

**U.S. District Court  
 District of Columbia (Washington, DC)  
 CIVIL DOCKET FOR CASE #: 1:18-cv-01881-DLF**

CARLBORG v. DEPARTMENT OF THE NAVY  
 Assigned to: Judge Dabney L. Friedrich  
 Cause: 05:552 Freedom of Information Act

Date Filed: 08/10/2018  
 Date Terminated: 08/10/2020  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ROBERT S. CARLBORG**

represented by **Charles W Gittins**  
 139 Mallard Drive  
 Lake Frederick, VA 22630  
 540-327-2208  
 Email: [cgittins@aol.com](mailto:cgittins@aol.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**DEPARTMENT OF THE NAVY**

represented by **Benton Gregory Peterson**  
 U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2534  
 Fax: (202) 252-2599  
 Email: [benton.peterson@usdoj.gov](mailto:benton.peterson@usdoj.gov)  
*TERMINATED: 03/01/2019*  
*LEAD ATTORNEY*

**Damon William Taaffe**  
 U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2544  
 Fax: (202) 252-2599  
 Email: [damon.taaffe@usdoj.gov](mailto:damon.taaffe@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Derek S. Hammond**  
 U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2511  
 Fax: (202) 252-2599  
 Email: [derek.hammond@usdoj.gov](mailto:derek.hammond@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/10/2018	<u>1</u>	ENTERED IN ERROR.....COMPLAINT against ROBERT S. CARLBORG ( Filing fee \$ 400 receipt number 0090-5633497) filed by ROBERT S. CARLBORG. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u>

		Summons)(Gittins, Charles) Modified on 8/14/2018 (zsth). (Entered: 08/10/2018)
08/10/2018		Case Assigned to Judge Dabney L. Friedrich. (zsth) (Entered: 08/14/2018)
08/13/2018	<u>2</u>	COMPLAINT against ROBERT S. CARLBORG (Fee Status:Filing Fee Waived) filed by ROBERT S. CARLBORG. (Attachments: # <u>1</u> Civil Cover Sheet)(Gittins, Charles) (Entered: 08/13/2018)
08/13/2018		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>1</u> Complaint was entered in error and was refiled as Docket Entry <u>2</u> Complaint. (znmw) (Entered: 08/30/2018)
08/15/2018	<u>3</u>	COMPLAINT against ROBERT S. CARLBORG (Fee Status:Filing Fee Waived) filed by ROBERT S. CARLBORG with corrected summons. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(Gittins, Charles) Modified on 8/15/2018 (zsth). (Entered: 08/15/2018)
08/15/2018	<u>4</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 08/15/2018)
08/24/2018	<u>5</u>	COMPLAINT against ROBERT S. CARLBORG (Fee Status:Filing Fee Waived) filed by ROBERT S. CARLBORG. (Attachments: # <u>1</u> Summons)(Gittins, Charles) (Entered: 08/24/2018)
08/24/2018	<u>6</u>	SUMMONS (1) Issued Electronically as to DEPARTMENT OF THE NAVY. (sth) (Entered: 08/24/2018)
10/18/2018	<u>7</u>	Consent MOTION for Extension of Time to File Response/Reply by DEPARTMENT OF THE NAVY (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 10/18/2018)
10/19/2018		MINUTE ORDER granting the defendant's <u>7</u> Consent Motion for Extension of Time. Accordingly, it is ORDERED that the defendant shall answer or otherwise respond to the plaintiff's complaint on or before November 5, 2018. Signed by Judge Dabney L. Friedrich on October 19, 2018. (lcldf1) (Entered: 10/19/2018)
11/05/2018	<u>8</u>	ANSWER to Complaint by DEPARTMENT OF THE NAVY.(Peterson, Benton) (Entered: 11/05/2018)
11/07/2018		MINUTE ORDER requiring the parties to MEET AND CONFER and file a joint status report proposing a schedule for further proceedings. The parties shall file the joint status report on or before November 26, 2018. Signed by Judge Dabney L. Friedrich on November 7, 2018. (lcldf1) (Entered: 11/07/2018)
11/26/2018	<u>9</u>	Joint STATUS REPORT and Proposed Schedule by ROBERT S. CARLBORG. (Gittins, Charles) (Entered: 11/26/2018)
11/27/2018		MINUTE ORDER adopting the proposal in the parties' <u>9</u> Joint Status Report and Proposed Schedule. Accordingly, it is ORDERED that the parties shall file another joint status report on or before January 25, 2019. Signed by Judge Dabney L. Friedrich on November 27, 2018. (lcldf1) (Entered: 11/27/2018)
01/22/2019	<u>10</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by DEPARTMENT OF THE NAVY (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/22/2019)
02/11/2019	<u>11</u>	Joint STATUS REPORT by ROBERT S. CARLBORG. (Gittins, Charles) (Entered: 02/11/2019)
02/11/2019		MINUTE ORDER adopting the proposal in the parties' <u>11</u> Joint Status Report and Proposed Schedule. Accordingly, it is ORDERED that the parties shall file another joint status report on or before March 11, 2019. Signed by Judge Dabney L. Friedrich on February 11, 2019. (lcldf1) (Entered: 02/11/2019)
03/01/2019	<u>12</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of All Defendants Substituting for attorney Benton G. Peterson (Hammond, Derek) (Entered: 03/01/2019)

03/11/2019	<u>13</u>	Joint STATUS REPORT by DEPARTMENT OF THE NAVY. (Hammond, Derek) (Entered: 03/11/2019)
03/11/2019		MINUTE ORDER adopting the proposal in the parties' <u>13</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before May 13, 2019. Signed by Judge Dabney L. Friedrich on March 11, 2019. (lcldf1) (Entered: 03/11/2019)
05/13/2019	<u>14</u>	Joint STATUS REPORT by DEPARTMENT OF THE NAVY. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 05/13/2019)
05/14/2019		MINUTE ORDER adopting the proposal in the parties' <u>14</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before June 11, 2019. Signed by Judge Dabney L. Friedrich on May 14, 2019. (lcldf1) (Entered: 05/14/2019)
06/11/2019	<u>15</u>	Joint STATUS REPORT by DEPARTMENT OF THE NAVY. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 06/11/2019)
06/13/2019		MINUTE ORDER adopting the proposal in the parties' <u>15</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before July 11, 2019. Signed by Judge Dabney L. Friedrich on June 13, 2019. (lcldf1) (Entered: 06/13/2019)
06/13/2019		MINUTE ORDER denying as moot <u>10</u> Motion to Stay and Motion for Extension of Time. So Ordered by Judge Dabney L. Friedrich on 6/13/2019. (zcal) Modified on 6/18/2019 (zcal). (Entered: 06/13/2019)
07/11/2019	<u>16</u>	Joint STATUS REPORT by DEPARTMENT OF THE NAVY. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 07/11/2019)
07/12/2019		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before August 12, 2019. Signed by Judge Dabney L. Friedrich on July 12, 2019. (lcldf1) (Entered: 07/12/2019)
07/12/2019		Set/Reset Deadlines: Joint Status Report due by 8/12/2019. (kh) (Entered: 07/12/2019)
08/12/2019	<u>17</u>	Joint STATUS REPORT by DEPARTMENT OF THE NAVY. (Hammond, Derek) (Entered: 08/12/2019)
08/13/2019		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before September 12, 2019. So Ordered by Judge Dabney L. Friedrich on August 13, 2019. (lcldf1) (Entered: 08/13/2019)
08/13/2019		Set/Reset Deadlines: Joint Status Report due by 9/12/2019. (zcal) (Entered: 08/13/2019)
09/12/2019	<u>18</u>	Joint STATUS REPORT by DEPARTMENT OF THE NAVY. (Hammond, Derek) (Entered: 09/12/2019)
09/13/2019		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before October 14, 2019. So Ordered by Judge Dabney L. Friedrich on September 13, 2019. (lcldf1) (Entered: 09/13/2019)
10/15/2019	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF THE NAVY. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 10/15/2019)
10/15/2019		MINUTE ORDER. Upon consideration of the parties' <u>19</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before November 14, 2019. So Ordered by Judge Dabney L. Friedrich on October 15, 2019. (lcldf1) (Entered: 10/15/2019)
11/10/2019	<u>20</u>	Joint STATUS REPORT by DEPARTMENT OF THE NAVY. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 11/10/2019)
11/12/2019	<u>21</u>	NOTICE of Appearance by Damon William Taaffe on behalf of DEPARTMENT OF THE NAVY (Taaffe, Damon) (Entered: 11/12/2019)

11/12/2019		MINUTE ORDER. Upon consideration of the parties' <u>20</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before December 16, 2019. So Ordered by Judge Dabney L. Friedrich on November 12, 2019. (lcldf1) (Entered: 11/12/2019)
11/12/2019		Set/Reset Deadlines: Joint Status Report due by 12/16/2019. (zcal) (Entered: 11/12/2019)
12/12/2019	<u>22</u>	Joint STATUS REPORT <i>and Request for Briefing Schedule</i> by DEPARTMENT OF THE NAVY. (Taaffe, Damon) (Entered: 12/12/2019)
12/13/2019		MINUTE ORDER. Upon consideration of the parties' <u>22</u> Joint Status Report, the following schedule shall govern further proceedings: the plaintiff shall file any motion to compel or dispositive motion on or before January 13, 2020; the defendant shall file a response and any cross-motion on or before February 12, 2020; the plaintiff shall file a reply and a response to the defendant's cross-motion on or before March 4, 2020; the defendant shall file a reply on or before March 18, 2020. So Ordered by Judge Dabney L. Friedrich on December 13, 2019. (lcldf1) (Entered: 12/13/2019)
12/13/2019		Set/Reset Deadlines: Plaintiff's Motion to Compel or Dispositive Motion due by 1/13/2020. Defendant's Response and Cross-Motion due by 2/12/2020. Plaintiff's Reply and Response due by 3/4/2020. Defendant's Reply due by 3/18/2020. (zjd) (Entered: 12/13/2019)
01/13/2020	<u>23</u>	MOTION for Partial Summary Judgment by ROBERT S. CARLBORG (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Gittins, Charles) (Entered: 01/13/2020)
02/10/2020	<u>24</u>	Consent MOTION for Extension of Time to <i>File Cross-Motion and Response</i> by DEPARTMENT OF THE NAVY (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 02/10/2020)
02/10/2020		MINUTE ORDER granting the defendant's <u>24</u> Consent Motion for Enlargement of Time. The defendant shall file an opposition to the plaintiff's <u>23</u> Motion for Partial Summary Judgment and any cross-motion for summary judgment on or before March 13, 2020; the plaintiff shall file a reply in support of its motion for summary judgment and opposition to any cross-motion for summary judgment on or before April 3, 2020; the defendant shall file a reply in support of any cross-motion for summary judgment on or before April 17, 2020. So Ordered by Judge Dabney L. Friedrich on February 10, 2020. (lcldf1) (Entered: 02/10/2020)
02/10/2020		Set/Reset Deadlines: Response to Motion for Summary Judgment due by 3/13/2020. Cross Motions due by 3/13/2020. Reply to Motion for Summary Judgment due by 4/3/2020. Response to Cross Motions due by 4/3/2020. Reply to Cross Motions due by 4/17/2020. (zjch) (Entered: 02/10/2020)
03/12/2020	<u>25</u>	Consent MOTION for Extension of Time to File Response/Reply by DEPARTMENT OF THE NAVY (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 03/12/2020)
03/12/2020		MINUTE ORDER granting the defendant's <u>25</u> Consent Motion for Enlargement of Time. The defendant shall file an opposition to the plaintiff's <u>23</u> Motion for Partial Summary Judgment and any cross-motion for summary judgment on or before April 10, 2020; the plaintiff shall file a reply in support of its motion for summary judgment and an opposition to any cross-motion for summary judgment on or before May 1, 2020; the defendant shall file a reply in support of any cross-motion for summary judgment on or before May 15, 2020. So Ordered by Judge Dabney L. Friedrich on March 12, 2020. (lcldf1) (Entered: 03/12/2020)
03/12/2020		Set/Reset Deadlines: Cross Motions due by 4/10/2020. Response to Cross Motions due by 5/1/2020. Reply to Cross Motions due by 5/15/2020. (zjch) (Entered: 03/12/2020)
04/10/2020	<u>26</u>	Consent MOTION for Extension of Time to File Response/Reply by DEPARTMENT OF THE NAVY (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 04/10/2020)
04/20/2020		MINUTE ORDER granting the defendant's <u>26</u> Consent Motion for Enlargement of Time. The defendant shall file its cross-motion for summary judgment and response to

		the plaintiff's motion for summary judgment on or before May 8, 2020; the plaintiff shall file its reply and response to the defendant's cross-motion on or before May 29, 2020; and the defendant shall file its reply on or before June 12, 2020. So Ordered by Judge Dabney L. Friedrich on April 20, 2020. (lcldf1) (Entered: 04/20/2020)
04/20/2020		Set/Reset Deadlines: Cross Motions due by 5/8/2020. Response to Cross Motions due by 5/29/2020. Reply to Cross Motions due by 6/12/2020. Response to Motion for Summary Judgment due by 5/8/2020. Reply to Motion for Summary Judgment due by 5/29/2020. (zjch) (Entered: 04/20/2020)
05/08/2020	<u>27</u>	Consent MOTION for Extension of Time to File Response/Reply by DEPARTMENT OF THE NAVY (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 05/08/2020)
05/15/2020		MINUTE ORDER granting the <u>27</u> Defendant's Consent Motion for Enlargement of Time. The defendant shall file its cross-motion for summary judgment on or before May 15, 2020; the plaintiff shall file its reply and response to the defendant's cross-motion on or before June 5, 2020; the defendant shall file its reply on or before June 19, 2020. So Ordered by Judge Dabney L. Friedrich on May 15, 2020. (lcldf1) (Entered: 05/15/2020)
05/15/2020	<u>28</u>	Cross MOTION for Summary Judgment by DEPARTMENT OF THE NAVY (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Statement of Facts, # <u>4</u> Declaration of Sally Hughes, # <u>5</u> Declaration of LtCol. Winston McMillan, # <u>6</u> Declaration of LCDR Jonathan Dowling)(Hammond, Derek) Modified docket text on 5/18/2020 (eg). (Entered: 05/15/2020)
05/15/2020	<u>29</u>	Memorandum in Opposition re <u>23</u> MOTION for Partial Summary Judgment filed by DEPARTMENT OF THE NAVY. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Sally Hughes, # <u>3</u> Declaration of LtCol. Winston McMillan, # <u>4</u> Declaration of LCDR Jonathan Dowling, # <u>5</u> Text of Proposed Order)(Hammond, Derek) Modified docket event/text on 5/18/2020 (eg). (Entered: 05/15/2020)
05/15/2020		Set/Reset Deadlines: Cross Motions due by 5/15/2020. Response to Cross Motions due by 6/5/2020. Reply to Cross Motions due by 6/19/2020. (zjch) (Entered: 05/18/2020)
06/04/2020	<u>30</u>	Consent MOTION for Extension of Time to <i>File Plaintiff's Reply</i> by ROBERT S. CARLBORG (Gittins, Charles) (Entered: 06/04/2020)
06/04/2020		MINUTE ORDER granting the plaintiff's <u>30</u> Consent Motion for Enlargement of Time to file the plaintiff's reply brief. The plaintiff shall file a reply on or before June 22, 2020. So Ordered by Judge Dabney L. Friedrich on June 4, 2020. (lcldf1) (Entered: 06/04/2020)
06/04/2020		Set/Reset Deadlines: Reply due by 6/22/2020. (zjd) (Entered: 06/05/2020)
06/22/2020	<u>31</u>	REPLY to opposition to motion re <u>28</u> MOTION for Summary Judgment , <u>23</u> MOTION for Partial Summary Judgment filed by ROBERT S. CARLBORG. (Gittins, Charles) (Entered: 06/22/2020)
06/29/2020	<u>32</u>	REPLY to opposition to motion re <u>28</u> MOTION for Summary Judgment filed by DEPARTMENT OF THE NAVY. (Hammond, Derek) (Entered: 06/29/2020)
08/10/2020	<u>33</u>	ORDER denying the plaintiff's <u>23</u> Motion for Partial Summary Judgment and granting the defendant's <u>28</u> Cross-Motion for Summary Judgment. See text for details. The Clerk of Court is directed to close this case. Signed by Judge Dabney L. Friedrich on August 10, 2020. (lcldf1) (Entered: 08/10/2020)
08/10/2020	<u>34</u>	MEMORANDUM OPINION regarding the defendant's <u>28</u> Cross-Motion for Summary Judgment and denying the plaintiff's <u>23</u> Motion for Partial Summary Judgment. See text for details. Signed by Judge Dabney L. Friedrich on August 10, 2020. (lcldf1) (Entered: 08/10/2020)