

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Laredo)
CIVIL DOCKET FOR CASE #: 5:21-cv-00071**

La Union del Pueblo Entero v. Federal Emergency Management Agency et al
Assigned to: Judge John A Kazen
Referred to: Magistrate Judge Christopher dos Santos
Cause: 05:552 Freedom of Information Act

Date Filed: 07/14/2021
Date Terminated: 09/23/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

La Union del Pueblo Entero

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V.

Defendant

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Defendant

U.S. Department of Homeland Security

represented by **Chanmealea Thou**
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Date Filed	#	Docket Text
07/14/2021	<u>1</u>	COMPLAINT against Federal Emergency Management Agency, U.S. Department of Homeland Security (Filing fee \$ 402 receipt number 0541-26738921) filed by La Union del Pueblo Entero. (Attachments: # <u>1</u> Exhibit FOIA Request, # <u>2</u> Exhibit FEMA Acknowledgement, # <u>3</u> Exhibit FEMA Interim Letter, # <u>4</u> Exhibit Email Confirming Absence of Determination/Timeline, # <u>5</u> Civil Cover Sheet)(Wesevich, Jerome) (Entered: 07/14/2021)
07/14/2021	<u>2</u>	Request for Issuance of Summons as to All Defendants, Attorney General of the U.S. and U.S. Attorney for the Southern District of Texas at Laredo, filed. (Attachments: # <u>1</u> Continuation, # <u>2</u> Continuation, # <u>3</u> Continuation)(Wesevich, Jerome) (Entered: 07/14/2021)
07/15/2021		Summons Issued as to Federal Emergency Management Agency, U.S. Department of Homeland Security. Issued summons delivered to plaintiff by First-class mail, filed.(sgonzalez, 5) (Entered: 07/15/2021)
10/24/2021	<u>3</u>	CERTIFICATE OF SERVICE of <u>1</u> Complaint, by La Union del Pueblo Entero, RETURN of Service of SUMMONS Executed as to All Defendants, filed. (Attachments: # <u>1</u> Exhibit Return of Service on US Attorney)(Wesevich, Jerome) (Entered: 10/24/2021)
10/25/2021	<u>4</u>	Corrected CERTIFICATE OF SERVICE of <u>1</u> Complaint, by La Union del Pueblo Entero, filed. (Attachments: # <u>1</u> Exhibit Affidavit of Service on US Attorney, # <u>2</u> Exhibit CMRR Service on Agencies)(Wesevich, Jerome) (Entered: 10/25/2021)

11/19/2021	<u>5</u>	ANSWER to <u>1</u> Complaint, by Federal Emergency Management Agency, filed.(Thou, Chanmealea) (Entered: 11/19/2021)
11/19/2021	<u>6</u>	ORDER FOR CONFERENCE AND DISCLOSURE OF INTERESTED PARTIES. Initial Pretrial and Scheduling Conference set for 12/23/2021 at 11:00 AM by video before Magistrate Judge John A Kazen. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 11/19/2021)
11/22/2021	<u>7</u>	NOTICE of Resetting. Parties notified. Scheduling Conference reset for 12/20/2021 at 03:30 PM in by video before Magistrate Judge John A Kazen, filed. (JessicaGRodriguezadi, 5) (Entered: 11/22/2021)
12/02/2021	<u>8</u>	CERTIFICATE OF INTERESTED PARTIES by La Union del Pueblo Entero, filed.(Wesevich, Jerome) (Entered: 12/02/2021)
12/03/2021	<u>9</u>	CERTIFICATE OF INTERESTED PARTIES by Federal Emergency Management Agency, U.S. Department of Homeland Security, filed.(Thou, Chanmealea) (Entered: 12/03/2021)
12/14/2021	<u>10</u>	NOTICE of Resetting. Parties notified. Scheduling Conference reset for 12/20/2021 at 10:00 AM in by video before Magistrate Judge John A Kazen, filed. (JessicaGRodriguezadi, 5) (Entered: 12/14/2021)
12/17/2021	<u>11</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by Federal Emergency Management Agency, U.S. Department of Homeland Security, filed.(Thou, Chanmealea) (Entered: 12/17/2021)
12/20/2021		Minute Entry for proceedings held before Magistrate Judge John A. Kazen. INITIAL PRETRIAL & SCHEDULING CONFERENCE held on 12/20/2021. The Court discussed with the parties the nature of this FOIA case against FEMA and DHS and the procedural posture. For scheduling, the threshold issue is the deadline by which Defendant files the administrative record. Defendant asked for 6 months, and Plaintiff argued for a shorter deadline. After further discussion about the issues of the case and Defendant's position, the Court RESET the Initial Pretrial & Scheduling Conference for 1/13/2022 at 2:00 p.m., and the Court ORDERED that Defendant's representative attend the continuation of the conference on that date. Appearances by Zoom videoconference: Jerome W. Wesevich, Hannah D. Dyal, and Brittany N. Perrigue f/PLAINTIFF. Chanmealea Thou f/DEFENDANTS. (Time in court: 10:02 – 10:58 a.m.) (ERO: Raul Gamas), filed. (JessicaGRodriguez, 5) (Entered: 12/20/2021)
12/20/2021	<u>12</u>	NOTICE of Setting. Parties notified. Initial Pretrial & Scheduling Conference RESET to 1/13/2022 at 02:00 PM by video before Magistrate Judge John A Kazen, filed. (JessicaGRodriguez, 5) (Entered: 12/20/2021)
01/10/2022		Zoom Invite Information for hearing set for 1/13/2022 before Judge John A. Kazen: Join ZoomGov Meeting https://www.zoomgov.com/j/1603401889?pwd=c0lBRGw0bW5zbnpGRnRrUWhhdmdnZz09 ; Dial In: (669) 254-5252; Meeting ID: 160 340 1889; Passcode: 503630, filed. (JessicaGRodriguez, 5) (Entered: 01/10/2022)
01/12/2022	<u>13</u>	NOTICE of Resetting. Parties notified. Continuation of the Initial Pretrial & Scheduling Conference is RESET to 1/14/2022 at 11:30 AM by video before Magistrate Judge John A Kazen, filed. (JessicaGRodriguez, 5) (Entered: 01/12/2022)
01/14/2022		Minute Entry for proceedings held before Magistrate Judge John A. Kazen. CONTINUATION OF INITIAL PRETRIAL & SCHEDULING CONFERENCE held on 1/14/2021. The Court addressed the primary scheduling disagreement between the parties of the deadline for Defendants to file the administrative record, including receiving information from the FEMA representative Gregory Bridges. The Court will enter a scheduling order setting a deadline in mid-March for the filing of the administrative record and setting a briefing schedule. A written scheduling order will follow. Appearances by Zoom videoconference: Jerome W. Wesevich, Hannah D. Dyal, Ana Laurel and Brittany N. Perrigue f/PLAINTIFF. Chanmealea Thou f/DEFENDANTS. (Time in court: 11:31 a.m. – 12:41 p.m.(ERO: Ben Mendoza), filed. (JessicaGRodriguez, 5) (Entered: 01/14/2022)
01/19/2022	<u>14</u>	SCHEDULING ORDER (Signed by Magistrate Judge John A Kazen) Parties notified.(dmorales, 5) (Entered: 01/19/2022)
03/14/2022	<u>15</u>	Opposed MOTION for Extension of Time OF DEADLINEMotions referred to John A Kazen. by Federal Emergency Management Agency, U.S. Department of Homeland Security, filed. Motion Docket Date 4/4/2022. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Thou, Chanmealea) (Entered: 03/14/2022)
03/18/2022	<u>16</u>	ORDER. The Court ORDERS Plaintiffs to file a response, if any, to Defendants' Opposed <u>15</u> MOTION for Extension of Deadline no later than 3/23/2022. The Court further SETS this matter for a hearing on 3/25/2022 at 10:00 AM by video before Magistrate Judge John A Kazen. The Court further ORDERS Defendants' agency representative to attend this hearing. (Signed by Magistrate Judge John A Kazen)

		Parties notified. (JessicaGRodriguez, 5) (Entered: 03/18/2022)
03/23/2022	<u>17</u>	RESPONSE to <u>15</u> Opposed MOTION for Extension of Time OF DEADLINE filed by La Union del Pueblo Entero. (Wesevich, Jerome) (Entered: 03/23/2022)
03/24/2022	<u>18</u>	MOTION for Leave to File Amended Declaration of Gregory BridgesMotions referred to John A Kazen. by Federal Emergency Management Agency, U.S. Department of Homeland Security, filed. Motion Docket Date 4/14/2022. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Thou, Chanmealea) (Entered: 03/24/2022)
03/25/2022		Minute Entry for proceedings held before Magistrate Judge John A. Kazen. MOTION HEARING held on 3/25/2022 on Defendants' Opposed Motion for Extension of Deadline. (Dkt. No. 15). The Court received argument from counsel for the parties and information from representatives of Defendant FEMA. The Court will grant the motion and set further deadlines in a written order to follow, including SETTING a telephonic Status Conference for 5/31/2022 at 9:45 a.m. Appearances by Zoom videoconference: Jerome W. Wesevich, Hannah D. Dyal, and Brittany N. Perrigue f/PLAINTIFF. Chanmealea Thou f/DEFENDANTS. (Time in court 10:14 – 11:17 a.m.) (ERO: Tanya Trevino), filed. (JessicaGRodriguez, 5) (Entered: 03/25/2022)
03/29/2022	<u>19</u>	ORDER granting in part Defendants' Opposed <u>15</u> Motion for Extension of Deadline. The Court SETS a Status Conference for 5/31/2022 at 09:45 AM by video before Magistrate Judge John A Kazen. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 03/29/2022)
04/25/2022	<u>20</u>	ADVISORY by Federal Emergency Management Agency, U.S. Department of Homeland Security, filed.(Thou, Chanmealea) (Entered: 04/25/2022)
04/25/2022	<u>21</u>	NOTICE of Plaintiffs' Advisory re: <u>19</u> Order on Motion for Extension of Time, by La Union del Pueblo Entero, filed. (Wesevich, Jerome) (Entered: 04/25/2022)
05/31/2022		*** Zoom Invite Information for Status Conference set for 5/31/2022: Join ZoomGov Meeting – https://www.zoomgov.com/j/1618278221?pwd=MGIEbElSfIVYOW1XVVRRU3gyNU5jUT09 ; Dial In: (669) 254–5252; Meeting ID: 161 827 8221; Passcode: 040249, filed. (JessicaGRodriguez, 5) (Entered: 05/31/2022)
05/31/2022		Minute Entry for proceedings held before Magistrate Judge John A. Kazen. STATUS CONFERENCE held on 5/31/2022. The Court discussed the status of Defendants' ongoing production of documents and scheduling order deadlines, including the deadline to file the administrative record and a Vaughn Index. The Court will enter an amended scheduling order to follow. The parties are ORDERED to file advisories regarding the status of document production and complying with the scheduling order deadlines by 7/21/2022. The Court SET a telephonic Status Conference for 5/28/2022 at 9:00 a.m. Appearances by Zoom videoconference: Jerome W. Wesevich, Hannah D. Dyal, and Brittany N. Perrigue f/PLAINTIFF. Chanmealea Thou f/DEFENDANTS. (Time in court: 9:45 – 10:22 a.m.) (ERO: Anabel Pottin), filed. (JessicaGRodriguez, 5) (Entered: 05/31/2022)
05/31/2022	<u>22</u>	FIRST AMENDED SCHEDULING ORDER. Telephonic status Conference set for 7/28/2022 at 09:00 AM before Magistrate Judge John A Kazen. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 05/31/2022)
06/10/2022	<u>23</u>	ORDER granting <u>18</u> MOTION for Leave to File Amended Declaration of Gregory Bridges (Signed by Magistrate Judge John A Kazen) Parties notified.(TanyaTrevino, 5) (Entered: 06/10/2022)
06/10/2022	<u>24</u>	**DOCKETD IN ERROR PLEASE DISREGARD** ORDER the Court ORDERS the parties to file closing documents that are in compliance with Fed. R. Civ. P. 41 (i.e., a stipulated dismissal signed by counsel for all parties) no later than July 8, 2022. Additionally, the Court TERMINATES all active court settings and deadlines.(Signed by Magistrate Judge John A Kazen) Parties notified.(TanyaTrevino, 5) Modified on 6/10/2022 (TanyaTrevino, 5). (Entered: 06/10/2022)
07/21/2022	<u>25</u>	ADVISORY by Federal Emergency Management Agency, U.S. Department of Homeland Security, filed.(Thou, Chanmealea) (Entered: 07/21/2022)
07/26/2022	<u>26</u>	ORDER Finding good cause, the Court hereby CANCELS the status conference set for July 28, 2022 at 9:00 a.m. (Signed by Magistrate Judge John A Kazen) Parties notified.(TanyaTrevino, 5) (Entered: 07/26/2022)
09/20/2022	<u>27</u>	ORDER. The Court ORDERS Defendants to file an advisory no later than 9/23/2022 at 5:00 p.m. explaining why they failed to file an administrative record by the 9/14/2022 deadline and updating the Court on the parties' anticipated compliance with all other deadlines set forth in the Court's First Amended Scheduling Order <u>22</u> . (Signed by Magistrate Judge John A Kazen) Parties notified.

		(JessicaGRodriguez, 5) (Entered: 09/20/2022)
09/22/2022	<u>28</u>	NOTICE of attorney substitution by Federal Emergency Management Agency, U.S. Department of Homeland Security. Attorney Jimmy A. Rodriguez added. Attorney Chanmealea Thou terminated, filed. (Rodriguez, Jimmy) (Entered: 09/22/2022)
09/23/2022	<u>29</u>	ADVISORY by Federal Emergency Management Agency, filed.(Rodriguez, Jimmy) (Entered: 09/23/2022)
09/27/2022	<u>30</u>	NOTICE OF FILING FOIA RESPONSES by Federal Emergency Management Agency, U.S. Department of Homeland Security, filed. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> 1st Interim Response, # <u>7</u> 1st Interim Response, # <u>8</u> 1st Interim Response, # <u>9</u> 2nd Interim Response, # <u>10</u> 2nd Interim Response, # <u>11</u> 3rd Interim Response, # <u>12</u> 3rd Interim Response, # <u>13</u> 3rd Interim Response, # <u>14</u> 3rd Interim Response, # <u>15</u> 3rd Interim Response, # <u>16</u> 3rd Interim Response, # <u>17</u> 3rd Interim Response, # <u>18</u> 4th Interim Response, # <u>19</u> 4th Interim Response, # <u>20</u> 4th Interim Response, # <u>21</u> 4th Interim Response, # <u>22</u> 4th Interim Response, # <u>23</u> 4th Interim Response, # <u>24</u> 4th Interim Response, # <u>25</u> 4th Interim Response, # <u>26</u> 4th Interim Response, # <u>27</u> 4th Interim Response, # <u>28</u> 4th Interim Response, # <u>29</u> 5th Interim Response, # <u>30</u> 5th Interim Response, # <u>31</u> 5th Interim Response, # <u>32</u> 5th Interim Response, # <u>33</u> 5th Interim Response, # <u>34</u> 5th Interim Response, # <u>35</u> 5th Interim Response, # <u>36</u> 5th Interim Response, # <u>37</u> 5th Interim Response, # <u>38</u> 6th Interim Response, # <u>39</u> 6th Interim Response, # <u>40</u> 6th Interim Response, # <u>41</u> 6th Interim Response, # <u>42</u> 6th Interim Response, # <u>43</u> 6th Interim Response, # <u>44</u> 6th Interim Response, # <u>45</u> 6th Interim Response, # <u>46</u> 6th Interim Response, # <u>47</u> 7th Interim Response, # <u>48</u> 7th Interim Response, # <u>49</u> 8th Interim Response, # <u>50</u> 8th Interim Response, # <u>51</u> 9th Interim Response, # <u>52</u> 9th Interim Response, # <u>53</u> 9th Interim Response, # <u>54</u> 9th Interim Response, # <u>55</u> 9th Interim Response, # <u>56</u> 9th Interim Response, # <u>57</u> 9th Interim Response, # <u>58</u> 9th Interim Response, # <u>59</u> 9th Interim Response, # <u>60</u> 9th Interim Response, # <u>61</u> 9th Interim Response, # <u>62</u> 9th Interim Response)(Rodriguez, Jimmy) (Entered: 09/27/2022)
10/11/2022	<u>31</u>	*DUPLICATE as to Dkts 31-33, Refer to Dkts 34-36*AO 435 TRANSCRIPT REQUEST by Ana Laurel for Transcript of Pretrial conference, 12/20/2021, Judge John A. Kazen. Ordinary (30 days) turnaround requested. Court Reporter/Transcriber: Ornelas Reporting Services, filed. (Laurel, Ana) (Entered: 10/11/2022)
10/11/2022	<u>32</u>	AO 435 TRANSCRIPT REQUEST by Ana Laurel for Transcript of Pretrial conference, 01/14/2022, Judge John A. Kazen. Ordinary (30 days) turnaround requested. Court Reporter/Transcriber: Ornelas Reporting Services, filed. (Laurel, Ana) (Entered: 10/11/2022)
10/11/2022	<u>33</u>	AO 435 TRANSCRIPT REQUEST by Ana Laurel for Transcript of Pretrial conference, 03/25/2022, Judge John A. Kazen. Ordinary (30 days) turnaround requested. Court Reporter/Transcriber: Ornelas Reporting Services, filed. (Laurel, Ana) (Entered: 10/11/2022)
10/12/2022	<u>34</u>	AO 435 TRANSCRIPT REQUEST by Ana Laurel for Transcript of Pretrial Conference on 1/14/2022 before Judge John A. Kazen. Ordinary (30 days) turnaround requested. Court Reporter/Transcriber: Ornelas Reporting Services, filed. (RachelWillborg, 4) (Entered: 10/12/2022)
10/12/2022	<u>35</u>	AO 435 TRANSCRIPT REQUEST by Ana Laurel for Transcript of Pretrial Conference on 3/25/2022 before Judge John A. Kazen. Ordinary (30 days) turnaround requested. Court Reporter/Transcriber: Ornelas Reporting Services, filed. (RachelWillborg, 4) (Entered: 10/12/2022)
10/12/2022	<u>36</u>	AO 435 TRANSCRIPT REQUEST by Ana Laurel for Transcript of Pretrial Conference on 12/20/2021 before Judge John A. Kazen. Ordinary (30 days) turnaround requested. Court Reporter/Transcriber: Ornelas Reporting Services, filed. (RachelWillborg, 4) (Entered: 10/12/2022)
10/12/2022	<u>37</u>	FTR Audio and Files Electronically Sent to Ornelas Reporting Services re <u>34</u> AO435 Transcript Request as to Pretrial Conference held on 1/14/2022 before Judge John A. Kazen. Estimated Transcription Completion Date: 11/12/2022., filed.(DavidMorales, 5) (Entered: 10/12/2022)
10/12/2022	<u>38</u>	FTR Audio and Files Electronically Sent to Ornelas Reporting Services re <u>35</u> AO435 Transcript Request as to Pretrial Conference held on 3/25/2022 before Judge Judge John A. Kazen. Estimated Transcription Completion Date: 11/12/2022., filed.(TanyaTrevino, 5) (Entered: 10/12/2022)
10/12/2022	<u>39</u>	FTR Audio and Files Electronically Sent to Ornelas Reporting Services re <u>36</u> AO435 Transcript Request as to PRETRIAL CONFERENCE held on 12/20/2021 before Judge JOHN KAZEN. Estimated Transcription Completion Date: 11/12/22, filed.(dgonzalez, 5) (Entered: 10/12/2022)
10/21/2022	<u>40</u>	MOTION to Dismiss <i>or, in the alternative,</i> , MOTION for Summary Judgment (Motion Docket Date 11/14/2022.)Motions referred to John A Kazen. by Federal Emergency Management Agency, U.S.

		Department of Homeland Security, filed. (Attachments: # <u>1</u> Exhibit Bridges Decl., # <u>2</u> Exhibit Vaughn Index, # <u>3</u> Exhibit Torres Decl., # <u>4</u> Exhibit Wilson Decl., # <u>5</u> Proposed Order)(Rodriguez, Jimmy) (Entered: 10/21/2022)
11/21/2022	<u>41</u>	Unopposed MOTION for Leave to File Response in Excess of Page LimitMotions referred to John A Kazen. by La Union del Pueblo Entero, filed. Motion Docket Date 12/12/2022. (Attachments: # <u>1</u> Exhibit Response in Opposition, # <u>2</u> Exhibit AG FOIA Memo, # <u>3</u> Exhibit Declaration, # <u>4</u> Exhibit Repair Eligible Letter, # <u>5</u> Exhibit Repair Ineligible Letter, # <u>6</u> Exhibit 2003 Inspector Training Manual, # <u>7</u> Exhibit 1974 Conference Report, # <u>8</u> Exhibit 1983 Senate Report, # <u>9</u> Exhibit 1986 Congressional Record, # <u>10</u> Exhibit OIG Report 2020, # <u>11</u> Exhibit NPR Article, # <u>12</u> Exhibit NYT Article, # <u>13</u> Proposed Order)(Wesevich, Jerome) (Entered: 11/21/2022)
11/21/2022	<u>42</u>	Opposed MOTION for DiscoveryMotions referred to John A Kazen. by La Union del Pueblo Entero, filed. Motion Docket Date 12/12/2022. (Attachments: # <u>1</u> Exhibit FEMA Rule 30b6 Deposition, # <u>2</u> Proposed Order)(Wesevich, Jerome) (Entered: 11/21/2022)
11/22/2022	<u>43</u>	ORDER. The Court GRANTS Plaintiff's Unopposed <u>41</u> Motion for Leave to Exceed Page Limit. The Clerk of Court is DIRECTED to docket Plaintiff's Response in Opposition to Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment, (Dkt. No. 41-1), and accompanying exhibits, (Dkt. Nos. 41-2 through 41-12. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 11/22/2022)
11/22/2022	<u>44</u>	ORDER re: <u>42</u> Opposed MOTION for Discovery. The Court ORDERS Plaintiff to file a certificate of conference as a supplement to its motion by 11/23/2022 at 5:00 p.m. Defendant's response due by 12/6/2022; Plaintiff's reply due by 12/9/2022. (Signed by Magistrate Judge John A Kazen) p.m.Parties notified. (JessicaGRodriguez, 5) (Entered: 11/22/2022)
11/22/2022	<u>45</u>	RESPONSE to <u>40</u> MOTION to Dismiss or, in the alternative, MOTION for Summary Judgment filed by La Union del Pueblo Entero. (Attachments: # <u>1</u> Exhibit Exhibits A-K, # <u>2</u> Proposed Order)(JessicaGRodriguez, 5) (Entered: 11/22/2022)
11/23/2022	<u>46</u>	NOTICE of Certificate of Conference for Plaintiff's Opposed Motion for Discovery, Doc. 42 re: <u>44</u> Order, by La Union del Pueblo Entero, filed. (Wesevich, Jerome) (Entered: 11/23/2022)
12/06/2022	<u>47</u>	RESPONSE in Opposition to <u>42</u> Opposed MOTION for Discovery, filed by Federal Emergency Management Agency. (Rodriguez, Jimmy) (Entered: 12/06/2022)
12/08/2022	<u>48</u>	REPLY in Support of <u>42</u> Opposed MOTION for Discovery, filed by La Union del Pueblo Entero. (Wesevich, Jerome) (Entered: 12/08/2022)
12/16/2022	<u>49</u>	ORDER OF REFERRAL The Court hereby REFERS Defendant's <u>40</u> Motion to Dismiss, or in the alternative, for summary judgment and Plaintiff's <u>42</u> Motion for Discovery to United States Magistrate Judge Kazen for a Report and Recommendation.(Signed by Judge Marina Garcia Marmolejo) Parties notified.(DavidMorales, 5) (Entered: 12/16/2022)
12/21/2022	<u>50</u>	REPLY in Support of <u>40</u> MOTION to Dismiss <i>or, in the alternative</i> , MOTION for Summary Judgment , filed by Federal Emergency Management Agency. (Rodriguez, Jimmy) (Entered: 12/21/2022)
06/12/2023	<u>51</u>	REPORT AND RECOMMENDATIONS re <u>42</u> Opposed MOTION for Discovery, <u>40</u> MOTION to Dismiss <i>or, in the alternative</i> , MOTION for Summary Judgment Objections to R&R due by 6/26/2023(Signed by Magistrate Judge John A Kazen) Parties notified.(SylviaCGonzalez, 5) (Entered: 06/12/2023)
06/26/2023	<u>52</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by La Union del Pueblo Entero re: <u>51</u> Report and Recommendations,, filed.(Wesevich, Jerome) (Entered: 06/26/2023)
06/26/2023	<u>53</u>	OBJECTIONS to <u>51</u> Report and Recommendations, filed by Federal Emergency Management Agency, U.S. Department of Homeland Security. (Rodriguez, Jimmy) (Entered: 06/26/2023)
07/10/2023	<u>54</u>	RESPONSE to <u>52</u> Appeal of Magistrate Judge Decision to District Court , filed by Federal Emergency Management Agency, U.S. Department of Homeland Security. (Rodriguez, Jimmy) (Entered: 07/10/2023)
07/10/2023	<u>55</u>	RESPONSE to <u>53</u> Objections to Report and Recommendations <i>made by Defendants</i> , filed by La Union del Pueblo Entero. (Wesevich, Jerome) (Entered: 07/10/2023)
07/14/2023	<u>56</u>	REPLY to <u>54</u> Response – <i>Reply Supporting LUPE Objections to Magistrate's R&R</i> , filed by La Union del Pueblo Entero. (Wesevich, Jerome) (Entered: 07/14/2023)

08/01/2023	<u>57</u>	ORDER adopting Report and Recommendation <u>51</u> in part. Motion to dismiss <u>40</u> is DENIED. Motion for summary judgment <u>40</u> is GRANTED IN PART and DENIED IN PART. Motion for discovery <u>42</u> is DENIED. Docket Control Order is hereby ENTERED.(Signed by Judge Marina Garcia Marmolejo) (Attachments: # <u>1</u> Docket Control Order) Parties notified.(GabySalinas, 5) (Entered: 08/01/2023)
08/01/2023	<u>58</u>	DOCKET CONTROL ORDER. If the parties can meet a deadline earlier and move through the Phases more quickly, they are highly encouraged to do so. For example, if FEMA can complete document review early, it should do so and file a prompt status report. In such instances, the Court will issue Amended Docket Control Orders to move deadlines up to help facilitate this case's speedy resolution. Parties notified.(GabySalinas, 5) (Entered: 08/01/2023)
08/08/2023	<u>59</u>	ADVISORY by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit Declaration)(Rodriguez, Jimmy) (Entered: 08/08/2023)
08/10/2023	<u>60</u>	NOTICE of Plaintiff's Objections – re: <u>59</u> Advisory by La Union del Pueblo Entero, filed. (Attachments: # <u>1</u> Exhibit 1 – Private Contractor Training Manual, # <u>2</u> Exhibit 2 – FEMA Contract With Inspection Management Contractor)(Wesevich, Jerome) (Entered: 08/10/2023)
08/14/2023	<u>61</u>	ORDER. Plaintiff La Union del Pueblo Entero's Objections <u>60</u> are SUSTAINED IN PART and OVERRULED IN PART. (Signed by Judge Marina Garcia Marmolejo) Parties notified. (JessicaGRodriguez, 5) (Entered: 08/14/2023)
08/15/2023	<u>62</u>	NOTICE of Setting. Parties notified.Telephonic Status Conference set for 8/22/2023 at 01:30 PM before Magistrate Judge John A Kazen, filed. (JessicaGRodriguez, 5) (Entered: 08/15/2023)
08/15/2023	<u>63</u>	Unopposed MOTION for Extension of Time to file an AdvisoryMotions referred to John A Kazen. by Federal Emergency Management Agency, filed. Motion Docket Date 9/5/2023. (Attachments: # <u>1</u> Proposed Order for District Judge, # <u>2</u> Proposed Order for Magistrate Judge)(Rodriguez, Jimmy) (Entered: 08/15/2023)
08/15/2023	<u>64</u>	NOTICE of Reseting. Parties notified. Telephonic Status Conference RESET to 8/28/2023 at 10:00 AM before Magistrate Judge John A Kazen, filed. (JessicaGRodriguez, 5) (Entered: 08/15/2023)
08/15/2023	<u>65</u>	ORDER. Finding good cause, the Court GRANTS Defendants' Unopposed <u>63</u> Motion for an Extension of Time and EXTENDS the deadline to file an advisory with the Court to 8/25/2023. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 08/15/2023)
08/15/2023	<u>66</u>	SCHEDULING ORDER. Telephonic Status Conference set for 8/28/2023 at 10:00 AM before Magistrate Judge John A Kazen. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 08/15/2023)
08/21/2023	<u>67</u>	NOTICE of Compliance re: <u>61</u> Order by La Union del Pueblo Entero, filed. (Attachments: # <u>1</u> Exhibit Letter re Search Terms)(Wesevich, Jerome) (Entered: 08/21/2023)
08/25/2023	<u>68</u>	ADVISORY by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit – Status Report, # <u>2</u> Exhibit – Declaration)(Rodriguez, Jimmy) (Entered: 08/25/2023)
08/28/2023		Minute Entry for proceedings held before Magistrate Judge John A. Kazen. STATUS CONFERENCE held on 8/28/2023. The Court discussed the status of Defendants' ongoing production of documents and scheduling order deadlines. Defendants may request additional time to conduct a search using Plaintiff's search terms provided on 8/21/2023. The Court ORDERED the parties to confer and to file an advisory by 8/30/2023 at 12:00 p.m. regarding their efforts to confer on the search terms and scheduling order deadlines and their respective positions on those issues. Plaintiff requested a deadline of 9/5/2023 to file a reply on the issue of FEMA's obligation to obtain records from independent contractors, in the event the parties are not able to resolve that disputed issue. Telephonic appearances: Jerome W. Wesevich, Hannah D. Dyal, and Carey Buxton f/PLAINTIFF. Jimmy A. Rodriguez f/DEFENDANTS. (Time in court: 10:00 – 10:31 a.m.) (ERO: Danya Garza), filed. (JessicaGRodriguez, 5) (Entered: 08/28/2023)
08/30/2023	<u>69</u>	ADVISORY by Federal Emergency Management Agency, filed.(Rodriguez, Jimmy) (Entered: 08/30/2023)
09/01/2023	<u>70</u>	ORDER. The Court ORDERS the parties to file a supplemental advisory by 9/7/2023, proposing modified dates for the Scheduling Order tasks listed in this Order.(Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 09/01/2023)
09/01/2023	<u>71</u>	STATUS REPORT by Federal Emergency Management Agency, filed.(Rodriguez, Jimmy) (Entered: 09/01/2023)

09/07/2023	<u>72</u>	Unopposed MOTION to Modify the Schedule for Phase II and Joint Advisory Motions referred to John A Kazen. by Federal Emergency Management Agency, filed. Motion Docket Date 9/28/2023. (Attachments: # <u>1</u> Proposed Order)(Rodriguez, Jimmy) (Entered: 09/07/2023)
09/08/2023	<u>73</u>	STATUS REPORT by Federal Emergency Management Agency, filed.(Rodriguez, Jimmy) (Entered: 09/08/2023)
09/14/2023	<u>74</u>	ORDER. the Court GRANTS the parties' Unopposed Motion to Reset Deadlines. (Dkt. No. <u>72</u>). However, the parties are admonished from requesting additional extensions to the scheduling order and the Court will not grant any additional requests absent exceptional circumstances An amended scheduling order for Phase II incorporating the new deadlines will follow. (Signed by Magistrate Judge John A Kazen) Parties notified.(DeliaMGonzalez, 5) (Entered: 09/14/2023)
09/14/2023	<u>75</u>	FIRST AMENDED SCHEDULING ORDER FOR PHASE II. 1. FEMA shall complete its additional search by September 22, 2023. 2. FEMA shall complete the review of any new documents located by September 29, 2023. 3. The parties shall confer no later than October 11, 2023, to determine whether any outstanding issues regarding FEMA's search remains. 4. The parties shall file an advisory by October 18, 2023, stating whether they anticipate engaging in motions practice on the adequacy of FEMA's search. 5. Should the parties not reach an agreement, FEMA shall file its motion for summary judgment on the adequacy of search by October 23, 2023. 6. Plaintiff shall file its response by November 1, 2023. 7. FEMA shall file its reply by November 6, 2023. (Signed by Magistrate Judge John A Kazen) Parties notified.(DeliaMGonzalez, 5) Modified on 9/14/2023 (DeliaMGonzalez, 5). (Entered: 09/14/2023)
09/15/2023	<u>76</u>	STATUS REPORT by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit Declaration)(Rodriguez, Jimmy) (Entered: 09/15/2023)
09/22/2023	<u>77</u>	ADVISORY by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit Declaration)(Rodriguez, Jimmy) (Entered: 09/22/2023)
09/29/2023	<u>78</u>	ADVISORY by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit Declaration)(Rodriguez, Jimmy) (Entered: 09/29/2023)
10/18/2023	<u>79</u>	NOTICE <i>Joint Advisory Regarding Search Adequacy</i> re: <u>57</u> Order Adopting Report and Recommendations, by La Union del Pueblo Entero, filed. (Wesevich, Jerome) (Entered: 10/18/2023)
10/20/2023	<u>80</u>	NOTICE of <i>Joint Proposed Schedule for Phase IV</i> by Federal Emergency Management Agency, filed. (Rodriguez, Jimmy) (Entered: 10/20/2023)
10/27/2023	<u>81</u>	SCHEDULING ORDER FOR PHASE IV. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 10/27/2023)
10/27/2023	<u>82</u>	STATUS REPORT by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit Supplemental Vaughn Index of Reprocessed Records (Interim Releases 1-9))(Rodriguez, Jimmy) (Entered: 10/27/2023)
10/29/2023	<u>83</u>	NOTICE of <i>Filing FOIA Supplemental Responses</i> by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit 10th Production Item 3, # <u>2</u> Exhibit 10th Production Item 3_IHP Line Items (part I), # <u>3</u> Exhibit 10th Production Item 3_IHP Line Items (part II), # <u>4</u> Exhibit 10th Production Item continued, # <u>5</u> Exhibit 11th Production Item, # <u>6</u> Exhibit 12th Production Item, # <u>7</u> Exhibit Remote Housing Inspection Job Aids, # <u>8</u> Exhibit FELI-0001, # <u>9</u> Exhibit Remote Housing Inspection Job Aids continued, # <u>10</u> Exhibit FP 104-009-15)(Rodriguez, Jimmy) (Entered: 10/29/2023)
11/03/2023	<u>84</u>	STATUS REPORT by Federal Emergency Management Agency, filed.(Rodriguez, Jimmy) (Entered: 11/03/2023)
11/03/2023	<u>85</u>	NOTICE of <i>Supplemental Vaughn Index</i> re: <u>84</u> Status Report by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit Supplemental Vaughn Index of Reprocessed Records (Interim Releases 1-9))(Rodriguez, Jimmy) (Entered: 11/03/2023)
11/10/2023	<u>86</u>	STATUS REPORT by Federal Emergency Management Agency, filed.(Rodriguez, Jimmy) (Entered: 11/10/2023)
11/10/2023	<u>87</u>	NOTICE of <i>Supplemental Vaughn Index</i> re: <u>86</u> Status Report by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit Reprocessed Vaughn Index)(Rodriguez, Jimmy) (Entered: 11/10/2023)
11/17/2023	<u>88</u>	STATUS REPORT by Federal Emergency Management Agency, filed.(Rodriguez, Jimmy) (Entered: 11/17/2023)

11/17/2023	<u>89</u>	NOTICE of Supplemental Vaughn Index re: <u>88</u> Status Report by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> Exhibit Reprocessed Vaughn Index)(Rodriguez, Jimmy) (Entered: 11/17/2023)
11/22/2023	<u>90</u>	STATUS REPORT by Federal Emergency Management Agency, filed.(Rodriguez, Jimmy) (Entered: 11/22/2023)
11/30/2023	<u>91</u>	NOTICE of Setting. Parties notified.Telephonic Status Conference set for 12/13/2023 at 09:00 AM before Magistrate Judge John A Kazen, filed. (JessicaGRodriguez, 5) (Entered: 11/30/2023)
12/11/2023	<u>92</u>	NOTICE of Filing FOIA Reprocessed Responses by Federal Emergency Management Agency, filed. (Attachments: # <u>1</u> 3rd Interim Response (reprocessed), # <u>2</u> 3rd Interim cont'd, # <u>3</u> 5th Interim Response (reprocessed), # <u>4</u> 5th Interim cont'd, # <u>5</u> 6th Interim Response (reprocessed), # <u>6</u> 6th Interim cont'd, # <u>7</u> 6th Interim cont'd, # <u>8</u> 7th Interim Response (reprocessed), # <u>9</u> 7th Interim cont'd, # <u>10</u> 8th Interim Response (reprocessed), # <u>11</u> 8th Interim cont'd, # <u>12</u> 9th Interim Response (reprocessed), # <u>13</u> 9th Interim cont'd, # <u>14</u> 9th Interim cont'd, # <u>15</u> 9th Interim cont'd, # <u>16</u> 9th Interim cont'd, # <u>17</u> 9th Interim cont'd, # <u>18</u> 9th Interim cont'd, # <u>19</u> 9th Interim cont'd, # <u>20</u> 9th Interim cont'd)(Rodriguez, Jimmy) (Entered: 12/11/2023)
12/12/2023	<u>93</u>	NOTICE of PRE-HEARING JOINT STATUS REPORT by Federal Emergency Management Agency, filed. (Rodriguez, Jimmy) (Entered: 12/12/2023)
12/13/2023		Minute Entry for proceedings held before Magistrate Judge John A. Kazen. STATUS CONFERENCE held on 12/13/2023. The Court reviewed the parties' joint status report (Dkt. 93) in conjunction with the Docket Control Order (Dkt. 58). The case is currently in Phase VI of the DCC. The parties move the Court to reconsider its order to mediate because they believe the remaining legal issues will not be resolved by mediation and are appropriate for resolution by the Court. They also propose a briefing schedule for MSJs on the remaining unresolved issues, as identified during the conference. A written order will follow. Telephonic appearances: Jerome W. Wesevich and Ana A. Laurel f/PLAINTIFF. Jimmy A. Rodriguez f/DEFENDANTS. (Time in court: 9:04 – 9:52 a.m.) (ERO: Mayra Ramirez), filed. (JessicaGRodriguez, 5) (Entered: 12/13/2023)
01/04/2024	<u>94</u>	ORDER. The Court RESCINDS its prior order for mediation as required by Phase VII of the Docket Control Order and ORDERS that the parties proceed to Phase VIII of the Docket Control Order <u>58</u> . A scheduling order will be entered separately for Phase VIII. The parties' request to expand the 25–page limit for briefing, as set forth in the District Judge's Court Procedures for Civil Cases, is DENIED. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 01/04/2024)
01/04/2024	<u>95</u>	SCHEDULING ORDER FOR PHASE VIII. Summary judgment motions addressing the unresolved issues due by 1/18/2024; Non–movant's response in opposition due by 2/20/2024; Movant's reply due by 2/29/2024. (Signed by Magistrate Judge John A Kazen) Parties notified. (JessicaGRodriguez, 5) (Entered: 01/04/2024)
01/11/2024		*** CASE REFERRAL REASSIGNED to Magistrate Judge Christopher dos Santos. Case No Longer Referred to Magistrate Judge John A. Kazen. Any hearings scheduled before Magistrate Judge John A. Kazen are terminated. Hearings will be rescheduled before Magistrate Judge Christopher dos Santos. (DawnaKelly, 4) (Entered: 01/11/2024)
01/16/2024	<u>96</u>	NOTICE of Errata re: <u>79</u> Notice (Other) by Federal Emergency Management Agency, filed. (Rodriguez, Jimmy) (Entered: 01/16/2024)
01/18/2024	<u>97</u>	MOTION for Summary Judgment by Federal Emergency Management Agency, U.S. Department of Homeland Security, filed. Motion Docket Date 2/8/2024. (Rodriguez, Jimmy) (Entered: 01/18/2024)
01/18/2024	<u>98</u>	MOTION for Summary Judgment by La Union del Pueblo Entero, filed. Motion Docket Date 2/8/2024. (Attachments: # <u>1</u> Exhibit A – Chavez Decl., # <u>2</u> Exhibit B – Valdez Decl., # <u>3</u> Exhibit C – Dyal Decl., # <u>4</u> Exhibit D – LUPE 552a2 Letter, # <u>5</u> Exhibit E – Barbosa Decls., # <u>6</u> Exhibit F – FEMA 30b6 Depo. Excerpt, # <u>7</u> Exhibit G – Carleton Email, # <u>8</u> Exhibit H – FEMA Press Statement, # <u>9</u> Exhibit I – Recent News Articles, # <u>10</u> Exhibit J – Recent IHP Advisories, # <u>11</u> Proposed Order)(Wesevich, Jerome) (Entered: 01/18/2024)
02/20/2024	<u>99</u>	RESPONSE in Opposition to <u>97</u> MOTION for Summary Judgment , filed by La Union del Pueblo Entero. (Attachments: # <u>1</u> Exhibit A – Email re Index Production, # <u>2</u> Exhibit B – FEMA Purported Index)(Wesevich, Jerome) (Entered: 02/20/2024)
02/20/2024	<u>100</u>	RESPONSE in Opposition to <u>98</u> MOTION for Summary Judgment , filed by Federal Emergency Management Agency, U.S. Department of Homeland Security. (Attachments: # <u>1</u> Exhibit

		Declaration)(Rodriguez, Jimmy) (Entered: 02/20/2024)
02/29/2024	<u>101</u>	REPLY in Support of <u>97</u> MOTION for Summary Judgment , filed by Federal Emergency Management Agency, U.S. Department of Homeland Security. (Rodriguez, Jimmy) (Entered: 02/29/2024)
02/29/2024	<u>102</u>	REPLY in Support of <u>98</u> MOTION for Summary Judgment , filed by La Union del Pueblo Entero. (Wesevich, Jerome) (Entered: 02/29/2024)
09/23/2024	<u>103</u>	ORDER granting in part and denying in part Defendants' <u>97</u> Motion to Dismiss, or in the Alternative, for Summary Judgment; and denying Plaintiff's <u>98</u> Motion for Summary Judgment. Plaintiff's claims against Defendants are DISMISSED. A final judgment will be separately entered. (Signed by Judge John A Kazen) Parties notified. (jgr5) (Entered: 09/23/2024)
09/23/2024	<u>104</u>	FINAL JUDGMENT. Because the Memorandum and Order <u>103</u> disposes of all remaining claims, this case is DISMISSED WITH PREJUDICE. Ther Clerk of the Court is DIRECTED to TERMINATE this case. This is a FINAL JUDGMENT. Case terminated on 9/23/2024. (Signed by Judge John A Kazen) Parties notified. (jgr5) (Entered: 09/23/2024)