

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-02476-TSC**

OFFICE OF THE FEDERAL PUBLIC DEFENDER, MIDDLE DISTRICT OF TENNESSEE v. UNITED STATES DEPARTMENT OF JUSTICE et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 08/24/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

OFFICE OF THE FEDERAL PUBLIC DEFENDER, MIDDLE DISTRICT OF TENNESSEE

represented by **Jeffrey Stuart Gutman**
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ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES DEPARTMENT OF JUSTICE

represented by **Patricia K. McBride**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
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Defendant

UNITED STATES MARSHALS SERVICE

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
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Date Filed	#	Docket Text
08/24/2023	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ADCDC-10302081) filed by OFFICE OF THE FEDERAL PUBLIC DEFENDER, MIDDLE DISTRICT OF TENNESSEE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons)(Gutman, Jeffrey) (Entered: 08/24/2023)
08/25/2023		Case Assigned to Judge Tanya S. Chutkan. (zljn) (Entered: 08/25/2023)
08/25/2023	<u>2</u>	SUMMONS (4) Issued Electronically as to UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zljn) (Entered: 08/25/2023)
10/06/2023	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 09/21/2023. (Gutman, Jeffrey) (Entered: 10/06/2023)

10/06/2023	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 9/21/2023 (Gutman, Jeffrey) (Entered: 10/06/2023)
10/06/2023	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES MARSHALS SERVICE served on 9/21/2023 (Gutman, Jeffrey) (Entered: 10/06/2023)
10/06/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/21/2023. Answer due for ALL FEDERAL DEFENDANTS by 10/21/2023. (Gutman, Jeffrey) (Entered: 10/06/2023)
10/06/2023	<u>7</u>	NOTICE of Appearance by Patricia K. McBride on behalf of All Defendants (McBride, Patricia) (Entered: 10/06/2023)
10/10/2023	<u>8</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE.(McBride, Patricia) (Entered: 10/10/2023)
10/11/2023		MINUTE ORDER: Before the Court in this FOIA case are a Complaint and an Answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than November 22, 2023. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 10/11/2023. (lce) (Entered: 10/11/2023)
11/21/2023	<u>9</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE. (McBride, Patricia) (Entered: 11/21/2023)
11/22/2023		MINUTE ORDER: Upon consideration of the parties' <u>9</u> Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report by January 12, 2024, and every 60 days thereafter, advising the court of the status of the matter. To the extent the parties request a change in the status quo, the status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 11/22/23. (lce) (Entered: 11/22/2023)
11/22/2023		Set/Reset Deadlines: Joint Status Report due by 1/12/2024. (znbn) (Entered: 11/22/2023)
01/05/2024	<u>10</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE. (McBride, Patricia) (Entered: 01/05/2024)
03/12/2024	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE. (McBride, Patricia) (Entered: 03/12/2024)
03/21/2024		MINUTE ORDER: Upon consideration of <u>11</u> Joint Status Report, the parties shall file either a proposed order to accompany <u>11</u> Joint Status Report, the Proposed Briefing Schedule mentioned in <u>11</u> Joint Status Report, or an additional joint status report clarifying that the parties are not asking the court to act in response to <u>11</u> Joint Status Report. Signed by Judge Tanya S. Chutkan on 3/21/24. (lce) (Entered: 03/21/2024)
03/26/2024	<u>12</u>	NOTICE of Proposed Order by OFFICE OF THE FEDERAL PUBLIC DEFENDER, MIDDLE DISTRICT OF TENNESSEE re <u>11</u> Status Report (Gutman, Jeffrey) (Entered: 03/26/2024)
03/26/2024		VACATED PURSUANT TO MINUTE ORDER ENTERED ON 5/24/2024.....MINUTE ORDER: Upon consideration of <u>11</u> Joint Status Report and <u>12</u> Notice of Proposed Order, Defendant shall file its motion for summary judgment on or before May 31, 2024; Plaintiff shall file its cross motion for summary judgment and

		opposition to Defendant's motion on or before July 1, 2024; Defendant shall file its reply on or before July 31, 2024; and Plaintiff shall file its reply on or before August 31, 2024. Signed by Judge Tanya S. Chutkan on 3/26/24. (lce) Modified on 5/24/2024 (hmc). (Entered: 03/26/2024)
03/27/2024		Set/Reset Deadlines: Plaintiff Reply due by 8/31/2024. (mac) (Entered: 03/27/2024)
05/23/2024	<u>13</u>	Consent MOTION to Stay by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE. (McBride, Patricia) (Entered: 05/23/2024)
05/24/2024		MINUTE ORDER; GRANTING <u>13</u> Consent Motion to Stay Briefing Schedule. The briefing schedule set forth in the court's March 26, 2024, Minute Order, is hereby VACATED. The parties shall confer and file a joint status report on or before June 10, 2024, and every 30 days thereafter, apprising the court of the progress of settlement discussions. To the extent the parties seek to reinstate a briefing schedule, or seek any other change in the status quo, the status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 5/24/24. (lce) (Entered: 05/24/2024)
05/24/2024		Set/Reset Deadlines: Joint Status Report due by 6/10/2024. (hmc) (Entered: 05/24/2024)
06/07/2024	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE. (McBride, Patricia) (Entered: 06/07/2024)
06/10/2024		MINUTE ORDER: Upon consideration of <u>14</u> Joint Status Report, Defendant shall file its motion for summary judgment on or before August 28, 2024; Plaintiff shall file a response on or before September 27, 2024; Defendant shall file a reply on or before October 25, 2024; and Plaintiff shall file any cross-motion for summary judgment on or before November 22, 2024. Signed by Judge Tanya S. Chutkan on 6/10/24. (lce) (Entered: 06/10/2024)
08/28/2024	<u>15</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D)(McBride, Patricia) (Entered: 08/28/2024)
09/16/2024	<u>16</u>	MOTION for Leave to Appear <i>Law Student Appearance</i> by OFFICE OF THE FEDERAL PUBLIC DEFENDER, MIDDLE DISTRICT OF TENNESSEE (Gutman, Jeffrey) Modified event on 9/17/2024 (znmw). (Entered: 09/16/2024)
09/17/2024		MINUTE ORDER: DENYING without prejudice <u>16</u> Notice and Request for Student Appearance. The Notice filed by Defendant does not provide that the program, student, and supervisor meet all the certification requirements of Local Rule 83.4. For example, the form does not provide that the supervisor does not supervise concurrently more than 10 students, or give any information about the law school clinical practice program the student is taking part in. The court encourages Defendant to file a motion for certification of the student attorney including all information required for certification under Local Rule 83.4, and once granted by the court, the student may file a notice of appearance pursuant to Local Rule 83.4(a)(1). Signed by Judge Tanya S. Chutkan on 9/17/24. (lce) (Entered: 09/17/2024)
09/18/2024	<u>17</u>	MOTION for Leave to Appear Student Attorney Certification <i>for Melis Ulusel</i> by OFFICE OF THE FEDERAL PUBLIC DEFENDER, MIDDLE DISTRICT OF TENNESSEE. (Attachments: # <u>1</u> Exhibit)(Gutman, Jeffrey) (Entered: 09/18/2024)
09/18/2024		MINUTE ORDER: GRANTING <u>17</u> Motion for Student Certification. Melis Ulusel and Nicholas Kitevski may appear as law student attorneys on behalf of Plaintiff in this matter pursuant to Local Civil Rule 83.4. Melis Ulusel and Nicholas Kitevski shall file notices of appearance at their earliest convenience. Signed by Judge Tanya S. Chutkan on 9/18/24. (lce) (Entered: 09/18/2024)
09/20/2024	<u>18</u>	NOTICE of Appearance by Jeffrey Stuart Gutman on behalf of OFFICE OF THE FEDERAL PUBLIC DEFENDER, MIDDLE DISTRICT OF TENNESSEE (Gutman, Jeffrey) (Entered: 09/20/2024)

09/21/2024	<u>19</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Summary Judgment by OFFICE OF THE FEDERAL PUBLIC DEFENDER, MIDDLE DISTRICT OF TENNESSEE. (Attachments: # <u>1</u> Text of Proposed Order)(Gutman, Jeffrey) (Entered: 09/21/2024)
09/23/2024		MINUTE ORDER: GRANTING <u>19</u> Consent Motion to Modify Briefing Schedule. Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Cross Motion for Summary Judgment is due on or before October 11, 2024; Defendant's Opposition and Reply is due on or before November 8, 2024; Plaintiff's Reply is due on or before December 6, 2024. Signed by Judge Tanya S. Chutkan on 9/23/24. (lce) (Entered: 09/23/2024)