

**U.S. District Court
District of Hawaii (Hawaii)
CIVIL DOCKET FOR CASE #: 1:23-cv-00216-SOM-WRP**

Honolulu Civil Beat Inc. v. Federal Bureau of Investigation
Assigned to: JUDGE SUSAN OKI MOLLWAY
Referred to: MAGISTRATE JUDGE WES REBER PORTER
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Honolulu Civil Beat Inc.

represented by **Benjamin Maxwell Creps**
Public First Law Center
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V.

Defendant

Federal Bureau of Investigation

represented by **Dana A. Barbata**
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808-541-2850
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| Date Filed | # | Docket Text |
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| 05/18/2023 | <u>1</u> | COMPLAINT against Federal Bureau of Investigation (Filing fee \$ 402 receipt number AHIDC-2843270.), filed by Honolulu Civil Beat Inc.. (Attachments: # <u>1</u> Civil Cover Sheet)(Black, Robert) (Entered: 05/18/2023) |
| 05/18/2023 | 2 | NOTICE of Case Assignment: Please reflect Civil case number CV 23-00216 DKW-WRP on all further pleadings. (jni) (Entered: 05/18/2023) |
| 05/18/2023 | <u>3</u> | Order Setting Telephonic Rule 16 Scheduling Conference is set for 09:00AM on 7/17/2023 before MAGISTRATE JUDGE WES REBER PORTER – Signed by CHIEF JUDGE DERRICK K. WATSON on 5/18/2023. <hr/> ATTACH THE SCHEDULING ORDER TO THE INITIATING DOCUMENT (COMPLAINT/NOTICE OF REMOVAL). THE SCHEDULING ORDER MUST BE SERVED WITH THE DOCUMENT. |

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| | | (jni) (Entered: 05/18/2023) |
| 05/18/2023 | <u>4</u> | CIVIL Waiver of Service Packet – Notice to Parties Regarding Service Pursuant to Rule 4 of the Federal Rules of Civil Procedure (Attachments: # <u>1</u> Notice of a Lawsuit and Request to Waive Service of a Summons, # <u>2</u> Waiver of the Service of Summons) (jni) (Entered: 05/18/2023) |
| 05/18/2023 | <u>5</u> | Corporate Disclosure Statement by Honolulu Civil Beat Inc.. (Black, Robert) (Entered: 05/18/2023) |
| 05/18/2023 | <u>6</u> | Summons (Proposed) (Black, Robert) (Entered: 05/18/2023) |
| 05/18/2023 | <u>7</u> | Summons Issued as to Federal Bureau of Investigation. (jni) (Entered: 05/18/2023) |
| 05/19/2023 | <u>8</u> | ORDER REASSIGNING CASE – Signed by CHIEF JUDGE DERRICK K. WATSON on 5/19/2023. Case reassigned to JUDGE SUSAN OKI MOLLWAY for all further proceedings. CHIEF JUDGE DERRICK K. WATSON no longer assigned to case. Please reflect new case number CV 23–00216 SOM–WRP on all further pleadings . (eta) (Entered: 05/19/2023) |
| 05/26/2023 | <u>9</u> | SUMMONS Returned Executed by Honolulu Civil Beat Inc.. Federal Bureau of Investigation served on 5/19/2023. (Black, Robert) (Entered: 05/26/2023) |
| 06/13/2023 | <u>10</u> | EO: Due to a conflict with the Court's schedule, the Telephonic Rule 16 Scheduling Conference is MOVED from 7/17/2023 at 9:00 a.m. to 9:30 a.m. on the same date (7/17/2023) before MAGISTRATE JUDGE WES REBER PORTER via Zoom: Dial in number: 1–833–568–8864; Meeting ID: 161 0084 2470. The public may listen to the proceedings by dialing the Public Dial–in number at 1–650–479–3207 and entering Access code: 1601263445. Plaintiff shall notify Defendant. (MAGISTRATE JUDGE WES REBER PORTER) (jo) (Entered: 06/13/2023) |
| 06/16/2023 | <u>11</u> | NOTICE of Appearance by Dana A. Barbata on behalf of Federal Bureau of Investigation on behalf of Federal Bureau of Investigation. (Barbata, Dana) (Entered: 06/16/2023) |
| 06/20/2023 | <u>12</u> | <i>DEFENDANT FEDERAL BUREAU OF INVESTIGATIONS ANSWER to 1 Complaint ; CERTIFICATE OF SERVICE</i> by Federal Bureau of Investigation.(Barbata, Dana) (Entered: 06/20/2023) |
| 07/06/2023 | <u>13</u> | REPORT of Planning Meeting . (Black, Robert) (Entered: 07/06/2023) |
| 07/06/2023 | <u>14</u> | REPORT of Planning Meeting <i>Defendant Federal Bureau of Investigation's Rule 26(f) Report; Certificate of Service.</i> (Barbata, Dana) (Entered: 07/06/2023) |
| 07/07/2023 | <u>15</u> | Scheduling Conference Statement . (Creps, Benjamin) (Entered: 07/07/2023) |
| 07/11/2023 | <u>16</u> | Scheduling Conference Statement <i>Defendant Federal Bureau of Investigation's Scheduling Conference Statement; Certificate of Service.</i> (Barbata, Dana) (Entered: 07/11/2023) |
| 07/17/2023 | <u>17</u> | EP: RULE 16 SCHEDULING CONFERENCE hearing held. Mr. Robert Black appeared for Plaintiff. Ms. Dana Barbata appeared for Defendant. The Court held a Telephonic Rule 16 Scheduling Conference. Dates Given. A Rule 16 Scheduling Order to be issued. |

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| | | <p>Discussion held regarding proposed trial dates and deadlines. The Court prefers to enter a Scheduling Order with the understanding the parties may stipulate to or file a motion for continuance of the trial date and/or pretrial deadlines, due to the nature of the case.</p> <p>Non-Jury Trial is set for 10/22/2024 at 9:00 AM in Aha Kanawai before DISTRICT JUDGE SUSAN OKI MOLLWAY. Final Pretrial Conference is set for 10/7/2024 at 10:00 AM in Aha Kanawai before DISTRICT JUDGE SUSAN OKI MOLLWAY. Telephonic Final Pretrial Conference is set for 9/10/2024 at 10:30 AM before MAGISTRATE JUDGE WES REBER PORTER. Settlement Conference #2 is set for 6/27/2024 at 10:00 AM by Video Conference (VTC) before MAGISTRATE JUDGE WES REBER PORTER. Dispositive Motions filed by 5/24/2024. Discovery due by 5/24/2024.</p> <p>Other Matters: An Early Settlement Conference is set for October 18, 2023 at 1:00 PM by VTC before Magistrate Judge Wes Reber Porter. The Court will provide details regarding VTC access prior to the conference date. Confidential Settlement Statements shall be emailed to porter_orders@hid.uscourts.gov by October 11, 2023. The parties are directed to consult Magistrate Judge Wes Reber Porter's Standing Order Regarding Settlement Conferences, available on the Court's public website, regarding the format of the confidential settlement conference statement and settlement conference procedures. Telephonic hearings before Magistrate Judge Wes Reber Porter, will be held via Zoom Dial: 1-833-568-8864 / Meeting ID: 161 0084 2470. Parties must connect to the conference at least five (5) minutes prior to the scheduled start time of the hearing.</p> <p>(adi) (Entered: 07/17/2023) (Entered: 07/17/2023)</p> |
| 07/17/2023 | <u>18</u> | RULE 16 SCHEDULING ORDER – Signed by MAGISTRATE JUDGE WES REBER PORTER on 7/17/2023. (adi) (Entered: 07/17/2023) (Entered: 07/17/2023) |
| 10/17/2023 | 19 | EO: The Court VACATES the Early Settlement Conference set for 10/18/2023 before Magistrate Judge Wes Reber Porter. (MAGISTRATE JUDGE WES REBER PORTER) (jo) (Entered: 10/17/2023) |
| 05/20/2024 | <u>20</u> | MOTION to Continue <i>DEFENDANT FEDERAL BUREAU OF INVESTIGATIONS MOTION TO CONTINUE ALL DEADLINES AND/OR STAY THE CASE; CERTIFICATE OF SERVICE</i> Dana A. Barbata appearing for Defendant Federal Bureau of Investigation (Attachments: # <u>1</u> Memorandum in Support of Motion, # <u>2</u> Declaration of Anthony K. Lang, # <u>3</u> Declaration of Dana A. Barbata)(Barbata, Dana) (Entered: 05/20/2024) |
| 05/20/2024 | <u>21</u> | MOTION to Shorten Time to hear Motion re <u>20</u> MOTION to Continue <i>DEFENDANT FEDERAL BUREAU OF INVESTIGATIONS MOTION TO CONTINUE ALL DEADLINES AND/OR STAY THE CASE; CERTIFICATE OF SERVICE</i> <i>DEFENDANT FEDERAL BUREAU OF INVESTIGATIONS MOTION TO SHORTEN TIME TO HEAR ITS MOTION TO CONTINUE OR STAY; CERTIFICATE OF SERVICE</i> Dana A. Barbata appearing for Defendant Federal Bureau of Investigation (Barbata, Dana) (Entered: 05/20/2024) |
| 05/22/2024 | 22 | EO: For good cause shown, the Court GRANTS Defendant's <u>20</u> Motion to Continue All Deadlines and/or Stay the Case and <u>21</u> Motion to Shorten Time. Specifically, the Court continues the trial date and all unexpired deadlines as of the date this Motion was filed (5/20/2024). The Court DIRECTS counsel to meet and confer to agree on a continued trial date in March or April 2025. Counsel are further DIRECTED to file a joint statement with the agreed-upon trial date no later than 5/31/2024. The Court will thereafter issue an amended scheduling order with the new trial date and pretrial deadlines that are |

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| | | <p>unexpired as of 5/20/2024.</p> <p>(MAGISTRATE JUDGE WES REBER PORTER) (jo) (Entered: 05/22/2024)</p> |
| 05/23/2024 | <u>23</u> | <p>APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Honolulu Civil Beat Inc. re 22 Order on Motion to Continue,,, Order on Motion to Shorten time to hear Motion,,, Link,, (Attachments: # <u>1</u> Declaration Declaration of Patti Epler, # <u>2</u> Declaration Declaration of R. Brian Black, # <u>3</u> Exhibit 2-25-22 FOIA Request, # <u>4</u> Exhibit 7-29-22 FOIA Appeal Denial, # <u>5</u> Exhibit 12-20-22 FOIA Request, # <u>6</u> Exhibit 1-10-23 FOIA Appeal Denial, # <u>7</u> Exhibit October E-mail Chain, # <u>8</u> Exhibit May E-mail Chain)(Black, Robert) (Entered: 05/23/2024)</p> |
| 05/28/2024 | 24 | <p>EO: The court directs Defendant Federal Bureau of Investigation to respond to Plaintiff Honolulu Civil Beat, Inc.'s Objection to Order Granting Motion to Continue all Deadlines and/or Stay the Case by June 6, 2024. Plaintiff may file an optional reply memorandum by June 13, 2024. At this time, the court anticipates addressing the objection without a hearing, but if, upon reviewing further briefing, the court determines that a hearing will be helpful, the court will so inform the parties. (JUDGE SUSAN OKI MOLLWAY)(tl) (Entered: 05/28/2024)</p> |
| 06/05/2024 | 25 | <p>EO: Due to a conflict with the Court's schedule, the Settlement Conference set for 6/27/2024 at 10:00 a.m. before Magistrate Judge Wes Reber Porter is VACATED and will be rescheduled after resolution of the pending appeal, ECF No. <u>23</u> .</p> <p>(MAGISTRATE JUDGE WES REBER PORTER) (jo) (Entered: 06/05/2024)</p> |
| 06/06/2024 | <u>26</u> | <p>RESPONSE re <u>23</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Honolulu Civil Beat Inc. re 22 Order on Motion to Continue,,, Order on Motion to Shorten time to hear Motion,,, Link,, <i>DEFENDANT FEDERAL BUREAU OF INVESTIGATIONS RESPONSE TO PLAINTIFFS OBJECTION TO ORDER GRANTING MOTION TO CONTINUE ALL DEADLINES AND/OR STAY THE CASE [ECF No. 23]</i> filed by Federal Bureau of Investigation. (Attachments: # <u>1</u> Declaration of Michael G. Seidel, # <u>2</u> Exhibit "A")(Barbata, Dana) (Entered: 06/06/2024)</p> |
| 06/13/2024 | <u>27</u> | <p>REPLY re <u>23</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Honolulu Civil Beat Inc. re 22 Order on Motion to Continue,,, Order on Motion to Shorten time to hear Motion,,, Link,, filed by Honolulu Civil Beat Inc.. (Black, Robert) (Entered: 06/13/2024)</p> |
| 06/21/2024 | <u>28</u> | <p>EO: ORDER GRANTING REQUEST TO CONTINUE ALL DEADLINES</p> <p>For reasons stated in the attached Order:</p> <p>The court grants the FBI's request to continue all deadlines and its request to do so on an expedited basis. However, the FBI has not justified a two- to four- year continuance or any stay. Instead, the court grants a much shorter continuance to March or April 2025. Rather than setting a new trial date without input from the parties, the court directs the parties to meet and confer to agree on a window in which a trial may be conducted within that range. No later than July 8, 2024, the parties are directed to file a joint statement indicating dates within that range when they are available for trial. The court will then issue an amended scheduling order with the new trial date and new pretrial deadlines for deadlines that were unexpired as of May 20, 2024, which was the day the FBI filed its motion.</p> <p>The court declines Civil Beat's request for rolling disclosures at this time. It may be that the documents are categorically exempted from such disclosure. However, such categorical exemptions have not been fully briefed to the court with respect to the present motion.</p> <p>The court orders the FBI to provide the court and Civil Beat with a written status report no later than June 28, 2024. This status report shall contain an approximation of the number of documents and pages of documents that are responsive to the two FOIA requests at issue here. The status report shall contain a description of the approximate number of documents and pages of documents that the FBI has reviewed and indexed</p> |

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| | | <p>to date with respect to those requests. The status report shall explain why the review and indexing is limited to 500 pages per month when there are two separate requests pertaining to two separate investigations. The FBI must provide a date by which the FBI expects the review and indexing will be completed. This date shall be sufficiently in advance of trial to allow for the filing of appropriate motions.</p> <p>IT IS SO ORDERED.</p> <p>(JUDGE SUSAN OKI MOLLWAY)(rlfh) (Entered: 06/21/2024)</p> |
| 06/27/2024 | 29 | <p>EO: This Freedom of Information Act case has been pending for more than a year. On May 20, 2024, Defendant Federal Bureau of Investigation ("FBI") filed a motion to continue all deadlines, indicating that it might take two to four years to review and index files to prepare a motion for summary judgment. The FBI said it could only review 500 pages per month. While the court recognized the FBI's need for more time to review responsive documents, because the FBI had failed to detail its past diligence in reviewing and indexing the files, and because the FBI had failed to identify how many documents and pages had to be reviewed and indexed, the court granted only a short continuance. The court then ordered the FBI to provide a written status report no later than June 28, 2024, with respect to information that the FBI should already know. Earlier today, the FBI sent the court a letter, requesting a three-week continuance of that deadline because, "We are still obtaining the requested information, which requires review and approval from multiple individuals. We want to ensure a complete response, so we respectfully request a continuance." The court denies the request, as the FBI has not justified the delay. The FBI has had nearly a week to obtain whatever approvals it needs to provide the information responsive to this court's order. (JUDGE SUSAN OKI MOLLWAY)(tl) (Entered: 06/27/2024)</p> |
| 06/28/2024 | <u>30</u> | <p>STATUS REPORT <i>Defendant Federal Bureau of Investigation's Status Report; In Camera Ex Parte Declaration of Michael G. Seidel; Certificate of Service</i> by Federal Bureau of Investigation. (Barbata, Dana) (Entered: 06/28/2024)</p> |
| 07/02/2024 | <u>31</u> | <p>DOCUMENT UNSEALED PER ECF NO. 41 <i>Sealed In Camera, Ex Parte Declaration of Michael G. Seidel re 30</i> – filed by Federal Bureau of Investigation. (eta) Modified docket text to unseal document on 7/11/2024 (cib). (Entered: 07/02/2024)</p> |
| 07/02/2024 | 32 | <p>EO: On May 20, 2024, Defendant Federal Bureau of Investigation ("FBI") moved to continue deadlines, saying it needed at least 23 months to review and index documents responsive to the Freedom of Information Act ("FOIA") requests. In its filing, the FBI stated, "First, as to diligence, since this matter's inception, the FBI began its review and informed Civil Beat of the volume and deadline concerns.... The FBI simply cannot review and index the investigative file faster than it is going, which is the standard 500 pages per month." ECF No. 20-1, PageID # 84. The court granted a short continuance, but ordered the FBI "to provide the court and Civil Beat with a written status report no later than June 28, 2024," containing the approximate number of documents and pages responsive to the FOIA requests, the FBI's diligence in reviewing the documents and pages to date, a description of why the FBI cannot review more than 500 pages per month, and a date by which the FBI thinks it will complete the review and indexing.</p> <p>In response, the FBI submitted an "<i>In Camera, Ex Parte, Declaration of Michael G. Seidel,</i>" which was not provided to Plaintiff Civil Beat despite the court's underlying order requiring disclosure to Civil Beat. No later than July 8, 2024, the FBI must provide authority with respect to every paragraph in the <i>In Camera, Ex Parte</i> submission establishing that the information in that paragraph may be withheld from Civil Beat. In the absence of sufficient authority to support nondisclosure, the court will unseal the whole or portions of the submission, which the court has included under seal in the case file.</p> <p>This court has some concern that the <i>In Camera, Ex Parte</i> submission discusses the FBI's diligence and rate of review in a manner not entirely consistent with the FBI's filing of May 20, 2024.</p> <p>It is not clear why Civil Beat should not be given the information that has been given</p> |

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| | | <p>to the court. In particular, the FBI does not explain why it is not disclosing to Civil Beat the total number of pages at issue. The FBI has already represented that it will take 23 months to review and index the documents at a rate of 500 pages per month. This means that there are at least 11,500 pages at issue. In seeking 23 months, the FBI has already signaled that this case involves thousands of documents. Why must the precise number remain secret?</p> <p>The FBI notes that this court has not provided procedural guidance, but this court is unaware of any FBI request for guidance. This court's failure to provide assistance that has not been sought is no justification for keeping information from Civil Beat or for undue delay.</p> <p>(JUDGE SUSAN OKI MOLLWAY) (cib) (Entered: 07/02/2024)</p> |
| 07/03/2024 | <u>33</u> | REPORT of Planning Meeting <i>Joint Statement</i> . (Black, Robert) (Entered: 07/03/2024) |
| 07/08/2024 | <u>34</u> | Letter (via email) addressed to Honorable Susan Oki Mollway from Dana A. Barbata, Assistant U.S. Attorney, dated July 8, 2024, re: Request a continuance of the deadline to respond to the Courts Order from today, to July 12, 2024. (cib) (Entered: 07/08/2024) |
| 07/08/2024 | 35 | EO: On July 8, 2024, the court received from the Government a request for an extension of the July 8 deadline set forth in ECF No. 32 . That is, the court received the extension request on the very date the Government had been ordered to file information with the court. This is highly problematic. The Government expects the court to respond immediately to a request that the Government took its time to make. While the Government refers to the time difference with its mainland colleagues, to previously planned leave schedules, and to the hundreds of other cases the FBI is managing, this court does not think any of those reasons justifies waiting until the actual due date to seek a continuance. First, the time difference has not changed since this court issued the minute order on July 2, 2024, which set forth the July 8 deadline. Second, if leave schedules were indeed previously planned, then they must have been known when the Government received this courts July 2 minute order. Third, while this court certainly appreciates that the FBI is managing hundreds of cases, this court notes that there are presumably many individuals assigned to handle those hundreds of cases and that this particular case has been pending since May 2023. Now, more than a year later, the FBI should have made progress, and, if it has not, then its delay is too long to be excused by reference to the hundreds of other cases. The court's July 2 minute order required justification for the in camera nature of the FBI's June 28 submission to the court. When the FBI opted to make an in camera submission, it should have known what law justified that. This court therefore thinks that the FBI should be ready to justify what the court assumes was the FBI's reasoning as of June 28. Under these circumstances, this court denies the request for an extension to July 12. The FBI is ordered to respond as required in this court's July 2 minute order no later than noon Hawaii time on July 10, 2024. re <u>34</u> (JUDGE SUSAN OKI MOLLWAY) (cib) (Entered: 07/08/2024) |
| 07/09/2024 | 36 | EO: The court sets a new trial date of Tuesday, April 1, 2025, beginning at 9:00 a.m. before the district judge. The court will issue an Amended Rule 16 Scheduling Order. (JUDGE SUSAN OKI MOLLWAY) (cib) (Entered: 07/09/2024) |
| 07/09/2024 | <u>37</u> | EO: AMENDED RULE 16 SCHEDULING CONFERENCE ORDER. In light of [ECF 36], the Court enters the following amended Rule 16 Scheduling Order. Non–Jury Trial is set for 4/1/2025 at 9:00 AM in before DISTRICT JUDGE SUSAN OKI MOLLWAY. Final Pretrial Conference is set for 3/18/2025 at 10:00 AM before DISTRICT JUDGE SUSAN OKI MOLLWAY. Telephonic Final Pretrial Conference is set for 2/18/2025 at 10:00 AM before MAGISTRATE JUDGE WES REBER PORTER. Settlement Conference #2 is set for 12/2/2024 at 10:00 AM by Video Conference |

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| | | (VTC) before MAGISTRATE JUDGE WES REBER PORTER. Dispositive Motions filed by 11/4/2024. Discovery due by 11/4/2024. Other Matters: (adi) (Entered: 07/09/2024) |
| 07/09/2024 | <u>38</u> | AMENDED RULE 16 SCHEDULING ORDER. Signed by JUDGE SUSAN OKI MOLLWAY on 7/9/2024. (cib) (Entered: 07/09/2024) |
| 07/10/2024 | <u>39</u> | RESPONSE re 32 Link,,,,,,,,,,,,, <i>Defendant Federal Bureau of Investigation's Response to the Court; Certificate of Service</i> filed by Federal Bureau of Investigation. (Attachments: # <u>1</u> Declaration of Michael G. Seidel)(Barbata, Dana) (Entered: 07/10/2024) |
| 07/10/2024 | <u>40</u> | MOTION to Bifurcate <i>Defendant Federal Bureau of Investigations Motion to Bifurcate Review of Records</i> ; COS Dana A. Barbata appearing for Defendant Federal Bureau of Investigation (Attachments: # <u>1</u> Memorandum in Support)(Barbata, Dana) (Entered: 07/10/2024) |
| 07/11/2024 | 41 | EO: Given the FBI's agreement, <i>see</i> ECF No. 39, PageID # 182, the court unseals ECF No. <u>31</u> . The FBI is directed to serve a copy of ECF No. <u>31</u> on Plaintiff Honolulu Civil Beat Inc. through its attorneys. (JUDGE SUSAN OKI MOLLWAY) (cib) (Entered: 07/11/2024) |
| 07/11/2024 | <u>42</u> | CERTIFICATE OF SERVICE by Federal Bureau of Investigation re <u>31</u> Sealed Document <i>Certificate of Service Re: Defendant Federal Bureau of Investigations In Camera, Ex Parte Declaration of Michael G. Seidel</i> (Barbata, Dana) (Entered: 07/11/2024) |
| 07/12/2024 | 43 | EO: The Court has reviewed <u>40</u> Defendant's Motion to Bifurcate Review of Records. Notably, this Motion does not comply with Local Rule 7.8. <i>See</i> Local Rule 7.8 (stating that least 7 days prior to filing the motion, counsel "shall first contact opposing counsel to discuss thoroughly, preferably in person, the substance of the contemplated motion and any potential partial or complete resolution."). To the extent this Motion can be construed as a discovery motion, it does not comply with Local Rule 37.1. <i>See</i> Local Rule 37.1 (1 (requiring that counsel have "previously conferred, either in person or by telephone, concerning all disputed issues (including the requirement that discovery be proportional to the needs of the case), in a good faith effort to limit the disputed issues and, if possible, eliminate the necessity for a motion or expedited discovery assistance"). The Court therefore DENIES the <u>40</u> Motion without prejudice. Any future motion shall clearly state whether counsel complied with Local Rule 7.8 or 37.1, as applicable. (MAGISTRATE JUDGE WES REBER PORTER) (jo) (Entered: 07/12/2024) |
| 07/22/2024 | <u>44</u> | CERTIFICATE OF SERVICE by Honolulu Civil Beat Inc. <i>Expert Disclosure</i> (Black, Robert) (Entered: 07/22/2024) |
| 07/22/2024 | <u>45</u> | MOTION to Bifurcate <i>Defendant Federal Bureau of Investigations Motion to Bifurcate Review of Records</i> ; COS Dana A. Barbata appearing for Defendant Federal Bureau of Investigation (Attachments: # <u>1</u> Memorandum in Support)(Barbata, Dana) (Entered: 07/22/2024) |
| 07/23/2024 | <u>46</u> | Errata re <u>45</u> Defendant Federal Bureau of Investigation's MOTION to Bifurcate <i>Review of Records; Declaration of Dana A. Barbata; COS</i> . (Barbata, Dana) Modified on 7/24/2024 (eta). (Entered: 07/23/2024) |
| 07/23/2024 | 47 | EO: The Court issues the following briefing schedule for <u>45</u> Defendant's Motion to Bifurcate Review of Records: any opposition shall be filed by 8/6/2024; any reply shall be filed by 8/20/2024. The Court will thereafter decide whether to hold a hearing on this Motion. |

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| | | (MAGISTRATE JUDGE WES REBER PORTER) (jo) (Entered: 07/23/2024) |
| 08/06/2024 | <u>48</u> | CERTIFICATE OF SERVICE by Honolulu Civil Beat Inc. (1) <i>Plaintiffs First Request for Production of Documents to Defendant Federal Bureau of Investigation</i> ; and (2) <i>Plaintiffs First Request for Answers to Interrogatories to Defendant Federal Bureau of Investigation</i> (Black, Robert) (Entered: 08/06/2024) |
| 08/06/2024 | <u>49</u> | MEMORANDUM in Opposition re <u>45</u> MOTION to Bifurcate <i>Defendant Federal Bureau of Investigations Motion to Bifurcate Review of Records</i> ; COS filed by Honolulu Civil Beat Inc.. (Attachments: # <u>1</u> Declaration Declaration of R. Brian Black, # <u>2</u> Exhibit 1 – July 2023 E–mail Chain, # <u>3</u> Exhibit 2 – July 2024 E–mail Chain, # <u>4</u> Exhibit 3 – Ciralsky Motion, # <u>5</u> Exhibit 4 – Public Investors Motion)(Black, Robert) (Entered: 08/06/2024) |
| 08/20/2024 | <u>50</u> | REPLY in Support of <u>45</u> MOTION to Bifurcate <i>Defendant Federal Bureau of Investigations Motion to Bifurcate Review of Records</i> ; COS <i>Defendant Federal Bureau of Investigations Reply in Support of its Motion to Bifurcate Review of Records [ECF No. 45]</i> ; COS filed by Federal Bureau of Investigation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Barbata, Dana) Modified on 8/21/2024 (eta). (Entered: 08/20/2024) |
| 08/20/2024 | <u>51</u> | Errata re <u>50</u> Reply, <i>Errata to Defendant Federal Bureau of Investigations Reply [ECF No. 50] in Support of its Motion to Bifurcate Review of Records [ECF No. 45]</i> ; COS. (Barbata, Dana) (Entered: 08/20/2024) |
| 09/03/2024 | <u>52</u> | ORDER DENYING DEFENDANT'S MOTION TO BIFURCATE REVIEW OF RECORDS re <u>45</u> – Signed by MAGISTRATE JUDGE WES REBER PORTER on 9/3/2024. The Court DENIES Defendant's Motion to Bifurcate Review of Records, ECF No. 45. The Court DIRECTS Defendant to file weekly status reports as detailed above beginning September 13, 2024. (eta) (Entered: 09/03/2024) |
| 09/12/2024 | <u>53</u> | CERTIFICATE OF SERVICE by Federal Bureau of Investigation [<i>Re: Defendant Federal Bureau of Investigation's Response to Plaintiff's First Request for Answers to Interrogatories</i>] (Barbata, Dana) (Entered: 09/12/2024) |
| 09/12/2024 | <u>54</u> | CERTIFICATE OF SERVICE by Federal Bureau of Investigation [<i>Re: Defendant Federal Bureau of Investigation's Response to Plaintiff's First Request for Production of Documents</i>] (Barbata, Dana) (Entered: 09/12/2024) |
| 09/13/2024 | <u>55</u> | STATUS REPORT <i>Defendant Federal Bureau of Investigations First Weekly Status Report</i> ; COS by Federal Bureau of Investigation. (Barbata, Dana) (Entered: 09/13/2024) |
| 09/20/2024 | <u>56</u> | STATUS REPORT <i>Defendant Federal Bureau of Investigation's Second Weekly Status Report</i> ; <i>Certificate of Service</i> by Federal Bureau of Investigation. (Barbata, Dana) (Entered: 09/20/2024) |
| 09/24/2024 | <u>57</u> | Letter to Magistrate Judge Wes Reber Porter from R. Brian Black, Esq. Re: Joint REQUEST for a Status Conference by Honolulu Civil Beat Inc.. (Black, Robert) Modified on 9/25/2024 (eta). (Entered: 09/24/2024) |
| 09/25/2024 | 58 | EO: Based on the parties' Joint Request for a Status Conference, the parties are in agreement to continue the discovery deadline to allow Plaintiff to conduct discovery, if needed, after Defendant files a motion for summary judgment on 11/4/2024. The Court directs the parties to submit a proposed stipulation to porter_orders@hid.uscourts.gov no later than 9/30/2024 that continues the discovery deadline and proposes deadlines for that discovery, the responses to that discovery, the opposition, and reply on the anticipated motion for summary judgment. The proposed stipulation must include sufficient information to demonstrate good cause to continue the discovery deadline and provide information regarding the nature and scope of the anticipated discovery so that the Court can determine the reasonableness of the continuance requested. The Court will then set a Status Conference or provide other guidance, if necessary, after the proposed stipulation is reviewed by the Court. |

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| | (MAGISTRATE JUDGE WES REBER PORTER) (jo) (Entered: 09/25/2024) |
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