

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01111-RDM**

MID-ATLANTIC INNOCENCE PROJECT v. U.S.
DEPARTMENT OF JUSTICE
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 04/21/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

**MID-ATLANTIC INNOCENCE
PROJECT**

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V.

Defendant

U.S. DEPARTMENT OF JUSTICE

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Date Filed	#	Docket Text
04/21/2023	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 402 receipt number ADCDC-10016529) filed by MID-ATLANTIC INNOCENCE PROJECT. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Gutman, Jeffrey) (Entered: 04/21/2023)
04/21/2023		Case Assigned to Judge Randolph D. Moss. (zcb) (Entered: 04/21/2023)

04/21/2023	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 04/21/2023)
04/21/2023	<u>3</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 4/21/2023. (lcrdm1) (Entered: 04/21/2023)
05/08/2023	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General May 1, 2023. (Gutman, Jeffrey) (Main Document 4 flattened and replaced on 5/9/2023.) (ztnr) (Entered: 05/08/2023)
05/08/2023	<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 5/2/2023. Answer due for ALL FEDERAL DEFENDANTS by 6/1/2023. (Gutman, Jeffrey) (Main Document 5 flattened and replaced on 5/9/2023.) (ztnr) (Entered: 05/08/2023)
05/08/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 5/1/2023 (Gutman, Jeffrey) (Main Document 6 flattened and replaced on 5/9/2023.) (ztnr) (Entered: 05/08/2023)
05/17/2023	<u>7</u>	NOTICE of Appearance by Kenneth A. Adebonojo on behalf of U.S. DEPARTMENT OF JUSTICE (Adebonojo, Kenneth) (Entered: 05/17/2023)
05/22/2023	<u>8</u>	MOTION for Extension of Time to <i>Respond (with Partial Consent)</i> by U.S. DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) (Entered: 05/22/2023)
05/23/2023		MINUTE ORDER: Upon consideration of Defendant's motion for extension of time to respond to the complaint, Dkt. <u>8</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall respond to the complaint on or before June 22, 2023. No further extensions shall be granted absent exceptional circumstances. Signed by Judge Randolph D. Moss on 5/23/2023. (lcrdm1) (Entered: 05/23/2023)
06/22/2023	<u>9</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Adebonojo, Kenneth) (Entered: 06/22/2023)
06/23/2023		MINUTE ORDER: It is ORDERED that, on or before July 26, 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 by video for an Initial Scheduling Conference to be held via Zoom on August 3, 2023, at 10:00 a.m. Signed by Judge Randolph D. Moss on 6/23/2023. (lcrdm1) (Entered: 06/23/2023)
07/26/2023	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) (Entered: 07/26/2023)
07/27/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>10</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before September 8, 2023. It is further ORDERED that the Initial Scheduling Conference previously scheduled for August 3, 2023, at 10:00 a.m. via Zoom is hereby VACATED. Signed by Judge Randolph D. Moss on 7/27/2023. (lcrdm1) (Entered: 07/27/2023)
09/08/2023	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) (Entered: 09/08/2023)
09/09/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>11</u> , it is hereby ORDERED that the parties file a further joint status report on or before October 27, 2023. Signed by Judge Randolph D. Moss on 9/9/2023. (lcrdm1) (Entered: 09/09/2023)
10/27/2023	<u>12</u>	Joint STATUS REPORT by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 10/27/2023)
10/27/2023		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>12</u> , it is hereby ORDERED that the parties file a further joint status report on or before December 15, 2023. Signed by Judge Randolph D. Moss on 10/27/2023. (lcrdm1)

		(Entered: 10/27/2023)
12/15/2023	<u>13</u>	STATUS REPORT by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 12/15/2023)
12/15/2023	<u>14</u>	STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) (Entered: 12/15/2023)
12/16/2023		MINUTE ORDER: Upon consideration of the Plaintiff's status report, Dkt. <u>13</u> , and the Defendant's status report, Dkt. <u>14</u> , the parties are hereby ORDERED to file a joint status report on or before January 31, 2024, addressing the parties' respective positions on whether a briefing schedule for dispositive motions is an appropriate next step. Signed by Judge Randolph D. Moss on 12/16/2023. (lcrdm1) (Entered: 12/16/2023)
01/31/2024	<u>15</u>	Joint STATUS REPORT by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 01/31/2024)
01/31/2024		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 February 29, 2024. Signed by Judge Randolph D. Moss on 1/31/2024. (lcrdm1) (Entered: 01/31/2024)
02/21/2024	<u>16</u>	MOTION for Leave to Appear Law Student Certification by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 02/21/2024)
02/22/2024	<u>17</u>	MINUTE ORDER: Upon consideration of Plaintiff's Motion for Leave to Appear Law Student Certification, Dkt. <u>16</u> , it is hereby ORDERED that the motion is GRANTED. See document for details. Signed by Judge Randolph D. Moss on 2/22/2024. (lcrdm1) (Entered: 02/22/2024)
02/29/2024	<u>18</u>	Joint STATUS REPORT by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 02/29/2024)
03/04/2024		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>18</u> , it is hereby ORDERED that Defendant will provide search declarations and Vaughn indices, if any, to Plaintiff on or before March 27, 2024. It is further ORDERED that a pre-motion conference is scheduled for April 4, 2024 at 11:00 a.m. in Courtroom 8. In advance of that hearing, the Defendant will file its pre-motion statement on or before March 27, 2024; Plaintiff will file its response on or before April 3, 2024. Signed by Judge Randolph D. Moss on 3/4/2024. (lcrdm1) (Entered: 03/04/2024)
03/27/2024	<u>19</u>	MOTION for Extension of Time to <i>File Defendant's Pre-Motion Statement</i> by U.S. DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) (Entered: 03/27/2024)
03/28/2024		MINUTE ORDER: In light of Defendant's motion to extend time, Dkt. <u>17</u> , it is hereby ORDERED that Plaintiff respond to the motion on or before March 29, 2024. Signed by Judge Randolph D. Moss on 3/28/2024. (lcrdm1) (Entered: 03/28/2024)
03/29/2024	<u>20</u>	RESPONSE re <u>19</u> MOTION for Extension of Time to <i>File Defendant's Pre-Motion Statement</i> filed by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 03/29/2024)
04/01/2024		MINUTE ORDER: Upon consideration of Defendant's motion to extend time, Dkt. <u>19</u> , and Plaintiff's response, Dkt. <u>20</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant will provide search declarations and Vaughn indices prepared as of March 27, 2024 to Plaintiff on or before April 5, 2024. See Dkt. 19 at 3 ("EOUSA is prepared to provide a Vaughn index for the records that have been processed so far."). Defendant shall provide additional search declarations and Vaughn indices for the recently identified additional materials to Plaintiff on or before June 28, 2024. In addition, it is further ORDERED that the pre-motion conference scheduled for April 4, 2024 is VACATED and RESCHEDULED to July 26, 2024 at 9:30 a.m. in Courtroom 8. In advance of that hearing, the Defendant will file its pre-motion statement on or before July 5, 2024; Plaintiff will file its response on or before July 19, 2024. Signed by Judge Randolph D. Moss on 4/1/2024. (lcrdm1) (Entered: 04/01/2024)
06/20/2024	<u>21</u>	MOTION to Amend/Correct <u>1</u> Complaint, by MID-ATLANTIC INNOCENCE PROJECT. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Redlined Complaint, # <u>3</u>

		Clean Complaint, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Text of Proposed Order)(Gutman, Jeffrey) (Entered: 06/20/2024)
07/05/2024	<u>22</u>	MOTION for Extension of Time to <i>File Defendant's Opposition to Plaintiff's Motion to Amend/Correct (with partial consent)</i> by U.S. DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) (Entered: 07/05/2024)
07/06/2024		MINUTE ORDER: Upon consideration of Defendant's motion to extend time, Dkt. <u>22</u> , it is hereby ORDERED that the motion is GRANTED in part and DENIED in part. It is further ORDERED that Defendant shall respond to Plaintiff's motion to amend its complaint on or before July 12, 2024. Signed by Judge Randolph D. Moss on 7/6/2024. (lcrdm1) (Entered: 07/06/2024)
07/12/2024	<u>23</u>	MEMORANDUM by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 07/12/2024)
07/17/2024	<u>24</u>	MEMORANDUM re Order on Motion for Extension of Time to,, Set/Reset Deadlines, by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 07/17/2024)
07/21/2024		MINUTE ORDER: On June 20, 2024, Plaintiff moved for leave to amend its complaint, Dkt. 21. On July 5, 2024, Defendant moved for leave to extend the time to respond to that motion, which the Court granted and ordered Defendant to respond to the motion on or before July 12, 2024. See Min. Order (July 6, 2024). To date, Defendant has failed to opposed Plaintiff's motion for leave to amend. Accordingly, the Court deems the motion conceded. It is hereby ORDERED that Plaintiff's motion for leave to amend its complaint, Dkt. 21, is GRANTED. Plaintiff is hereby ORDERED to file its amended complaint on the docket.In addition, it is further ORDERED that the pre-motion conference scheduled for July 26, 2024 is VACATED and RESCHEDULED to August 22, 2024 at 9:30 a.m. in Courtroom 8. In advance of that hearing, the Defendant will file its pre-motion statement on or before August 8, 2024; Plaintiff will file its response on or before August 15, 2024. Signed by Judge Randolph D. Moss on 7/21/2024. (lcrdm1) (Entered: 07/21/2024)
07/22/2024	<u>25</u>	AMENDED COMPLAINT against U.S. DEPARTMENT OF JUSTICE filed by MID-ATLANTIC INNOCENCE PROJECT.(Gutman, Jeffrey) (Entered: 07/22/2024)
07/24/2024	<u>26</u>	Consent MOTION for Extension of Time to <i>File Pre-Motion Briefs and Pre-Motion Hearing</i> by MID-ATLANTIC INNOCENCE PROJECT. (Attachments: # <u>1</u> Text of Proposed Order)(Gutman, Jeffrey) (Entered: 07/24/2024)
07/24/2024		MINUTE ORDER: Upon consideration of Plaintiff's consent motion to extend time, Dkt. <u>26</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the pre-motion conference scheduled for August 22, 2024 is VACATED and RESCHEDULED to September 13, 2024 at 10:00 a.m. in Courtroom 8. In advance of that hearing, the Defendant will file its pre-motion statement on or before August 22, 2024; Plaintiff will file its response on or before August 29, 2024. Signed by Judge Randolph D. Moss on 7/24/2024. (lcrdm1) (Entered: 07/24/2024)
08/22/2024	<u>27</u>	RESPONSE TO ORDER OF THE COURT <i>Status Report and Defendant's Pre-Motion Statement</i> by U.S. DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) Modified event title on 8/28/2024 (znmw). (Entered: 08/22/2024)
08/29/2024	<u>28</u>	RESPONSE re <u>27</u> Response to Order of the Court <i>and Response to Defendant's Pre-Motion Statement</i> by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) Modified event title on 8/30/2024 (znmw). (Entered: 08/29/2024)
08/30/2024		MINUTE ORDER: Upon consideration of Defendant's Status Report and Pre-Motion Statement, Dkt. <u>27</u> , and Plaintiff's Response to Defendant's Pre-Motion Statement, Dkt. <u>28</u> , it is hereby ORDERED that the pre-motion conference scheduled for September 13, 2024 is VACATED and that the parties appear for a status conference on September 25, 2024, at 2:00 p.m., in Courtroom 8. Signed by Judge Randolph D. Moss on 08/30/2024. (lcrdm1) (Entered: 08/30/2024)
09/16/2024	<u>29</u>	MOTION for Leave to Appear <i>Law Student Appearance</i> by MID-ATLANTIC INNOCENCE PROJECT (Gutman, Jeffrey) Modified event on 9/17/2024 (znmw). (Entered: 09/16/2024)

09/17/2024	<u>30</u>	MOTION for Leave to Appear Student Appearance for <i>Nicholas Kitevski</i> by MID-ATLANTIC INNOCENCE PROJECT. (Gutman, Jeffrey) (Entered: 09/17/2024)
09/18/2024	<u>31</u>	MINUTE ORDER: Upon consideration of Plaintiff's Motion for Leave for Law Student Appearance, Dkt. <u>29</u> , it is hereby ORDERED that the motion is GRANTED. See document for details. Signed by Judge Randolph D. Moss on 09/18/2024. (lcrdm1) (Entered: 09/18/2024)
09/18/2024	<u>32</u>	MINUTE ORDER: Upon consideration of Plaintiff's Motion for Leave for Law Student Appearance, Dkt. <u>30</u> , it is hereby ORDERED that the motion is GRANTED. See document for details. Signed by Judge Randolph D. Moss on 09/18/2024. (lcrdm1) (Entered: 09/18/2024)
09/25/2024		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 9/25/2024. For the reasons stated on the record, the U.S. DEPARTMENT OF JUSTICE shall file an answer on or before 10/1/2024. The parties are directed to Meet & Confer on or before 12/13/2024. Defendants Vaughn Index search and release due on or before 12/2/2024 and a Pre-motion Conference set for 12/13/2024 at 10:00 AM in Courtroom 8- In Person before Judge Randolph D. Moss). (Court Reporter Sherry Lindsay.) (zglw) (Entered: 09/26/2024)