06/29/2023	<u>5</u>	STANDARD ORDER for civil cases. See text for details. Signed by Judge Dabney L. Friedrich on June 29, 2023. (lcldf2) (Entered: 06/29/2023)
06/29/2023	<u>6</u>	MOTION for Preliminary Injunction by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Dewey, Samuel) (Entered: 06/29/2023)
06/29/2023	<u>7</u>	DECLARATION of <i>Smauel Everett Dewey</i> by HERITAGE FOUNDATION, MIKE HOWELL re <u>6</u> MOTION for Preliminary Injunction filed by HERITAGE FOUNDATION, MIKE HOWELL. (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)(Dewey, Samuel) (Attachment 4 flattened & replaced on 7/3/2023.) (ztnr) (Entered: 06/30/2023)
06/30/2023	<u>8</u>	NOTICE of Appearance by Jason C. Lynch on behalf of U.S. DEPARTMENT OF JUSTICE (Lynch, Jason) (Entered: 06/30/2023)
06/30/2023	<u>9</u>	MOTION for Extension of Time to File Response/Reply as to <u>6</u> MOTION for Preliminary Injunction <i>By Three Working Days, Until July 11, 2023</i> , by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Lynch, Jason) (Entered: 06/30/2023)
06/30/2023		MINUTE ORDER granting in part the defendant's <u>9</u> Motion for Extension of Time. The defendant shall file a response to the plaintiffs' <u>6</u> Motion for Preliminary Injunction on or before July 10, 2023 at 9:00am. So Ordered by Judge Dabney L. Friedrich on June 30, 2023. (lcldf2) (Entered: 06/30/2023)
07/10/2023	<u>10</u>	Memorandum in opposition to re <u>6</u> Motion for Preliminary Injunction filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1 – July 10, 2023, Declaration of Kara Cain (EOUSA))(Lynch, Jason) (Entered: 07/10/2023)
07/10/2023	<u>11</u>	NOTICE of Appearance by Daniel D. Mauler on behalf of All Plaintiffs (Mauler, Daniel) (Entered: 07/10/2023)
07/11/2023	<u>12</u>	ERRATA re <u>10</u> Memorandum in opposition to <i>Plaintiffs' Motion for Preliminary Injunction</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Defendant's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction (Corrected))(Lynch, Jason) Modified on 7/11/2023 to add docket relationship (zed). (Entered: 07/11/2023)
07/11/2023		NOTICE of Hearing: Motion Hearing set for 7/20/2023 at 11:30 AM in Courtroom 14– In Person before Judge Dabney L. Friedrich. (zjch,) (Entered: 07/11/2023)
07/11/2023	<u>13</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of U.S. DEPARTMENT OF JUSTICE (Shapiro, Elizabeth) (Entered: 07/11/2023)
07/13/2023	<u>14</u>	MOTION for Leave to File <i>Reply Declarations</i> by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Declaration Second Declaration of Samuel Everett Dewey, # <u>2</u> Exhibit 2d Dewey Decl. Ex. 1, # <u>3</u> Exhibit 2d Dewey Decl. Ex. 2, # <u>4</u> Exhibit 2d Dewey Decl. Ex. 3, # <u>5</u> Exhibit 2d Dewey Decl. Ex. 4, # <u>6</u> Declaration Declaration of Kyle Brosnan, # <u>7</u> Exhibit Brosnan Decl. Ex. 1, # <u>8</u> Exhibit Brosnan Decl. Ex. 2, # <u>9</u> Exhibit Brosnan Decl. Ex. 3, # <u>10</u> Exhibit Brosnan Decl. Ex. 4, # <u>11</u> Declaration Declaration of Mike Howell)(Dewey, Samuel) (Attachment 5 flattened & replaced on 7/14/2023.) (ztnr) (Entered: 07/13/2023)
07/13/2023	<u>15</u>	MOTION for Leave to File <i>Reply Memorandum</i> by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Memorandum in Support)(Dewey, Samuel)

		(Entered: 07/13/2023)
07/14/2023	<u>16</u>	Memorandum in opposition to re <u>14</u> Motion for Leave to File,, <u>15</u> Motion for Leave to File filed by U.S. DEPARTMENT OF JUSTICE. (Shapiro, Elizabeth) (Entered: 07/14/2023)
07/14/2023	<u>17</u>	REPLY to opposition to motion re <u>14</u> MOTION for Leave to File <i>Reply Declarations</i> , <u>15</u> MOTION for Leave to File <i>Reply Memorandum</i> filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 07/14/2023)
07/19/2023	<u>18</u>	ORDER granting the plaintiffs' <u>14</u> and <u>15</u> Motions for Leave to File Reply Declarations and Reply Memorandum and denying the plaintiffs' <u>6</u> Motion for Preliminary Injunction. See text for details. The July 20, 2023 preliminary injunction hearing is VACATED.In addition, the Court will not grant the defendant any extensions to the answer deadline absent extraordinary circumstances. The parties are directed to contact the Courtroom Deputy to schedule a post-meet and confer status hearing for the week of August 7, 2023. So Ordered by Judge Dabney L. Friedrich on July 19, 2023. (lcldf2) (Entered: 07/19/2023)
07/19/2023	<u>19</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>18</u> Order on Motion for Preliminary Injunction,, Order on Motion for Leave to File,,,, by HERITAGE FOUNDATION, MIKE HOWELL. Filing fee \$ 505, receipt number ADCDC-10217518. Fee Status: Fee Paid. Parties have been notified. (Dewey, Samuel) (Entered: 07/19/2023)
07/20/2023	<u>20</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid re <u>19</u> Notice of Interlocutory Appeal. (zed) (Entered: 07/20/2023)
07/20/2023	<u>21</u>	MOTION for Injunction <i>Pending Interlocutory Appeal</i> by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 07/20/2023)
07/20/2023		MINUTE ORDER denying the plaintiffs' <u>21</u> Motion for Injunction Pending Interlocutory Appeal. First, Rule 62(d) of the Federal Rules of Civil Procedure permits a party to seek an injunction pending appeal to "secure the opposing party's rights." The only right the plaintiffs may seek to "secure" on appeal is reversal of this Court's order denying a preliminary injunction ordering DOJ to produce requested documents by July 21, 2023. Such an injunction is the only form of relief that the plaintiffs requested in this Court, the only form of relief that the Court denied, and the only form of relief the denial of which is the subject of the <u>19</u> Notice of Interlocutory Appeal. The plaintiffs are not asking for an injunction pending appeal to preserve the possibility of that relief. They are instead requesting new relief—to order DOJ to produce the relevant documents by a newly proposed, later date—that is not properly presented in a motion for injunction pending appeal. Instead, the plaintiffs would have to file a new motion for preliminary injunction. Second, even if the Court were to consider the plaintiffs' arguments on the merits, treating them as in support of a different proposed preliminary injunction, the Court would deny the motion for the same reasons stated in its <u>18</u> Order. So Ordered by Judge Dabney L. Friedrich on July 20, 2023. (lcldf2) (Entered: 07/20/2023)
07/20/2023		USCA Case Number 23-5168 for <u>19</u> Notice of Interlocutory Appeal, filed by HERITAGE FOUNDATION, MIKE HOWELL. (mg) (Entered: 07/21/2023)
07/21/2023	<u>22</u>	NOTICE OF INTERLOCUTORY APPEAL as to Order on Motion for Injunction,,,, by HERITAGE FOUNDATION, MIKE HOWELL. Filing fee \$ 505, receipt number ADCDC-10221512. Fee Status: Fee Paid. Parties have been notified. (Dewey, Samuel) (Entered: 07/21/2023)
07/21/2023	<u>23</u>	Transmission of the Notice of Appeal, Minute Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid re <u>22</u> Notice of Interlocutory Appeal. (zed) (Entered: 07/21/2023)
07/21/2023		USCA Case Number 23-5171 for <u>22</u> Notice of Interlocutory Appeal filed by HERITAGE FOUNDATION, MIKE HOWELL. (znmw) (Entered: 07/21/2023)
07/24/2023	<u>24</u>	ORDER of USCA as to <u>19</u> Notice of Interlocutory Appeal, filed by HERITAGE FOUNDATION, MIKE HOWELL, <u>22</u> Notice of Interlocutory Appeal filed by HERITAGE FOUNDATION, MIKE HOWELL ; denying emergency motion for injunction pending appeal; USCA Case Number 23-5168 and 23-5171. (znmw)

		(Entered: 07/25/2023)
07/27/2023	<u>25</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Lynch, Jason) (Entered: 07/27/2023)
07/28/2023		MINUTE ORDER requiring the parties to MEET AND CONFER and file a Meet and Confer report proposing a schedule for further proceedings. The report should address the status of the plaintiff's FOIA request, including the anticipated number of documents responsive to the request and the anticipated date(s) for release of the requested documents. The parties shall file the Meet and Confer report on or before August 4, 2023. So Ordered by Judge Dabney L. Friedrich on July 28, 2023. (lcldf2) (Entered: 07/28/2023)
07/28/2023		Set/Reset Deadlines: Meet & Confer Report due by 8/4/2023. (zjd) (Entered: 07/28/2023)
08/03/2023		NOTICE of Hearing: Motion Hearing set for 8/11/2023 at 2:00 PM in Courtroom 14– In Person before Judge Dabney L. Friedrich. (zjch,) (Entered: 08/03/2023)
08/04/2023	<u>26</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1 – Hr'g Tr., # <u>2</u> Exhibit 2 – Congressional Letter)(Lynch, Jason) (Entered: 08/04/2023)
08/11/2023		MINUTE ORDER. As directed at today's status conference, the parties are ORDERED to meet and confer in an effort to agree on a production schedule. The parties shall file a joint status report on or before August 21, 2023. If necessary, a hearing will be scheduled for a mutually agreeable time on August 23, 2023. So Ordered by Judge Dabney L. Friedrich on August 11, 2023 (lcldf2). (Entered: 08/11/2023)
08/11/2023		Minute Entry for proceedings held before Judge Dabney L. Friedrich: Status Conference held on 8/11/2023. Status Report due by 8/21/2023 Court Reporter Sara Wick. (zjch,) (Entered: 08/14/2023)
08/14/2023		Set/Reset Deadlines: Status Report due by 8/21/2023 (zjch,) (Entered: 08/14/2023)
08/21/2023	<u>27</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Lynch, Jason) (Entered: 08/21/2023)
08/22/2023		MINUTE ORDER. Upon consideration of the parties' <u>27</u> Joint Status Report, the Court sees no need for a hearing on August 23, 2023. It is ORDERED that on or before August 25, 2023, the Department of Justice shall produce all responsive records from the 537 pages of potentially responsive records collected from custodians Weiss and Wolf; in addition, on or before October 31, 2023, the Department shall produce all responsive records from the remaining 2,148 pages of potentially responsive records (which translates into a rate of less than 1,000 pages per month); finally, on or before August 31, 2023, the parties shall consult via email on search terms. On or before November 1, 2023, the parties shall submit a joint status report proposing a briefing schedule. So Ordered by Judge Dabney L. Friedrich on August 22, 2023. (lcldf2) (Entered: 08/22/2023)
08/22/2023		Set/Reset Deadlines: The Department of Justice shall produce all responsive records from the 537 pages of potentially responsive records collected from custodians Weiss and Wolf by 8/25/2023. Status Report due by 11/1/2023 (zjch,) (Entered: 08/23/2023)
10/16/2023	<u>28</u>	MANDATE of USCA as to <u>19</u> Notice of Interlocutory Appeal, filed by HERITAGE FOUNDATION, MIKE HOWELL, <u>22</u> Notice of Interlocutory Appeal filed by HERITAGE FOUNDATION, MIKE HOWELL ; USCA Case Number 23–5168, 23–5171. (Attachments: # <u>1</u> USCA Order 10/16/2023)(znmw) (Entered: 10/16/2023)
10/16/2023		MINUTE ORDER. Upon consideration of the D.C. Circuit's [28–1] October 16, 2023 Order, it is hereby ORDERED that on or before October 24, 2023, the parties shall submit briefs not to exceed 8 pages on whether the Court should vacate its <u>18</u> July 19, 2023 order and July 20, 2023 minute order. So Ordered by Judge Dabney L. Friedrich on October 16, 2023. (lcldf2) (Entered: 10/16/2023)
10/17/2023		Set/Reset Deadlines: Brief due by 10/24/2023. (zjch,) (Entered: 10/17/2023)

10/24/2023	<u>29</u>	MEMORANDUM re Order, by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 10/24/2023)
10/24/2023	<u>30</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>Regarding Vacatur</i> filed by U.S. DEPARTMENT OF JUSTICE. (Lynch, Jason) (Entered: 10/24/2023)
10/26/2023		NOTICE of Hearing:Status Conference set for 10/30/2023 at 11:00 AM in Courtroom 14– In Person before Judge Dabney L. Friedrich. (zjch,) (Entered: 10/26/2023)
10/26/2023		MINUTE ORDER. A status hearing is set for October 30, 2023 at 11:00 AM in Courtroom 14. The Court plans to ask the parties about their recent filings, <i>see</i> Dkts. 29, 30, on whether the Court should vacate its <u>18</u> July 19, 2023 order and July 20, 2023 minute order. So Ordered by Judge Dabney L. Friedrich on October 26, 2023. (lcldf2) (Entered: 10/26/2023)
10/30/2023		Minute Entry for proceedings held before Judge Dabney L. Friedrich: Status Conference held on 10/30/2023. Court Reporter Sara Wick. (zjch,) (Entered: 10/30/2023)
11/02/2023	<u>31</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1 – Counsel's Correspondence)(Lynch, Jason) (Entered: 11/02/2023)
11/02/2023		MINUTE ORDER. Upon consideration of the parties' <u>31</u> Joint Status Report, the Court orders the following. First, briefing shall be bifurcated between the government's search and its withholdings. The parties shall first brief issues related to the government's search and then issues related to the government's withholdings. During the briefing on withholdings, the government shall produce its <i>Vaughn</i> index. Second, the following schedule will govern briefing on the search: the government shall file its motion for partial summary judgment on or before <u>November 22, 2023</u> ; the plaintiffs shall file their opposition and any cross-motion for partial summary judgment on or before <u>December 13, 2023</u> ; the government shall file its reply and opposition to any cross-motion for partial summary judgment on or before <u>January 27, 2024</u> ; and the plaintiff shall file its reply on any cross-motion for partial summary judgment on or before <u>February 10, 2024</u> . Although the Court recognizes that the 45-day period for the government to file its reply and opposition to the plaintiffs' cross-motion is atypical, the Court is persuaded that this amount of time is warranted given the plaintiffs' representation that they "anticipate filing a lengthy factual brief" as part of their opposition and cross-motion. Joint Status Report Ex. 1 at 16, Dkt. 31–1. If the plaintiffs disclose this additional information to the government on or before <u>November 9, 2023</u> , the Court will revisit this scheduling order and consider reducing the 45-day response period. Third, the Court will determine whether to set a hearing on the motion(s) after it receives the briefs. So Ordered by Judge Dabney L. Friedrich on November 2, 2023. (lcldf2) (Entered: 11/02/2023)
11/09/2023	<u>32</u>	RESPONSE TO ORDER OF THE COURT re Order,,,,,,,,, Set Deadlines,,,,,,,,, filed by HERITAGE FOUNDATION, MIKE HOWELL. (Cornett, Eric) (Entered: 11/09/2023)
11/10/2023		MINUTE ORDER. Upon consideration of the plaintiffs' <u>32</u> Response to the Court's November 2, 2023 minute order, the schedule for briefing on the search is MODIFIED as follows: the government shall file its motion for partial summary judgment on or before <u>November 22, 2023</u> ; the plaintiffs shall file their opposition and any cross-motion for partial summary judgment on or before <u>December 13, 2023</u> ; the government shall file its reply and opposition to any cross-motion for partial summary judgment on or before <u>January 12, 2024</u> ; and the plaintiff shall file its reply on any cross-motion for partial summary judgment on or before <u>January 26, 2024</u> . The plaintiffs represent that their opposition and potential cross-motion will rely on "public[] and easily accessible" materials available "on the internet," and they provide links to the materials they intend to introduce. Pls.' Response at 2, Dkt. 32. As such, the Court believes a reduction in the government's response period from 45 days to 30 days is warranted, accounting for the holidays. That said, the plaintiffs also represent that they "reserve some right to supplement" based on the potential availability of certain congressional materials. <i>Id.</i> at 4. If the plaintiffs' opposition and potential cross-motion introduce factual records not yet revealed to the government and the Court, the government may move to extend its response period. So Ordered by Judge Dabney L. Friedrich on November 10, 2023. (lcldf2) (Entered: 11/10/2023)

11/13/2023		NOTICE OF ERROR re <u>32</u> Response to Order of the Court; emailed to neal@cornettlegal.com, cc'd 7 associated attorneys — The PDF file you docketed contained errors: 1. Please note the following for future filings; do not refile document , 2. Signature of filer must match the name on the PACER account. (mg,) (Entered: 11/13/2023)
11/22/2023	<u>33</u>	MOTION for Partial Summary Judgment <i>re Search Adequacy</i> by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit 1 – Nov. 22, 2023 Cain Declaration, # <u>3</u> Text of Proposed Order)(Lynch, Jason) (Entered: 11/22/2023)
12/13/2023	<u>34</u>	Memorandum in opposition to re <u>33</u> Motion for Partial Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 12/13/2023)
12/13/2023	<u>35</u>	Partial MOTION for Summary Judgment by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts)(Dewey, Samuel) (Entered: 12/13/2023)
12/13/2023	<u>36</u>	DECLARATION of <i>Eric Neal Cornett</i> by HERITAGE FOUNDATION, MIKE HOWELL re <u>35</u> Partial MOTION for Summary Judgment . (Attachments: # <u>1</u> Exhibit 1 Part 1, # <u>2</u> Exhibit 1 Part 2, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9)(Dewey, Samuel) (Entered: 12/13/2023)
12/22/2023	<u>37</u>	MEMORANDUM OPINION & ORDER. On October 16, 2023, the D.C. Circuit remanded this case "with instructions to consider whether vacatur of the district court's orders filed July 19, 2023 and July 20, 2023 is warranted." Order at 1, Dkt. 28–1. Upon consideration of the parties' submissions and arguments, the Court concludes that vacatur of its July 19, 2023 and July 20, 2023 orders is not warranted. See text for details. Signed by Judge Dabney L. Friedrich on December 22, 2023. (lcldf2) (Entered: 12/22/2023)
01/12/2024	<u>38</u>	Memorandum in opposition to re <u>35</u> Motion for Summary Judgment <i>and Reply In Support of 33 Defendant's Motion for Partial Summary Judgment</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts (Response), # <u>2</u> Exhibit 1 – 3d Cain Decl. (Jan. 11, 2024))(Lynch, Jason) (Entered: 01/12/2024)
01/12/2024	39	REPLY to opposition to motion re <u>33</u> MOTION for Partial Summary Judgment <i>re Search Adequacy</i> filed by U.S. DEPARTMENT OF JUSTICE. (See docket entry <u>38</u> to view document). (mg) (Entered: 01/16/2024)
01/25/2024	<u>40</u>	TRANSCRIPT OF PROCEEDINGS before Judge Dabney L. Friedrich held on 08/11/2023. Page Numbers: 1–37. Date of Issuance: 01/25/2024. Court Reporter: Sara Wick, telephone number 202–354–3284. 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 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. Redaction Request due 2/15/2024. Redacted Transcript Deadline set for 2/25/2024. Release of Transcript Restriction set for 4/24/2024.(Wick, Sara) (Entered: 01/25/2024)
01/25/2024	<u>41</u>	TRANSCRIPT OF PROCEEDINGS before Judge Dabney L. Friedrich held on 10/30/2023. Page Numbers: 1–36. Date of Issuance: 01/25/2024. Court Reporter: Sara Wick, telephone number 202–354–3284. Transcripts may be ordered by submitting the <u>Transcript Order Form</u>

		<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 2/15/2024. Redacted Transcript Deadline set for 2/25/2024. Release of Transcript Restriction set for 4/24/2024.(Wick, Sara) (Entered: 01/25/2024)</p>
01/26/2024	<u>42</u>	DECLARATION of <i>Eric Neal Cornett</i> by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Exhibit 1)(Dewey, Samuel) (Entered: 01/26/2024)
01/26/2024	<u>43</u>	REPLY to opposition to motion re <u>35</u> Partial MOTION for Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 01/26/2024)
02/06/2024		NOTICE of Hearing: Motion Hearing set for 3/11/2024 at 11:00 AM in Courtroom 14– In Person before Judge Dabney L. Friedrich. (zjch,) (Entered: 02/06/2024)
03/11/2024		Minute Entry for proceedings held before Judge Dabney L. Friedrich: Motion Hearing held on 3/11/2024 re <u>33</u> MOTION for Partial Summary Judgment <i>re Search Adequacy</i> filed by U.S. DEPARTMENT OF JUSTICE, <u>35</u> Partial MOTION for Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. Court Reporter Sara Wick. (zjch,) (Entered: 03/11/2024)
03/11/2024		MINUTE ORDER. As discussed during today's hearing, the Court will proceed to rule on the defendant's <u>33</u> Motion for Partial Summary Judgment and the plaintiffs' <u>35</u> Cross–Motion for Partial Summary Judgment before scheduling briefing on specific withholdings. On or before March 25, 2024, the parties shall inform the Court if they intend to introduce any additional affidavits and/or transcripts in support of their motions. So Ordered by Judge Dabney L. Friedrich on March 11, 2024. (lcldf2) (Entered: 03/11/2024)
03/25/2024	<u>44</u>	RESPONSE TO ORDER OF THE COURT re Order,,, Set Deadlines,, <i>re March 11, 2024 Minute Order</i> filed by U.S. DEPARTMENT OF JUSTICE. (Lynch, Jason) (Entered: 03/25/2024)
03/25/2024	<u>45</u>	RESPONSE TO ORDER OF THE COURT re Order,,, Set Deadlines,, filed by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Exhibit 1 Part 1, # <u>2</u> Exhibit 1 Part 2, # <u>3</u> Exhibit 1 Part 3, # <u>4</u> Exhibit 2)(Dewey, Samuel) (Entered: 03/25/2024)
03/26/2024		MINUTE ORDER. Upon consideration of the defendant's <u>44</u> Response to the Court's March 11, 2024 Order and the plaintiffs' <u>45</u> Response to Court Order, on or before April 8, 2024, the parties shall file briefs (not to exceed 5 pages) on what, if any, effect the newly filed material has on the parties' briefing on the adequacy of the defendant's search. On or before April 15, 2024, the parties shall file any responses, not to exceed 5 pages. So Ordered by Judge Dabney L. Friedrich on March 26, 2024. (lcldf2) (Entered: 03/26/2024)
04/08/2024	<u>46</u>	RESPONSE TO ORDER OF THE COURT re Order,,, Set Deadlines,, <i>re 45 New Exhibits Filed by Plaintiffs</i> filed by U.S. DEPARTMENT OF JUSTICE. (Lynch, Jason) (Entered: 04/08/2024)
04/08/2024	<u>47</u>	RESPONSE TO ORDER OF THE COURT re Order,,, Set Deadlines,, filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) Modified to correct date on 4/10/2024 (mg). (Entered: 04/10/2024)
04/15/2024	<u>48</u>	REPLY re <u>46</u> Response to Order of the Court filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 04/15/2024)

05/24/2024		NOTICE of Hearing:Status Conference set for 6/10/2024 at 2:00 PM in Courtroom 14- In Person before Judge Dabney L. Friedrich. (zjch,) (Entered: 05/24/2024)
07/03/2024	<u>49</u>	ORDER granting the defendant's <u>33</u> Motion for Partial Summary Judgment and denying the plaintiffs' <u>35</u> Cross-Motion for Partial Summary Judgment. On or before <u>July 11, 2024</u> , the parties shall file a joint status report proposing a briefing schedule for summary judgment on the defendant's specific withholdings. See text for details. Signed by Judge Dabney L. Friedrich on July 3, 2024. (lcldf2) (Entered: 07/03/2024)
07/03/2024	<u>50</u>	MEMORANDUM OPINION regarding the defendant's <u>33</u> Motion for Partial Summary Judgment and the plaintiffs' <u>35</u> Cross-Motion for Partial Summary Judgment. See text for details. Signed by Judge Dabney L. Friedrich on July 3, 2024. (lcldf2) (Entered: 07/03/2024)
07/11/2024	<u>51</u>	Joint STATUS REPORT <i>Proposing Another by July 17, 2024</i> by U.S. DEPARTMENT OF JUSTICE. (Lynch, Jason) (Entered: 07/11/2024)
07/11/2024		MINUTE ORDER. Upon consideration of the parties' <u>51</u> Joint Status Report, the parties are directed to file another Joint Status Report on or before July 17, 2024. So Ordered by Judge Dabney L. Friedrich on July 11, 2024. (lcldf2) (Entered: 07/11/2024)
07/17/2024	<u>52</u>	Joint STATUS REPORT <i>and Proposed Schedule for Further Proceedings</i> by U.S. DEPARTMENT OF JUSTICE. (Lynch, Jason) (Entered: 07/17/2024)
07/18/2024		MINUTE ORDER. Upon consideration of the parties' <u>52</u> Joint Status Report, the defendant shall file its motion for summary judgment on or before August 20, 2024; the plaintiffs shall file their opposition and cross-motion for summary judgment on or before September 17, 2024; the defendant shall file its reply and opposition on or before October 1, 2024; and the plaintiffs shall file their reply on or before October 15, 2024. So Ordered by Judge Dabney L. Friedrich on July 18, 2024. (lcldf2) (Entered: 07/18/2024)
07/18/2024		Set/Reset Deadlines: Cross Motions due by 9/17/2024. Response to Cross Motions due by 10/1/2024. Reply to Cross Motions due by 10/15/2024. Summary Judgment motions due by 8/20/2024. Response to Motion for Summary Judgment due by 9/17/2024. Reply to Motion for Summary Judgment due by 10/1/2024. (zjch,) (Entered: 07/20/2024)
08/13/2024	<u>53</u>	Consent MOTION for Extension of Time to <i>Brief Summary Judgment (by Three Days)</i> by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Lynch, Jason) (Entered: 08/13/2024)
08/14/2024		MINUTE ORDER granting the parties' <u>53</u> Consent Motion for Extension of Time. The following schedule shall govern future proceedings. The defendant shall file its motion for summary judgment on or before August 23, 2024; the plaintiffs shall file their opposition and cross-motion for summary judgment on or before September 20, 2024; the defendant shall file its reply and opposition on or before October 4, 2024; and the plaintiffs shall file their reply on or before October 18, 2024. So Ordered by Judge Dabney L. Friedrich on August 14, 2024. (lcldf2) (Entered: 08/14/2024)
08/14/2024		Set/Reset Deadlines: Cross Motions due by 9/20/2024. Response to Cross Motions due by 10/4/2024. Reply to Cross Motions due by 10/18/2024. Summary Judgment motions due by 8/23/2024. Response to Motion for Summary Judgment due by 9/20/2024. Reply to Motion for Summary Judgment due by 10/4/2024. (zjch,) (Entered: 08/14/2024)
08/23/2024	<u>54</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration (4th) of Kara Cain (Aug. 23, 2024) (PART 1), # <u>3</u> Declaration (4th) of Kara Cain (Aug. 23, 2024) (PART 2), # <u>4</u> Text of Proposed Order)(Lynch, Jason) (Entered: 08/23/2024)
09/03/2024	<u>55</u>	NOTICE of Appearance by Max Taylor Matheu on behalf of All Plaintiffs (Matheu, Max) (Main Document 55 replaced on 9/4/2024) (mg). (Entered: 09/03/2024)
09/04/2024	<u>56</u>	NOTICE of Appearance by Kyle Brosnan on behalf of All Plaintiffs (Brosnan, Kyle) (Entered: 09/04/2024)

09/20/2024	<u>57</u>	RESPONSE re <u>54</u> MOTION for Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Statement of Facts)(Dewey, Samuel) (Entered: 09/20/2024)
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