

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:24-cv-00645-DLF**

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

Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 03/06/2024

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

HERITAGE FOUNDATION

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V.

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Date Filed	#	Docket Text
03/06/2024	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 405 receipt number ADCDC-10737838) filed by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons AG, # <u>3</u> Summons DOJ, # <u>4</u> Summons USAO, # <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, # <u>14</u> Exhibit 9, # <u>15</u> Exhibit 10, # <u>16</u> Exhibit 11, # <u>17</u> Exhibit 12)(Dewey, Samuel) (Entered: 03/06/2024)
03/07/2024		Case Assigned to Judge Dabney L. Friedrich. (zed) (Entered: 03/07/2024)
03/07/2024	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zed) (Entered: 03/07/2024)
03/07/2024	<u>3</u>	STANDARD ORDER for Civil Cases. See text for details. Signed by Judge Dabney L. Friedrich on March 7, 2024. (lcldf2) (Entered: 03/07/2024)
03/12/2024	<u>4</u>	NOTICE of Appearance by Eric Neal Cornett on behalf of All Plaintiffs (Cornett, Eric) (Main Document 4 replaced on 3/13/2024) (mg). (Entered: 03/12/2024)
03/12/2024	<u>5</u>	NOTICE of Appearance by Kyle Brosnan on behalf of All Plaintiffs (Brosnan, Kyle) (Main Document 5 replaced on 3/13/2024) (mg). (Entered: 03/12/2024)
03/13/2024	<u>6</u>	AMENDED COMPLAINT against U.S. DEPARTMENT OF JUSTICE 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 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, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit Redline)(Dewey, Samuel) (Entered: 03/13/2024)
04/08/2024	<u>7</u>	ANSWER to <u>6</u> Amended Complaint, by U.S. DEPARTMENT OF JUSTICE.(Abbuhl, Joshua) (Entered: 04/08/2024)
04/09/2024	<u>8</u>	MOTION Status Conference by HERITAGE FOUNDATION, MIKE HOWELL. (Dewey, Samuel) (Entered: 04/09/2024)
04/09/2024	<u>9</u>	DECLARATION of Samuel Everett Dewey by HERITAGE FOUNDATION, MIKE HOWELL re <u>8</u> MOTION Status Conference . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Dewey, Samuel) (Entered: 04/09/2024)
04/12/2024		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 plaintiffs' 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 also discuss the plaintiffs' request for expedited processing. The parties shall file the Meet and Confer report on or before May 12, 2024. The Court does not believe that its involvement in these discussions is warranted before the meet and confer occurs. As such, the plaintiffs' <u>8</u> Motion for Status Conference is DENIED. So Ordered by Judge Dabney L. Friedrich on April 12, 2024. (lcldf2) (Entered: 04/12/2024)
05/07/2024	<u>10</u>	NOTICE of Appearance by Max Taylor Matheu on behalf of All Plaintiffs (Matheu, Max) (Main Document 10 replaced on 5/7/2024) (mg). (Entered: 05/07/2024)
05/08/2024	<u>11</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Cameron Drew Silverberg on behalf of U.S. DEPARTMENT OF JUSTICE Substituting for attorney Joshua C. Abbuhl (Silverberg, Cameron) (Entered: 05/08/2024)
05/12/2024	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Silverberg, Cameron) (Entered: 05/12/2024)
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)
06/10/2024		Minute Entry for Status Conference held on 6/10/2024 before Judge Dabney L. Friedrich: Motions due by 6/24/2024. Responses due by 7/8/2024. Replies due by 7/15/2024. Status Report due by 6/14/2024. Court Reporter Sara Wick. (zjch,) (Entered: 06/10/2024)
06/10/2024		MINUTE ORDER. As discussed during today's status hearing, the defendant shall file its motion for summary judgment on the adequacy of the search on or before June 24, 2024; the plaintiffs' opposition shall be filed on or before July 8, 2024; and any reply shall be filed on or before July 15, 2024. On or before June 16, 2024, the parties shall meet and confer and file a joint status report informing the Court of their positions on the briefing schedule for the remaining issues in this case. Also, to the extent possible, the parties shall confer and inform the Court whether the scope of search can be narrowed with respect to the 70 hours of audio recordings. So Ordered by Judge Dabney L. Friedrich on June 10, 2024. (lcldf2) (Entered: 06/10/2024)
06/10/2024	<u>13</u>	NOTICE of Letter by HERITAGE FOUNDATION, MIKE HOWELL (Dewey, Samuel) (Entered: 06/10/2024)
06/16/2024	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Silverberg, Cameron) (Entered: 06/16/2024)
06/16/2024	<u>15</u>	DECLARATION Max Taylor Matheu by HERITAGE FOUNDATION, MIKE HOWELL re <u>14</u> Status Report. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2)(Matheu, Max) (Entered: 06/16/2024)
06/17/2024		NOTICE of Hearing: Status Conference set for 6/18/2024 at 2:15 PM in Courtroom 14- In Person before Judge Dabney L. Friedrich. (zjch,) (Entered: 06/17/2024)

06/17/2024		MINUTE ORDER. In preparation for tomorrow's status hearing at 2:15 PM in Courtroom 14, the parties shall be prepared to discuss the rate of production and the extent to which the rate of production of audio tapes can be compared to that of pages of documents. So Ordered by Judge Dabney L. Friedrich on June 17, 2024. (lcldf2) (Entered: 06/17/2024)
06/18/2024	<u>16</u>	NOTICE of Appearance by Daniel D. Mauler on behalf of All Plaintiffs (Mauler, Daniel) (Entered: 06/18/2024)
06/18/2024	<u>17</u>	RESPONSE TO ORDER OF THE COURT re Order, filed by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Exhibit Weinsheimer Decl. Part 1 (24-cv-700), # <u>2</u> Exhibit Weinsheimer Decl. Part 2 (24-cv-700), # <u>3</u> Exhibit Weinsheimer Decl. Part 3 (24-cv-700))(Dewey, Samuel) (Entered: 06/18/2024)
06/18/2024	<u>18</u>	NOTICE of Appearance by Joshua Charles Abbuhl on behalf of U.S. DEPARTMENT OF JUSTICE (Abbuhl, Joshua) (Entered: 06/18/2024)
06/18/2024		Minute Entry for proceedings held before Judge Dabney L. Friedrich: Status Conference held on 6/18/2024. (Court Reporter Sara Wick.) (zjch,) (Entered: 06/18/2024)
06/18/2024		MINUTE ORDER. As discussed during today's status hearing, the Court's June 10, 2024 minute order is MODIFIED, and the defendant's motion for summary judgment on the adequacy of the search is now due on or before June 27, 2024. On or before June 21, 2024, the parties shall file a joint status report that discusses (1) the possibility of further narrowing the scope of the plaintiffs' search and (2) the revision of the briefing schedule. So Ordered by Judge Dabney L. Friedrich on June 18, 2024. (lcldf2) (Entered: 06/18/2024)
06/21/2024	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Silverberg, Cameron) (Entered: 06/21/2024)
06/22/2024		MINUTE ORDER. Upon consideration of the parties' <u>19</u> Joint Status Report, the briefing schedule is MODIFIED as follows: on or before July 1, 2024, the defendant shall file its motion for summary judgment; on or before July 9, 2024, the plaintiffs shall file any opposition; and on or before July 17, 2024, the defendant shall file any reply. On or before June 25, 2024, the parties shall file a joint status report updating the Court on their progress regarding the scope of the plaintiffs' request. So Ordered by Judge Dabney L. Friedrich on June 22, 2024. (lcldf2) (Entered: 06/22/2024)
06/25/2024	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Silverberg, Cameron) (Entered: 06/25/2024)
07/01/2024	<u>21</u>	MOTION for Partial Summary Judgment by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Undisputed Material Facts, # <u>2</u> Declaration of Bobak Talebian, # <u>3</u> Declaration of Bradley Weinsheimer, # <u>4</u> Proposed Order)(Silverberg, Cameron) (Entered: 07/01/2024)
07/09/2024	<u>22</u>	RESPONSE re <u>21</u> MOTION for Partial Summary Judgment filed by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Statement of Facts)(Dewey, Samuel) (Entered: 07/09/2024)
07/09/2024	<u>23</u>	DECLARATION of Max Matheu by HERITAGE FOUNDATION, MIKE HOWELL re <u>22</u> Response to motion. (Attachments: # <u>1</u> Ex. 1, # <u>2</u> Ex. 2, # <u>3</u> Ex. 3, # <u>4</u> Ex. 4, # <u>5</u> Ex. 5)(Cornett, Eric) (Entered: 07/09/2024)
07/09/2024	24	Cross MOTION for Partial Summary Judgment by HERITAGE FOUNDATION, MIKE HOWELL. (See docket entry <u>22</u> to view document). (mg) (Entered: 07/10/2024)
07/17/2024	<u>25</u>	REPLY to opposition to motion re 24 MOTION for Partial Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Response to Statement of Undisputed Material Facts, # <u>2</u> Supplemental Declaration of Bobak Talebian)(Silverberg, Cameron) (Entered: 07/17/2024)
07/22/2024		NOTICE of Hearing:Status Conference set for 7/23/2024 at 9:00 AM in Telephonic/VTC before Judge Dabney L. Friedrich. (zjch,) (Entered: 07/22/2024)

07/22/2024	<u>26</u>	NOTICE <i>Regarding Search</i> by U.S. DEPARTMENT OF JUSTICE (Silverberg, Cameron) (Entered: 07/22/2024)
07/23/2024		MINUTE ORDER. In light of the defendant's <u>26</u> Notice Regarding Search, the parties shall file a joint status report stating their respective positions on the remaining issues in the case after they meet and confer. So Ordered by Judge Dabney L. Friedrich on July 23, 2024. (lcldf2) (Entered: 07/23/2024)
08/23/2024	<u>27</u>	NOTICE of <i>Supplemental Search Declaration</i> by U.S. DEPARTMENT OF JUSTICE (Silverberg, Cameron) (Entered: 08/23/2024)
08/28/2024	<u>28</u>	Joint STATUS REPORT by HERITAGE FOUNDATION, MIKE HOWELL. (Attachments: # <u>1</u> Declaration of Samuel Everett Dewey, # <u>2</u> Exhibit Dewey Decl. Ex. 1, # <u>3</u> Exhibit Dewey Decl. Ex. 2, # <u>4</u> Exhibit Dewey Decl. Ex. 3, # <u>5</u> Exhibit Dewey Decl. Ex. 4)(Dewey, Samuel) (Entered: 08/28/2024)
09/06/2024		MINUTE ORDER. Upon consideration of the parties' <u>28</u> Joint Status Report, the Court denies the plaintiff's request for bifurcated briefing on DOJ's withholdings related to audio files and transcripts of the Biden–Zwonitzer interviews. Although a significant public interest in the records remains, the urgency in resolving this dispute has diminished since President Biden withdrew from the presidential race. Moreover, bifurcated proceedings would lead to inefficiencies for the parties and the Court because DOJ's withholdings for the audio files and transcripts raise common factual and legal issues, see Joint Status Report at 14, making multiple rounds of briefing largely repetitious and cumulative. Finally, any anticipated appeal by the government, see Joint Status Report at 15, would delay any release of records until well after the presidential election. For these reasons, the plaintiff's request for a bifurcated briefing schedule is denied. Accordingly, DOJ shall conclude processing of the remaining records in this case on or <u>before October 16, 2024</u> . On or <u>before October 16, 2024</u> , the parties shall file a joint status report proposing a schedule for briefing on the cross–motions for summary judgment. So Ordered by Judge Dabney L. Friedrich on September 6, 2024. (lcldf2) (Entered: 09/06/2024)
09/23/2024	<u>29</u>	TRANSCRIPT OF PROCEEDINGS before Judge Dabney L. Friedrich held on 06/10/2024. Page Numbers: 1–35. Date of Issuance: 09/23/2024. 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 10/14/2024. Redacted Transcript Deadline set for 10/24/2024. Release of Transcript Restriction set for 12/22/2024.(Wick, Sara) (Entered: 09/23/2024)
09/23/2024	<u>30</u>	TRANSCRIPT OF PROCEEDINGS before Judge Dabney L. Friedrich held on 06/18/2024. Page Numbers: 1–54. Date of Issuance: 09/23/2024. 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

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