

**U.S. District Court
Middle District of Tennessee (Columbia)
CIVIL DOCKET FOR CASE #: 1:23-cv-00068**

State of Tennessee v. Mayorkas et al
Assigned to: Chief Judge William L. Campbell, Jr
Referred to: Magistrate Judge Barbara D. Holmes
Cause: 05:552 Freedom of Information Act

Date Filed: 10/02/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

State of Tennessee

represented by **Steven James Griffin**
Tennessee Attorney General's Office
P O Box 20207
Nashville, TN 37202-0207
(615) 741-9598
Email: steven.griffin@ag.tn.gov
ATTORNEY TO BE NOTICED

Whitney Downs Hermandorfer
Tennessee Attorney General's Office
P.O. Box 20207
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615-741-7403
Email: whitney.hermandorfer@ag.tn.gov
ATTORNEY TO BE NOTICED

V.

Defendant

Alejandro Mayorkas
*in his official capacity as Secretary of
Homeland Security*

represented by **Bradley Humphreys**
Department of Justice-Civil Division
1100 L Street, NW
Washington, DC 20005
202-305-0878
Email: bradley.humphreys@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

**United States Department of
Homeland Security**

represented by **Bradley Humphreys**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Patrick Lechleitner
*in his official capacity as Deputy
Director and Senior Official Performing
the Duties of the Director of United
States Immigration and Customs
Enforcement*

represented by **Bradley Humphreys**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**United States Immigration and
Customs Enforcement**

represented by **Bradley Humphreys**
(See above for address)
ATTORNEY TO BE NOTICED

Interested Party

Attorney General Merrick Garland

Interested Party**U.S. Attorney Henry C. Leventis**

Date Filed	#	Docket Text
10/02/2023	<u>1</u>	COMPLAINT against Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement (Filing fee \$402, Receipt number ATNMDC-3923675), filed by State of Tennessee. (Attachments: # <u>1</u> Exhibit 1 First FOIA Request, # <u>2</u> Exhibit 2 Second FOIA Request, # <u>3</u> Attachment – Civil Cover Sheet)(kc) (Entered: 10/02/2023)
10/02/2023	<u>2</u>	NOTICE OF ADMINISTRATIVE ORDER NO. 217 to parties re obligation of counsel to keep Court apprised of current contact information. (kc) (Entered: 10/02/2023)
10/02/2023	<u>3</u>	NOTICE/INFORMATION regarding Consent of the Parties to the Magistrate Judge. (kc) (Entered: 10/02/2023)
10/02/2023		TN State Bar status verified as active for Steven James Griffin, Whitney Downs Hermandorfer admitted to this court. (kc) (Entered: 10/02/2023)
10/02/2023	<u>4</u>	NOTICE of Initial Case Management Conference by Telephone is set for 11/9/2023 at 11:00 AM before Magistrate Judge Barbara D. Holmes. (kc) (Entered: 10/02/2023)
10/03/2023	<u>5</u>	Summons Issued as to Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement, U.S. Attorney and U.S. Attorney General. Service packet returned to counsel by regular mail. (kc) (Entered: 10/03/2023)
10/03/2023	<u>6</u>	ORDER: This case is REFERRED to the Magistrate Judge for customized case management in accordance with Local Rule 16.01 and 28 U.S.C. § 636(b)(1)(A). Signed by District Judge William L. Campbell, Jr on 10/3/2023. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (af) (Entered: 10/03/2023)
10/27/2023	<u>7</u>	ORDER: This case is scheduled for an initial case management conference on November 9, 2023. See Notice at Docket No. <u>4</u> . However, Defendants will have 60 days from the date of service of process, the summons for which were issued on October 3, 2023 (Docket No. <u>5</u>), to answer or otherwise respond to the complaint. To allow time for service of process on Defendants and for Defendants to respond to the complaint, the initial case management conference is RESCHEDULED for January 2, 2024, at 2:00 p.m. (CT) using the Court's conference line at 1-877-402-9753, access code 3808663#. Signed by Magistrate Judge Barbara D. Holmes on 10/27/2023. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (mg) (Entered: 10/27/2023)
11/03/2023	<u>8</u>	SUMMONS returned executed by State of Tennessee. United States Immigration and Customs Enforcement served on 10/16/2023. (Griffin, Steven) (Entered: 11/03/2023)
11/03/2023	<u>9</u>	SUMMONS returned executed by State of Tennessee. Patrick Lechleitner served on 10/13/2023. (Griffin, Steven) (Entered: 11/03/2023)
11/03/2023	<u>10</u>	SUMMONS Returned Executed as to Attorney General Merrick Garland on 10/16/23 by State of Tennessee. (Griffin, Steven) (Entered: 11/03/2023)
11/03/2023	<u>11</u>	SUMMONS Returned Executed as to U.S. Attorney Henry C. Leventis on 10/10/23 by State of Tennessee. (Griffin, Steven) (Entered: 11/03/2023)
11/13/2023	<u>12</u>	MOTION for attorney Bradley Philip Humphreys to Appear Pro Hac Vice (Fee waived) by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (hb) (Entered: 11/13/2023)
11/13/2023	<u>13</u>	CERTIFICATE OF GOOD STANDING of Attorney Bradley P. Humphreys from the United States District Court for the District of Columbia filed by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States

		Immigration and Customs Enforcement. (hb) (Entered: 11/13/2023)
11/14/2023		D.C. Bar status verified as active for Bradley P. Humphreys admitted to this court. (mg) (Entered: 11/14/2023)
11/15/2023	<u>14</u>	ORDER granting <u>12</u> : Having satisfied the requirements of Local Rule 83.01(b), the Motion for Bradley Philip Humphreys to Appear Pro Hac Vice is granted. Signed by Lynda M. Hill, Clerk of Court, on 11/15/2023. (lh) (Entered: 11/15/2023)
11/15/2023	<u>15</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Humphreys, Bradley) (Entered: 11/15/2023)
11/16/2023		NOTICE TO FILER re DE# <u>15</u> : Pursuant to Local Rule 5.01, Certificates of Service shall identify by name the person served, what was served, the method of service, and date of service. Counsel did not include a certificate of service. Please FILE a conformed Certificate of Service for this document. (mg) (Entered: 11/16/2023)
11/16/2023	<u>16</u>	NOTICE of Filing by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement re <u>15</u> Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, (Attachments: # <u>1</u> Exhibit 1 – Certificate of Service for Defendants' Unopposed Motion for Extension of Time)(Humphreys, Bradley) (Entered: 11/16/2023)
11/21/2023	<u>17</u>	ORDER granting <u>15</u> Motion for Extension of Time to Answer re <u>1</u> Complaint, Patrick Lechleitner answer due 12/11/2023; Alejandro Mayorkas answer due 12/11/2023; United States Department of Homeland Security answer due 12/11/2023; United States Immigration and Customs Enforcement answer due 12/11/2023. The Court DENIES the request included in the motion which appears to be made by Plaintiff but which Defendants do not oppose that the initial case management conference be rescheduled for an earlier time during the week of December 18, 2024. The initial case management conference will occur at its originally scheduled date and time on January 2, 2024 at 2:00 p.m. (CT) using the Court's conference line at 1-877-402-9753, access code 3808663#. Signed by Magistrate Judge Barbara D. Holmes on 11/21/2023. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (af) (Entered: 11/21/2023)
12/11/2023	<u>18</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Humphreys, Bradley) (Entered: 12/11/2023)
12/12/2023	<u>19</u>	ORDER: Pending before the Court is Defendants' second motion for an extension of the time to answer or otherwise respond to the complaint (Docket No. <u>18</u>), which is represented to be unopposed and is therefore GRANTED. The deadline for Defendants to answer or otherwise respond to the complaint is extended to December 15, 2023. Signed by Magistrate Judge Barbara D. Holmes on 12/12/2023. (mg) (Entered: 12/12/2023)
12/15/2023	<u>20</u>	ANSWER to <u>1</u> Complaint, by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Humphreys, Bradley) (Entered: 12/15/2023)
12/28/2023	<u>21</u>	Joint MOTION for Leave to To Be Excused from Initial Disclosure and Case Management Requirements by State of Tennessee. (Griffin, Steven) (Entered: 12/28/2023)
01/02/2024	<u>22</u>	ORDER: Pending before the Court is the parties' joint motion for relief from initial disclosures and from mandatory initial case management conference (Docket No. <u>21</u>) in this action to enforce Plaintiff's Freedom of Information Act ("FOIA") requests, which is GRANTED. For the reasons requested in the motion, this case is exempted from mandatory initial case management conference pursuant to Local Rule 16.01(d) and from initial disclosures. The initial case management conference, currently set for January 2, 2024, is CANCELLED. By no later than January 19, 2024, the parties must file a joint status report. Signed by Magistrate Judge Barbara D. Holmes on

		01/02/2024. (DOCKET TEXT SUMMARY ONLY–ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (mg) (Entered: 01/02/2024)
01/19/2024	<u>23</u>	MOTION for Further Relief and STATUS REPORT (<i>Joint</i>) and <i>Joint Motion for Scheduling Order</i> by State of Tennessee. (Griffin, Steven) Modified on 2/8/2024 (mg). (Entered: 01/19/2024)
02/07/2024	<u>24</u>	MOTION for Further Relief and STATUS REPORT (<i>JOINT</i>) by State of Tennessee. (Griffin, Steven) Modified on 2/8/2024 (mg). (Entered: 02/07/2024)
02/08/2024	<u>25</u>	ORDER: This will be the final extension that the Court will grant for the parties to submit a proposed scheduling order as directed in the Court's January 2, 2024 order. For these reasons, the Court ORDERS as follows: 1. The Clerk of Court is DIRECTED to designate the first joint status report (Docket No. <u>23</u>) as a motion for further relief, which is DENIED AS MOOT. 2. The Clerk of Court is also DIRECTED to designate the second joint status report (Docket No. <u>24</u>) as a motion for further relief, which is GRANTED. The parties must, by no later than February 28, 2024, file a joint status report to update the Court of the status of Defendant's production efforts and the parties' efforts to resolve the litigation. Signed by Magistrate Judge Barbara D. Holmes on 2/8/2024. (DOCKET TEXT SUMMARY ONLY–ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (mg) (Entered: 02/08/2024)
02/28/2024	<u>26</u>	STATUS REPORT <i>JOINT</i> by State of Tennessee. (Griffin, Steven) (Entered: 02/28/2024)
02/28/2024	<u>27</u>	Joint MOTION for Scheduling Order by State of Tennessee. (Griffin, Steven) (Entered: 02/28/2024)
03/04/2024	<u>28</u>	ORDER: A telephonic status/case management conference shall be held on March 20, 2024, at 3:00 p.m. (CT) using the Court's conference line at 1–877–402–9753, access code 3808663#, to discuss the parties' conflicting scheduling proposals in this case, as detailed in the parties' joint motion for a scheduling order (Docket No. <u>27</u>), and also to select a target trial date. Signed by Magistrate Judge Barbara D. Holmes on 3/4/2024. (DOCKET TEXT SUMMARY ONLY–ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (mg) (Entered: 03/04/2024)
03/20/2024		Minute Entry for proceedings held before Magistrate Judge Barbara D. Holmes: Scheduling Conference held on 3/20/2024.(Hearing lasted 0:42)(mcc) (Entered: 04/12/2024)
04/12/2024	<u>29</u>	SCHEDULING ORDER: Pending before the Court is the parties' Joint Motion for Scheduling Order (Docket No. <u>27</u>), which is GRANTED. Signed by Magistrate Judge Barbara D. Holmes on 4/12/2024. (DOCKET TEXT SUMMARY ONLY–ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (am) (Entered: 04/12/2024)
04/30/2024	<u>30</u>	Consent MOTION for Modification of Scheduling Order and Extension of Time by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit Declaration of Fernando Pineiro)(Humphreys, Bradley) (Entered: 04/30/2024)
05/01/2024	<u>31</u>	FIRST MODIFIED SCHEDULING ORDER: Pending before the Court is Defendants' motion to modify the scheduling order (Docket No. <u>30</u>), which is represented to be unopposed and is therefore GRANTED. Dispositive Motions due July 3, 2024. Signed by Magistrate Judge Barbara D. Holmes on 5/1/2024. (DOCKET TEXT SUMMARY ONLY–ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (am) (Entered: 05/01/2024)
05/21/2024	<u>32</u>	Consent MOTION to Modify Scheduling Order by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Humphreys, Bradley) (Entered: 05/21/2024)
05/23/2024	<u>33</u>	SECOND MODIFIED SCHEDULING ORDER: Pending before the Court is Defendants' motion to modify the scheduling order (Docket No. <u>32</u>), which is represented to be unopposed and is therefore GRANTED. Dispositive Motions due 7/17/2024. Signed by Magistrate Judge Barbara D. Holmes on 5/23/2024. (DOCKET TEXT SUMMARY ONLY–ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (am) (Entered: 05/23/2024)

07/10/2024	<u>34</u>	Consent MOTION to Modify Scheduling Order by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Humphreys, Bradley) (Entered: 07/10/2024)
07/11/2024	<u>35</u>	THIRD MODIFIED SCHEDULING ORDER: Pending before the Court is Defendants' motion to modify the scheduling order (Docket No. <u>34</u>), which is represented to be unopposed and is therefore GRANTED. Dispositive Motions due by 8/16/2024. All other scheduling or case management deadlines and provisions found in prior orders and not modified herein remain in full force and effect. Signed by Magistrate Judge Barbara D. Holmes on 7/11/2024. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (am) (Entered: 07/11/2024)
08/09/2024	<u>36</u>	Consent MOTION to Modify Scheduling Order by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Humphreys, Bradley) (Entered: 08/09/2024)
08/13/2024	<u>37</u>	FOURTH MODIFIED SCHEDULING ORDER: Pending before the Court is Defendants' motion to modify the scheduling order (Docket No. <u>36</u>), which is represented to be unopposed and is therefore GRANTED. The deadline for Defendants to file their motion for summary judgment is extended from August 16, 2024 to September 16, 2024. The deadline for any motion for summary judgment by Plaintiff and response to Defendants' motion for summary judgment is extended from September 13, 2024 to October 15, 2024. Signed by Magistrate Judge Barbara D. Holmes on 8/13/2024. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (ch) (Entered: 08/14/2024)
09/09/2024	<u>38</u>	Consent MOTION to Modify Scheduling Order by Patrick Lechleitner, Alejandro Mayorkas, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Humphreys, Bradley) (Entered: 09/09/2024)
09/10/2024	<u>39</u>	FIFTH MODIFIED SCHEDULING ORDER: For the following reasons, Defendants' motion (Docket No. <u>38</u>) is CONDITIONALLY GRANTED as provided for below. As Defendants acknowledge (id. at 2), this is their fifth request for modification of the scheduling order. The parties are therefore put on notice that no further modifications to the scheduling order will be made without a status/case management conference with the Court, at which counsel for the parties will be expected to, at a minimum, address in detail: (i) the status of the case; (ii) the obstacles to final resolution; and, (iii) the anticipated timing of final resolution. Signed by Magistrate Judge Barbara D. Holmes on 9/10/2024. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (ch) (Entered: 09/11/2024)
09/26/2024	<u>40</u>	STIPULATION of Dismissal by State of Tennessee. (Griffin, Steven) (Entered: 09/26/2024)