

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-01971-JEB**

AMERICAN IMMIGRATION COUNCIL v. UNITED STATES
DEPARTMENT OF HOMELAND SECURITY et al

Assigned to: Judge James E. Boasberg

Cases: [1:12-cv-00856-JEB](#)

[1:11-cv-01972-JEB](#)

Cause: 05:552 Freedom of Information Act

Plaintiff

**AMERICAN IMMIGRATION
COUNCIL**

Date Filed: 11/08/2011

Date Terminated: 03/18/2013

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

represented by **Beth Jennifer Werlin**
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V.

Defendant

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**

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Defendant

**UNITED STATES CITIZENSHIP
 AND IMMIGRATION SERVICES**

represented by **Marian L. Borum**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/08/2011	<u>1</u>	COMPLAINT against UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 350, receipt number 4616043611) filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Civil Cover Sheet)(rdj) (Entered: 11/09/2011)
11/08/2011		Summons (2) Issued as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (rdj) (Entered: 11/09/2011)
11/08/2011	<u>2</u>	NOTICE OF RELATED CASE by AMERICAN IMMIGRATION COUNCIL. Case related to Case No. 11-1972. (rdj) (Entered: 11/09/2011)
11/15/2011	<u>3</u>	Summons Returned Unexecuted by AMERICAN IMMIGRATION COUNCIL as to All Defendants., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/10/2011. (Answer due for ALL FEDERAL DEFENDANTS by 12/10/2011.) (Magid, Creighton) (Entered: 11/15/2011)
11/23/2011	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/14/2011. (Magid, Creighton) (Entered: 11/23/2011)
11/23/2011	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES served on 11/15/2011 (Magid, Creighton) (Entered: 11/23/2011)
12/08/2011	<u>6</u>	NOTICE of Appearance by Marian L. Borum on behalf of All Defendants (Borum, Marian) (Entered: 12/08/2011)
12/09/2011	<u>7</u>	MOTION for Extension of Time to <i>Answer, Move or Otherwise Respond to Plaintiff's Complaint</i> by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Borum, Marian) (Entered: 12/09/2011)
12/12/2011		MINUTE ORDER granting <u>7</u> Motion for Extension of Time. Defendants shall respond to Complaint on or before 2/10/2012. Signed by Judge James E. Boasberg on 12/12/2011. (lcjeb3) (Entered: 12/12/2011)
12/13/2011		Set/Reset Deadlines: Defendants shall respond to Complaint on or before 2/10/2012. (ad) (Entered: 12/13/2011)
01/18/2012	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Beth Jennifer Werlin, :Firm- American Immigration Council's Legal Action Center, :Address- 1331 G Street, N.W., Suite 200, Washington, D.C. 20005. Phone No. - 202-507-7522. Fax No. - 202-742-5619 by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration Beth Jennifer Werlin, # <u>2</u> Text of Proposed Order)(Magid, Creighton) (Entered: 01/18/2012)
01/18/2012		MINUTE ORDER granting <u>8</u> Motion for Admission <i>Pro Hac Vice</i> of Beth Jennifer Werlin. Signed by Judge James E. Boasberg on 01/18/2012. (lcjeb3) (Entered: 01/18/2012)

01/26/2012	<u>9</u>	NOTICE of Appearance by Beth Jennifer Werlin on behalf of AMERICAN IMMIGRATION COUNCIL (Werlin, Beth) (Entered: 01/26/2012)
01/26/2012	<u>10</u>	NOTICE of Appearance by Melissa E. Crow on behalf of AMERICAN IMMIGRATION COUNCIL (Crow, Melissa) (Entered: 01/26/2012)
02/09/2012	<u>11</u>	Consent MOTION for Extension of Time to <i>File Dispositive Motion</i> by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Borum, Marian) (Entered: 02/09/2012)
02/09/2012		MINUTE ORDER granting <u>11</u> Motion for Extension of Time. Defendants shall respond to Plaintiff's Complaint on or before March 12, 2012. Signed by Judge James E. Boasberg on 2/9/2012. (lcjeb3) (Entered: 02/09/2012)
02/10/2012		Set/Reset Deadlines: Defendants shall respond to Plaintiff's Complaint on or before 3/12/2012. (ad) (Entered: 02/10/2012)
03/09/2012	<u>12</u>	ENTERED IN ERROR.....Joint MOTION for Extension of Time to <i>File Briefs</i> by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Borum, Marian) Modified on 3/9/2012 (dr). (Entered: 03/09/2012)
03/09/2012		NOTICE OF CORRECTED DOCKET ENTRY: re <u>12</u> Joint MOTION for Extension of Time to <i>File Briefs</i> was entered in error at request of counsel, and will be refiled.(dr) (Entered: 03/09/2012)
03/09/2012	<u>13</u>	Joint MOTION for Extension of Time to <i>File Briefs</i> by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Borum, Marian) (Entered: 03/09/2012)
03/09/2012		MINUTE ORDER granting <u>13</u> Joint Motion for Extension of Time to File. Defendants' dispositive motion will be due May 1, 2012; Plaintiff's Opposition will be due June 1, 2012; and Defendants' Reply will be due June 18, 2012. Signed by Judge James E. Boasberg on 3/9/2012. (lcjeb3) (Entered: 03/09/2012)
03/09/2012		Set/Reset Deadlines: Defendants' Dispositive Motion due by 5/1/2012; Plaintiff's Opposition to Dispositive Motion due by 6/1/2012; Defendants' Reply to Opposition to Dispositive Motion due by 6/18/2012. (tg,) (Entered: 03/09/2012)
04/24/2012	<u>14</u>	Consent MOTION for Extension of Time to <i>file Defendants' dispositive motion</i> by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Borum, Marian) (Entered: 04/24/2012)
04/25/2012		MINUTE ORDER granting <u>14</u> Consent Motion for Extension of Time: Any dispositive motion by Defendants shall be filed on or before 5/31/2012, Plaintiff's Opposition shall be filed on or before 7/2/2012, and Defendants' Reply shall be filed on or before 7/17/2012. Signed by Judge James E. Boasberg on 4/25/2012. (lcjeb3) (Entered: 04/25/2012)
04/25/2012		Set/Reset Deadlines: Any dispositive motion by Defendants shall be filed on or before 5/31/2012; Plaintiff's Opposition shall be filed on or before 7/02/2012; And Defendants' Reply shall be filed on or before 7/17/2012. (ad) (Entered: 04/25/2012)
05/02/2012	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Michelle S. Grant, :Firm– Dorsey & Whitney LLP, :Address– 50 South Sixth Street, Minneapolis, MN 55402. Phone No. – 612–340–5671. Fax No. – 612–340–2868 by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order)(Magid, Creighton) (Entered: 05/02/2012)
05/02/2012		MINUTE ORDER granting <u>15</u> Motion for Admission <i>Pro Hac Vice</i> of Michelle S. Grant. Signed by Judge James E. Boasberg on 5/2/2012. (lcjeb3) (Entered: 05/02/2012)
05/31/2012	<u>16</u>	MOTION to Dismiss, MOTION for Summary Judgment by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Declaration, # <u>2</u>

		Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit Vaughn Index)(Borum, Marian) (Entered: 05/31/2012)
07/02/2012	<u>17</u>	Memorandum in opposition to re <u>16</u> MOTION to Dismiss MOTION for Summary Judgment filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Statement of Facts Response to Defendants' Statement of Material Facts as to Which There Is No Genuine Dispute, # <u>2</u> Declaration Declaration of Beth Werlin, # <u>3</u> Exhibit Exhibit A to Declaration of Beth Werlin, # <u>4</u> Exhibit Exhibit B to Declaration of Beth Werlin, # <u>5</u> Exhibit Exhibit C to Declaration of Beth Werlin, # <u>6</u> Declaration Declaration of Matthew Farr, # <u>7</u> Exhibit Exhibit A to Declaration of Matthew Farr, # <u>8</u> Declaration Declaration of Elise Fialkowski, # <u>9</u> Exhibit Exhibit A to Declaration of Elise Fialkowski, # <u>10</u> Text of Proposed Order Proposed Order)(Werlin, Beth) (Entered: 07/02/2012)
07/12/2012	<u>18</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION to Dismiss MOTION for Summary Judgment by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Borum, Marian) (Entered: 07/12/2012)
07/12/2012		MINUTE ORDER: Defendants' <u>18</u> Consent Motion for Extension of Time to File a Reply is hereby GRANTED; Defendants shall file their reply on or before August 16, 2012. Signed by Judge James E. Boasberg on 7/12/12. (lcjeb4) (Entered: 07/12/2012)
07/13/2012		Set/Reset Deadline: Defendants shall file their reply on or before 8/16/2012. (ad) (Entered: 07/13/2012)
08/15/2012	<u>19</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION to Dismiss MOTION for Summary Judgment by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Borum, Marian) (Entered: 08/15/2012)
08/15/2012		MINUTE ORDER granting Defendants' <u>19</u> Consent Motion for Extension of Time: Defendants shall have until and including September 6, 2012, to file a Reply in this matter. Signed by Judge James E. Boasberg on 8/15/2012. (lcjeb3) (Entered: 08/15/2012)
08/15/2012		Set/Reset Deadlines: Defendants Reply due by 9/6/2012. (tg,) (Entered: 08/16/2012)
09/06/2012	<u>20</u>	REPLY to opposition to motion re <u>16</u> MOTION to Dismiss MOTION for Summary Judgment filed by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Borum, Marian) (Entered: 09/06/2012)
11/09/2012		MINUTE ORDER: By November 15, 2012, the Court ORDERS Defendants to produce to the Court, for <i>in camera</i> review, the fifteen documents listed on pages 15–18 of <u>17</u> Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss and for Summary Judgment. Signed by Judge James E. Boasberg on 11/9/2012. (lcjeb2) (Entered: 11/09/2012)
11/09/2012		Set/Reset Deadlines: In–Camera Submission due by 11/15/2012. (tg,) (Entered: 11/09/2012)
11/27/2012	<u>21</u>	ORDER granting in part and denying in part <u>16</u> Defendants' Motion to Dismiss and for Summary Judgment. Defendants' Motion is GRANTED as to the Second Cause of Action, which is DISMISSED AS MOOT. Defendants' Motion is GRANTED as to the portions of the Complaint relating to released records, which are DISMISSED AS MOOT. Defendants' Motion is DENIED as to the adequacy of Defendants' search. Defendants' Motion is DENIED as to Defendants' withholdings under Exemption 5 for (using the numbering of records on pages 15–18 of <u>17</u> Plaintiff's Opposition Brief): Records 1, 2, 3, 5, 6, 8, 12, and 15 in full; FOIA response pages 1904–06 of Record 10, except for the first two e–mails on page 1904; and Record 13 in full, except for the internal meeting minutes. Defendants must make all of those records and portions of records available to Plaintiff. Defendants' Motion is GRANTED as to other withholdings under Exemption 5 and all withholdings under Exemption 6. On or before December 13, 2012, the parties shall submit a joint proposed schedule for the remainder of the case. Signed by Judge James E. Boasberg on 11/27/2012. (lcjeb2) (Entered: 11/27/2012)

11/27/2012	<u>22</u>	MEMORANDUM OPINION to <u>21</u> Order. Signed by Judge James E. Boasberg on 11/27/2012. (lcjeb2) (Entered: 11/27/2012)
11/28/2012		Set/Reset Deadline: On or before 12/13/2012, the parties shall submit a joint proposed schedule for the remainder of the case. (ad) (Entered: 11/28/2012)
12/13/2012	<u>23</u>	Joint MOTION for Briefing Schedule by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Borum, Marian) (Entered: 12/13/2012)
12/13/2012		MINUTE ORDER granting <u>23</u> Motion for Joint Proposed Briefing Schedule. The Court ORDERS that: (1) Defendants shall file a renewed motion for summary judgment by March 13, 2013; (2) Plaintiff shall file its opposition by April 12, 2013; and (3) Defendants shall file any reply by April 29, 2013. Signed by Judge James E. Boasberg on 12/13/2012. (lcjeb2) (Entered: 12/13/2012)
12/14/2012		Set/Reset Deadlines: Defendants shall file a renewed motion for summary judgment by 3/13/2013; Plaintiff shall file its opposition by 4/12/2013; Defendants shall file any reply by 4/29/2013. (ad) (Entered: 12/14/2012)
03/13/2013	<u>24</u>	Consent MOTION for Extension of Time to File <i>Renewed Motion for Summary Judgment</i> by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Borum, Marian) (Entered: 03/13/2013)
03/13/2013		MINUTE ORDER granting Defendant's Consent <u>24</u> Motion for Extension of Time to File its Renewed Motion for Summary Judgment. The Court ORDERS that Defendant's renewed motion shall be filed on or before March 20, 2013. Signed by Judge James E. Boasberg on 3/13/2013. (lcjeb3) (Entered: 03/13/2013)
03/13/2013		Set/Reset Deadline: Defendant's renewed motion shall be filed on or before 3/20/2013. (ad) (Entered: 03/13/2013)
03/15/2013	<u>25</u>	STIPULATION of <i>Settlement and Dismissal</i> by AMERICAN IMMIGRATION COUNCIL. (Grant, Michelle) (Entered: 03/15/2013)
03/15/2013		MINUTE ORDER: For the reasons set forth in the parties' <u>25</u> Stipulation of Settlement and Dismissal, the Court ORDERS that the case is DISMISSED WITH PREJUDICE. Signed by Judge James E. Boasberg on 3/15/2013. (lcjeb2) (Entered: 03/15/2013)
05/29/2013	<u>26</u>	MOTION Publish Court's November 27, 2012 Opinion by AMERICAN IMMIGRATION COUNCIL (Grant, Michelle) (Entered: 05/29/2013)
05/30/2013		MINUTE ORDER: Plaintiff has filed a <u>26</u> Motion to Publish the Court's November 27, 2012, Opinion. Such a motion is perplexing for two reasons. First, it is West Publishing, not this Court, that decides which opinions to publish in its Federal Supplement. Second, in addition to publishing the Opinion in Westlaw, West has already determined it will publish this Opinion in the Federal Supplement, as a quick Westlaw search reveals. <u>See Am. Immigration Council v. U.S. Dep't of Homeland Sec.</u> , -- F. Supp. 2d --, 2012 WL 5928643 (D.D.C. Nov. 27, 2012). Plaintiff's Motion, accordingly, is DENIED as moot. Signed by Judge James E. Boasberg on 5/30/2013. (lcjeb2) (Entered: 05/30/2013)