

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-07969-LAK-GWG**

Hispanic Federation et al v. United States Department of the
Army
Assigned to: Judge Lewis A. Kaplan
Referred to: Magistrate Judge Gabriel W. Gorenstein
Cause: 05:552 Freedom of Information Act

Date Filed: 08/31/2018
Date Terminated: 05/20/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Hispanic Federation

represented by **Melissa Legge**
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Plaintiff

GreenLatinos

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Thomas Joseph Cmar
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Plaintiff

**Labor Council For Latin American
Advancement**

represented by **Melissa Legge**
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Mychal Robert Ozaeta
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Thomas Joseph Cmar
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Plaintiff

National Hispanic Medical Association

represented by **Melissa Legge**
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Mychal Robert Ozaeta
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Thomas Joseph Cmar
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Plaintiff

Southwest Environmental Center

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Thomas Joseph Cmar
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Plaintiff

Alianza Nacional De Campesinas

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Thomas Joseph Cmar
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V.

Defendant

United States Department of the Army

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Date Filed	#	Docket Text
08/31/2018	<u>1</u>	COMPLAINT against United States Department of the Army. (Filing Fee \$ 400.00, Receipt Number 0208-15517415) Document filed by National Hispanic Medical Association, Hispanic Federation, Labor Council For Latin American Advancement, Alianza Nacional De Campesinas, GreenLatinos, Southwest Environmental Center. (Attachments: # <u>1</u> Exhibit 08/17/2018 FOIA Request Regarding Fort Bliss Army Base)(Cmar, Thomas) (Entered: 08/31/2018)
08/31/2018	<u>2</u>	CIVIL COVER SHEET filed. (Cmar, Thomas) (Entered: 08/31/2018)
08/31/2018	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 08/31/2018)
08/31/2018	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 08/31/2018)
08/31/2018	<u>5</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 08/31/2018)
08/31/2018	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 08/31/2018)
08/31/2018	<u>7</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 08/31/2018)
08/31/2018	<u>8</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 08/31/2018)
08/31/2018	<u>9</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of the Army, re: <u>1</u> Complaint,. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center. (Cmar, Thomas) (Entered: 08/31/2018)
09/04/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Lewis A. Kaplan. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . 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 http://nysd.uscourts.gov/ecf_filing.php . (dnh) (Entered: 09/04/2018)

09/04/2018		Magistrate Judge Gabriel W. Gorenstein is so designated. 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: http://nysd.uscourts.gov/forms.php . (dnh) (Entered: 09/04/2018)
09/04/2018		Case Designated ECF. (dnh) (Entered: 09/04/2018)
09/04/2018	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of the Army. (dnh) (Entered: 09/04/2018)
09/06/2018	<u>11</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). All such motions. Referred to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge Lewis A. Kaplan on 9/6/2018) (anc) (Entered: 09/06/2018)
09/06/2018	<u>12</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Mychal Ozaeta to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15537882. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center. (Attachments: # <u>1</u> Supplement Declaration, # <u>2</u> Text of Proposed Order Proposed Order)(Cmar, Thomas) Modified on 9/6/2018 (jc). (Entered: 09/06/2018)
09/06/2018	<u>13</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Melissa Legge to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15537954. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center. (Attachments: # <u>1</u> Supplement Declaration, # <u>2</u> Text of Proposed Order Proposed Order)(Cmar, Thomas) Modified on 9/6/2018 (jc). (Entered: 09/06/2018)
09/06/2018		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>12</u> MOTION for Mychal Ozaeta to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15537882. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>13</u> MOTION for Melissa Legge to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15537954. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): attorney seeking admission cannot electronically sign documents if another attorney's ECF credentials are being used – attorney need to hand sign OR apply for their own ECF credentials. Re-file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Attorney Affidavit – attach Proposed Order. (jc) (Entered: 09/06/2018)
09/10/2018	<u>14</u>	MOTION for Mychal Ozaeta to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Text of Proposed Order Proposed Order)(Ozaeta, Mychal) (Entered: 09/10/2018)
09/10/2018	<u>15</u>	MOTION for Melissa Anne Legge to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Proposed Order)(Legge, Melissa) (Entered: 09/10/2018)
09/10/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>14</u> MOTION for Mychal Ozaeta to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff., <u>15</u> MOTION for

		Melissa Anne Legge to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The documents have been reviewed and there are no deficiencies. (jc) (Entered: 09/10/2018)
09/12/2018	<u>16</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>14</u> Motion for Mychal Ozaeta to Appear Pro Hac Vice. (Signed by Magistrate Judge Gabriel W. Gorenstein on 9/12/2018) (ama) (Entered: 09/12/2018)
09/12/2018	<u>17</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>15</u> Motion for Melissa Anne Legge to Appear Pro Hac Vice. (Signed by Magistrate Judge Gabriel W. Gorenstein on 9/12/2018) (ama) (Entered: 09/12/2018)
09/19/2018	<u>18</u>	SUMMONS RETURNED EXECUTED. United States Department of the Army served on 9/5/2018, answer due 9/26/2018. Service was made by Mail. Document filed by National Hispanic Medical Association; Hispanic Federation; Labor Council For Latin American Advancement; Alianza Nacional De Campesinas; GreenLatinos; Southwest Environmental Center. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Cmar, Thomas) (Entered: 09/19/2018)
10/05/2018	<u>19</u>	LETTER MOTION for Extension of Time to File Answer addressed to Magistrate Judge Gabriel W. Gorenstein from AUSA Anthony J. Sun dated 10/5/2018. Document filed by United States Department of the Army.(Sun, Anthony) (Entered: 10/05/2018)
10/05/2018	<u>20</u>	ORDER: The deadline to respond to the complaint is extended to October 31, 2018. (Signed by Magistrate Judge Gabriel W. Gorenstein on 10/05/2018) (rch) (Entered: 10/05/2018)
10/31/2018	<u>21</u>	ANSWER to <u>1</u> Complaint,. Document filed by United States Department of the Army.(Doud, Rachael) (Entered: 10/31/2018)
11/01/2018	<u>22</u>	ORDER FOR CONFERENCE PURSUANT TO RULE 16: This action is scheduled for an initial case management conference in accordance with Fed. R. Civ. P. 16(a), on Monday, November 19, 2018, at 2:15 p.m. in Courtroom 6–B, United States Courthouse, 500 Pearl Street, New York, New York. Counsel for all parties must appear at this conference and should arrive prior to the scheduled time so that the conference may begin promptly. Upon receipt of this order, each counsel is directed to confirm with all other counsel that each party to this proceeding has received a copy of this order. At the initial case management conference, the parties must be prepared to discuss the subjects set forth in subdivisions (b) and (c) of Rule 16. And as set forth herein. SO ORDERED. Initial Conference set for 11/19/2018 at 02:15 PM in Courtroom 6B, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Gabriel W. Gorenstein. (Signed by Magistrate Judge Gabriel W. Gorenstein on 11/01/2018) (ama) (Entered: 11/01/2018)
11/08/2018	<u>23</u>	ENDORSED LETTER: addressed to Magistrate Judge Gabriel W. Gorenstein from Thomas J. Cmar, Mychal R. Ozaeta, Melissa A. Legge dated 11/08/2018 re: To participate by phone in the status conference. ENDORSEMENT: Granted. Call at 1:45 p.m. with the number you want to be reached at. If the defendant wishes to appear by phone, it may file a letter so requesting. SO ORDERED. (Signed by Magistrate Judge Gabriel W. Gorenstein on 11/08/2018) (ama) (Entered: 11/08/2018)
11/15/2018	<u>24</u>	JOINT LETTER addressed to Magistrate Judge Gabriel W. Gorenstein dated 11/15/18 re: response to November 1, 2018 order. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 11/15/2018)
11/16/2018	<u>25</u>	MEMO ENDORSEMENT on re: <u>24</u> Letter response to November 1, 2018 order, filed by GreenLatinos, Hispanic Federation, Alianza Nacional De Campesinas, Labor Council For Latin American Advancement, Southwest Environmental Center, National Hispanic Medical Association. ENDORSEMENT: The November 19, 2018, conference is canceled. The parties shall file joint letters on the status of this case starting on December 21, 2018, and every 30 days thereafter (unless the parties agree on a different schedule and disclose that agreement in a letter to the Court filed on ECF). So Ordered. (Signed by Magistrate Judge Gabriel W. Gorenstein on 11/16/18) (yv) (Entered: 11/16/2018)

12/21/2018	<u>26</u>	LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Thomas J. Cmar dated December 21, 2018 re: joint status report in response to November 16, 2018 order. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 12/21/2018)
12/27/2018	<u>27</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (jca) (Entered: 01/02/2019)
12/27/2018	<u>28</u>	STANDING ORDER M10-468 The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (ks) (Entered: 01/02/2019)
12/27/2018		Case Stayed (jca) (Entered: 01/14/2019)
01/09/2019	<u>29</u>	NOTICE OF CHANGE OF ADDRESS by Thomas Joseph Cmar on behalf of Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center. New Address: Earthjustice, 1010 Lake Street, Suite 200, Oak Park, Illinois, United States 60301, 312-257-9338. (Cmar, Thomas) (Entered: 01/09/2019)
03/01/2019	<u>30</u>	STATUS REPORT. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Ozaeta, Mychal) (Entered: 03/01/2019)
03/29/2019	<u>31</u>	STATUS REPORT. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Cmar, Thomas) (Entered: 03/29/2019)
05/03/2019	<u>32</u>	STATUS REPORT. Document filed by Alianza Nacional De Campesinas, GreenLatinos, Hispanic Federation, Labor Council For Latin American Advancement, National Hispanic Medical Association, Southwest Environmental Center.(Ozaeta, Mychal) (Entered: 05/03/2019)
05/17/2019	<u>33</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – NOTICE OF VOLUNTARY DISMISSAL pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, with prejudice and without costs against the defendant(s) United States Department of the Army. Document filed by National Hispanic Medical Association, Hispanic Federation, Labor Council For Latin American Advancement, Alianza Nacional De Campesinas, GreenLatinos, Southwest Environmental Center. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers). . (Cmar, Thomas) Modified on 5/20/2019 (km). (Entered: 05/17/2019)
05/20/2019		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Thomas Cmar to RE-FILE Document <u>33</u> Notice of Voluntary Dismissal. There was an answer filed in this case, so a stipulation of voluntary dismissal needs to be filed with handwritten signatures of the attorneys. Use the event type Other Filings, Other Documents, Stipulation of Voluntary Dismissal. (km) (Entered: 05/20/2019)
05/20/2019	<u>34</u>	FILING ERROR – DEFICIENT DOCUMENT – STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) United States Department of the Army and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by National Hispanic Medical Association, Hispanic Federation, Labor Council For Latin American Advancement, Alianza Nacional De Campesinas, GreenLatinos, Southwest Environmental Center. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by

		chambers)..(Cmar, Thomas) Modified on 5/20/2019 (km). (Entered: 05/20/2019)
05/20/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT VOLUNTARY DISMISSAL. Notice to Attorney Thomas Cmar. RE-FILE Document No. <u>34</u> Stipulation of Voluntary Dismissal. The filing is deficient for the following reason(s): The title of the document needs to be changed to a stipulation of voluntary dismissal. Re-file the document using the event type Stipulation of Voluntary Dismissal found under the event list Other Documents. (km) (Entered: 05/20/2019)
05/20/2019	<u>35</u>	STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) United States Department of the Army and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by National Hispanic Medical Association, Hispanic Federation, Labor Council For Latin American Advancement, Alianza Nacional De Campesinas, GreenLatinos, Southwest Environmental Center. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers)..(Cmar, Thomas) (Entered: 05/20/2019)