

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:15-cv-00667-CRC**

ELECTRONIC PRIVACY INFORMATION CENTER v.
UNITED STATES DRUG ENFORCEMENT
ADMINISTRATION

Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

Date Filed: 05/01/2015
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

represented by **Jeramie D. Scott**
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V.

Defendant

**UNITED STATES DRUG
ENFORCEMENT**

represented by **Kathryn L. Wyer**
U.S. DEPARTMENT OF JUSTICE

ADMINISTRATION

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TERMINATED: 06/09/2015

Date Filed	#	Docket Text
05/01/2015	<u>1</u>	COMPLAINT against UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Filing fee \$ 400 receipt number 0090-4076733) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Drug Enforcement Administration, # <u>3</u> Summons US Attorney for the District of Columbia, # <u>4</u> Summons Attorney General for the United States of America)(Horwitz, Julia) (Entered: 05/01/2015)
05/01/2015	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ELECTRONIC PRIVACY INFORMATION CENTER (Horwitz, Julia) (Entered: 05/01/2015)
05/01/2015		Case Assigned to Judge Christopher R. Cooper. (md,) (Entered: 05/01/2015)
05/04/2015	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md,) (Entered: 05/04/2015)
05/11/2015	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/11/2015. Answer due for ALL FEDERAL DEFENDANTS by 6/10/2015. (Attachments: # <u>1</u> Affidavit Drug Enforcement Administration, # <u>2</u> Affidavit US Attorney for the District of Columbia, # <u>3</u> Affidavit Attorney General of the United States, # <u>4</u> Exhibit Receipt for Certified Mail - Drug Enforcement Administration, # <u>5</u> Exhibit Receipt for Certified Mail - US Attorney for the District of Columbia, # <u>6</u> Exhibit Receipt for Certified Mail - Attorney General of the United States)(Horwitz, Julia) (Entered: 05/11/2015)
05/11/2015	<u>5</u>	NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 05/11/2015)
05/11/2015	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DRUG ENFORCEMENT ADMINISTRATION served on 5/7/2015, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/11/15. (td,); (See docket entry no. <u>4</u> to view documents) (Entered: 05/11/2015)
05/11/2015	<u>7</u>	NOTICE of Appearance by Alan Jay Butler on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Butler, Alan) (Entered: 05/11/2015)
05/20/2015	<u>8</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Kolsky, Joshua) (Entered: 05/20/2015)
06/09/2015	<u>9</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kathryn L. Wyer on behalf of UNITED STATES DRUG ENFORCEMENT ADMINISTRATION Substituting for

		attorney Joshua M. Kolsky (Wyer, Kathryn) (Entered: 06/09/2015)
06/09/2015	<u>10</u>	Consent MOTION for Extension of Time to <i>Respond to Plaintiff's Complaint</i> by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 06/09/2015)
06/10/2015		MINUTE ORDER granting <u>10</u> Motion for Extension of Time; it is further ORDERED that Defendant shall file its response to Plaintiff's Complaint on or before June 24, 2015. Signed by Judge Christopher R. Cooper on 6/10/2015. (lccrc2,) (Entered: 06/10/2015)
06/24/2015	<u>11</u>	ANSWER to Complaint by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION.(Wyer, Kathryn) (Entered: 06/24/2015)
06/29/2015		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure by July 15, 2015. Signed by Judge Christopher R. Cooper on 6/29/2015. (lccrc2,) (Entered: 06/29/2015)
07/15/2015	<u>12</u>	STATUS REPORT : <i>Joint Proposed Schedule</i> by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION. (Wyer, Kathryn) (Entered: 07/15/2015)
07/20/2015		MINUTE ORDER:In light of the parties Joint Status Report filed on 7/15/2015, it is hereby ORDERED that the court ADOPTS the parties proposed schedule as follows: Defendant shall produce to Plaintiff any non-exempt records responsive to Plaintiff's FOIA request, by U.S. mail, on or before August 27, 2015. The parties shall then confer and submit a joint status report on or before October 1, 2015, indicating whether they anticipate the need for further proceedings in this case and, if appropriate, proposing a briefing schedule at that time. Signed by Judge Christopher R. Cooper on 7/20/2015. (tcr) (Entered: 07/20/2015)
08/13/2015	<u>13</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to ELECTRONIC PRIVACY INFORMATION CENTER. Attorney Julia Horwitz terminated. (Horwitz, Julia) (Entered: 08/13/2015)
09/21/2015	<u>14</u>	NOTICE of Appearance by Jeramie D. Scott on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Scott, Jeramie) (Entered: 09/21/2015)
10/01/2015	<u>15</u>	Joint STATUS REPORT by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION. (Wyer, Kathryn) (Entered: 10/01/2015)
10/01/2015		MINUTE ORDER: In light of the parties' <u>15</u> Joint Status Report, the parties shall confer and submit a joint status report on or before October 22, 2015, indicating whether they anticipate the need for further proceedings in this case and, if appropriate, proposing a briefing schedule at that time. Signed by Judge Christopher R. Cooper on 10/1/2015. (lccrc2) (Entered: 10/01/2015)
10/22/2015	<u>16</u>	Joint STATUS REPORT <i>and Proposed Schedule</i> by ELECTRONIC PRIVACY INFORMATION CENTER. (Scott, Jeramie) (Entered: 10/22/2015)
10/23/2015		ORDER: The parties shall abide by the following briefing schedule in this case: Defendant shall file its Motion for Summary Judgment on or before December 22, 2015. Plaintiff shall file its consolidated Opposition and Cross-Motion for Summary Judgment on or before January 22, 2016. Defendant shall file its consolidated Opposition and Reply on or before February 5, 2016. Plaintiff shall file its Reply on or before February 19, 2016. Signed by Judge Christopher R. Cooper on 10/23/2015. (lccrc2) (Entered: 10/23/2015)
12/22/2015	<u>17</u>	MOTION for Summary Judgment by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Katherine L. Myrick, # <u>4</u> Exhibit A to Myrick Declaration, # <u>5</u> Exhibit B to Myrick Declaration, # <u>6</u> Exhibit C to Myrick Declaration, # <u>7</u> Exhibit D to Myrick Declaration, # <u>8</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 12/22/2015)
01/22/2016	<u>18</u>	Cross MOTION for Summary Judgment by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Scott,

		Jeramie) (Entered: 01/22/2016)
01/22/2016	<u>19</u>	Memorandum in opposition to re <u>17</u> MOTION for Summary Judgment filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Scott, Jeramie) (Entered: 01/23/2016)
02/03/2016	<u>20</u>	MOTION for Extension of Time to File Response/Reply as to <u>18</u> Cross MOTION for Summary Judgment , <u>17</u> MOTION for Summary Judgment by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 02/03/2016)
02/03/2016		MINUTE ORDER granting <u>20</u> MOTION for Extension of Time to File Response/Reply as to <u>18</u> Cross-MOTION for Summary Judgment. The Government shall have until March 9, 2016 to file its consolidated Opposition and Reply. It is further ORDERED that Plaintiff's Reply in support of its motion shall be due on March 23, 2016. Signed by Judge Christopher R. Cooper on 2/3/16. (lccrc2) (Entered: 02/03/2016)
03/09/2016	<u>21</u>	REPLY to opposition to motion re <u>17</u> MOTION for Summary Judgment filed by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Declaration (Second) of Katherine L. Myrick, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 03/09/2016)
03/09/2016	<u>22</u>	Memorandum in opposition to re <u>18</u> Cross MOTION for Summary Judgment filed by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Declaration (Second) of Katherine L. Myrick, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 03/09/2016)
03/23/2016	<u>23</u>	REPLY to opposition to motion re <u>18</u> Cross MOTION for Summary Judgment filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Statement of Facts)(Scott, Jeramie) (Entered: 03/24/2016)
09/13/2016	<u>24</u>	MEMORANDUM OPINION re <u>17</u> Defendant's Motion for Summary Judgment and <u>18</u> Plaintiff's Cross-Motion for Summary Judgment. Signed by Judge Christopher R. Cooper on 9/13/2016. (lccrc2) (Entered: 09/13/2016)
09/13/2016	<u>25</u>	ORDER granting in part and denying in part <u>17</u> Defendant's Motion for Summary Judgment, and denying in part and reserving judgment in part on <u>18</u> Plaintiff's Cross-Motion for Summary Judgment. Please refer to full order for further details. Signed by Judge Christopher R. Cooper on 9/13/2016. (lccrc2) (Entered: 09/13/2016)
10/05/2016	<u>26</u>	Consent MOTION for Extension of Time to File <i>Supplement to Record</i> by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 10/05/2016)
10/07/2016		MINUTE ORDER granting <u>26</u> Consent Motion for Extension of Time to Supplement the Record. It is hereby ORDERED that Defendant shall supplement the record and file its renewed Motion for Summary Judgment by October 27, 2016, and Plaintiff shall file its consolidated opposition and renewed Cross-Motion for Summary Judgment by November 10, 2016. Signed by Judge Christopher R. Cooper on 10/7/2016. (lccrc2) (Entered: 10/07/2016)
10/07/2016		Set/Reset Deadlines: Summary Judgment motions due by 10/27/2016. Cross Motions due by 11/10/2016. (zlsj) (Entered: 10/07/2016)
10/27/2016	<u>27</u>	Second MOTION for Summary Judgment by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Third Declaration of Katherine L. Myrick, # <u>4</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 10/27/2016)
11/09/2016	<u>28</u>	MOTION to Vacate Order on Motion for Extension of Time to File, <i>Supplement to the Record</i> by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Text of Proposed Order)(Scott, Jeramie) (Entered: 11/09/2016)
11/10/2016	<u>29</u>	ORDER granting <u>27</u> Defendant's Second Motion for Summary Judgment and granting <u>28</u> Plaintiff's Motion to Vacate the Briefing Schedule. It is further ORDERED that parties shall submit a joint status report by December 9, 2016. Signed by Judge

		Christopher R. Cooper on 11/10/2016. (lccrc2) (Entered: 11/10/2016)
11/10/2016		Set/Reset Deadlines: Joint Status Report due by 12/9/2016. (zlsj) (Entered: 11/10/2016)
11/10/2016		ENTERED IN ERROR.....ORDER granting <u>28</u> Motion to Vacate <u>29</u> Order on Motion for Summary Judgment. Refer to Order for details. Signed by Judge Christopher R. Cooper on 11/10/2016. (zlsj) Modified on 11/14/2016 (znmw). (Entered: 11/10/2016)
11/14/2016		NOTICE OF CORRECTED DOCKET ENTRY: re Order on Motion to Vacate was entered in error and will not be refiled. (znmw) (Entered: 11/14/2016)
12/09/2016	<u>30</u>	Joint STATUS REPORT and Proposed Schedule by ELECTRONIC PRIVACY INFORMATION CENTER. (Scott, Jeramie) (Entered: 12/09/2016)
12/09/2016		MINUTE ORDER: In light of <u>30</u> parties' Joint Status Report and Proposed Schedule, it is hereby ORDERED that the briefing schedule be established as follows: Plaintiff shall file its Motion for Attorney's Fees by December 16, 2016; Defendant shall file its Opposition by January 13, 2017; and Plaintiff shall file its Reply by January 27, 2017. Signed by Judge Christopher R. Cooper on 12/9/2016. (lccrc2) (Entered: 12/09/2016)
12/12/2016		Set/Reset Deadlines: Motion for Attorney's Fees due by 12/16/2016. Responses due by 1/13/2017. Replies due by 1/27/2017. (zlsj) (Entered: 12/12/2016)
12/16/2016	<u>31</u>	MOTION for Attorney Fees by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of T. John Tran, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Affidavit of Marc Rotenberg, # <u>11</u> Affidavit of Alan Butler, # <u>12</u> Affidavit of Jeramie D. Scott, # <u>13</u> Affidavit of Julia Horwitz, # <u>14</u> Affidavit of T. John Tran, # <u>15</u> Text of Proposed Order)(Scott, Jeramie) (Entered: 12/16/2016)
01/11/2017	<u>32</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>31</u> MOTION for Attorney Fees by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 01/11/2017)
01/11/2017		MINUTE ORDER granting <u>32</u> Defendant's Motion for Extension of Time to File an Opposition to Plaintiff's Motion for Attorney's Fees and Costs. It is hereby ORDERED that the briefing schedule be amended as follows: Defendant's opposition shall be due by February 1, 2017 and Plaintiff's reply in support of its motion shall be due by February 17, 2017. Signed by Judge Christopher R. Cooper on 1/11/2017. (lccrc2) (Entered: 01/11/2017)
02/01/2017	<u>33</u>	Memorandum in opposition to re <u>31</u> MOTION for Attorney Fees filed by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Fourth Declaration of Katherine L. Myrick, # <u>2</u> Exhibit A – EPIC News Release (May 1, 2015), # <u>3</u> Exhibit B – EPIC News Release (Nov. 7, 2016), # <u>4</u> Exhibit C – EPIC Alert 23.21 (excerpt), # <u>5</u> Exhibit D – E-mail from Marc Rotenberg (Dec. 6, 2016), # <u>6</u> Exhibit E – Declaration of Laura A. Malowane, # <u>7</u> Exhibit F – USAO Matrix (2015–2017), # <u>8</u> Exhibit G – Laffey Matrix (2014–2015), # <u>9</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 02/01/2017)
02/17/2017	<u>34</u>	REPLY to opposition to motion re <u>31</u> MOTION for Attorney Fees filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Affidavit of Alan Butler, # <u>3</u> Affidavit of Marc Rotenberg, # <u>4</u> Affidavit of John Davisson)(Butler, Alan) (Entered: 02/17/2017)
07/18/2017	<u>35</u>	ORDER granting in part and denying in part <u>31</u> Plaintiff's Motion for Attorney Fees. It is hereby ORDERED that the parties shall file a joint proposed order on or by July 26, 2017 prescribing the total amount of attorneys' fees and costs re-calculated in a manner consistent with the accompanying Memorandum Opinion. Please see Order for full details. Signed by Judge Christopher R. Cooper on 7/18/2017. (lccrc2) (Entered: 07/18/2017)
07/18/2017	<u>36</u>	MEMORANDUM OPINION re <u>31</u> Plaintiff's Motion for Attorney Fees. Signed by Judge Christopher R. Cooper on 7/18/2017. (lccrc2) (Entered: 07/18/2017)

07/25/2017	<u>37</u>	Consent MOTION for Extension of Time to File <i>Joint Proposed Order</i> by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Wyer, Kathryn) (Entered: 07/25/2017)
07/26/2017		MINUTE ORDER granting <u>37</u> Defendant's Consent Motion for an Extension of Time to File the Joint Proposed Order. It is hereby ORDERED that parties shall submit the Joint Proposed Order on or by August 2, 2017. Signed by Judge Christopher R. Cooper on 7/26/2017. (lccrc2) (Entered: 07/26/2017)
08/02/2017	<u>38</u>	NOTICE of Proposed Order by UNITED STATES DRUG ENFORCEMENT ADMINISTRATION re <u>35</u> Order on Motion for Attorney Fees, Order on Motion for Extension of Time to File, (Wyer, Kathryn) (Entered: 08/02/2017)
08/02/2017	<u>39</u>	ORDER: Upon consideration of <u>38</u> parties' joint submission, it is hereby ORDERED that Defendant shall pay Plaintiff attorney's fees and costs in the amount of \$9,078.53 within 45 days of this Order. See Order for full details. Signed by Judge Christopher R. Cooper on 8/2/2017. (lccrc2) (Entered: 08/02/2017)