

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:13-cv-01468-RBW

LANDMARK LEGAL FOUNDATION v. DEPARTMENT OF LABOR
Assigned to: Judge Reggie B. Walton
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 09/26/2013
Date Terminated: 08/16/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**LANDMARK LEGAL FOUNDATION**

represented by **Michael J. O'Neill**
LANDMARK LEGAL FOUNDATION
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ATTORNEY TO BE NOTICED

V.

Defendant**UNITED STATES DEPARTMENT OF LABOR**

represented by **Jeremy S. Simon**
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Date Filed	#	Docket Text
09/26/2013	<u>1</u>	COMPLAINT against DEPARTMENT OF LABOR (Filing fee \$ 400 receipt number 0090-3480839) filed by LANDMARK LEGAL FOUNDATION. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons)(O'Neill, Michael) (Entered: 09/26/2013)
09/26/2013	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by LANDMARK LEGAL FOUNDATION (O'Neill, Michael) (Entered: 09/26/2013)
09/26/2013		Case Assigned to Judge Reggie B. Walton. (sth,) (Entered: 09/26/2013)
09/26/2013	<u>3</u>	ELECTRONIC SUMMONS (3) Issued as to DEPARTMENT OF LABOR, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons)(sth,) (Entered: 09/26/2013)
10/07/2013	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF LABOR served on 10/1/2013, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/01/2013., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/1/2013. (Answer due for ALL FEDERAL DEFENDANTS by 10/31/2013.) (Attachments: # <u>1</u> Exhibit)(O'Neill, Michael) (Entered: 10/07/2013)

10/24/2013	<u>5</u>	NOTICE of Appearance by Jeremy S. Simon on behalf of DEPARTMENT OF LABOR (Simon, Jeremy) (Entered: 10/24/2013)
10/25/2013	<u>6</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by DEPARTMENT OF LABOR (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/25/2013)
10/28/2013		MINUTE ORDER granting <u>6</u> Motion for Extension of Time to Answer or Otherwise Respond to Complaint. For good cause shown, it is hereby ORDERED that the defendant's consent motion for extension of time to answer the plaintiff's complaint is hereby GRANTED. It is further ORDERED that the defendant shall submit an answer or otherwise respond to the Complaint on or before December 4, 2013. Signed by Judge Reggie B. Walton on 10/28/2013. (lcrbw4) (Entered: 10/28/2013)
10/28/2013		Set/Reset Deadlines: Answer to the Complaint due by 12/4/2013. (tg,) (Entered: 10/29/2013)
10/29/2013		Set/Reset Deadlines: Answer or respond to complaint by 12/4/2013, (mpt,) (Entered: 10/29/2013)
12/04/2013	<u>7</u>	ANSWER to Complaint by DEPARTMENT OF LABOR.(Simon, Jeremy) (Entered: 12/04/2013)
04/15/2014	<u>8</u>	ORDER for Joint Proposed Briefing Schedule. In accordance with the attached Order, it is hereby ORDERED that the parties shall file a joint proposed briefing schedule for the filing of dispositive motions on or before May 1, 2014. Signed by Judge Reggie B. Walton on 4/15/2014. (lcrbw3) (Entered: 04/15/2014)
04/16/2014		Set/Reset Deadlines: Briefing Schedule due by 5/1/2014. (mpt) (Entered: 04/16/2014)
04/16/2014	<u>9</u>	ORDER for Initial Scheduling Conference set for 5/29/2014 11:00 AM in Courtroom 16 before Judge Reggie B. Walton. (mpt,) (Entered: 04/16/2014)
04/16/2014	<u>10</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES. (mpt) (Entered: 04/16/2014)
04/30/2014	<u>11</u>	STATUS REPORT (<i>Joint Status Report</i>) by DEPARTMENT OF LABOR. (Simon, Jeremy) (Entered: 04/30/2014)
05/01/2014		MINUTE ORDER. In light of the representations made to the Court in the parties' Joint Status Report it is hereby ORDERED that the parties shall submit another status report on or before July 30, 2014. It is further ORDERED that the initial scheduling conference scheduled for May 29, 2014, at 11:00 a.m. is VACATED. Signed by Judge Reggie B. Walton on 5/1/2014. (lcrbw3) (Entered: 05/01/2014)
05/01/2014		Set/Reset Deadlines: Joint Status Report due by 7/30/2014 (mpt) (Entered: 05/01/2014)
07/30/2014	<u>12</u>	STATUS REPORT (<i>Joint Status Report</i>) by DEPARTMENT OF LABOR. (Simon, Jeremy) (Entered: 07/30/2014)
07/31/2014		MINUTE ORDER. In accordance with the representations made to the Court in the July 30, 2014 Joint Status Report, it is hereby ORDERED that the parties file a Joint Status Report on or before October 28, 2014, advising the Court of the parties' status. In the event that the parties are still not prepared to propose a briefing schedule in their October 28, 2014 joint status report, it is further ORDERED that the parties shall file joint status reports every 45 days advising the Court of the status. Signed by Judge Reggie B. Walton on 7/31/2014. (lcrbw3,) (Entered: 07/31/2014)
08/01/2014		Set/Reset Deadline: The parties shall file a Joint Status Report on or before 10/28/2014. (ad) (Entered: 08/01/2014)
10/28/2014	<u>13</u>	STATUS REPORT (<i>Joint Status Report</i>) by DEPARTMENT OF LABOR. (Simon, Jeremy) (Entered: 10/28/2014)
11/03/2014		MINUTE ORDER. In accordance with the representations made to the Court in the OCTOBER 28, 2014 Joint Status Report, it is hereby ORDERED that the parties file a Joint Status Report on or before December 12, 2014, advising the Court of the parties' status. In the event that the parties are still not prepared to propose a briefing schedule in their December 12, 2014 joint status report, it is further ORDERED that the parties

		shall file joint status reports every 45 days advising the Court of the status. Signed by Judge Reggie B. Walton on 11/3/2014. (lcrbw3,) (Entered: 11/03/2014)
11/04/2014		Set/Reset Deadlines: Joint Status Report due by 12/12/2014 (mpt,) (Entered: 11/04/2014)
12/11/2014	<u>14</u>	STATUS REPORT (<i>Joint Status Report</i>) by DEPARTMENT OF LABOR. (Simon, Jeremy) (Entered: 12/11/2014)
01/26/2015	<u>15</u>	STATUS REPORT (<i>Joint Status Report</i>) by DEPARTMENT OF LABOR. (Simon, Jeremy) (Entered: 01/26/2015)
03/12/2015	<u>16</u>	STATUS REPORT (<i>Joint Status Report</i>) by DEPARTMENT OF LABOR. (Simon, Jeremy) (Entered: 03/12/2015)
03/26/2015	<u>17</u>	STATUS REPORT by LANDMARK LEGAL FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order)(O'Neill, Michael) (Entered: 03/26/2015)
03/30/2015		MINUTE ORDER. In accordance with the Joint Status Report and Proposed Briefing Schedule, it is ORDERED that this case shall proceed as follows: (1) the defendant shall file any motion for summary judgment on or before May 15, 2015; (2) the plaintiff shall file an opposition to the defendant's motion and a cross-motion for summary judgment on or before June 4, 2015; (3) the defendant shall file a reply in support of its motion and an opposition to the plaintiffs cross-motion on or before June 25, 2015; and (4) the plaintiff shall a reply in support of its cross-motion on or before July 16, 2015. Signed by Judge Reggie B. Walton on 3/30/2015. (lcrbw3) (Entered: 03/30/2015)
05/14/2015	<u>18</u>	MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> by DEPARTMENT OF LABOR (Attachments: # <u>1</u> Declaration of Charlotte Hayes, # <u>2</u> Proposed Order)(Simon, Jeremy) (Entered: 05/14/2015)
05/14/2015	<u>19</u>	NOTICE of Errata by DEPARTMENT OF LABOR re <u>18</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> (Attachments: # <u>1</u> Motion for Summary Judgment, Local Rule 7(h) Statement and Corrected Supporting Memorandum)(Simon, Jeremy) (Entered: 05/14/2015)
06/04/2015	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> filed by LANDMARK LEGAL FOUNDATION. (Attachments: # <u>1</u> Declaration Declaration of Michael J. O'Neill, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Exhibit Exhibit 2, # <u>4</u> Exhibit Exhibit 3, # <u>5</u> Exhibit Exhibit 4, # <u>6</u> Exhibit Exhibit 5, # <u>7</u> Exhibit Exhibit 6, # <u>8</u> Exhibit Exhibit 7, # <u>9</u> Exhibit Exhibit 8, # <u>10</u> Exhibit Exhibit 9, # <u>11</u> Exhibit Exhibit 10, # <u>12</u> Exhibit Exhibit 11, # <u>13</u> Exhibit Exhibit 12, # <u>14</u> Exhibit Exhibit 13, # <u>15</u> Exhibit Exhibit 14, # <u>16</u> Exhibit Exhibit 15, # <u>17</u> Exhibit Exhibit 16, # <u>18</u> Exhibit Exhibit 17, # <u>19</u> Exhibit Exhibit 18, # <u>20</u> Exhibit Exhibit 19, # <u>21</u> Exhibit Exhibit 20, # <u>22</u> Exhibit Exhibit 21, # <u>23</u> Exhibit Exhibit 22, # <u>24</u> Text of Proposed Order)(O'Neill, Michael) (Entered: 06/04/2015)
06/04/2015	<u>21</u>	Cross MOTION for Partial Summary Judgment by LANDMARK LEGAL FOUNDATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Declaration of Michael J. O'Neill, # <u>3</u> Exhibit Exhibit 1, # <u>4</u> Exhibit Exhibit 2, # <u>5</u> Exhibit Exhibit 3, # <u>6</u> Exhibit Exhibit 4, # <u>7</u> Exhibit Exhibit 5, # <u>8</u> Exhibit Exhibit 6, # <u>9</u> Exhibit Exhibit 7, # <u>10</u> Exhibit Exhibit 8, # <u>11</u> Exhibit Exhibit 9, # <u>12</u> Exhibit Exhibit 10, # <u>13</u> Exhibit Exhibit 11, # <u>14</u> Exhibit Exhibit 12, # <u>15</u> Exhibit Exhibit 13, # <u>16</u> Exhibit Exhibit 14, # <u>17</u> Exhibit Exhibit 15, # <u>18</u> Exhibit Exhibit 16, # <u>19</u> Exhibit Exhibit 17, # <u>20</u> Exhibit Exhibit 18, # <u>21</u> Exhibit Exhibit 19, # <u>22</u> Exhibit Exhibit 20, # <u>23</u> Exhibit Exhibit 21, # <u>24</u> Exhibit Exhibit 22, # <u>25</u> Text of Proposed Order)(O'Neill, Michael) Modified on 6/5/2015 (jf). (Entered: 06/04/2015)
06/25/2015	<u>22</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> filed by DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Supplemental Declaration of Charlotte Hayes)(Simon, Jeremy) (Entered: 06/25/2015)
06/25/2015	<u>23</u>	Memorandum in opposition to re <u>21</u> Cross MOTION for Partial Summary Judgment filed by DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Material Facts Not in Dispute, # <u>2</u> Supplemental Declaration of Charlotte Hayes, # <u>3</u> Proposed Order)(Simon, Jeremy) (Entered: 06/25/2015)

07/16/2015	<u>24</u>	REPLY to opposition to motion re <u>21</u> Cross MOTION for Partial Summary Judgment filed by LANDMARK LEGAL FOUNDATION. (O'Neill, Michael) (Entered: 07/16/2015)
01/08/2016	<u>25</u>	ORDER denying <u>18</u> Motion for Summary Judgment; denying <u>21</u> Motion for Partial Summary Judgment. In accordance with the attached Order, it is hereby ORDERED that the Plaintiff's Cross-Motion for Partial Summary Judgment is DENIED WITHOUT PREJUDICE. It is further ORDERED that the Defendant's Motion for Summary Judgment is DENIED WITHOUT PREJUDICE. It is further ORDERED that the parties shall monitor the status of Competitive Enter. Inst. v. Office of Sci. & Tech. Policy and propose a new briefing schedule for refileing of their summary judgment motions after the Circuit issues an opinion or order in that case. Signed by Judge Reggie B. Walton on January 8, 2016. (lcrbw2) (Entered: 01/08/2016)
07/20/2016	<u>26</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Simon, Jeremy) (Entered: 07/20/2016)
07/20/2016		MINUTE ORDER. Upon consideration of the parties' Joint Status Report, it is hereby ORDERED that the parties shall file an additional status report, which, if necessary, will include a new briefing schedule for the refileing of the parties' respective summary judgment motions, by September 2, 2016. Signed by Judge Reggie B. Walton on July 20, 2016. (lcrbw2) (Entered: 07/20/2016)
07/20/2016		Set/Reset Deadlines: Joint Status Report due by 9/2/2016 (hs) (Entered: 07/20/2016)
09/02/2016	<u>27</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF LABOR. (Simon, Jeremy) (Entered: 09/02/2016)
09/05/2016		MINUTE ORDER. Upon consideration of the parties' Joint Status Report, it is hereby ORDERED that this case shall proceed as follows: (1) the defendant shall file its renewed motion for summary judgment, if any, on or before October 19, 2016; (2) the plaintiff shall its opposition to the defendant's motion for summary judgment and its cross-motion for summary judgment, if any, on or before November 18, 2016; (3) the defendant shall its reply in support of its motion for summary judgment and its opposition to the plaintiff's cross-motion for summary judgment, if any, on or before December 9, 2016; and (4) the plaintiff shall file its reply in support of its cross-motion for summary judgment on or before December 29, 2016. Signed by Judge Reggie B. Walton on September 5, 2016. (lcrbw2) (Entered: 09/05/2016)
09/06/2016		Set/Reset Deadlines: Defendant's Summary Judgment motions due by 10/19/2016. Plaintiff's Response to Motion for Summary Judgment/Cross Motion due by 11/18/2016. Reply to Motion for Summary Judgment due by 12/9/2016. Reply to Cross Motions due by 12/29/2016. (hs) (Entered: 09/06/2016)
10/17/2016	<u>28</u>	Consent MOTION for Extension of Time to <i>File Renewed Motion for Summary Judgment and For Corresponding Adjustment of Briefing Schedule</i> by UNITED STATES DEPARTMENT OF LABOR (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/17/2016)
10/18/2016		MINUTE ORDER. Upon consideration of the defendant's Consent Motion for Extension of Time to File Defendant's Renewed Motion for Summary Judgment and for Corresponding Adjustment of Briefing Schedule, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that this case shall proceed as follows: (1) the defendant shall file its renewed motion for summary judgment, if any, on or before November 16, 2016; (2) the plaintiff shall file its opposition to the defendant's renewed motion for summary judgment and its cross-motion for summary judgment, if any, on or before December 16, 2016; (3) the defendant shall file its reply in support of its renewed motion for summary judgment and its opposition to the plaintiff's cross-motion for summary judgment, if any, on or before January 10, 2017; and (4) the plaintiff shall file its reply in support of its cross-motion for summary judgment on or before January 31, 2017. Signed by Judge Reggie B. Walton on October 18, 2016. (lcrbw2) (Entered: 10/18/2016)
10/19/2016		Set/Reset Deadlines: Renewed Summary Judgment motion due by 11/16/2016. Response to Motion for Summary Judgment/Cross Motion due by 12/16/2016. Reply to Motion for Summary Judgment due by 1/10/2017. Reply to Cross Motions due by 1/31/2017. (hs) (Entered: 10/19/2016)

11/16/2016	<u>29</u>	MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> by UNITED STATES DEPARTMENT OF LABOR (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Charlotte Hayes, # <u>3</u> Supplemental Declaration of Charlotte Hayes)(Simon, Jeremy) (Entered: 11/16/2016)
12/16/2016	<u>30</u>	Memorandum in opposition to re <u>29</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> filed by LANDMARK LEGAL FOUNDATION. (Attachments: # <u>1</u> Declaration Michael J. O'Neill, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Exhibit Exhibit 2, # <u>4</u> Exhibit Exhibit 3, # <u>5</u> Exhibit Exhibit 4, # <u>6</u> Exhibit Exhibit 5, # <u>7</u> Exhibit Exhibit 6, # <u>8</u> Exhibit Exhibit 7, # <u>9</u> Exhibit Exhibit 8, # <u>10</u> Exhibit Exhibit 9, # <u>11</u> Exhibit Exhibit 10, # <u>12</u> Exhibit Exhibit 11, # <u>13</u> Exhibit Exhibit 12, # <u>14</u> Exhibit Exhibit 13, # <u>15</u> Exhibit Exhibit 14, # <u>16</u> Exhibit Exhibit 15, # <u>17</u> Exhibit Exhibit 16, # <u>18</u> Exhibit Exhibit 17, # <u>19</u> Exhibit Exhibit 18, # <u>20</u> Exhibit Exhibit 19, # <u>21</u> Exhibit Exhibit 20, # <u>22</u> Exhibit Exhibit 21, # <u>23</u> Exhibit Exhibit 22, # <u>24</u> Exhibit Exhibit 23, # <u>25</u> Text of Proposed Order)(O'Neill, Michael) (Entered: 12/16/2016)
12/16/2016	<u>31</u>	MOTION for Partial Summary Judgment by LANDMARK LEGAL FOUNDATION (Attachments: # <u>1</u> Statement of Facts Statement of Facts & Memo In Support, # <u>2</u> Declaration Declaration of Michael J. O'Neill, # <u>3</u> Exhibit Exhibit 1, # <u>4</u> Exhibit Exhibit 2, # <u>5</u> Exhibit Exhibit 3, # <u>6</u> Exhibit Exhibit 4, # <u>7</u> Exhibit Exhibit 5, # <u>8</u> Exhibit Exhibit 6, # <u>9</u> Exhibit Exhibit 7, # <u>10</u> Exhibit Exhibit 8, # <u>11</u> Exhibit Exhibit 9, # <u>12</u> Exhibit Exhibit 10, # <u>13</u> Exhibit Exhibit 11, # <u>14</u> Exhibit Exhibit 12, # <u>15</u> Exhibit Exhibit 13, # <u>16</u> Exhibit Exhibit 14, # <u>17</u> Exhibit Exhibit 15, # <u>18</u> Exhibit Exhibit 16, # <u>19</u> Exhibit Exhibit 17, # <u>20</u> Exhibit Exhibit 18, # <u>21</u> Exhibit Exhibit 19, # <u>22</u> Exhibit Exhibit 20, # <u>23</u> Exhibit Exhibit 21, # <u>24</u> Exhibit Exhibit 22, # <u>25</u> Exhibit Exhibit 23, # <u>26</u> Text of Proposed Order)(O'Neill, Michael) (Entered: 12/16/2016)
01/10/2017	<u>32</u>	Memorandum in opposition to re <u>31</u> MOTION for Partial Summary Judgment (<i>combined with reply in support of Defendant's Renewed Motion for Summary Judgment</i>) filed by UNITED STATES DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Material Facts Not in Dispute, # <u>2</u> Proposed Order, # <u>3</u> Exhibit 1 (Oct. 6, 2016 email), # <u>4</u> Exhibit 2 (Nov. 10, 2016 email))(Simon, Jeremy) (Entered: 01/10/2017)
01/10/2017	<u>33</u>	REPLY to opposition to motion re <u>29</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum (duplicate of filing at docket entry number 32)</i> filed by UNITED STATES DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Material Facts Not in Dispute, # <u>2</u> Proposed Order, # <u>3</u> Exhibit 1 (Oct. 6, 2016 email), # <u>4</u> Exhibit 2 (Nov. 10, 2016 email))(Simon, Jeremy) (Entered: 01/10/2017)
01/31/2017	<u>34</u>	REPLY to opposition to motion re <u>31</u> MOTION for Partial Summary Judgment filed by LANDMARK LEGAL FOUNDATION. (Attachments: # <u>1</u> Exhibit Exhibit 1)(O'Neill, Michael) (Entered: 01/31/2017)
08/16/2017	<u>35</u>	ORDER. In accordance with the Memorandum Opinion issued on this same date, it is hereby ORDERED that the Defendant's Motion for Summary Judgment is GRANTED. It is further ORDERED that the Plaintiff's Cross-Motion for Partial Summary Judgment is DENIED. It is further ORDERED that this case is CLOSED. Signed by Judge Reggie B. Walton on August 16, 2017. (lcrbw2) (Entered: 08/16/2017)
08/16/2017	<u>36</u>	MEMORANDUM OPINION. Signed by Judge Reggie B. Walton on August 16, 2017. (lcrbw2) (Entered: 08/16/2017)