

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01197-APM**

FRANK LLP v. CONSUMER FINANCIAL PROTECTION
BUREAU
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

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

Plaintiff**FRANK LLP**

represented by **Gregory A. Frank**
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ATTORNEY TO BE NOTICED

V.

Defendant**CONSUMER FINANCIAL
PROTECTION BUREAU**

represented by **Robert Aaron Caplen**
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Date Filed	#	Docket Text
04/24/2019	<u>1</u>	COMPLAINT against CONSUMER FINANCIAL PROTECTION BUREAU (Filing fee \$ 400 receipt number 0090-6080697) filed by FRANK LLP. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons CFPB, # <u>7</u> Summons US AG, # <u>8</u> Summons US Atty - DC)(Frank, Gregory) (Entered: 04/24/2019)
04/24/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by FRANK LLP (Frank, Gregory) (Entered: 04/24/2019)
04/25/2019		Case Assigned to Judge Amit P. Mehta. (zef,) (Entered: 04/25/2019)
04/25/2019	<u>3</u>	SUMMONS (3) Issued Electronically as to CONSUMER FINANCIAL PROTECTION BUREAU, U.S. Attorney and U.S. Attorney General. (Attachments: #

		<u>1</u> Notice and Consent)(zef,) (Entered: 04/25/2019)
05/07/2019	<u>4</u>	ENTERED IN ERROR.....NOTICE of Filing of Proof of Service by FRANK LLP (Attachments: # <u>1</u> Affidavit s of Process Server Chad Haltom, # <u>2</u> Exhibit Reflecting Certified Mailings per FRCP 4(i))(Frank, Gregory) Modified on 5/8/2019 (zjf). (Entered: 05/07/2019)
05/08/2019		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>4</u> Notice (Other) was entered in error and counsel was instructed to refile said pleading using the "Service of Process" event. (jf) (Entered: 05/08/2019)
05/08/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CONSUMER FINANCIAL PROTECTION BUREAU served on 4/26/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/26/2019., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/26/2019. (Answer due for ALL FEDERAL DEFENDANTS by 5/26/2019.) (Attachments: # <u>1</u> Affidavit s of Process Server Chad Haltom, # <u>2</u> Exhibit Reflecting Certified Mailings per FRCP 4(i))(Frank, Gregory) Modified on 5/14/2019 to correct serve/answer due date (jf). (Entered: 05/08/2019)
05/28/2019	<u>6</u>	ANSWER to Complaint by CONSUMER FINANCIAL PROTECTION BUREAU.(Nebeker, William) (Entered: 05/28/2019)
05/29/2019	<u>7</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before June 12, 2019. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 05/29/2019. (lcapm1) Modified to add main document on 5/29/2019 (zjd). (Entered: 05/29/2019)
05/29/2019		Set/Reset Deadlines: Joint Status Report due by 6/12/2019. (zjd) (Entered: 05/29/2019)
06/12/2019	<u>8</u>	Joint STATUS REPORT by FRANK LLP. (Frank, Gregory) (Entered: 06/12/2019)
06/17/2019	<u>9</u>	ORDER. The parties have advised the court that discussions are still ongoing to resolve this case. The parties shall file notice with the court immediately if such a resolution is reached. If no agreement is reached, the court sets the following schedule for further proceedings in this matter: Defendant's Motion for Summary Judgment shall be due on or before August 1, 2019; Plaintiff's Opposition and any Cross-Motion for Summary Judgment shall be due on or before September 9, 2019; Defendant's Reply and Opposition shall be due on or before October 21, 2019; and Plaintiff's Reply shall be due on or before October 31, 2019. Signed by Judge Amit P. Mehta on 06/17/2019. (lcapm1) Modified to add document on 6/18/2019 (zjd). (Entered: 06/17/2019)
06/17/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 8/1/2019. Plaintiff's Cross-Motion and Opposition due by 9/9/2019. Defendant's Reply and Opposition due by 10/21/2019. Plaintiff's Reply due by 10/31/2019. (zjd) (Entered: 06/18/2019)
07/29/2019	<u>10</u>	Unopposed MOTION for Extension of Time to File <i>Dispositive Motion And Related Filings</i> by CONSUMER FINANCIAL PROTECTION BUREAU (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 07/29/2019)
07/29/2019		MINUTE ORDER granting <u>10</u> Defendant's Unopposed Motion for Enlargement of Time. Defendant's Motion for Summary Judgment shall be due on or before October 3, 2019; Plaintiff's Opposition and any Cross-Motion shall be due on or before November 26, 2019; Defendant's Reply and Opposition to any Cross-Motion shall be due on or before December 30, 2019; Plaintiff's Reply in support of any Cross-Motion shall be due on or before January 14, 2020. Signed by Judge Amit P. Mehta on 07/29/2019. (lcapm1) (Entered: 07/29/2019)

07/29/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 10/3/2019. Plaintiff's Opposition and Cross-Motion due by 11/26/2019. Defendant's Reply and Opposition due by 12/30/2019. Plaintiff's Reply due by 1/14/2020. (zjd) (Entered: 07/29/2019)
10/03/2019	<u>11</u>	MOTION for Summary Judgment by CONSUMER FINANCIAL PROTECTION BUREAU (Attachments: # <u>1</u> Declaration (Declaration of Deborah Morris), # <u>2</u> Text of Proposed Order)(Nebeker, William) (Entered: 10/03/2019)
10/24/2019	<u>12</u>	MOTION Leave To File An Under Seal, Ex Parte and In Camera Declaration (with proposed order) re <u>11</u> MOTION for Summary Judgment by CONSUMER FINANCIAL PROTECTION BUREAU (Nebeker, William) Modified event on 10/25/2019 (znmw). (Entered: 10/24/2019)
11/26/2019	<u>13</u>	Memorandum in opposition to re <u>11</u> MOTION for Summary Judgment filed by FRANK LLP. (Attachments: # <u>1</u> Statement of Facts pursuant to Local Rule 7(h), # <u>2</u> Declaration of Gregory A. Frank, # <u>3</u> Text of Proposed Order)(Frank, Gregory) (Entered: 11/26/2019)
11/26/2019	<u>14</u>	Cross MOTION for Summary Judgment by FRANK LLP (Attachments: # <u>1</u> Statement of Facts pursuant to Local Rule 7(h), # <u>2</u> Declaration of Gregory A. Frank, # <u>3</u> Text of Proposed Order)(Frank, Gregory) (Entered: 11/26/2019)
12/30/2019	<u>15</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment filed by CONSUMER FINANCIAL PROTECTION BUREAU. (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 12/30/2019)
12/30/2019	<u>16</u>	Memorandum in opposition to re <u>14</u> Cross MOTION for Summary Judgment filed by CONSUMER FINANCIAL PROTECTION BUREAU. (Nebeker, William) (Entered: 12/30/2019)
04/13/2020	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Robert Aaron Caplen on behalf of CONSUMER FINANCIAL PROTECTION BUREAU Substituting for attorney W. Mark Nebeker (Caplen, Robert) (Entered: 04/13/2020)
08/05/2020	<u>18</u>	MEMORANDUM OPINION re: Defendant's <u>11</u> Motion for Summary Judgment, Plaintiff's <u>14</u> Cross-Motion for Summary Judgment, and Defendant's <u>12</u> Motion for Leave to File an Under Seal, Ex Parte and In Camera Declaration. See the attached Memorandum Opinion for additional details. Signed by Judge Amit P. Mehta on 8/5/2020. (lcapm1) (Entered: 08/05/2020)
08/05/2020	<u>19</u>	ORDER. For the reasons set forth in the court's <u>18</u> Memorandum Opinion, the court grants in full Defendant's <u>11</u> Motion for Summary Judgment; grants Defendant's <u>12</u> Motion for Leave to File an Under Seal, Ex Parte and In Camera Declaration; and denies Plaintiff's <u>14</u> Cross-Motion for Summary Judgment. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 8/5/2020. (lcapm1) (Entered: 08/05/2020)