

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:23-cv-10741-LJL**

Rolling Stone, LLC v. Department of Justice
Assigned to: Judge Lewis J. Liman
Cause: 05:552 Freedom of Information Act

Date Filed: 12/10/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Rolling Stone, LLC**

represented by **Kelly Brian McClanahan**
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ATTORNEY TO BE NOTICED

V.

Defendant**Department of Justice**

represented by **Dominika Natalia Tarczynska**
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Date Filed	#	Docket Text
12/10/2023	<u>1</u>	COMPLAINT against Department of Justice. (Filing Fee \$ 405.00, Receipt Number BNYSDC-28673373) Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 12/10/2023)
12/10/2023	<u>2</u>	CIVIL COVER SHEET filed..(McClanahan, Kelly) (Entered: 12/10/2023)
12/10/2023	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Penske Media Corporation for Rolling Stone, LLC. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 12/10/2023)
12/10/2023	<u>4</u>	FILING ERROR – DEFICIENT – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, US Attorney General, US Attorney for the Southern District of New York, re: <u>1</u> Complaint. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) Modified on 12/11/2023 (vf). (Entered: 12/10/2023)

12/11/2023		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Lewis J. Liman. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district–judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at (https://nysd.uscourts.gov/rules/ecf–related–instructions..(vf)) (Entered: 12/11/2023)
12/11/2023		Magistrate Judge Stewart D. Aaron is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf . (vf) (Entered: 12/11/2023)
12/11/2023		Case Designated ECF. (vf) (Entered: 12/11/2023)
12/11/2023		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Kelly Brian McClanahan to RE–FILE Document No. <u>4</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): Docket Entry Error. Enter the party name as to whom summons is issued for when prompted in ECF. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (vf) (Entered: 12/11/2023)
12/11/2023	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, re: <u>1</u> Complaint. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 12/11/2023)
12/11/2023	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, re: <u>1</u> Complaint. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 12/11/2023)
12/11/2023	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, re: <u>1</u> Complaint. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 12/11/2023)
12/12/2023	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to Department of Justice..(jgo) (Entered: 12/12/2023)
12/12/2023	<u>9</u>	ELECTRONIC SUMMONS ISSUED as to Department of Justice..(jgo) (Entered: 12/12/2023)
12/12/2023	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Department of Justice..(jgo) (Entered: 12/12/2023)
12/28/2023	<u>11</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint served. Department of Justice served on 12/22/2023, answer due 1/22/2024. Service was made by Mail. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 12/28/2023)
01/16/2024	<u>12</u>	LETTER MOTION for Leave to File First Amended Complaint addressed to Judge Lewis J. Liman from Kel McClanahan dated 16 January 2024. Document filed by Rolling Stone, LLC. (Attachments: # <u>1</u> Exhibit A – First Amended Complaint)..(McClanahan, Kelly) (Entered: 01/16/2024)
01/17/2024	<u>13</u>	ORDER granting <u>12</u> Letter Motion for Leave to File Document on the condition that the amended complaint is filed on or before January 19, 2024. (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (Liman, Lewis) (Entered: 01/17/2024)
01/17/2024	<u>14</u>	NOTICE OF APPEARANCE by Danielle Marryshow on behalf of Department of Justice..(Marryshow, Danielle) (Entered: 01/17/2024)
01/17/2024	<u>15</u>	FIRST AMENDED COMPLAINT amending <u>1</u> Complaint against Department of Justice.Document filed by Rolling Stone, LLC. Related document: <u>1</u> Complaint..(McClanahan, Kelly) (Entered: 01/17/2024)

01/31/2024	<u>16</u>	ANSWER to <u>15</u> Amended Complaint. Document filed by Department of Justice..(Tarczynska, Dominika) (Entered: 01/31/2024)
02/05/2024	<u>17</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: This case has been assigned to me for all purposes. It is hereby: ORDERED that all parties appear for an Initial Pretrial Conference by TELEPHONE on February 20, 2024, at 3:00 p.m. Parties are directed to dial into the Court's teleconference number at 888-251-2909, Access Code 2123101, and follow the necessary prompts. as set forth herein. Counsel for Plaintiff is ordered to notify all counsel of this Notice. SO ORDERED.Telephonic Initial Conference set for 2/20/2024 at 03:00 PM before Judge Lewis J. Liman. (Signed by Judge Lewis J. Liman on 2/05/2024) (ama) (Entered: 02/05/2024)
02/13/2024	<u>18</u>	JOINT LETTER addressed to Judge Lewis J. Liman from Dominika Tarczynska dated 2/13/2024 re: Case Management Plan. Document filed by Department of Justice..(Tarczynska, Dominika) (Entered: 02/13/2024)
02/14/2024	<u>19</u>	MEMO ENDORSEMENT on re: <u>18</u> Letter Case Management Plan filed by Department of Justice. ENDORSEMENT: The parties are relieved of the obligation to file a proposed case management plan and scheduling order. SO ORDERED. (Signed by Judge Lewis J. Liman on 2/14/24) (yv) (Entered: 02/14/2024)
02/20/2024		Minute Entry for proceedings held before Judge Lewis J. Liman: Initial Pretrial Conference held on 2/20/2024 by Telephone Conference. Kelly McClanahan present by telephone for Plaintiff. Danielle Marryshow and Dominika Tarczynska present by telephone for Defendant. Court reporter present by telephone. Plaintiff to make its motion for partial summary judgment by March 5, 2024. (mf) (Entered: 03/05/2024)
03/04/2024	<u>20</u>	CONSENT LETTER MOTION for Extension of Time to File <i>Motion for Partial Summary Judgment</i> addressed to Judge Lewis J. Liman from Kel McClanahan dated 4 March 2024. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 03/04/2024)
03/05/2024	21	ORDER granting <u>20</u> Letter Motion for Extension of Time to File (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (Liman, Lewis) (Entered: 03/05/2024)
04/09/2024	<u>22</u>	CONSENT LETTER MOTION for Extension of Time to File <i>Motion for Partial Summary Judgment</i> addressed to Judge Lewis J. Liman from Kel McClanahan dated 9 April 2024. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 04/09/2024)
04/09/2024	23	ORDER granting <u>22</u> Letter Motion for Extension of Time to File (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (Liman, Lewis) (Entered: 04/09/2024)
04/12/2024	<u>24</u>	MOTION for Partial Summary Judgment . Document filed by Rolling Stone, LLC. (Attachments: # <u>1</u> Exhibit A – FOIA request, # <u>2</u> Exhibit B – Expedited processing denial).(McClanahan, Kelly) (Entered: 04/12/2024)
04/12/2024	<u>25</u>	LETTER MOTION to Compel Federal Bureau of Investigation to request an Open America stay addressed to Judge Lewis J. Liman from Kel McClanahan dated 12 April 2024. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 04/12/2024)
04/12/2024	<u>26</u>	LETTER MOTION to Expedite <i>Case</i> addressed to Judge Lewis J. Liman from Kel McClanahan dated 12 April 2024. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 04/12/2024)
04/15/2024	<u>27</u>	PROPOSED ORDER. Document filed by Rolling Stone, LLC. Related Document Number: <u>24</u> ..(McClanahan, Kelly) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 04/15/2024)
04/15/2024		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>27</u> Proposed Order was reviewed and approved as to form. (km) (Entered: 04/15/2024)
05/08/2024	<u>28</u>	ORDER: Plaintiff Rolling Stone, LLC filed a letter motion to expedite this case on April 12, 2024. Dkt. No. 26. The letter noted that the Defendant, the Department of Justice, opposes the request. Id. at 1. Defendant is hereby ordered to respond to

		Plaintiff's motion to expedite by no later than May 17, 2024. SO ORDERED (Signed by Judge Lewis J. Liman on 5/8/2024) (Responses due by 5/17/2024) (ks) (Entered: 05/08/2024)
05/10/2024	<u>29</u>	LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Lewis J. Liman from Danielle J. Marryshow dated May 10, 2024. Document filed by Department of Justice..(Marryshow, Danielle) (Entered: 05/10/2024)
05/10/2024	30	ORDER granting <u>29</u> Letter Motion for Extension of Time to File Response/Reply addressed to Judge Lewis J. Liman from Danielle J. Marryshow dated May 10, 2024. Responses due by 5/29/2024. (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (mf) (Entered: 05/10/2024)
05/17/2024	<u>31</u>	LETTER RESPONSE to Motion addressed to Judge Lewis J. Liman from Danielle J. Marryshow dated May 17, 2024 re: <u>26</u> LETTER MOTION to Expedite <i>Case</i> addressed to Judge Lewis J. Liman from Kel McClanahan dated 12 April 2024. . Document filed by Department of Justice..(Marryshow, Danielle) (Entered: 05/17/2024)
05/17/2024	<u>32</u>	MEMORANDUM AND ORDER denying <u>26</u> Letter Motion to Expedite. For the foregoing reasons, Plaintiff's motion is DENIED. The Clerk of Court is respectfully directed to close Dkt. No. 26. SO ORDERED. (Signed by Judge Lewis J. Liman on 5/17/2024) (tg) (Entered: 05/20/2024)
05/22/2024	<u>33</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION for Partial Summary Judgment ., <u>25</u> LETTER MOTION to Compel Federal Bureau of Investigation to request an Open America stay addressed to Judge Lewis J. Liman from Kel McClanahan dated 12 April 2024. addressed to Judge Lewis J. Liman from Kel McClanahan dated 22 May 2024. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 05/22/2024)
05/23/2024	34	ORDER granting <u>33</u> Letter Motion for Extension of Time to File Response/Reply re <u>33</u> CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION for Partial Summary Judgment ., <u>25</u> LETTER MOTION to Compel Federal Bureau of Investigation to request an Open America stay addressed t, <u>24</u> MOTION for Partial Summary Judgment . Replies due by 6/21/2024. (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (Liman, Lewis) (Entered: 05/23/2024)
05/29/2024	<u>35</u>	LETTER RESPONSE to Motion addressed to Judge Lewis J. Liman from Danielle J. Marryshow dated May 29, 2024 re: <u>25</u> LETTER MOTION to Compel Federal Bureau of Investigation to request an Open America stay addressed to Judge Lewis J. Liman from Kel McClanahan dated 12 April 2024. . Document filed by Department of Justice..(Marryshow, Danielle) (Entered: 05/29/2024)
05/29/2024	<u>36</u>	MEMORANDUM OF LAW in Opposition re: <u>24</u> MOTION for Partial Summary Judgment . . Document filed by Department of Justice..(Tarczynska, Dominika) (Entered: 05/29/2024)
05/29/2024	<u>37</u>	DECLARATION of Michael G. Seidel in Opposition re: <u>24</u> MOTION for Partial Summary Judgment .. Document filed by Department of Justice. (Attachments: # <u>1</u> Exhibit A (FOIA Request), # <u>2</u> Exhibit B (December 11, 2023 FBI Letters), # <u>3</u> Exhibit C (Denial of Expedited Processing), # <u>4</u> Exhibit D (May 15, 2024 Release Cover Letter)).(Tarczynska, Dominika) (Entered: 05/29/2024)
05/31/2024	<u>38</u>	ORDER denying as moot <u>25</u> Letter Motion to Compel. The motion is denied as moot.Cf. Fin. Guaranty Ins. Co. v. Putnam Advisory Co., 314 F.R.D. 85, 88 (S.D.N.Y. 2016).The Clerk of Court is respectfully requested to close the motion at Dkt. No. 25. SO ORDERED. (Signed by Judge Lewis J. Liman on 5/31/24) (yv) (Entered: 05/31/2024)
06/17/2024	<u>39</u>	LETTER MOTION for Conference (<i>Unopposed</i>) addressed to Judge Lewis J. Liman from Kel McClanahan dated 17 June 2024. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 06/17/2024)
06/17/2024	<u>40</u>	ORDER denying without prejudice <u>39</u> Letter Motion for Conference re: <u>39</u> LETTER MOTION for Conference (<i>Unopposed</i>) addressed to Judge Lewis J. Liman from Kel McClanahan dated 17 June 2024. Plaintiff's motion is DENIED without prejudice. The Court has a motion for partial summary judgment sub judice. The parties are directed

		to submit a letter to the Court by no later than seven days after the Court resolves that motion, requesting a conference on Defendants anticipated motion for summary judgment. SO ORDERED. (Signed by Judge Lewis J. Liman on 6/17/2024) (ks) (Entered: 06/17/2024)
06/21/2024	<u>41</u>	REPLY MEMORANDUM OF LAW in Support re: <u>24</u> MOTION for Partial Summary Judgment . . Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 06/21/2024)
07/08/2024	<u>42</u>	OPINION AND ORDER re: <u>24</u> MOTION for Partial Summary Judgment . filed by Rolling Stone, LLC. The motion for partial summary judgment is DENIED. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 24. SO ORDERED. (Signed by Judge Lewis J. Liman on 7/8/2024) (ks) (Entered: 07/09/2024)
07/16/2024	<u>43</u>	JOINT LETTER MOTION for Conference addressed to Judge Lewis J. Liman from Danielle J. Marryshow dated July 16, 2024. Document filed by Department of Justice..(Marryshow, Danielle) (Entered: 07/16/2024)
07/16/2024	44	ORDER granting <u>43</u> Letter Motion for Conference. The Court will hold a Status Conference in this matter on August 8, 2024 at 2:00PM. Parties are directed to dial into the Court's teleconference line at 888-251-2909 and use access code 2123101. (Status Conference set for 8/8/2024 at 02:00 PM before Judge Lewis J. Liman.) (HEREBY ORDERED by Judge Lewis J. Liman)(Text Only Order) (mf) (Entered: 07/16/2024)
08/08/2024		Minute Entry for proceedings held before Judge Lewis J. Liman: Telephonic Status Conference held on 8/8/2024. Kelly McClanahan present by telephone for Plaintiff. Danielle Marryshow and Dominika Tarczynska present by telephone for Defendant. The conference was recorded through the Court's audio only teleconference line. The Open America motion is considered by the Court to be renewed. The Government is to submit a status report, every 3 months from today, with the status of production, how many documents have been reviewed or produced, and its best estimate for when production will be completed. (mf) (Entered: 08/13/2024)
08/09/2024	<u>45</u>	LETTER addressed to Judge Lewis J. Liman from Kel McClanahan dated 9 August 2024 re: Pending Motion to Compel. Document filed by Rolling Stone, LLC..(McClanahan, Kelly) (Entered: 08/09/2024)
08/19/2024	<u>46</u>	MEMORANDUM AND ORDER: Accordingly, Plaintiff's letter makes no complaint for which the Court can grant relief. The motion is DENIED. The Clerk of Court is respectfully directed to close Dkt. No. 25. SO ORDERED. (Signed by Judge Lewis J. Liman on 8/19/2024) (mml) (Entered: 08/19/2024)
11/08/2024	<u>47</u>	STATUS REPORT. Document filed by Department of Justice..(Marryshow, Danielle) (Entered: 11/08/2024)