

CLOSED

**U.S. District Court  
Western District of Kentucky (Louisville)  
CIVIL DOCKET FOR CASE #: 3:19-cv-00056-DJH-RSE**

Hardin v. Bureau of Alcohol, Tobacco, Firearms and Explosives et al  
Assigned to: Judge David J. Hale  
Referred to: Magistrate Judge Regina S. Edwards  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/22/2019  
Date Terminated: 11/30/2020  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Scott A. Hardin**

represented by **J. Allan Cobb**  
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V.

**Defendant**

**Bureau of Alcohol, Tobacco, Firearms and Explosives**  
*an agency of the Department of Justice*

represented by **Eric J. Soskin**  
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**Defendant**

**Matthew Whitaker**  
*in his official capacity as Acting Attorney  
 General of the United States*

represented by **Eric J. Soskin**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Timothy D. Thompson**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Thomas E. Brandon**  
*Acting Director Bureau of Alcohol,  
 Tobacco, Firearms, and Explosives*

represented by **Eric J. Soskin**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Timothy D. Thompson**  
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**Defendant**

**United States of America**  
*United States Attorneys Office*

represented by **Eric J. Soskin**  
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Date Filed	#	Docket Text
01/22/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$400.00, Receipt Number 0644-2788834), filed by Scott A. Hardin (Attachments: # <u>1</u> Exhibit A). (KD) (Entered: 01/22/2019)
01/22/2019	<u>2</u>	Summons Issued as to All Defendants. <b>Counsel for Plaintiff is responsible for printing and serving the attached issued summonses.</b> (KD) (Main Document 2 replaced on 1/22/2019) (KD). (Entered: 01/22/2019)
01/22/2019	<u>3</u>	AMENDED COMPLAINT against All Defendants, filed by Scott A. Hardin (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Cover Sheet). (KD) (Entered: 01/22/2019)
01/22/2019	<u>4</u>	Summons Issued as to All Defendants. <b>Counsel for Plaintiff is responsible for printing and serving the attached issued summonses.</b> (KD) (Entered: 01/22/2019)
01/22/2019	<u>5</u>	Case Assignment (Random Selection): Case Assigned to Judge David J. Hale. (KD) (Entered: 01/22/2019)

03/10/2019	<u>6</u>	SUMMONS Returned Executed by Scott A. Hardin. Bureau of Alcohol, Tobacco, Firearms and Explosives served on 2/1/2019, answer due 2/22/2019. (Hardin, Jason) (Entered: 03/10/2019)
03/10/2019	<u>7</u>	SUMMONS Returned Executed by Scott A. Hardin. Matthew Whitaker served on 1/31/2019, answer due 2/21/2019. (Hardin, Jason) (Entered: 03/10/2019)
03/10/2019	<u>8</u>	SUMMONS Returned Executed by Scott A. Hardin. Thomas E. Brandon served on 2/6/2019, answer due 2/27/2019. (Hardin, Jason) (Entered: 03/10/2019)
03/10/2019	<u>9</u>	Summons Returned Unexecuted by Scott A. Hardin as to United States of America. (Hardin, Jason) (Entered: 03/10/2019)
03/10/2019	<u>10</u>	NOTICE To Issue Alias Summons by Scott A. Hardin (Hardin, Jason) (Entered: 03/10/2019)
03/12/2019	<u>11</u>	Alias Summons Issued as to United States of America. Counsel for Plaintiff is responsible for printing and serving the attached issued summons. (KD) (Entered: 03/12/2019)
03/25/2019	<u>12</u>	Emergency MOTION Emergency Interpleader and Deposit of Evidence by Plaintiff Scott A. Hardin (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order) (Hardin, Jason) (Entered: 03/25/2019)
03/27/2019	<u>13</u>	ORDER Signed by Judge David J. Hale on 3/27/2019 denying <u>12</u> Motion for Emergency Interpleader to Deposit Evidence into Custody, and Order Preventing its Destruction. cc: Counsel(JM) (Entered: 03/27/2019)
05/16/2019	<u>14</u>	ORDER by Judge David J. Hale on 5/16/2019. Within fourteen (14) days of the date of entry of this Order, Hardin shall file a report advising the Court of the status of this action. cc: Counsel (MEJ) (Entered: 05/16/2019)
05/28/2019	<u>15</u>	<i>Defendants'</i> ANSWER to <u>3</u> Amended Complaint by Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker. (Thompson (USA), Timothy) (Entered: 05/28/2019)
05/31/2019	<u>16</u>	TEXT ORDER by Judge David J. Hale on 5/31/2019; Pursuant to 28 U.S.C. 636(b)(1)(A), this matter is hereby referred to U.S. Magistrate Judge Regina S. Edwards, for resolution of all litigation planning issues, entry of scheduling orders, consideration of amendments thereto, and resolution of all non-dispositive matters, including discovery issues. Judge Edwards is further authorized to conduct a settlement conference in this matter at any time.  <b>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</b>  cc:counsel (NWT) (Entered: 05/31/2019)
05/31/2019	<u>17</u>	STATUS REPORT by Scott A. Hardin. (Hardin, Jason) (Entered: 05/31/2019)
06/03/2019	<u>18</u>	ORDER FOR MEETING AND REPORT by Magistrate Judge Regina S. Edwards (EBOC) on 6/3/2019. Scheduling Conference set for 7/25/2019 at 10:45 AM in chambers before Magistrate Judge Regina S. Edwards. The parties shall comply as set forth in the Order. cc: Counsel (RLJ) (Entered: 06/03/2019)
06/14/2019	<u>19</u>	REPORT of Rule 26(f) Planning Meeting by Scott A. Hardin. (Hardin, Jason) (Entered: 06/14/2019)
07/25/2019	<u>20</u>	ORDER for proceedings held before Magistrate Judge Regina S. Edwards: Rule 16 Scheduling Conference held on 7/25/2019. The administrative record shall be electronically filed under seal with the Court by 9/30/2019. Motions for judgment on the Administrative Record shall be filed no later than 11/26/2019, with Response briefs due no later than 12/17/2019, and Reply briefs to be filed no later than 2/4/2020. Counsel shall file a joint status report no later than 10/30/2019. cc: Counsel of Record (KD) (Entered: 07/25/2019)
07/25/2019		Schedules: Administrative Record due by 9/30/2019. Motions for judgment on the Administrative Record due by 11/26/2019. (KD) (Entered: 07/25/2019)

10/15/2019	<u>22</u>	Proposed Agreed Order/Stipulation by Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker. (Soskin, Eric) (Entered: 10/15/2019)
10/16/2019	<u>23</u>	NOTICE of Filing by Non-Electronic Means by Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker (Soskin, Eric) (Entered: 10/16/2019)
10/17/2019	<u>24</u>	AGREED ORDER FOR EXTENSION OF DEADLINES by Magistrate Judge Regina S. Edwards on 10/16/2019. The administrative record in this action shall be electronically filed under seal with the Court by 10/16/2019, with a copy to the Plaintiff the same day. Motions for judgment on the Administrative Record shall be filed no later than 12/10/2019, with Response briefs due no later than 1/10/2020, and Reply briefs to be filed no later than 2/18/2020. Counsel shall file a joint status report no later than 11/13/2019. The parties are directed to confer ten (10) days prior to filing the status report. cc: Counsel (AME) (Entered: 10/17/2019)
10/21/2019	<u>25</u>	Receipt of Non-Electronic Document by Bureau of Alcohol, Tobacco, Firearms and Explosives. (MEJ) (Entered: 10/22/2019)
11/13/2019	<u>26</u>	Joint STATUS REPORT by Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker. (Soskin, Eric) (Entered: 11/13/2019)
12/09/2019	<u>27</u>	Proposed Agreed Order <i>To Extend Deadlines By One Week</i> by Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker by Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker. (Soskin, Eric) (Entered: 12/09/2019)
12/11/2019	<u>28</u>	AGREED ORDER FOR EXTENSION OF DEADLINES Signed by Magistrate Judge Regina S. Edwards on 12/11/2019, granting <u>27</u> – Motions for judgment on the Administrative Record shall be filed no later than December 17, 2019, with Response briefs due no later than January 17, 2020. The deadline for Reply briefs of February 18, 2020 shall remain unchanged. cc: Counsel (KD) (Entered: 12/11/2019)
12/17/2019	<u>29</u>	MOTION for Summary Judgment / <i>Motion for Judgment on the Administrative Record</i> by Defendants Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker (Attachments: # <u>1</u> Exhibit 1 (AR Excerpts) – Part 1, # <u>2</u> Exhibit 1 (AR Excerpts) – Part 2, # <u>3</u> Exhibit 1 (AR Excerpts) – Part 3, # <u>4</u> Exhibit 1 (AR Excerpts) – Part 4, # <u>5</u> Exhibit 2 (Selected Comments) – Part 1, # <u>6</u> Exhibit 2 (Selected Comments) – Part 2, # <u>7</u> Authority Pursuant to LR 7.1(h) – Webster's 3d ed. definition ("Russian Roulette"), # <u>8</u> Authority Pursuant to LR 7.1(h) (Excerpt from Public Papers of President Eisenhower), # <u>9</u> Authority Pursuant to LR 7.1(h) (H.R. Rep. 73-1780), # <u>10</u> Authority Pursuant to LR 7.1(h) (S. Rep. 73-1444), # <u>11</u> Proposed Order) (Soskin, Eric) (Entered: 12/17/2019)
12/17/2019	<u>30</u>	MOTION for Judgment on the Pleadings <i>and Administrative Record</i> by Plaintiff Scott A. Hardin (Attachments: # <u>1</u> Proposed Order) (Hardin, Jason) (Entered: 12/17/2019)
01/17/2020	<u>31</u>	RESPONSE to Motion re <u>30</u> MOTION for Judgment on the Pleadings <i>and Administrative Record</i> filed by Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker. (Attachments: # <u>1</u> Exhibit 3 – Additional AR excerpts, # <u>2</u> Exhibit 4 – Selected public comments) (Soskin, Eric) (Entered: 01/17/2020)
01/17/2020	<u>32</u>	RESPONSE to Motion re <u>29</u> MOTION for Summary Judgment / <i>Motion for Judgment on the Administrative Record</i> filed by Scott A. Hardin. (Hardin, Jason) (Entered: 01/17/2020)
02/18/2020	<u>33</u>	REPLY to Response to Motion re <u>29</u> MOTION for Summary Judgment / <i>Motion for Judgment on the Administrative Record</i> filed by Thomas E. Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of America, Matthew Whitaker. (Attachments: # <u>1</u> Exhibit 5 – selected additional comment) (Soskin, Eric) (Entered: 02/18/2020)

02/18/2020	<u>34</u>	REPLY to Response to Motion re <u>30</u> MOTION for Judgment on the Pleadings <i>and Administrative Record</i> filed by Scott A. Hardin. (Hardin, Jason) (Entered: 02/18/2020)
11/20/2020	<u>35</u>	MEMORANDUM OPINION AND ORDER Signed by Judge David J. Hale on 11/20/2020 – Defendants' motion for judgment on the administrative record (D.N. <u>29</u> ) is GRANTED. A separate judgment will be entered this date. Hardin's motion for judgment on the administrative record (D.N. <u>30</u> ) is DENIED. (KD) (Entered: 11/20/2020)
11/30/2020	<u>36</u>	JUDGMENT by Judge David J. Hale on 11/30/2020 – Judgment is entered in favor of Defendants Bureau of Alcohol, Tobacco, Firearms and Explosives, Matthew Whitaker, Thomas E. Brandon, and United States of America with respect to all claims asserted in this matter by Plaintiff Scott A. Hardin. This action is DISMISSED with prejudice and STRICKEN from the Court's docket. This is a FINAL and APPEALABLE Judgment, and there is no just cause for delay. (KD) (Entered: 11/30/2020)