

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01182-TSC**

COLE v. COPAN et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 04/24/2019
Date Terminated: 12/01/2020
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

DAVID COLE

represented by **John M. Clifford**
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V.

Defendant

WALTER G. COPAN
*DR., in his official capacity as Director of
the National Institute for Standards and
Technology*

represented by **Paul Cirino**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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Defendant

**NATIONAL INSTITUTE OF
STANDARDS AND TECHNOLOGY**

represented by **Paul Cirino**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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04/24/2019	<u>1</u>	COMPLAINT <i>for Injunctive Relief</i> against WALTER G. COPAN <i>Director, National Institute of Technology</i> (Filing fee \$ 400 receipt number 0090-6078146) filed by DAVID COLE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for service on US Attorney, # <u>3</u> Summons for service on Attorney General, # <u>4</u> Summons for service on NIST Director Copan)(Clifford, John) (Attachment 1 replaced on 4/24/2019) (zef,). (Entered: 04/24/2019)
04/24/2019		Case Assigned to Judge Tanya S. Chutkan. (zef,) (Entered: 04/24/2019)
04/24/2019	<u>2</u>	ENTERED IN ERROR.....SUMMONS (3) Issued Electronically as to WALTER G. COPAN, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) Modified on 4/26/2019 (zef,). (Entered: 04/24/2019)
04/26/2019		NOTICE OF CORRECTED DOCKET ENTRY: re <u>2</u> Summons Issued Electronically as to AUSA was entered in error and counsel was instructed to refile with summons for FOIA complaints. (zef,) (Entered: 04/26/2019)
04/26/2019		SUMMONS Not Issued as to WALTER G. COPAN, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (znmw) (Entered: 05/07/2019)
05/08/2019	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE filed by DAVID COLE. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Clifford, John) (Entered: 05/08/2019)
05/09/2019	<u>4</u>	SUMMONS (3) Issued Electronically as to WALTER G. COPAN, U.S. Attorney and U.S. Attorney General (ztd) (Entered: 05/09/2019)
07/18/2019	<u>5</u>	NOTICE of Appearance by Paul Cirino on behalf of All Defendants (Cirino, Paul) (Entered: 07/18/2019)
08/05/2019	<u>6</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by WALTER G. COPAN, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) . (Entered: 08/05/2019)
08/06/2019		MINUTE ORDER: Defendants' Consent Motion to Extend Time to Answer Complaint <u>6</u> is GRANTED. Defendants shall answer or otherwise respond to the Complaint on or before September 13, 2019. Signed by Judge Tanya S. Chutkan on 8/6/2019. (lctsc3) (Entered: 08/06/2019)
08/06/2019		Set/Reset Deadlines: Defendants' Answer or Responsive Pleading due by 9/13/2019. (zjd) (Entered: 08/06/2019)
09/13/2019	<u>7</u>	ANSWER to Complaint by WALTER G. COPAN, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.(Cirino, Paul) (Entered: 09/13/2019)
09/22/2019		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than 10/31/19. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 9/22/19. (DJS) (Entered: 09/22/2019)
09/23/2019		Set/Reset Deadlines: Joint Status Report due by 10/31/2019. (tb) (Entered: 09/23/2019)
10/31/2019	<u>8</u>	Joint STATUS REPORT by WALTER G. COPAN, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 10/31/2019)
11/01/2019		MINUTE ORDER: Having considered the parties' joint status report <u>8</u> , it is hereby ordered that Defendants' Motion for Summary Judgment shall be filed on or before December 21, 2019, and shall include a Vaughn Index. Plaintiff's combined Cross-Motion/Opposition shall be filed on or before February 4, 2020. Defendants'

		combined Opposition/Reply shall be filed on or before March 4, 2020. Plaintiff's Reply shall be filed on or before March 18, 2020. Signed by Judge Tanya S. Chutkan on 11/1/19. (DJS) (Entered: 11/01/2019)
11/01/2019		Set/Reset Deadlines: Cross Motion due by 2/4/2020. Response to Cross Motion due by 3/4/2020. Reply to Cross Motion due by 3/18/2020. Summary Judgment motion due by 12/21/2019. Response to Motion for Summary Judgment due by 2/4/2020. Reply to Motion for Summary Judgment due by 3/4/2020. (tb) (Entered: 11/01/2019)
11/07/2019	<u>9</u>	ERRATA by WALTER G. COPAN, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Cirino, Paul) (Entered: 11/07/2019)
12/20/2019	<u>10</u>	MOTION for Summary Judgment by WALTER G. COPAN, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration of Catherine S. Fletcher (with exhibits), # <u>4</u> Text of Proposed Order)(Cirino, Paul) (Entered: 12/20/2019)
02/04/2020	<u>11</u>	ENTERED IN ERROR.....REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by DAVID COLE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6)(Clifford, John) Modified on 2/5/2020 (eg). (Entered: 02/04/2020)
02/04/2020	<u>12</u>	MOTION for Summary Judgment by DAVID COLE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Exhibit 4, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6)(Clifford, John) (Entered: 02/04/2020)
02/04/2020	<u>13</u>	MOTION for Discovery by DAVID COLE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4)(Clifford, John) (Entered: 02/04/2020)
02/04/2020	<u>14</u>	RESPONSE re <u>10</u> MOTION for Summary Judgment filed by DAVID COLE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6)(Clifford, John) (Entered: 02/04/2020)
02/05/2020		NOTICE OF CORRECTED DOCKET ENTRY: re <u>11</u> Reply to opposition to Motion, was entered in error at the request of counsel. (See Docket Entry <u>14</u> to view document). (eg) (Entered: 02/05/2020)
03/03/2020	<u>15</u>	ENTERED IN ERROR. . . .MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Mick G. Harrison, Filing fee \$ 100, receipt number ADCDC–6884720. Fee Status: Fee Paid. by DAVID COLE (Attachments: # <u>1</u> Declaration of Counsel Mick Harrison)(Harrison, Mick) Modified on 3/4/2020 (ztd). (Entered: 03/03/2020)
03/04/2020		NOTICE OF ERROR re <u>15</u> Motion for Leave to Appear Pro Hac Vice; emailed to mickharrionesq@gmail.com, cc'd 5 associated attorneys -- The PDF file you docketed contained errors: 1. Please refile document, 2. The sponsoring attorney must electronically file this document. (ztd,) (Entered: 03/04/2020)
03/04/2020	<u>16</u>	Memorandum in opposition to re <u>13</u> MOTION for Discovery , <u>12</u> MOTION for Summary Judgment filed by WALTER G. COPAN, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Attachments: # <u>1</u> 2nd Declaration of Catherine S. Fletcher, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Cirino, Paul) (Entered: 03/04/2020)
03/04/2020	<u>17</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by WALTER G. COPAN, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Attachments: # <u>1</u> 2nd Declaration of Catherine S. Fletcher, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Cirino, Paul) (Entered: 03/04/2020)
03/12/2020	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Mick G. Harrison, Filing fee \$ 100, receipt number ADCDC–6914811. Fee Status: Fee Paid. by DAVID COLE (Attachments: # <u>1</u> Declaration of Counsel Mick Harrison)(Clifford, John) (Entered: 03/12/2020)

03/18/2020	<u>19</u>	REPLY to opposition to motion re , <u>12</u> MOTION for Summary Judgment filed by DAVID COLE. (Harrison, Mick) Modified linkage on 3/19/2020 (ztd). (Entered: 03/18/2020)
10/23/2020		MINUTE ORDER: Granting <u>47</u> Motion for Leave to Appear Pro Hac Vice. DAVID COLE <u>18</u> is hereby admitted pro hac vice to appear in this matter on behalf of Plaintiff. Pro hac applicants who seek admission more than twice within two years are highly encouraged to become members of the Bar for this court. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions. Signed by Judge Tanya S. Chutkan on 10/23/2020. (DJS) (Entered: 10/23/2020)
11/30/2020	<u>20</u>	MEMORANDUM AND OPINION re: Defendants Motion for Summary Judgment <u>10</u> ; Plaintiffs Motion for Summary Judgment and Motion for Discovery <u>12</u> . Signed by Judge Tanya S. Chutkan on 11/30/2020. (lcac) (Entered: 11/30/2020)
11/30/2020	<u>21</u>	ORDER granting <u>10</u> Defendants' Motion for Summary Judgment; denying <u>12</u> Plaintiff's Motion for Summary Judgment; denying <u>13</u> Plaintiff's Motion for Discovery. This is a final appealable order. Signed by Judge Tanya S. Chutkan on 11/30/2020. (lcac) (Entered: 11/30/2020)