

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02397-JEB**

CAUSE OF ACTION INSTITUTE v. UNITED STATES  
DEPARTMENT OF COMMERCE  
Assigned to: Judge James E. Boasberg  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/18/2018  
Date Terminated: 10/18/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****CAUSE OF ACTION INSTITUTE**

represented by **Russel James Valvo , III**  
CAUSE OF ACTION INSTITUTE  
1875 Eye Street, NW  
Suite 800  
Washington, DC 20006  
(202) 499-4232  
Email: [james.valvo@causeofaction.org](mailto:james.valvo@causeofaction.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lee A. Steven**  
CAUSE OF ACTION INSTITUTE  
1875 Eye Street, NW  
Suite 800  
Washington, DC 20006  
(202) 400-2723  
Fax: (202) 330-5842  
Email: [lee.steven@causeofaction.org](mailto:lee.steven@causeofaction.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****UNITED STATES DEPARTMENT  
OF COMMERCE**

represented by **Keri Lane Berman**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Room 11312  
Washington, DC 20005  
(202) 353-4537  
Email: [keri.l.berman@usdoj.gov](mailto:keri.l.berman@usdoj.gov)  
**TERMINATED: 04/15/2019**  
**LEAD ATTORNEY**

**Robert Mark Norway**  
DOJ-Civ  
P.O. Box 883  
Washington, DC 20044  
202-353-0889  
Email: [robert.m.norway@usdoj.gov](mailto:robert.m.norway@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/18/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF COMMERCE ( Filing fee \$ 400 receipt number 0090-5745429) filed by Cause of Action Institute. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u>

		Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Civil Cover Sheet, # <u>11</u> Summons, # <u>12</u> Summons, # <u>13</u> Summons)(Valvo, Russel) (Entered: 10/18/2018)
10/18/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by Cause of Action Institute (Valvo, Russel) (Main Document 2 replaced on 10/23/2018) (jf). (Entered: 10/18/2018)
10/18/2018	<u>3</u>	NOTICE of Appearance by Lee A. Steven on behalf of Cause of Action Institute (Steven, Lee) (Entered: 10/18/2018)
10/18/2018		Case Assigned to Judge James E. Boasberg. (zmd) (Entered: 10/23/2018)
10/23/2018	<u>4</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(jf) (Entered: 10/23/2018)
10/23/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/23/2018. Answer due for ALL FEDERAL DEFENDANTS by 11/22/2018. (Valvo, Russel) (Entered: 10/23/2018)
10/23/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/23/2018. (Valvo, Russel) (Entered: 10/23/2018)
10/23/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF COMMERCE served on 10/23/2018 (Valvo, Russel) (Entered: 10/23/2018)
11/21/2018	<u>8</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Exhibit Record of Fee Waiver)(Berman, Keri) (Entered: 11/21/2018)
11/26/2018		MINUTE ORDER: The parties shall meet, confer, and submit a joint proposed briefing schedule by December 10, 2018. So ORDERED by Judge James E. Boasberg on 11/26/2018. (lcjeb2) (Entered: 11/26/2018)
11/26/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 12/10/2018. (znbn) (Entered: 11/26/2018)
12/10/2018	<u>9</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF COMMERCE. (Berman, Keri) (Entered: 12/10/2018)
12/10/2018		MINUTE ORDER: The Court ADOPTS the parties' <u>9</u> Joint Status Report and ORDERS that they shall submit a further joint status report by January 10, 2019. So ORDERED by Judge James E. Boasberg on 12/10/2018. (lcjeb2) (Entered: 12/10/2018)
12/10/2018		Set/Reset Deadlines: Joint Status Report due by 1/10/2019. (znbn) (Entered: 12/10/2018)
01/07/2019	<u>10</u>	Unopposed MOTION to Stay <i>Current Deadlines</i> by UNITED STATES DEPARTMENT OF COMMERCE (Berman, Keri) (Entered: 01/07/2019)
01/08/2019		MINUTE ORDER GRANTING Defendant's <u>10</u> Motion to Stay. So ORDERED by Judge James E. Boasberg on 1/8/2019. (lcjeb2) (Entered: 01/08/2019)
01/29/2019	<u>11</u>	NOTICE <i>Restoration of Appropriations</i> by UNITED STATES DEPARTMENT OF COMMERCE (Berman, Keri) (Entered: 01/29/2019)
01/29/2019		MINUTE ORDER ADOPTING <u>11</u> Notice of Restoration of Appropriations. The Court ORDERS that the parties shall submit a proposed Joint Status Report schedule by February 1, 2019. So ORDERED by Judge James E. Boasberg on 1/29/2019. (lcjeb1) (Entered: 01/29/2019)
01/29/2019		Set/Reset Deadlines: Joint Status Report due by 2/1/2019. (znbn) (Entered: 01/30/2019)
02/01/2019	<u>12</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF COMMERCE. (Berman, Keri) (Entered: 02/01/2019)

02/04/2019		MINUTE ORDER: The Court ADOPTS the parties' <u>12</u> Joint Status Report and ORDERS that they shall file a further Joint Status Report by February 21, 2019. So ORDERED by Judge James E. Boasberg on 2/4/2019. (lcjeb2) (Entered: 02/04/2019)
02/04/2019		Set/Reset Deadlines: Joint Status Report due by 2/21/2019. (zbnbn) (Entered: 02/04/2019)
02/21/2019	<u>13</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF COMMERCE. (Berman, Keri) (Entered: 02/21/2019)
02/21/2019		Set/Reset Deadlines: Joint Status Report due by 6/7/2019. (zbnbn) (Entered: 02/22/2019)
02/22/2019		MINUTE ORDER: The Court ADOPTS the parties' <u>13</u> Joint Status Report and ORDERS that they shall file a further Joint Status Report by June 7, 2019. So ORDERED by Judge James E. Boasberg on 2/22/2019. (lcjeb2) (Entered: 02/22/2019)
04/15/2019	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Robert Mark Norway on behalf of UNITED STATES DEPARTMENT OF COMMERCE Substituting for attorney Keri L. Berman (Norway, Robert) (Entered: 04/15/2019)
05/31/2019	<u>15</u>	Unopposed MOTION for Extension of Time to <i>Complete Final Production</i> by UNITED STATES DEPARTMENT OF COMMERCE (Norway, Robert) (Entered: 05/31/2019)
05/31/2019		MINUTE ORDER GRANTING Defendant's <u>15</u> Motion for Extension of Time. The Court ORDERS that Defendant shall complete its final production by June 3, 2019. So ORDERED by Judge James E. Boasberg on 5/31/2019. (lcjeb2) (Entered: 05/31/2019)
05/31/2019		Set/Reset Deadlines: Defendant shall complete its final production by 6/3/2019. (zbnbn) (Entered: 05/31/2019)
06/07/2019	<u>16</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF COMMERCE. (Norway, Robert) (Entered: 06/07/2019)
06/07/2019	<u>17</u>	Unopposed MOTION for Extension of Time to <i>Extend the Final Production Deadline Nunc Pro Tunc</i> by UNITED STATES DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Bogomolny Declaration, # <u>2</u> Proposed Order)(Norway, Robert) (Entered: 06/07/2019)
06/07/2019		MINUTE ORDER: The Court ORDERS that: 1) Defendant's <u>17</u> Motion for Extension of Time is GRANTED; 2) Defendant shall make an interim production on June 13, 2019, and a final production on June 28, 2019; and 3) Per the parties' <u>16</u> Joint Status Report, they shall submit a further joint status report by July 9, 2019. So ORDERED by Judge James E. Boasberg on 6/7/2019. (lcjeb2) (Entered: 06/07/2019)
06/07/2019		Set/Reset Deadlines: Defendant shall make an interim production on 6/13/2019, and a final production on by 6/28/2019. Status Report due by 7/9/2019. (zbnbn) (Entered: 06/10/2019)
07/09/2019	<u>18</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF COMMERCE. (Norway, Robert) (Entered: 07/09/2019)
07/09/2019		MINUTE ORDER: Per the parties' <u>18</u> Joint Status Report, the Court ORDERS that they shall file a further joint status report by July 30, 2019. So ORDERED by Judge James E. Boasberg on 7/9/2019. (lcjeb2) (Entered: 07/09/2019)
07/09/2019		Set/Reset Deadlines: Joint Status Report due by 7/30/2019. (zbnbn) (Entered: 07/10/2019)
07/29/2019	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF COMMERCE. (Norway, Robert) (Entered: 07/29/2019)
07/29/2019		MINUTE ORDER: The Court ADOPTS the parties' <u>19</u> Joint Status Report and ORDERS that they shall file a further joint status report by August 9, 2019. So ORDERED by Judge James E. Boasberg on 07/29/2019. (lcjeb3) (Entered: 07/29/2019)
07/29/2019		Set/Reset Deadlines: Joint Status Report due by 8/9/2019. (zbnbn) (Entered: 07/29/2019)

08/09/2019	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF COMMERCE. (Norway, Robert) (Entered: 08/09/2019)
08/12/2019		MINUTE ORDER: The Court ADOPTS the parties' <u>20</u> Joint Status Report and ORDERS that: 1) Defendant shall file its motion for summary judgment by September 18, 2019; 2) Plaintiff shall file its cross-motion for summary judgment and opposition to Defendant's motion by October 16, 2019; 3) Defendant shall file its reply in support of its motion and opposition to Plaintiff's cross-motion by November 13, 2019; and 4) Plaintiff shall file its reply in support of its cross-motion by November 27, 2019. So ORDERED by Judge James E. Boasberg on 8/12/2019. (lcjeb3) (Entered: 08/12/2019)
08/12/2019		Set/Reset Deadlines: Summary Judgment motion due by 9/18/2019; Cross-Motion and Opposition to Motion for Summary Judgment due by 10/16/2019; Opposition to Cross-Motion and Reply to Opposition to Motion for Summary Judgment due by 11/13/2019; Reply to Opposition to Cross-Motion due by 11/27/2019. (tg) (Entered: 08/12/2019)
09/13/2019	<u>21</u>	Consent MOTION for Extension of Time to <i>Extend the Briefing Deadlines</i> by UNITED STATES DEPARTMENT OF COMMERCE (Norway, Robert) (Entered: 09/13/2019)
09/13/2019	<u>22</u>	Amended MOTION for Extension of Time to <i>Extend the Briefing Deadlines (Corrected)</i> by UNITED STATES DEPARTMENT OF COMMERCE (Norway, Robert) Modified event title on 9/16/2019 (znmw). (Entered: 09/13/2019)
09/16/2019		MINUTE ORDER GRANTING Consent <u>22</u> Motion for Extension of Time. The Court ORDERS that: (1) Defendant shall file its motion for summary judgment by September 25, 2019; (2) Plaintiff shall file its combined response to Defendant's motion for summary judgment and cross-motion for summary judgment by October 23, 2019; (3) Defendant shall file its combined reply in support of summary judgment and response to Plaintiff's cross-motion for summary judgment by November 20, 2019; and (4) Plaintiff shall file its reply in support of its cross-motion for summary judgment by December 6, 2019. So ORDERED by Judge James E. Boasberg on 09/16/2019. (lcjeb2) (Entered: 09/16/2019)
09/16/2019		MINUTE ORDER: The Court ORDERS that Consent <u>21</u> Motion for Extension of Time is DENIED AS MOOT. So ORDERED by Judge James E. Boasberg on 09/16/2019. (lcjeb2) (Entered: 09/16/2019)
09/16/2019		Set/Reset Deadlines: Summary Judgment motions due by 9/25/2019. Response to Motion for Summary Judgment due by 10/23/2019. Cross Motions due by 10/23/2019. Reply to Motion for Summary Judgment due by 11/20/2019. Response to Response to Cross Motions due by 11/20/2019. Reply to Cross Motions due by 12/6/2019. (zbnb) (Entered: 09/18/2019)
09/23/2019	<u>23</u>	Second MOTION for Extension of Time to <i>Extend the Briefing Deadlines (Unopposed)</i> by UNITED STATES DEPARTMENT OF COMMERCE (Norway, Robert) (Entered: 09/23/2019)
09/24/2019		MINUTE ORDER GRANTING Defendant's <u>23</u> Motion for Extension of Time. The Court ORDERS that: (1) Defendant shall file its summary judgment by October 4, 2019; (2) Plaintiff shall file its combined response and cross-motion by November 1, 2019; (3) Defendant shall file its combined reply and response by December 4, 2019; and (4) Plaintiff shall file its reply by December 18, 2019. So ORDERED by Judge James E. Boasberg on 09/24/2019. (lcjeb2) (Entered: 09/24/2019)
09/24/2019		Set/Reset Deadlines: Summary Judgment motions due by 10/4/2019. Response to Motion for Summary Judgment due by 11/1/2019. Cross Motions due by 11/1/2019. Reply to Motion for Summary Judgment due by 12/4/2019. Response to Cross Motions due by 12/4/2019. Reply to Cross Motions due by 12/18/2019. (nbn) (Entered: 09/27/2019)
10/04/2019	<u>24</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Declaration and Exhibits of Michael Bogomolny, # <u>2</u> Text of Proposed Order)(jf) (Entered: 10/07/2019)
10/17/2019	<u>25</u>	STIPULATION of Dismissal <i>Joint</i> by CAUSE OF ACTION INSTITUTE. (Steven, Lee) (Entered: 10/17/2019)

10/18/2019		MINUTE ORDER: Per the parties' <u>25</u> Stipulation, the Court ORDERS that the case is DISMISSED WITH PREJUDICE. So ORDERED by Judge James E. Boasberg on 10/18/2019. (lcjeb2) (Entered: 10/18/2019)
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