

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-02662-RDM**

PROJECT ON GOVERNMENT OVERSIGHT, INC. v. U.S.
DEPARTMENT OF HOMELAND SECURITY
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 09/12/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**PROJECT ON GOVERNMENT
OVERSIGHT, INC.**

represented by **Anne L. Weismann**
5335 Wisconsin Avenue, NW
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Washington, DC 20015
(301) 717-6610
Email: weismann.anne@gmail.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

represented by **Fithawi Berhane**
U.S. ATTORNEY'S OFFICE
601 D Street NW
Suite 7-210
Washington, DC 20001
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/12/2023	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 402 receipt number ADCDC-10342816) filed by PROJECT ON GOVERNMENT OVERSIGHT, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Attorney General, # <u>3</u> Summons U.S. Attorney, # <u>4</u> Summons U.S. Dep't of Homeland Sec.)(Weismann, Anne) (Entered: 09/12/2023)
09/12/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PROJECT ON GOVERNMENT OVERSIGHT, INC. (Weismann, Anne) (Entered: 09/12/2023)
09/12/2023		Case Assigned to Judge Randolph D. Moss. (zcb) (Entered: 09/12/2023)
09/12/2023	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 09/12/2023)
09/13/2023	<u>4</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 9/13/2023. (lcrdm1) (Main Document 4 replaced on 8/21/2024) (zglw). (Entered: 09/13/2023)
09/20/2023	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/14/2023. Answer due for ALL FEDERAL DEFENDANTS by 10/14/2023. (Weismann, Anne) (Entered: 09/20/2023)
09/20/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General

		09/14/2023. (Weismann, Anne) (Entered: 09/20/2023)
09/20/2023	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOMELAND SECURITY served on 9/13/2023 (Weismann, Anne) (Entered: 09/20/2023)
10/12/2023	<u>8</u>	NOTICE of Appearance by Fithawi Berhane on behalf of U.S. DEPARTMENT OF HOMELAND SECURITY (Berhane, Fithawi) (Entered: 10/12/2023)
10/12/2023	<u>9</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 10/12/2023)
10/12/2023		MINUTE ORDER: Upon consideration of Defendant's consent motion to extend, Dkt. <u>9</u> , it is hereby ORDERED that the motion is GRANTED. Defendant is ORDERED to respond to the complaint on or before November 15, 2023. Signed by Judge Randolph D. Moss on 10/12/2023. (lcrdm1) (Entered: 10/12/2023)
11/15/2023	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HOMELAND SECURITY.(Berhane, Fithawi) (Entered: 11/15/2023)
11/16/2023		MINUTE ORDER: It is ORDERED that, on or before December 12, 2023, the parties shall confer and file a joint status report addressing (1) any documents still to be produced pursuant to FOIA; (2) an anticipated schedule for processing and producing any such documents; and (3) any substantive areas of disagreement between the parties. It is further ORDERED that the parties shall appear for an Initial Scheduling Conference on December 19, 2023, at 11:00 a.m. in Courtroom 8. Signed by Judge Randolph D. Moss on 11/16/2023. (lcrdm1) (Entered: 11/16/2023)
12/11/2023		MINUTE ORDER: In light of a scheduling conflict, the initial scheduling conference currently scheduled for December 19, 2023 is hereby VACATED. The Court will reschedule the hearing once the parties have conferred with the Court's deputy clerk regarding their availability. Signed by Judge Randolph D. Moss on 12/11/2023. (lcrdm3) (Entered: 12/11/2023)
12/12/2023	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HOMELAND SECURITY. (Berhane, Fithawi) (Entered: 12/12/2023)
12/13/2023	<u>12</u>	Amended STATUS REPORT by PROJECT ON GOVERNMENT OVERSIGHT, INC.. (Weismann, Anne) (Entered: 12/13/2023)
12/14/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>12</u> , it is hereby ORDERED that the parties appear for a status conference on December 20, 2023 at 4:00 p.m. Signed by Judge Randolph D. Moss on 12/14/2023. (lcrdm1) (Entered: 12/14/2023)
12/20/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 12/20/2023. For the reasons stated on the record, the parties are directed to submit a Joint Status Report on or before 2/1/2024. The court further directs that on the first business day of every month beginning 2/1/2024 that the defendants shall process not less than 750 pages of the 2017 request. (Court Reporter Tammi Sefranek) (zglw) (Entered: 12/20/2023)
02/01/2024	<u>13</u>	STATUS REPORT by PROJECT ON GOVERNMENT OVERSIGHT, INC.. (Weismann, Anne) (Entered: 02/01/2024)
02/01/2024	<u>14</u>	STATUS REPORT by U.S. DEPARTMENT OF HOMELAND SECURITY. (Berhane, Fithawi) (Entered: 02/01/2024)
02/02/2024	<u>15</u>	ERRATA by U.S. DEPARTMENT OF HOMELAND SECURITY re <u>14</u> Status Report. (Berhane, Fithawi) (Entered: 02/02/2024)
02/02/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>15</u> , it is hereby ORDERED that the parties submit a further joint status report on or before April 1, 2024. Signed by Judge Randolph D. Moss on 2/2/2024. (lcrdm1) (Entered: 02/02/2024)
02/13/2024	<u>16</u>	MOTION Processing Order by PROJECT ON GOVERNMENT OVERSIGHT, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Weismann, Anne) Modified on 2/13/2024

		to correct relief (zjm). (Entered: 02/13/2024)
02/16/2024		MINUTE ORDER: In light of Plaintiff's motion for a processing order, Dkt. <u>16</u> , Defendant is hereby ORDERED to respond to the motion on or before February 27, 2024. Signed by Judge Randolph D. Moss on 2/16/2024. (lcrdm1) (Entered: 02/16/2024)
02/26/2024	<u>17</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Order by U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 02/26/2024)
02/26/2024		MINUTE ORDER: Upon consideration of Defendant's unopposed motion to extend time, Dkt. <u>17</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant shall file its opposition to Plaintiff's motion for a processing order on or before March 1, 2024. Signed by Judge Randolph D. Moss on 2/26/2024. (lcrdm1) (Entered: 02/26/2024)
03/01/2024	<u>18</u>	Memorandum in opposition to re <u>16</u> Motion for Order filed by U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 03/01/2024)
03/06/2024	<u>19</u>	REPLY to opposition to motion re <u>16</u> MOTION for Order filed by PROJECT ON GOVERNMENT OVERSIGHT, INC.. (Weismann, Anne) (Entered: 03/06/2024)
03/08/2024		MINUTE ORDER: In light of Plaintiff's motion for a processing order, Dkt. <u>16</u> , and Defendant's opposition, Dkt. <u>18</u> , it is hereby ORDERED that the parties appear for a status conference on April 4, 2024 at 11:30 a.m. in Courtroom 8. Signed by Judge Randolph D. Moss on 3/8/2024. (lcrdm1) (Entered: 03/08/2024)
04/03/2024	<u>20</u>	Joint MOTION to Vacate <i>Status Conference</i> by U.S. DEPARTMENT OF HOMELAND SECURITY. (Berhane, Fithawi) (Entered: 04/03/2024)
04/04/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>20</u> , it is hereby ORDERED that the status conference scheduled for April 4, 2024, is VACATED. It is further ORDERED that the parties file a further joint status report on or before April 19, 2024, updating the Court on the progress of the parties' negotiations about Plaintiff's two 2022 FOIA requests and indicating whether the Court should schedule a hearing on Plaintiff's motion for a processing order or deny the motion as moot. Signed by Judge Randolph D. Moss on 4/4/2024. (lcrdm1) (Entered: 04/04/2024)
04/19/2024	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HOMELAND SECURITY. (Berhane, Fithawi) (Entered: 04/19/2024)
04/20/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>21</u> , it is hereby ORDERED that the parties file a further joint status report on or before May 20, 2024. In light of Plaintiff's representation in the joint status report that it "withdraws its motion" for a processing order, it is further ORDERED that the motion for a processing order, Dkt. <u>16</u> , is DENIED without prejudice. Signed by Judge Randolph D. Moss on 4/20/2024. (lcrdm1) (Entered: 04/20/2024)
05/20/2024	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HOMELAND SECURITY. (Berhane, Fithawi) (Entered: 05/20/2024)
05/21/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>22</u> , it is hereby ORDERED that the parties submit a further joint status report on or before June 17, 2024. Signed by Judge Randolph D. Moss on 5/21/2024. (lcrdm1) (Entered: 05/21/2024)
06/14/2024	<u>23</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 06/14/2024)
06/21/2024		MINUTE ORDER: Upon consideration of the Defendants consent motion to extend time, Dkt. <u>23</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the parties shall file their joint status report on or before June 24, 2024.Signed by Judge Randolph D. Moss on 6/21/24. (zglw) (Entered: 06/21/2024)

06/24/2024	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 06/24/2024)
06/28/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>24</u> , it is hereby ORDERED that the parties submit a further joint status report on or before July 26, 2024. In addition, in the joint status report, Defendant states that the current processing rate of 750 pages per month is unduly onerous. If the Defendant seeks relief from this Court in the form of a lower monthly processing rate, the Defendant should file a motion with the Court requesting such relief and it should support that motion with a declaration explaining in detail why it believes that the current processing rate is unduly onerous. Signed by Judge Randolph D. Moss on 6/28/24. (lcrdm2) (Entered: 06/28/2024)
07/26/2024	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HOMELAND SECURITY. (Berhane, Fithawi) (Entered: 07/26/2024)
07/26/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>25</u> , it is hereby ORDERED that the parties submit a further joint status report on or before September 25, 2024. Signed by Judge Randolph D. Moss on 7/26/2024. (lcrdm1) (Entered: 07/26/2024)
09/20/2024	<u>26</u>	MOTION to Modify <i>Processing Order</i> by U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 09/20/2024)
09/22/2024		MINUTE ORDER: Upon consideration of Defendant's Motion to Modify Processing Order, Dkt. <u>26</u> , it is hereby ORDERED that Plaintiff respond to the motion on or before September 30, 2024. Signed by Judge Randolph D. Moss on 09/22/2024. (lcrdm1) (Entered: 09/22/2024)
09/25/2024	<u>27</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HOMELAND SECURITY. (Berhane, Fithawi) (Entered: 09/25/2024)