

CLOSED

**U.S. District Court  
Eastern District of Virginia – (Alexandria)  
CIVIL DOCKET FOR CASE #: 1:19-cv-00500-AJT-MSN**

Watts Constructors, LLC v. Department Of Defense et al  
Assigned to: District Judge Anthony J Trenga  
Referred to: Magistrate Judge Michael S. Nachmanoff  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/24/2019  
Date Terminated: 12/16/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Watts Constructors, LLC**

represented by **Sara Beiro Farabow**  
Seyfarth Shaw LLP (DC)  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Department Of Defense**

represented by **John E. Swords**  
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*LEAD ATTORNEY*

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**Defendant**

**Department of the Army**

represented by **John E. Swords**  
(See above for address)  
*LEAD ATTORNEY*

**Meghan Elizabeth Loftus**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**United States Army Special Operations  
Command**

represented by **John E. Swords**  
(See above for address)  
*LEAD ATTORNEY*

**Meghan Elizabeth Loftus**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/24/2019	<u>1</u>	Complaint against Department of Defense, Department of the Army, United States Army Special Operations Command ( Filing fee \$ 400, receipt number 0422-6606916.), filed by Watts Constructors, LLC. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14, # <u>15</u> Exhibit Exhibit 15, # <u>16</u> Exhibit Exhibit 16, # <u>17</u> Exhibit Exhibit 17, # <u>18</u> Exhibit Exhibit 18, # <u>19</u> Exhibit Exhibit 19, # <u>20</u> Exhibit Exhibit 20, # <u>21</u> Exhibit Exhibit 21, # <u>22</u> Letter Rule 7.1 Disclosure, # <u>23</u> Civil Cover Sheet Civil Cover Sheet)(Farabow, Sara) Modified text on 4/24/2019 (klau, ). (Entered: 04/24/2019)
04/24/2019	<u>2</u>	Proposed Summons re <u>1</u> Complaint,, <i>Department of Defense</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/24/2019)
04/24/2019	<u>3</u>	Proposed Summons re <u>1</u> Complaint,, <i>Department of the Army</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/24/2019)
04/24/2019	<u>4</u>	Proposed Summons re <u>1</u> Complaint,, <i>United States Army Special Operations Command</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/24/2019)
04/24/2019	<u>5</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/24/2019)
04/24/2019		Initial Case Assignment to District Judge Anthony J Trenga and Magistrate Judge Michael S. Nachmanoff. (klau, ) (Entered: 04/24/2019)
04/25/2019	<u>6</u>	Proposed Summons re <u>1</u> Complaint,, <i>to Department of Defense (serve Attorney General)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>7</u>	Proposed Summons re <u>1</u> Complaint,, <i>to Department of Defense (serve US Attorney)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>8</u>	Proposed Summons re <u>1</u> Complaint,, <i>to Department of Army (serve Attorney General)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>9</u>	Proposed Summons re <u>1</u> Complaint,, <i>to Department of Army (serve US Attorney)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>10</u>	Proposed Summons re <u>1</u> Complaint,, <i>to USASOC (serve Attorney General)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>11</u>	Proposed Summons re <u>1</u> Complaint,, <i>to USASOC (serve US Attorney)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/26/2019	<u>12</u>	Summons Issued for service by SPS as to Department Of Defense (serve U.S. Attorney and U.S. Attorney General), Department of the Army (serve U.S. Attorney and U.S. Attorney General), United States Army Special Operations Command (serve U.S. Attorney and U.S. Attorney General) NOTICE TO ATTORNEY: Print out two electronically issued summons and one copy of the attachments for each defendant to be served with the complaint. (Attachments: # <u>1</u> Notice)(klau, ) (Entered: 04/26/2019)
05/15/2019	<u>13</u>	AFFIDAVIT of Service for Certified Mail as to U.S. Attorney, U.S. Attorney General for Summons, Complaint, Exhibits, Civil Cover Sheet, and Rule 7.1 Disclosure served on Department of Defense on May 1, 2019, filed by Watts Constructors, LLC. (Farabow, Sara) Modified text on 5/15/2019 (klau, ). (Entered: 05/15/2019)
05/15/2019	<u>14</u>	AFFIDAVIT of Service by Certified Mail as to U.S. Attorney, U.S. Attorney General for Summons, Complaint, Exhibits, Civil Cover Sheet, and Rule 7.1 Disclosure served on Department of the Army on May 1, 2019, filed by Watts Constructors, LLC. (Farabow, Sara) Modified text on 5/15/2019 (klau, ). (Entered: 05/15/2019)
05/15/2019	<u>15</u>	AFFIDAVIT of Service by Certified Mail as to U.S. Attorney, U.S. Attorney General for Summons, Complaint, Exhibits, Civil Cover Sheet, and Rule 7.1 Disclosure served on United States Army Special Operations Command on May 1, 2019, filed by Watts Constructors, LLC. (Farabow, Sara) Modified text on 5/15/2019 (klau, ). (Entered: 05/15/2019)

		05/15/2019)
05/30/2019	<u>16</u>	NOTICE of Appearance by Meghan Elizabeth Loftus on behalf of Department Of Defense, Department of the Army, United States Army Special Operations Command (Loftus, Meghan) (Entered: 05/30/2019)
05/30/2019	<u>17</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Complaint</i> by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Attachments: # <u>1</u> Proposed Order)(Loftus, Meghan) (Entered: 05/30/2019)
05/30/2019	<u>18</u>	ORDER granting <u>17</u> Motion for Extension of Time to File Response/Reply. Signed by Magistrate Judge Michael S. Nachmanoff on 5/30/2019. (rban, ) (Entered: 05/30/2019)
06/07/2019	<u>19</u>	MOTION to Dismiss for Failure to State a Claim by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Loftus, Meghan) (Entered: 06/07/2019)
06/07/2019	<u>20</u>	Memorandum in Support re <u>19</u> MOTION to Dismiss for Failure to State a Claim filed by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Loftus, Meghan) (Entered: 06/07/2019)
06/07/2019	<u>21</u>	Notice of Hearing Date re <u>19</u> MOTION to Dismiss for Failure to State a Claim (Loftus, Meghan) (Entered: 06/07/2019)
06/10/2019	<u>22</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 7/3/2019 at 11:00 AM in Alexandria Courtroom 400 before Magistrate Judge Michael S. Nachmanoff. Final Pretrial Conference set for 10/17/2019 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J. Trenga. Discovery due by 10/11/2019. Signed by District Judge Anthony J. Trenga on 6/10/2019. (Attachments: # <u>1</u> Magistrate Consent, # <u>2</u> Pretrial Notice)(dzir) ( <b>VACATED PER ORDER OF AJT 06/20/19</b> ) Modified on 6/20/2019 to add text (pmil, ). (Entered: 06/10/2019)
06/10/2019		Set Deadlines as to <u>19</u> MOTION to Dismiss for Failure to State a Claim . Motion Hearing set for 7/12/2019 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar, ) (Entered: 06/10/2019)
06/14/2019	<u>23</u>	MOTION to Vacate <u>22</u> Scheduling Order, by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Attachments: # <u>1</u> Proposed Order)(Loftus, Meghan) (Entered: 06/14/2019)
06/14/2019	<u>24</u>	Memorandum in Support re <u>23</u> MOTION to Vacate <u>22</u> Scheduling Order, filed by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Loftus, Meghan) (Entered: 06/14/2019)
06/14/2019	<u>25</u>	Notice of Hearing Date re <u>23</u> MOTION to Vacate <u>22</u> Scheduling Order, (Loftus, Meghan) (Entered: 06/14/2019)
06/17/2019		Set Deadlines as to <u>23</u> MOTION to Vacate <u>22</u> Scheduling Order, . Motion Hearing set for 6/21/2019 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar, ) (Entered: 06/17/2019)
06/19/2019	<u>26</u>	RESPONSE to Motion re <u>23</u> MOTION to Vacate <u>22</u> Scheduling Order, filed by Watts Constructors, LLC. (Farabow, Sara) (Entered: 06/19/2019)
06/20/2019	<u>27</u>	ORDER that the Deft's <u>23</u> Motion to Vacate the Scheduling Order be, and the same hereby is, GRANTED; this Court's initial <u>22</u> Scheduling Order be, and the same hereby is, VACATED; and discovery is STAYED pending resolution of Defts' Partial Motion to Dismiss [Doc. 19]; the hearing on Defts' Motion to Vacate the Scheduling Order {Doc. 23}, currently scheduled for Friday, 06/21/19, be, and the same hereby is, CANCELLED. Signed by District Judge Anthony J Trenga on 06/20/19. (pmil, ) (Main Document 27 replaced on 6/20/2019 with Order containing correct case number) (pmil, ). (Entered: 06/20/2019)
06/21/2019	<u>28</u>	Memorandum in Opposition re <u>19</u> MOTION to Dismiss for Failure to State a Claim filed by Watts Constructors, LLC. (Farabow, Sara) (Entered: 06/21/2019)
06/27/2019	<u>29</u>	REPLY to Response to Motion re <u>19</u> MOTION to Dismiss for Failure to State a Claim filed by Department Of Defense, Department of the Army, United States Army Special

		Operations Command. (Attachments: # <u>1</u> Exhibit 1)(Loftus, Meghan) (Entered: 06/27/2019)
06/28/2019	<u>30</u>	NOTICE of Appearance by John E. Swords on behalf of Department Of Defense, Department of the Army, United States Army Special Operations Command (Swords, John) (Entered: 06/28/2019)
07/12/2019	<u>31</u>	Minute Entry for proceedings held before District Judge Anthony J. Trenga: Motion Hearing held on 7/12/2019 re <u>19</u> MOTION to Dismiss for Failure to State a Claim filed by United States Army Special Operations Command, Department of the Army, Department Of Defense. Counsel appeared for Plaintiff and Defendant. Motion argued and granted in part/denied in part. The parties are directed to schedule a settlement conference with Magistrate Judge Nachmanoff. Order to follow. (Court Reporter R. Montgomery)(dzir) (Entered: 07/12/2019)
07/12/2019	<u>32</u>	ORDERED that Defendant's Partial Motion to Dismiss <u>19</u> be, and the same hereby is, GRANTED to the extent that the Court finds as a matter of law that Plaintiff is precluded from challenging Defendants' response to any inquiries other than the "narrowed" search terms and date range agreed upon in Plaintiff's March 8, 2018 email; and the Motion is otherwise DENIED. Signed by District Judge Anthony J. Trenga on 7/12/2019. (dzir) (Entered: 07/12/2019)
08/20/2019	<u>33</u>	TRANSCRIPT of proceedings held on 7/12/19 ( <u>19</u> Defendants' Partial Motion to Dismiss), before Judge Anthony J. Trenga, Court Reporter/Transcriber Rhonda Montgomery, Telephone number 703-299-4599. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at <a href="http://www.vaed.uscourts.gov">www.vaed.uscourts.gov</a> Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 9/19/2019. Redacted Transcript Deadline set for 10/21/2019. Release of Transcript Restriction set for 11/18/2019.(montgomery, rhonda) (Main Document 33 replaced on 8/21/2019) (rban, ). (Entered: 08/20/2019)</b>
08/21/2019	<u>34</u>	MOTION for Leave to File Answer Out-of-Time by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Attachments: # <u>1</u> Exhibit 1 (Answer), # <u>2</u> Proposed Order)(Loftus, Meghan) (Entered: 08/21/2019)
08/21/2019	<u>35</u>	Memorandum in Support re <u>34</u> MOTION for Leave to File Answer Out-of-Time filed by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Loftus, Meghan) (Entered: 08/21/2019)
08/21/2019	<u>36</u>	NOTICE by Department Of Defense, Department of the Army, United States Army Special Operations Command re <u>34</u> MOTION for Leave to File Answer Out-of-Time <i>Waiver of Hearing</i> (Loftus, Meghan) (Entered: 08/21/2019)
08/22/2019	<u>37</u>	ORDER granting <u>34</u> Motion for Leave to File Answer Out-of-Time. ORDERED that Defendants' Answer (Ex. 1 to Defendants' Motion (Dkt. 34-1)) is deemed filed as of the date of this Order. Signed by Magistrate Judge Michael S. Nachmanoff on 8/22/19. (klau, ) (Entered: 08/22/2019)
08/22/2019	<u>38</u>	ANSWER to Complaint by Department Of Defense, Department of the Army, United States Army Special Operations Command.(klau, ) (Entered: 08/22/2019)
09/18/2019	<u>39</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 10/9/2019 at 11:00 AM in Alexandria Courtroom 400 before Magistrate Judge Michael S. Nachmanoff. Final Pretrial Conference set for 2/20/2020 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. Discovery due by 2/14/2020. Signed by District Judge Anthony J Trenga on 9/18/2019. (Attachments: # <u>1</u> Magistrate Consent, # <u>2</u> Pretrial Notice)(rban, ) Modified on 10/4/2019 <b>VACATED per Order dated 10/3/19</b> (klau, ). (Entered: 09/18/2019)

10/02/2019	<u>40</u>	Joint MOTION <i>to Stay the Case and Vacate the Scheduling Order</i> by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Loftus, Meghan) (Entered: 10/02/2019)
10/03/2019		Per MSN chambers the pretrial conference scheduled for 10/9/19 has been cancelled (clar, ) (Entered: 10/03/2019)
10/03/2019	<u>41</u>	ORDER granting <u>40</u> Motion to Stay the Case and Vacate the Scheduling Order. ORDERED that this litigation be stayed for 60 days. ORDERED that at the end of this 60-day period, the parties either dismiss this action with prejudice or file a joint briefing schedule for summary judgment. ORDERED that this Court's scheduling order (Dkt. 39) be VACATED. Signed by Magistrate Judge Michael S. Nachmanoff on 10/3/19. (klau, ) (Entered: 10/04/2019)
12/02/2019	<u>42</u>	Consent MOTION for Extension of Stay by Watts Constructors, LLC. (Farabow, Sara) (Entered: 12/02/2019)
12/03/2019	<u>43</u>	ORDER granting <u>42</u> Consent Motion for Extension of Time, and this action is hereby STAYED until December 6, 2019. ORDERED that by 5:00 p.m. on December 6, 2019, the parties shall either dismiss this action with prejudice or file a joint briefing schedule for summary judgment. Signed by District Judge Anthony J Trenga on 12/3/19. (klau, ) (Entered: 12/03/2019)
12/06/2019	<u>44</u>	Joint MOTION for Continuation of Stay by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Attachments: # <u>1</u> Proposed Order)(Loftus, Meghan) (Entered: 12/06/2019)
12/09/2019	<u>45</u>	ORDER granting <u>44</u> Joint MOTION for Continuation of Stay by Department Of Defense, Department of the Army, United States Army Special Operations Command. Signed by District Judge Anthony J Trenga on 12/9/2019. (See order for further details). (acha, ) (Entered: 12/09/2019)
12/09/2019		Case Stayed (acha, ) (Entered: 12/09/2019)
12/13/2019	<u>46</u>	NOTICE of Voluntary Dismissal by Department Of Defense, Department of the Army, United States Army Special Operations Command (Loftus, Meghan) (Entered: 12/13/2019)
12/16/2019	<u>47</u>	So Ordered re <u>46</u> Notice of Voluntary Dismissal filed by United States Army Special Operations Command, Department of the Army, Department Of Defense. Signed by District Judge Anthony J Trenga on 12/16/2019. (rban, ) (Entered: 12/16/2019)