

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-09495-PAC**

New York Legal Assistance Group v. Board of Immigration
Appeals et al
Assigned to: Judge Paul A. Crotty
Cause: 05:552 Freedom of Information Act

Date Filed: 10/17/2018
Date Terminated: 08/14/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

New York Legal Assistance Group

represented by **Danielle Feldman Tarantolo**
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V.

Defendant

Board of Immigration Appeals

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Executive Office For Immigration
Review**

represented by **Arastu Kabeer Chaudhury**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Department Of Justice

represented by

Arastu Kabeer Chaudhury
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/17/2018	<u>1</u>	COMPLAINT against Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice. (Filing Fee \$ 400.00, Receipt Number ANYSDC-15760435) Document filed by New York Legal Assistance Group.(Llewellyn, Patrick) (Entered: 10/17/2018)
10/17/2018	<u>2</u>	CIVIL COVER SHEET filed. (Llewellyn, Patrick) (Entered: 10/17/2018)
10/17/2018	<u>3</u>	MOTION for Patrick Daniel Llewellyn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-15760888. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by New York Legal Assistance Group. (Attachments: # <u>1</u> Affidavit of Patrick D. Llewellyn, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 10/17/2018)
10/17/2018	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Board of Immigration Appeals, re: <u>1</u> Complaint. Document filed by New York Legal Assistance Group. (Llewellyn, Patrick) (Entered: 10/17/2018)
10/17/2018	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Executive Office for Immigration Review, re: <u>1</u> Complaint. Document filed by New York Legal Assistance Group. (Llewellyn, Patrick) (Entered: 10/17/2018)
10/17/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>3</u> MOTION for Patrick Daniel Llewellyn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-15760888. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (ma) (Entered: 10/17/2018)
10/17/2018	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Justice, re: <u>1</u> Complaint. Document filed by New York Legal Assistance Group. (Llewellyn, Patrick) (Entered: 10/17/2018)
10/17/2018	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Board of Immigration Appeals (USAO), re: <u>1</u> Complaint. Document filed by New York Legal Assistance Group. (Llewellyn, Patrick) (Entered: 10/17/2018)
10/17/2018	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Board of Immigration Appeals (Attorney General), re: <u>1</u> Complaint. Document filed by New York Legal Assistance Group. (Llewellyn, Patrick) (Entered: 10/17/2018)
10/18/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Paul A. Crotty. 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 . (pc) (Entered: 10/18/2018)
10/18/2018		Magistrate Judge Henry B. Pitman 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 . (pc) (Entered: 10/18/2018)
10/18/2018		Case Designated ECF. (pc) (Entered: 10/18/2018)
10/18/2018	<u>9</u>	NOTICE OF APPEARANCE by Danielle Feldman Tarantolo on behalf of New York Legal Assistance Group. (Tarantolo, Danielle) (Entered: 10/18/2018)
10/18/2018	<u>10</u>	NOTICE OF APPEARANCE by Jane Greengold Stevens on behalf of New York Legal Assistance Group. (Stevens, Jane) (Entered: 10/18/2018)

10/18/2018	<u>11</u>	FIRST RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by New York Legal Assistance Group.(Tarantolo, Danielle) (Entered: 10/18/2018)
10/18/2018	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to Board of Immigration Appeals. (pc) (Entered: 10/18/2018)
10/18/2018	<u>13</u>	ELECTRONIC SUMMONS ISSUED as to Board of Immigration Appeals. (pc) (Entered: 10/18/2018)
10/18/2018	<u>14</u>	ELECTRONIC SUMMONS ISSUED as to Board of Immigration Appeals. (pc) (Entered: 10/18/2018)
10/18/2018	<u>15</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department Of Justice. (pc) (Entered: 10/18/2018)
10/18/2018	<u>16</u>	ELECTRONIC SUMMONS ISSUED as to Executive Office For Immigration Review. (pc) (Entered: 10/18/2018)
10/22/2018	<u>17</u>	SUMMONS RETURNED EXECUTED (FOIA CASE). Board of Immigration Appeals served on 10/22/2018, answer due 11/21/2018. Service was accepted by Hao Jun, Civil Clerk, U.S. Attorney's Office – SDNY. Document filed by New York Legal Assistance Group. (Tarantolo, Danielle) (Entered: 10/22/2018)
10/31/2018	18	ORDER granting <u>3</u> Motion for Patrick Daniel Llewellyn to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Paul A. Crotty)(Text Only Order) (dgo) (Entered: 10/31/2018)
11/21/2018	<u>19</u>	LETTER MOTION for Conference <i>re the Government's anticipated motion to dismiss</i> addressed to Judge Paul A. Crotty from Arastu K. Chaudhury dated November 21, 2018. Document filed by Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice.(Chaudhury, Arastu) (Entered: 11/21/2018)
11/27/2018	<u>20</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Paul A. Crotty from Patrick D. Llewellyn dated 11/27/2018 re: <u>19</u> LETTER MOTION for Conference <i>re the Government's anticipated motion to dismiss</i> addressed to Judge Paul A. Crotty from Arastu K. Chaudhury dated November 21, 2018. <i>and Concurrently Requesting a Conference re NYLAG's anticipated cross-motion for summary judgment.</i> Document filed by New York Legal Assistance Group. (Llewellyn, Patrick) (Entered: 11/27/2018)
11/29/2018		Notice of Pre-Motion Conference: A Pre-Motion Conference is scheduled to go forward on: Wednesday, December 19, 2018 @ 11:15 AM, 500 Pearl Street, Courtroom 14-C before Judge Paul A. Crotty. If the date is not convenient, either party can e-mail three (3) mutually convenient dates to the Courtroom Deputy at: David_C_Gonzalez@nysd.uscourts.gov ----- A PDF IS NOT ATTACHED TO THIS ENTRY ----- (By: David Gonzalez – Courtroom Deputy).(dgo) (Entered: 11/29/2018)
12/17/2018		Calendar Entry *DATE CHANGE*: The Pre-Motion Conference scheduled to go forward on Wednesday, December 19, 2018 is rescheduled to: Thursday, January 17, 2019 @ 12:45 PM before Judge Paul A. Crotty, U.S.D.J, Courtroom 14C, 500 Pearl Street, NY, NY. Reason for adjournment: the 12/19/18 no longer a convenient date for the Court. A PDF IS NOT ATTACHED TO THIS ENTRY. (dgo) (Entered: 12/17/2018)
12/20/2018	<u>21</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Paul A. Crotty from Patrick D. Llewellyn & Arastu K. Chaudhury dated 12/20/2018. Document filed by New York Legal Assistance Group.(Llewellyn, Patrick) (Entered: 12/20/2018)
12/27/2018	<u>23</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 McMahan on 12/27/2018) (ne) (Entered: 01/07/2019)
12/27/2018		Case Stayed (ne) (Entered: 01/17/2019)

01/04/2019	<u>22</u>	ORDER granting <u>21</u> Letter Motion to Adjourn Conference. The proposed briefing schedule is adopted. The January 17, 2019 conference is adjourned. SO ORDERED. (Signed by Judge Paul A. Crotty on 1/4/19) (yv) (Entered: 01/04/2019)
01/04/2019		Set/Reset Deadlines: Cross Motions due by 2/22/2019. Motions due by 1/25/2019. Responses due by 3/22/2019. Replies due by 4/12/2019. (yv) (Entered: 01/04/2019)
03/01/2019	<u>24</u>	MOTION to Dismiss ., MOTION for Summary Judgment . Document filed by Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice.(Chaudhury, Arastu) (Entered: 03/01/2019)
03/01/2019	<u>25</u>	MEMORANDUM OF LAW in Support re: <u>24</u> MOTION to Dismiss . MOTION for Summary Judgment . . Document filed by Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice. (Chaudhury, Arastu) (Entered: 03/01/2019)
03/01/2019	<u>26</u>	DECLARATION of Joseph R. Schaaf in Support re: <u>24</u> MOTION to Dismiss . MOTION for Summary Judgment .. Document filed by Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice. (Chaudhury, Arastu) (Entered: 03/01/2019)
03/18/2019	<u>27</u>	LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Paul A. Crotty from Arastu K. Chaudhury dated March 18, 2019. Document filed by Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice.(Chaudhury, Arastu) (Entered: 03/18/2019)
03/20/2019	<u>28</u>	ORDER granting <u>27</u> Letter Motion for Extension of Time to File Response/Reply re <u>24</u> MOTION to Dismiss . MOTION for Summary Judgment . The one week extension is granted. SO ORDERED. (Responses due by 5/3/2019 Replies due by 5/24/2019.) (Signed by Judge Paul A. Crotty on 3/20/19) (yv) (Entered: 03/21/2019)
03/29/2019	<u>29</u>	MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment.</i> Document filed by New York Legal Assistance Group.(Llewellyn, Patrick) (Entered: 03/29/2019)
03/29/2019	<u>30</u>	MEMORANDUM OF LAW in Support re: <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment.</i> . Document filed by New York Legal Assistance Group. (Llewellyn, Patrick) (Entered: 03/29/2019)
03/29/2019	<u>31</u>	DECLARATION of Jodi Ziesemer in Support re: <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment.</i> . Document filed by New York Legal Assistance Group. (Attachments: # <u>1</u> Exhibit A)(Llewellyn, Patrick) (Entered: 03/29/2019)
03/29/2019	<u>32</u>	DECLARATION of Danielle Tarantolo in Support re: <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment.</i> . Document filed by New York Legal Assistance Group. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Llewellyn, Patrick) (Entered: 03/29/2019)
05/03/2019	<u>33</u>	MEMORANDUM OF LAW in Opposition re: <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment. and in further support of the Government's motion to dismiss and/or summary judgment.</i> Document filed by Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice. (Chaudhury, Arastu) (Entered: 05/03/2019)
05/03/2019	<u>34</u>	DECLARATION of Joseph R. Schaaf in Opposition re: <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment.</i> . Document filed by Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice. (Chaudhury, Arastu) (Entered: 05/03/2019)
05/03/2019	<u>35</u>	DECLARATION of Cynthia Crosby in Opposition re: <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment.</i> . Document filed by Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice. (Chaudhury, Arastu) (Entered: 05/03/2019)

		05/03/2019)
05/24/2019	<u>36</u>	REPLY MEMORANDUM OF LAW in Support re: <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment</i> . . Document filed by New York Legal Assistance Group. (Llewellyn, Patrick) (Entered: 05/24/2019)
08/13/2019	<u>37</u>	OPINION & ORDER re: <u>24</u> MOTION to Dismiss . MOTION for Summary Judgment . filed by U.S. Department Of Justice, Board of Immigration Appeals, Executive Office For Immigration Review, <u>29</u> MOTION for Summary Judgment <i>and Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment</i> . filed by New York Legal Assistance Group. For the reasons stated, the Court GRANTS Defendants' motion to dismiss the Complaint, and DENIES Plaintiffs motion for summary judgment. The Clerk of Court is directed to terminate Dkts. 24 and 29, and to close the case. SO ORDERED. (Signed by Judge Paul A. Crotty on 8/13/2019) (ks) Transmission to Orders and Judgments Clerk for processing. (Entered: 08/13/2019)
08/14/2019	<u>38</u>	CLERK'S JUDGMENT re: <u>37</u> Memorandum & Opinion in favor of Board of Immigration Appeals, Executive Office For Immigration Review, U.S. Department Of Justice against New York Legal Assistance Group. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion & Order dated August 13, 2019, Defendants' motion to dismiss the Complaint is GRANTED, and Plaintiff's motion for summary judgment is DENIED; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 8/14/2019) (Attachments: # <u>1</u> Right to Appeal)(km) (Entered: 08/14/2019)