

**U.S. District Court**  
**California Northern District (San Francisco)**  
**CIVIL DOCKET FOR CASE #: 3:23-cv-05064-PHK**

Jewish Legal News, Inc. v. U.S. Department of Education  
Assigned to: Magistrate Judge Peter H Kang  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/03/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Jewish Legal News, Inc.**  
*a California non-profit corporation*

represented by **Mark Louis Javitch**  
Javitch Law Office  
3 East 3rd Ave. Ste. 200  
San Mateo, CA 94401  
650-781-8000  
Email: [mark@javitchlawoffice.com](mailto:mark@javitchlawoffice.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. Department of Education**  
*a federal agency*

represented by **Michael A. Keough**  
The United States Attorney's Office  
Northern District of California  
450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102  
(415) 436-6878  
Email: [michael.keough@usdoj.gov](mailto:michael.keough@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/03/2023	<u>1</u>	COMPLAINT against U.S. Department of Education ( Filing fee \$ 402, receipt number ACANDC-18702753.). Filed by Jewish Legal News, Inc.. (Javitch, Mark) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	<u>2</u>	Civil Cover Sheet by Jewish Legal News, Inc. . (Javitch, Mark) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	<u>3</u>	NOTICE of filing exhibits by Jewish Legal News, Inc. re <u>1</u> Complaint <i>Exhibits A-G</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Javitch, Mark) (Filed on 10/3/2023) Modified on 10/3/2023 (cv, COURT STAFF). (Entered: 10/03/2023)
10/03/2023	<u>4</u>	Proposed Summons. (Javitch, Mark) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	<u>5</u>	Proposed Summons. (Javitch, Mark) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	<u>6</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Jewish Legal News, Inc... (Javitch, Mark) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	7	Case assigned to Magistrate Judge Peter H Kang.  Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a> .  Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a> . Upon receipt, the summons will be issued and

		returned electronically. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 10/17/2023. (cv, COURT STAFF) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	<u>8</u>	Certificate of Interested Entities by Jewish Legal News, Inc. (Javitch, Mark) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	<u>9</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 12/28/2023. Initial Case Management Conference set for 1/4/2024 10:30 AM in San Francisco, Courtroom F, 15th Floor.</b> (cv, COURT STAFF) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	<u>10</u>	Summons Issued as to U.S. Department of Education, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons)(cv, COURT STAFF) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/03/2023	11	[IN-CHAMBERS TEXT ONLY ORDER]:  This case has been directly assigned to Judge Kang. Dkt. 7 . Accordingly, the Parties shall review and be familiar with Judge Kang's Standing Orders which are now applicable to this case. Signed by Judge Peter H. Kang on 10/03/2023. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (phk1c1, COURT STAFF) (Filed on 10/3/2023) (Entered: 10/03/2023)
10/07/2023	<u>12</u>	SUMMONS Returned Executed (FOIA) by Jewish Legal News, Inc.. US Attorney served on 10/6/2023, answer due 11/6/2023. (Javitch, Mark) (Filed on 10/7/2023) (Entered: 10/07/2023)
10/31/2023	<u>13</u>	SUMMONS Returned Executed (FOIA) by Jewish Legal News, Inc.. U.S. Department of Education served on 10/30/2023, answer due 11/29/2023. (Javitch, Mark) (Filed on 10/31/2023) (Entered: 10/31/2023)
11/03/2023	<u>14</u>	NOTICE of Appearance by Michael A. Keough (Keough, Michael) (Filed on 11/3/2023) (Entered: 11/03/2023)
11/03/2023	<u>15</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by U.S. Department of Education.. (Keough, Michael) (Filed on 11/3/2023) (Entered: 11/03/2023)
11/03/2023	<u>16</u>	STIPULATION WITH PROPOSED ORDER <i>Joint Stipulation Regarding Defendant's Response Date</i> filed by U.S. Department of Education. (Attachments: # <u>1</u> Declaration of Michael A. Keough)(Keough, Michael) (Filed on 11/3/2023) (Entered: 11/03/2023)
11/03/2023	<u>17</u>	<b>ORDER by Judge Peter H. Kang granting <u>16</u> Stipulation. Response to complaint due by 2/5/2024. Status Report due by 2/9/2024.</b> (phk1c1, COURT STAFF) (Filed on 11/3/2023) (Entered: 11/03/2023)
11/29/2023	18	[IN-CHAMBERS TEXT ONLY ORDER]: The Initial Case Management Conference set for January 4, 2024 at 10:30 a.m. is <b>VACATED</b> and will be reset, if necessary, after the Court receives the Parties' joint status report due by February 9, 2024. <i>See Dkt. <u>17</u> . Signed by Judge Peter H. Kang on 11/29/23. (This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (phk1c2, COURT STAFF) (Filed on 11/29/2023) (Entered: 11/29/2023)
11/29/2023		Set Deadlines/Hearings: (phk1c2, COURT STAFF) (Filed on 11/29/2023) (Entered: 11/29/2023)
02/02/2024	<u>19</u>	STIPULATION WITH PROPOSED ORDER <i>Joint Stipulation Regarding Defendant's Response Date</i> filed by U.S. Department of Education. (Attachments: # <u>1</u> Declaration of Michael A. Keough)(Keough, Michael) (Filed on 2/2/2024) (Entered: 02/02/2024)
02/06/2024	<u>20</u>	<b>ORDER by Judge Peter H. Kang granting <u>19</u> Stipulation. Responses due by 5/6/2024. Status Report due by 4/8/2024.</b> (phk1c1, COURT STAFF) (Filed on 2/6/2024) (Entered: 02/06/2024)
04/02/2024	<u>21</u>	AMENDED COMPLAINT ( <i>First</i> ) against U.S. Department of Education. Filed by Jewish Legal News, Inc.. (Javitch, Mark) (Filed on 4/2/2024) (Entered: 04/02/2024)

04/08/2024	<u>22</u>	STATUS REPORT <i>Joint Status Report</i> by U.S. Department of Education. (Keough, Michael) (Filed on 4/8/2024) (Entered: 04/08/2024)
05/06/2024	<u>23</u>	ANSWER to Amended Complaint by U.S. Department of Education. (Keough, Michael) (Filed on 5/6/2024) (Entered: 05/06/2024)
05/15/2024	24	CLERK'S NOTICE SETTING INITIAL CASE MANAGEMENT CONFERENCE. In light of the procedural posture of the case, the Initial Case Management Conference is HEREBY set for 6/10/2024 at 11:00 AM IN-PERSON, in San Francisco, Courtroom F, 15th Floor. Case Management Statement due by 6/3/2024.  <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (jaf, COURT STAFF) (Filed on 5/15/2024) (Entered: 05/15/2024)
05/21/2024	<u>25</u>	STIPULATION WITH PROPOSED ORDER <i>Regarding Date of Initial Case Management Conference</i> filed by U.S. Department of Education. (Attachments: # <u>1</u> Declaration of Michael A. Keough)(Keough, Michael) (Filed on 5/21/2024) (Entered: 05/21/2024)
05/22/2024	<u>26</u>	<b>Order by Magistrate Judge Peter H Kang granting <u>25</u> Stipulation re. continuing initial case management conference and associated deadline. Initial Case Management Conference reset from 6/10/2024 to 7/1/2024 at 11:00 AM IN-PERSON, in San Francisco, Courtroom F, 15th Floor.</b>  (jaf, COURT STAFF) (Filed on 5/22/2024) (Entered: 05/22/2024)
06/12/2024	27	ADR Clerks Notice re: Non-Compliance with Court Order. The parties have failed to file an ADR Certification as required by the Initial Case Management Scheduling Order. Counsel shall comply promptly with the requirements of ADR L.R. 3-5(b) and shall file the ADR Certification. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (cmf, COURT STAFF) (Filed on 6/12/2024) (Entered: 06/12/2024)
06/12/2024	<u>28</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Javitch, Mark) (Filed on 6/12/2024) (Entered: 06/12/2024)
06/12/2024	<u>29</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Keough, Michael) (Filed on 6/12/2024) (Entered: 06/12/2024)
06/13/2024	<u>30</u>	JOINT CASE MANAGEMENT STATEMENT . (Javitch, Mark) (Filed on 6/13/2024) Modified on 6/13/2024 (cv, COURT STAFF). (Entered: 06/13/2024)
06/13/2024		<b>Electronic filing error.</b> Incorrect event used. [err101]Corrected by Clerk's Office. No further action is necessary. Re: <u>30</u> Report of Rule 26(f) Planning Meeting filed by Jewish Legal News, Inc. (cv, COURT STAFF) (Filed on 6/13/2024) (Entered: 06/13/2024)
06/14/2024	31	<b>[IN-CHAMBERS TEXT ONLY ORDER]:</b>  The Court is in receipt of the Parties' Joint Case Management Statement. Dkt. <u>30</u> . The Court <b>ORDERS</b> the Parties to meet and confer as soon as reasonably possible, and no later than June 24, 2024, to discuss a mutually agreeable joint proposed schedule for briefing on the anticipated cross-motions for summary judgment. If the Parties reach agreement on a proposed briefing schedule for the cross-motions, they may, prior to June 27, 2024, file a Stipulation and Proposed Order to the Court for such briefing schedule, and they may indicate in any such Stipulation whether or not the Parties believe the currently set Case Management Conference should go forward. Otherwise, Counsel shall be prepared to discuss the briefing schedule for any such cross-motions at the Case Management Conference. Signed by Judge Peter H. Kang on 6/14/2024. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (phklc1, COURT STAFF) (Filed on 6/14/2024) (Entered: 06/14/2024)
06/21/2024	<u>32</u>	STIPULATION WITH PROPOSED ORDER re 31 Order,,,, <i>Stipulation Regarding MSJ Briefing Schedule</i> filed by U.S. Department of Education. (Keough, Michael) (Filed on 6/21/2024) (Entered: 06/21/2024)

06/27/2024	<u>33</u>	<p>CLERK'S NOTICE RESETTING INITIAL CASE MANAGEMENT CONFERENCE.</p> <p>The Initial Case Management Conference is HEREBY reset from 07/01/2024 to 7/16/2024 at 02:00 PM in-person, in San Francisco, Courtroom F, 15th Floor due to a change in the Court's availability.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>. (jaf, COURT STAFF) (Filed on 6/27/2024) (Entered: 06/27/2024)</p>
07/10/2024	<u>34</u>	<p>ORDER. Signed on 7/10/2024 by Judge Peter H. Kang re. <u>32</u> Motion for Summary Judgment Briefing.</p> <p>Defendant's motion for summary judgment due: August 16, 2024.  Plaintiff's opposition and cross-motion due: August 30, 2024.  Defendant's reply and opposition to cross-motion due: September 13, 2024.  Plaintiff's reply due: September 20, 2024.  Motion for Summary Judgment hearing set for 11/5/2024 at 11:00 AM in-person, in San Francisco, Courtroom F, 15th Floor before Magistrate Judge Peter H Kang.</p> <p>(jaf, COURT STAFF) (Filed on 7/10/2024) (Entered: 07/10/2024)</p>
08/16/2024	<u>35</u>	<p>MOTION for Summary Judgment filed by U.S. Department of Education. Motion for Summary Judgment Hearing set for 11/5/2024 11:00 AM in San Francisco, Courtroom F, 15th Floor before Magistrate Judge Peter H Kang. Responses due by 8/30/2024. Replies due by 9/13/2024. (Attachments: # <u>1</u> Appendix Vaughn Index, # <u>2</u> Declaration of Heather Gunnarson, # <u>3</u> Exhibit A-1 (Gunnarson), # <u>4</u> Declaration of Robert E. Wehausen, # <u>5</u> Exhibit A-1 (Wehausen), # <u>6</u> Exhibit A, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D, # <u>10</u> Exhibit E, # <u>11</u> Exhibit F, # <u>12</u> Proposed Order)(Keough, Michael) (Filed on 8/16/2024) (Entered: 08/16/2024)</p>
08/30/2024	<u>36</u>	<p>OPPOSITION/RESPONSE (re <u>35</u> MOTION for Summary Judgment ) <i>and Plaintiff's Notice of Motion and Motion for Summary Judgment</i> filed by Jewish Legal News, Inc.. (Attachments: # <u>1</u> Declaration of Mark L. Javitch, # <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> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H)(Javitch, Mark) (Filed on 8/30/2024) (Entered: 08/30/2024)</p>
09/13/2024	<u>37</u>	<p>OPPOSITION/RESPONSE (re <u>35</u> MOTION for Summary Judgment ) <i>Reply and Opposition to Cross-Motion</i> filed by U.S. Department of Education. (Attachments: # <u>1</u> Declaration of Michael A. Keough, # <u>2</u> Exhibit A - Email)(Keough, Michael) (Filed on 9/13/2024) (Entered: 09/13/2024)</p>
09/20/2024	<u>38</u>	<p>REPLY (re <u>35</u> MOTION for Summary Judgment ) filed by Jewish Legal News, Inc.. (Javitch, Mark) (Filed on 9/20/2024) (Entered: 09/20/2024)</p>