

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:23-cv-02386-RCL**

BIERLY v. DEPARTMENT OF DEFENSE et al
 Assigned to: Judge Royce C. Lamberth
 Demand: \$1,500,000
 Cause: 05:552 Freedom of Information Act

Date Filed: 08/16/2023
 Date Terminated: 09/19/2024
 Jury Demand: None
 Nature of Suit: 895 Freedom of Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

GRANT BIERLY

represented by **Brett John O'Brien**
 NATIONAL SECURITY LAW FIRM
 LLC
 1250 Connecticut Avenue, NW
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 Washington, DC 20036
 202-600-4996
 Email: brett@nationalsecuritylawfirm.com
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF DEFENSE

represented by **Jeremy S. Simon**
 DOJ-USAO
 Patrick Henry Building
 601 D. Street, N.W.
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 (202) 252-2528
 Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEFENSE
 COUNTERINTELLIGENCE AND
 SECURITY AGENCY**

represented by **Jeremy S. Simon**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF AIR FORCE

represented by **Jeremy S. Simon**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

NATIONAL SECURITY AGENCY

represented by **Jeremy S. Simon**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/16/2023	<u>1</u>	COMPLAINT <i>GRANT BIERLY</i> against All Defendants (Filing fee \$ 402 receipt number ADCDC-10282457) filed by GRANT BIERLY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Exhibits Part 1, # <u>3</u> Exhibit Exhibits Part 2, # <u>4</u> Summons

		Attorney General, # <u>5</u> Summons DCSA, # <u>6</u> Summons DoD, # <u>7</u> Summons NSA, # <u>8</u> Summons USADC, # <u>9</u> Summons USAF)(O'Brien, Brett) (Attachment 1 replaced on 8/17/2023) (zrtw). (Entered: 08/16/2023)
08/17/2023		Case Assigned to Judge Royce C. Lamberth. (zrtw) (Entered: 08/17/2023)
08/17/2023	<u>2</u>	SUMMONS (6) Issued Electronically as to DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY, U.S. Attorney and U.S. Attorney General (zrtw). (Additional attachment(s) added on 8/25/2023: # <u>1</u> Notice and Consent) (zljn). (Entered: 08/17/2023)
08/22/2023	<u>3</u>	ERRATA to correct Exhibits by GRANT BIERLY re <u>1</u> Complaint,. (Attachments: # <u>1</u> Exhibit)(O'Brien, Brett) (Entered: 08/22/2023)
09/06/2023	<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 08/28/2023. (O'Brien, Brett) (Entered: 09/06/2023)
09/14/2023	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL SECURITY AGENCY served on 8/31/2023 (O'Brien, Brett) (Entered: 09/14/2023)
09/21/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF AIR FORCE served on 9/13/2023 (O'Brien, Brett) (Entered: 09/21/2023)
09/27/2023	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF DEFENSE served on 8/28/2023 (O'Brien, Brett) (Entered: 09/27/2023)
09/27/2023	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY served on 8/28/2023 (O'Brien, Brett) (Entered: 09/27/2023)
10/19/2023	<u>9</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/19/2023)
10/23/2023	<u>10</u>	ORDER granting Motion <u>9</u> for Extension of Time to Answer or Otherwise Respond. Answer due by 11/30/2023. Signed by Judge Royce C. Lamberth on 10/20/2023. (lcrcl2) (Entered: 10/23/2023)
11/29/2023	<u>11</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to the Complaint</i> by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/29/2023)
11/29/2023	<u>12</u>	MOTION for Briefing Schedule by GRANT BIERLY. (Attachments: # <u>1</u> Text of Proposed Order)(O'Brien, Brett) (Entered: 11/29/2023)
11/30/2023	<u>13</u>	ORDER granting Motion <u>11</u> for Extension of Time to Answer or Respond. Answer or Response due by 12/22/2023. Signed by Judge Royce C. Lamberth on 11/30/2023. (lcrcl2) (Entered: 11/30/2023)
11/30/2023	<u>14</u>	ORDER granting Motion <u>12</u> for Briefing Schedule. See Order for details. Signed by Judge Royce C. Lamberth on 11/30/2023. (lcrcl2) (Entered: 11/30/2023)
12/22/2023	<u>15</u>	MOTION to Dismiss <i>in Part and Supporting Memorandum</i> by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Maria Lilly)(Simon, Jeremy) (Entered: 12/22/2023)
12/28/2023	<u>16</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION to Dismiss <i>in Part and Supporting Memorandum</i> by GRANT BIERLY. (Attachments: #

		<u>1</u> Text of Proposed Order)(O'Brien, Brett) (Entered: 12/28/2023)
01/02/2024	<u>17</u>	ORDER granting Motion <u>16</u> for Extension of Time. Plaintiff will file opposition to Defendant's Motion to Dismiss by 1/15/2024. All other deadlines remain unchanged. Signed by Judge Royce C. Lamberth on 1/2/2024. (lcrl2) (Entered: 01/02/2024)
01/10/2024	<u>18</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION to Dismiss <i>in Part and Supporting Memorandum</i> by GRANT BIERLY. (Attachments: # <u>1</u> Text of Proposed Order)(O'Brien, Brett) (Entered: 01/10/2024)
01/12/2024	<u>19</u>	ORDER granting Motion <u>18</u> for Extension of Time. See Order for details. Signed by Judge Royce C. Lamberth on 1/12/2024. (lcrl2) (Entered: 01/12/2024)
01/22/2024	<u>20</u>	MOTION for Partial Summary Judgment by GRANT BIERLY. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit)(O'Brien, Brett) Modified event on 1/23/2024 (znmw). (Entered: 01/22/2024)
01/22/2024	<u>21</u>	RESPONSE re <u>15</u> MOTION to Dismiss <i>in Part and Supporting Memorandum</i> filed by GRANT BIERLY. (Attachments: # <u>1</u> Exhibit)(O'Brien, Brett) (Entered: 01/22/2024)
02/23/2024	<u>22</u>	Consent MOTION for Extension of Time to <i>File Combined Reply, Opposition and Cross-Motion</i> by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 02/23/2024)
02/27/2024	<u>23</u>	ORDER granting Motion <u>22</u> for Extension of Time. See Order for details. Signed by Judge Royce C. Lamberth on 2/27/2024. (lcrl2) (Entered: 02/27/2024)
03/12/2024	<u>24</u>	Cross MOTION for Summary Judgment by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Supporting Memorandum, # <u>2</u> Defendants' Local Rule 7(h) Statement, # <u>3</u> Defendants' Response to Plaintiff's Local Rule 7(h) Statement, # <u>4</u> Proposed Order, # <u>5</u> Declaration of Charles D. Watters, # <u>6</u> Declaration of Deronda K. Newton, # <u>7</u> Declaration of Stephen Furstenberg)(Simon, Jeremy) (Entered: 03/12/2024)
03/12/2024	<u>25</u>	Memorandum in opposition to re <u>20</u> Motion for Partial Summary Judgment (<i>combined with cross motion for summary judgment and reply in support of motion to dismiss in part</i>) (<i>duplicate of docket entry no. 24</i>) filed by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Supporting Memorandum, # <u>2</u> Defendant's Local Rule 7(h) Statement, # <u>3</u> Defendant's Response to Plaintiff's Local Rule 7(h) Statement, # <u>4</u> Proposed Order, # <u>5</u> Declaration of Charles D. Watters, # <u>6</u> Declaration of Deronda K. Newton, # <u>7</u> Declaration of Stephen Furstenberg)(Simon, Jeremy) (Entered: 03/12/2024)
03/12/2024	<u>26</u>	REPLY to opposition to motion re <u>15</u> MOTION to Dismiss <i>in Part and Supporting Memorandum (combined with cross motion for summary judgment and opposition to plaintiff's motion for partial summary judgment)</i> (<i>duplicate of docket entry nos. 24 and 25</i>) filed by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Supporting Memorandum, # <u>2</u> Defendants' Local Rule 7(h) Statement, # <u>3</u> Defendants' Response to Plaintiff's Local Rule 7(h) Statement, # <u>4</u> Proposed Order, # <u>5</u> Declaration of Charles D. Watters, # <u>6</u> Declaration of Deronda K. Newton, # <u>7</u> Declaration of Stephen Furstenberg)(Simon, Jeremy) (Entered: 03/12/2024)
04/10/2024	<u>27</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> Cross MOTION for Summary Judgment by GRANT BIERLY. (Attachments: # <u>1</u> Text of Proposed Order)(O'Brien, Brett) (Entered: 04/10/2024)
04/11/2024	<u>28</u>	ORDER granting Motion <u>27</u> for Extension of Time to File Response/Reply. See Order for details. Signed by Judge Royce C. Lamberth on 4/11/2024. (lcrl2) (Entered: 04/11/2024)

04/29/2024	<u>29</u>	RESPONSE re <u>24</u> Cross MOTION for Summary Judgment filed by GRANT BIERLY. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit)(O'Brien, Brett) (Entered: 04/29/2024)
04/29/2024	30	REPLY to opposition to motion re <u>20</u> MOTION for Partial Summary Judgment filed by GRANT BIERLY. (See Docket entry <u>29</u> to view document) (zdp) (Entered: 04/30/2024)
06/03/2024	<u>31</u>	Consent MOTION for Extension of Time to <i>File Reply in Support of Cross Motion for Summary Judgment</i> by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 06/03/2024)
06/04/2024	<u>32</u>	ORDER granting Consent Motion <u>31</u> for Extension of Time. Defendant's reply due by 06/14/2024. Signed by Judge Royce C. Lamberth on 6/4/2024. (lcrc12) (Entered: 06/04/2024)
06/14/2024	<u>33</u>	REPLY to opposition to motion re <u>24</u> Cross MOTION for Summary Judgment filed by DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY, DEPARTMENT OF AIR FORCE, DEPARTMENT OF DEFENSE, NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Declaration of Joy F. Greene)(Simon, Jeremy) (Entered: 06/14/2024)
09/18/2024	<u>34</u>	MEMORANDUM OPINION re: Defendants' Motion <u>15</u> to Dismiss in Part, Plaintiff's Motion <u>20</u> for Partial Summary Judgment, and Defendants' Motion <u>24</u> for Summary Judgment. A separate Order will follow. Signed by Judge Royce C. Lamberth on 09/18/2024. (lcrc12) (Entered: 09/18/2024)
09/18/2024	<u>35</u>	ORDER: Upon consideration of the defendants' partial Motion <u>15</u> to Dismiss, the plaintiff's partial Motion <u>20</u> for Summary Judgment, and the defendants' Motion <u>24</u> for Summary Judgment, the responses and replies thereto, and the entire record herein, and for the reasons set forth in the accompanying memorandum opinion, it is hereby ORDERED that the Motion <u>15</u> to Dismiss is GRANTED IN PART AND DENIED IN PART; and it is further ORDERED that the plaintiff's Motion <u>20</u> for Summary Judgment is DENIED; and it is further ORDERED that the defendants' Motion <u>24</u> for Summary Judgment is GRANTED; and it is further ordered that this dispute be DISMISSED and TERMINATED on the dockets of this Court. See Order for details. Signed by Judge Royce C. Lamberth on 09/18/2024. (lcrc12) (Entered: 09/18/2024)