

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:24-cv-00952-ACR**

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

Assigned to: Judge Ana C. Reyes

Related Case: 1:24-cv-00958-ACR

Cause: 05:552 Freedom of Information Act

**Plaintiff**

**HERITAGE FOUNDATION**

Date Filed: 04/03/2024

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

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**Plaintiff**

**MIKE HOWELL**

represented by **Daniel D. Mauler**  
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**Eric Neal Cornett**  
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**Kyle Brosnan**  
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**Max Taylor Matheu**  
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**Samuel Everett Dewey**  
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V.

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

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Date Filed	#	Docket Text
04/03/2024	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 405 receipt number ADCDC-10803741) 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 Part 1, # <u>6</u> Exhibit 1 Part 2, # <u>7</u> Exhibit 2, # <u>8</u> Exhibit 3, # <u>9</u> Exhibit 4, # <u>10</u> Exhibit 5, # <u>11</u> Exhibit 6, # <u>12</u> Exhibit 7, # <u>13</u> Exhibit 8)(Dewey, Samuel) Modified on 4/8/2024 to correct text (zcb). (Entered: 04/03/2024)
04/08/2024		Case Assigned to Judge Ana C. Reyes. (zcb) (Entered: 04/08/2024)
04/08/2024	<u>2</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)(zcb) (Entered: 04/08/2024)

05/07/2024	<u>3</u>	NOTICE of Appearance by Max Taylor Matheu on behalf of All Plaintiffs (Matheu, Max) (Main Document 3 replaced on 5/7/2024) (zdp). (Entered: 05/07/2024)
05/08/2024	<u>4</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Meyer, Robert) (Entered: 05/08/2024)
05/10/2024	<u>5</u>	STANDING ORDER. It is hereby ORDERED that the parties shall comply with the Court's Standing Order. See Standing Order for details. Signed by Judge Ana C. Reyes on 5/10/2024. (lcsj) (Entered: 05/10/2024)
05/10/2024		MINUTE ORDER. Plaintiff filed this Freedom of Information Act ("FOIA") action on April 3, 2024. Dkt 1. Defendant filed its Answer on May 8, 2024. Dkt. 4. Cases filed under FOIA are exempt from the requirements of Federal Rule of Civil Procedure 26(f) and Local Civil Rule 16.3. <i>See</i> LCvR 16.3(b)(10). Accordingly, it is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report on or before May 24, 2024. The Joint Status Report should address, among other things: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for a stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Counsel shall not contact Chambers directly concerning scheduling or other matters, as Chambers personnel will not handle questions relating to the status or scheduling of pending matters, except in case of an emergency. In an emergency, Chambers can be reached at (202) 354-3350. Signed by Judge Ana C. Reyes on 5/10/2024. (lcsj) (Entered: 05/10/2024)
05/13/2024	<u>6</u>	ENTERED IN ERROR.....NOTICE of Appearance by Kyle Brosnan on behalf of All Plaintiffs (Brosnan, Kyle) (Main Document 6 replaced on 5/13/2024) (zdp). (Entered: 05/13/2024)
05/13/2024		NOTICE OF ERROR regarding <u>6</u> Notice of Appearance. The following error(s) need correction: Missing Attorney Signature Please sign- Please refile. (zdp) (Entered: 05/13/2024)
05/13/2024	<u>7</u>	NOTICE of Appearance by Kyle Brosnan on behalf of All Plaintiffs (Brosnan, Kyle) (Entered: 05/13/2024)
05/13/2024	<u>8</u>	NOTICE of Appearance by Eric Neal Cornett on behalf of All Plaintiffs (Cornett, Eric) (Entered: 05/13/2024)
05/15/2024	<u>9</u>	NOTICE of Appearance by Daniel D. Mauler on behalf of HERITAGE FOUNDATION, MIKE HOWELL (Mauler, Daniel) (Entered: 05/15/2024)
05/23/2024	<u>10</u>	NOTICE of Appearance by Cameron Drew Silverberg on behalf of U.S. DEPARTMENT OF JUSTICE (Silverberg, Cameron) (Entered: 05/23/2024)
05/24/2024	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Silverberg, Cameron) (Entered: 05/24/2024)
06/14/2024	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Meyer, Robert) (Entered: 06/14/2024)
06/17/2024		MINUTE ORDER. The Court DIRECTS the parties to contact Judge Reyes's Courtroom Deputy, Jonathan Hopkins (jonathan_hopkins@dcd.uscourts.gov), to schedule a pre-motion conference to take place the week of July 15, 2024. Further, the Court ADOPTS the briefing schedule proposed in the parties' <u>12</u> Joint Status Report. Defendant shall file its request for a pre-motion conference on or before June 21, 2024. Plaintiffs shall file their response on or before June 28, 2024. Signed by Judge Ana C. Reyes on 6/17/2024. (lcsj) (Entered: 06/17/2024)
06/17/2024		Set/Reset Deadlines: Responses due by 6/28/2024 (zjch, ) (Entered: 06/24/2024)
06/21/2024	<u>13</u>	NOTICE <i>Requesting Pre-Motion Conference</i> by U.S. DEPARTMENT OF JUSTICE (Meyer, Robert) (Entered: 06/21/2024)
06/25/2024	<u>14</u>	ENTERED IN ERROR.....Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Meyer, Robert) Modified on 6/26/2024 (zjch, ). (Entered: 06/25/2024)

06/28/2024	<u>15</u>	RESPONSE re <u>13</u> Notice Pre-Motion Conference by HERITAGE FOUNDATION, MIKE HOWELL (Dewey, Samuel) Modified docket text on 7/2/2024 (zdp). (Entered: 06/28/2024)
07/09/2024		NOTICE of Hearing:Pre-motion Conference set for 7/18/2024 at 2:00 PM in Courtroom 12- In Person before Judge Ana C. Reyes. (zjch, ) (Entered: 07/09/2024)
07/11/2024	<u>16</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of U.S. DEPARTMENT OF JUSTICE (Shapiro, Elizabeth) (Entered: 07/11/2024)
07/18/2024		<p>MINUTE ORDER. As stated on the record at today's Pre-Motion Conference, the Court ORDERS the following briefing schedule:</p> <ol style="list-style-type: none"> <li>1. The Government shall move for summary judgment on or before August 8, 2024.</li> <li>2. Plaintiffs shall file their opposition and cross-motion for summary judgment on or before August 22, 2024.</li> <li>3. The Government shall file its reply and opposition to Plaintiffs' cross-motion on or before September 6, 2024.</li> <li>4. Plaintiffs shall file their reply on or before September 13, 2024.</li> </ol> <p>Further and with the parties' consent, the Court hereby CONSOLIDATES <i>Heritage Foundation, et al. v. U.S. Department of Justice</i> (24-cv-00952) and <i>Heritage Foundation, et al. v. U.S. Department of Justice</i> (24-cv-00958). Accordingly, the Court ORDERS that moving forward all pleadings, motions, or other papers relating to the consolidated cases be filed only on the docket for Case No. 24-cv-00952. The Clerk of Court shall administratively close Case No. 24-cv-00958. The parties shall not elect to spread text when filing on ECF. Signed by Judge Ana C. Reyes on 7/18/2024. (lcsj) (Entered: 07/18/2024)</p>
07/18/2024		Set/Reset Hearings: Motion Hearing set for 9/19/2024 at 10:30 AM in Courtroom 12- In Person before Judge Ana C. Reyes. (lcsj) (Entered: 07/18/2024)
07/18/2024		Minute Entry for Pre-motion Conference held on 7/18/2024 before Judge Ana C. Reyes. CV 24-952 and CV 24-958 to be consolidated. Motion Hearing set for 9/19/2024 at 10:30 AM in Courtroom 12- In Person before Judge Ana C. Reyes. Court Reporter Christine Asif. (zjch, ) (Entered: 07/19/2024)
07/18/2024		CASES CONSOLIDATED: The following cases have been consolidated with this case: 24cv958. pursuant to 7/18/2024 Order,,,, Set Deadlines/Hearings,,,, From this date forward, all pleadings shall be filed ONLY in this case. Parties are advised NOT to elect the SPREAD TEXT option when filing in ECF, as this will result in repetitive docketing. (zdp) (Entered: 07/22/2024)
08/08/2024	<u>17</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <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> Statement of Facts, # <u>11</u> Text of Proposed Order)(Meyer, Robert) (Entered: 08/08/2024)
08/22/2024	<u>18</u>	RESPONSE re <u>17</u> MOTION for Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 08/22/2024)
08/22/2024	<u>19</u>	Cross MOTION for Summary Judgment by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Statement of Facts)(Dewey, Samuel) (Entered: 08/22/2024)
09/06/2024	<u>20</u>	REPLY to opposition to motion re <u>17</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Meyer, Robert) (Entered: 09/06/2024)
09/06/2024	<u>21</u>	Memorandum in opposition to re <u>19</u> Motion for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Response to Plaintiffs' Statement of Facts)(Meyer, Robert) (Entered: 09/06/2024)
09/13/2024	<u>22</u>	REPLY to opposition to motion re <u>19</u> Cross MOTION for Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 09/13/2024)

09/18/2024		MINUTE ORDER. The Court ORDERS the Department of Justice to have available unredacted versions of the contested transcripts and audio at tomorrow's hearing in case the Court decides to review them <i>in camera</i> . Signed by Judge Ana C. Reyes on 9/18/2024. (lcacr1) (Entered: 09/18/2024)
09/19/2024		Minute Entry for proceedings held before Judge Ana C. Reyes: Motion Hearing held on 9/19/2024 re (19 in 1:24-cv-00952-ACR) Cross MOTION for Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL, (17 in 1:24-cv-00952-ACR) MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE, Motion Hearing set for 10/29/2024 at 10:30 AM in Courtroom 12- In Person before Judge Ana C. Reyes. Court Reporter Christine Asif. (zjch, ) (Entered: 09/19/2024)