

ACCO,(JPRx),CLOSED,DISCOVERY,MANADR

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:15-cv-02573-PSG-JPR**

Human Rights Watch v. Drug Enforcement Administration et al
Assigned to: Judge Philip S. Gutierrez
Referred to: Magistrate Judge Jean P. Rosenbluth
Cause: 46:1156 Administrative Procedure Act

Date Filed: 04/07/2015
Date Terminated: 12/16/2015
Jury Demand: Plaintiff
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

Human Rights Watch

represented by **Andrew Crocker**
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V.

Defendant

Drug Enforcement Administration

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LEAD ATTORNEY
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Defendant

Michele Leonhart
*in her official capacity as Administrator
of DEA*

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Federal Bureau of Investigation

represented by **Kathryn L Wyer**
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Defendant

James Comey
*in his official capacity as Director of the
FBI*

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ATTORNEY TO BE NOTICED

Defendant

Department of Justice

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Defendant

Eric Holder
*in his official capacity as Attorney
 General*

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Defendant

Department of Homeland Security

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Defendant

Jeh Johnson
*in his official capacity as Secretary of the
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Defendant

United States of America

represented by **Kathryn L Wyer**
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Defendant

Does
1-100

represented by **Kathryn L Wyer**
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Date Filed	#	Docket Text
04/07/2015	<u>1</u>	COMPLAINT Receipt No: 0973-15506341 - Fee: \$400, filed by Plaintiff Human Rights Watch. (Attachments: # <u>1</u> Exhibit A) (Attorney Mark Rumold added to party Human Rights Watch(pty:pla))(Rumold, Mark) (Entered: 04/07/2015)
04/07/2015	<u>2</u>	CIVIL COVER SHEET filed by Plaintiff Human Rights Watch. (Rumold, Mark) (Entered: 04/07/2015)
04/07/2015	<u>3</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) <u>1</u> filed by Plaintiff Human Rights Watch. (Rumold, Mark) (Entered: 04/07/2015)
04/07/2015	<u>4</u>	CERTIFICATE of Interested Parties filed by Plaintiff Human Rights Watch, (Rumold, Mark) (Entered: 04/07/2015)
04/07/2015	<u>5</u>	CORPORATE DISCLOSURE STATEMENT filed by Plaintiff Human Rights Watch identifying none as Corporate Parent. (Rumold, Mark) (Entered: 04/07/2015)
04/07/2015	<u>6</u>	NOTICE OF ASSIGNMENT to District Judge Philip S. Gutierrez and Magistrate Judge Jean P. Rosenbluth. (et) (Entered: 04/07/2015)
04/07/2015	<u>7</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (et) (Entered: 04/07/2015)
04/07/2015	<u>8</u>	60 DAY Summons Issued re Complaint (Attorney Civil Case Opening) <u>1</u> as to Defendants James Comey, Department of Homeland Security, Department of Justice, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. (et) (Entered: 04/07/2015)
04/10/2015	<u>9</u>	STANDING ORDER REGARDING NEWLY ASSIGNED CASES by Judge Philip S. Gutierrez. (ji) (Entered: 04/10/2015)

04/15/2015	<u>10</u>	PROOF OF SERVICE Executed by Plaintiff Human Rights Watch, upon Defendant James Comey served on 4/15/2015, answer due 6/14/2015; Department of Homeland Security served on 4/15/2015, answer due 6/14/2015; Department of Justice served on 4/15/2015, answer due 6/14/2015; Drug Enforcement Administration served on 4/15/2015, answer due 6/14/2015; Federal Bureau of Investigation served on 4/15/2015, answer due 6/14/2015; Eric Holder served on 4/15/2015, answer due 6/14/2015; Jeh Johnson served on 4/15/2015, answer due 6/14/2015; Michele Leonhart served on 4/15/2015, answer due 6/14/2015; United States of America served on 4/15/2015, answer due 6/14/2015. Service of the Summons and Complaint were Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons returned. (Rumold, Mark) (Entered: 04/15/2015)
05/04/2015	<u>11</u>	***STRICKEN ON 05/06/2015*** NOTICE OF MOTION AND MOTION to Expedite Discovery filed by Plaintiff Human Rights Watch. Motion set for hearing on 6/22/2015 at 01:30 PM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order)(Rumold, Mark) Modified on 5/6/2015 (dgon). (Entered: 05/04/2015)
05/04/2015	<u>12</u>	NOTICE of Appearance filed by attorney Jamie L Williams on behalf of Plaintiff Human Rights Watch (Attorney Jamie L Williams added to party Human Rights Watch(pty:pla))(Williams, Jamie) (Entered: 05/04/2015)
05/04/2015	<u>13</u>	NOTICE of Appearance filed by attorney Andrew Crocker on behalf of Plaintiff Human Rights Watch (Attorney Andrew Crocker added to party Human Rights Watch(pty:pla))(Crocker, Andrew) (Entered: 05/04/2015)
05/05/2015	<u>14</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: MOTION to Expedite Discovery <u>11</u> . The following error(s) was found: Hearing information is missing, incorrect, or not timely. Other error(s) with document(s) are specified below: Hearing is noticed for a date that is closed on the court's calendar. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (bm) (Entered: 05/05/2015)
05/06/2015	<u>15</u>	PROOF OF SERVICE filed by Plaintiff Human Rights Watch, re Notice of Deficiency in Electronically Filed Documents (G-112A),, <u>14</u> served on May 6, 2015. (Rumold, Mark) (Entered: 05/06/2015)
05/06/2015	<u>16</u>	REQUEST to Expedite Hearing Date filed by Plaintiff Human Rights Watch. (Attachments: # <u>1</u> Proposed Order)(Rumold, Mark) (Entered: 05/06/2015)
05/06/2015	<u>17</u>	ORDER by Judge Philip S. Gutierrez: the following document be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: MOTION to Expedite Discovery <u>11</u> , for the following reasons: Hearing information is missing, incorrect, or not timely. The hearing date selected was closed on 5/1/15 as to any new motions. (dgon) (Entered: 05/06/2015)
05/07/2015	<u>18</u>	PROOF OF SERVICE filed by Plaintiff Human Rights Watch, re Striking Electronically Filed Documents (G-106), <u>17</u> served on May 7, 2015. (Rumold, Mark) (Entered: 05/07/2015)
05/07/2015	<u>19</u>	NOTICE OF MOTION AND MOTION to Expedite Discovery filed by Plaintiff Human Rights Watch. Motion set for hearing on 7/13/2015 at 01:30 PM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order)(Rumold, Mark) (Entered: 05/07/2015)
05/11/2015	<u>20</u>	ORDER SETTING HEARING DATE <u>16</u> by Judge Philip S. Gutierrez: On May 6, 2015, Plaintiff Human Rights Watch filed a Request for Expedited Hearing on its pending Motion for Expedited Discovery (ECF No. 11). After full consideration and with good cause appearing:(Please see attached document fur further details and dates.) (dgon) (Entered: 05/11/2015)
05/11/2015	<u>21</u>	Joint REQUEST to Vacate Order on Request to Expedite, <u>20</u> <i>Setting July 6 Hearing Date</i> , Joint REQUEST to Reschedule Hearing to July 13, 2015 filed by Defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh

		Johnson, Michele Leonhart, United States of America. (Attachments: # <u>1</u> Proposed Order)(Attorney Kathryn L Wyer added to party James Comey(pty:dft), Attorney Kathryn L Wyer added to party Department of Homeland Security(pty:dft), Attorney Kathryn L Wyer added to party Department of Justice(pty:dft), Attorney Kathryn L Wyer added to party Does(pty:dft), Attorney Kathryn L Wyer added to party Drug Enforcement Administration(pty:dft), Attorney Kathryn L Wyer added to party Federal Bureau of Investigation(pty:dft), Attorney Kathryn L Wyer added to party Eric Holder(pty:dft), Attorney Kathryn L Wyer added to party Jeh Johnson(pty:dft), Attorney Kathryn L Wyer added to party Michele Leonhart(pty:dft), Attorney Kathryn L Wyer added to party United States of America(pty:dft))(Wyer, Kathryn) (Entered: 05/11/2015)
05/12/2015	<u>22</u>	OPPOSITION to REQUEST to Expedite Hearing Date <u>16</u> (<i>Pursuant to Deadline Identified in Joint Proposed Stipulation</i>) filed by Defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. (Attachments: # <u>1</u> Proposed Order)(Wyer, Kathryn) (Entered: 05/12/2015)
05/13/2015	<u>23</u>	ORDER ON JOINT PROPOSED STIPULATION VACATING JULY 6 HEARING DATE AND RESETTING HEARING FOR JULY 13, 2015 <u>19</u> by Judge Philip S. Gutierrez: The parties Joint Proposed Stipulation and Order Vacating July 6 HearingDate and Resetting Hearing for July 13 is hereby APPROVED. The currently scheduled hearing date of July 6, 2015, on Plaintiffs Motion for ExpeditedDiscovery is hereby VACATED, and the hearing is RESET for July 13, 2015.pending further consideration of Plaintiffs Request for Expedited Considerationand Defendants opposition thereto. Defendants shall file a response to Plaintiffs Request for Expedited Consideration on or before May 12, 2015. IT IS SO ORDERED. (ab) (Entered: 05/13/2015)
06/15/2015	<u>24</u>	NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction filed by defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. Motion set for hearing on 8/17/2015 at 01:30 PM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration of Robert W. Patterson, # <u>3</u> Proposed Order)(Wyer, Kathryn) (Entered: 06/15/2015)
06/22/2015	<u>25</u>	MEMORANDUM in Opposition to MOTION to Expedite Discovery <u>19</u> filed by Defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. (Attachments: # <u>1</u> Proposed Order)(Wyer, Kathryn) (Entered: 06/22/2015)
06/29/2015	<u>26</u>	REPLY in Support of MOTION to Expedite Discovery <u>19</u> filed by Plaintiff Human Rights Watch. (Rumold, Mark) (Entered: 06/29/2015)
07/07/2015	<u>27</u>	REQUEST to Continue Hearing on Plaintiff's Motion for Expedited Discovery from July 13, 2015 to August 17, 2015 Re: MOTION to Expedite Discovery <u>19</u> filed by defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. Request set for hearing on 8/17/2015 at 01:30 PM before Judge Philip S. Gutierrez. (Attachments: # <u>1</u> Proposed Order) (Wyer, Kathryn) (Entered: 07/07/2015)
07/08/2015	<u>28</u>	OPPOSITION to REQUEST to Continue Hearing on Plaintiff's Motion for Expedited Discovery from July 13, 2015 to August 17, 2015 Re: MOTION to Expedite Discovery <u>19</u> <u>27</u> filed by Plaintiff Human Rights Watch. (Attachments: # <u>1</u> Proposed Order)(Rumold, Mark) (Entered: 07/08/2015)
07/08/2015	<u>29</u>	REPLY in support of REQUEST to Continue Hearing on Plaintiff's Motion for Expedited Discovery from July 13, 2015 to August 17, 2015 Re: MOTION to Expedite Discovery <u>19</u> <u>27</u> filed by Defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. (Wyer, Kathryn) (Entered: 07/08/2015)

07/09/2015	<u>30</u>	DENIED BY ORDER OF THE COURT re DEFENDANTS' REQUEST TO CONTINUE HEARING ON PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY AND COMBINE IT WITH HEARING ON DEFENDANTS' MOTION TO DISMISS <u>27</u> by Judge Philip S. Gutierrez. (lom) (Entered: 07/09/2015)
07/10/2015	<u>31</u>	MINUTE ORDER (In Chambers): Order DENYING Plaintiff's Motion for Expedited Discovery <u>19</u> by Judge Philip S. Gutierrez. For the foregoing reasons, the Court DENIES Plaintiff's motion for leave to conduct expedited discovery. IT IS SO ORDERED. (lom) (Entered: 07/10/2015)
07/27/2015	<u>32</u>	MEMORANDUM in Opposition to MOTION to Dismiss for Lack of Jurisdiction <u>24</u> filed by Plaintiff Human Rights Watch. (Attachments: # <u>1</u> Declaration of Mark Rumold)(Rumold, Mark) (Entered: 07/27/2015)
07/27/2015	<u>33</u>	REQUEST for Hearing Evidentiary <i>and Discovery</i> filed by Plaintiff Human Rights Watch. (Attachments: # <u>1</u> Proposed Order) (Rumold, Mark) (Entered: 07/27/2015)
08/03/2015	<u>34</u>	REPLY in support of MOTION to Dismiss for Lack of Jurisdiction <u>24</u> filed by Defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. (Wyer, Kathryn) (Entered: 08/03/2015)
08/03/2015	<u>35</u>	OPPOSITION in opposition to re: REQUEST for Hearing Evidentiary <i>and Discovery</i> <u>33</u> filed by Defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. (Attachments: # <u>1</u> Proposed Order)(Wyer, Kathryn) (Entered: 08/03/2015)
08/05/2015	<u>36</u>	REPLY in Support of REQUEST for Hearing Evidentiary <i>and Discovery</i> <u>33</u> filed by Plaintiff Human Rights Watch. (Rumold, Mark) (Entered: 08/05/2015)
08/13/2015	37	TEXT ONLY ENTRY IN CHAMBERS by Judge Philip S. Gutierrez: DEFENDANTS' MOTION TO DISMISS <u>24</u> set for hearing on 08/17/15 is taken under submission and off calendar. Accordingly, no appearance by counsel is necessary. The Court will issue a ruling after full consideration of the submitted pleadings.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (wm) TEXT ONLY ENTRY (Entered: 08/13/2015)
08/14/2015	<u>38</u>	MINUTES (IN CHAMBERS) Order HOLDING IN ABEYANCE Ruling on the Motion to Dismiss and GRANTING IN PART Plaintiff's Request for Discovery by Judge Philip S. Gutierrez granting in part <u>33</u> REQUEST: For the foregoing reasons, the Court HOLDS IN ABEYANCE ruling on the Government's motion to dismiss for lack of subject matter jurisdiction and GRANTS IN PART HRW's request for discovery. The Court orders that HWR may serve no more than five interrogatories on the Government. The timing of this limited discovery shall proceed as follows: Deadline for HRW to serve interrogatories: September 11, 2015; Deadline for the Government's responses: October 13, 2015; Deadline for HRW's supplemental briefing: November 9, 2015; Deadline for the Government's response briefing:3 November 23, 2015; HRW's request for discovery is otherwise denied. The Court will not rule on HRW's request for an evidentiary hearing at this point. After reviewing the evidence and arguments submitted to the Court in the supplemental and response briefing, the Court will determine whether an evidentiary hearing is necessary. (see document for further details) (bm) (Entered: 08/14/2015)
10/13/2015	<u>39</u>	Joint STIPULATION for Extension of Time to File Supplemental Briefing and serve Interrogatory Responses filed by defendants James Comey, Department of Homeland Security, Department of Justice, Does, Drug Enforcement Administration, Federal Bureau of Investigation, Eric Holder, Jeh Johnson, Michele Leonhart, United States of America. (Attachments: # <u>1</u> Proposed Order)(Wyer, Kathryn) (Entered: 10/13/2015)
10/14/2015	<u>40</u>	ORDER ON PROPOSED STIPULATION TO EXTEND REMAINING DEADLINES SET FORTH IN COURTS AUGUST 14, 2015 ORDER by Judge Philip S. Gutierrez, re Stipulation for Extension of Time to File, <u>39</u> : The parties' Joint Proposed Stipulation and Order to Extend the Remaining Deadlines set forth in the Courts August 14, 2015 Order is hereby APPROVED. The remaining deadlines are hereby extended as follows: Deadline for the Government's interrogatory responses: October 20, 2015; Deadline for HRW's supplemental briefing: November 16, 2015; Deadline

		for the Governments response briefing: December 2, 2015; IT IS SO ORDERED (bm) (Entered: 10/14/2015)
10/28/2015	<u>41</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Hanni Meena Fakhoury counsel for Plaintiff Human Rights Watch. Hanni M. Fakhoury is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by Plaintiff Human Rights Watch. (Fakhoury, Hanni) (Entered: 10/28/2015)
11/13/2015	<u>42</u>	Joint STIPULATION for Extension of Time to File Supplemental Briefing filed by plaintiff Human Rights Watch. (Attachments: # <u>1</u> Proposed Order)(Rumold, Mark) (Entered: 11/13/2015)
11/18/2015	<u>43</u>	ORDER ON STIPULATION TO EXTEND REMAINING DEADLINES by Judge Philip S. Gutierrez, re Stipulation for Extension of Time to File <u>42</u> : The deadlines for supplemental briefing are continued and reset as follows: Deadline for HRW's supplemental briefing: November 30, 2015; Deadline for the Government's response briefing: January 6, 2015 (bm) (Entered: 11/19/2015)
11/30/2015	<u>44</u>	Joint STIPULATION for Extension of Time to File SUPPLEMENTAL BRIEF filed by PLAINTIFF Human Rights Watch. (Attachments: # <u>1</u> Proposed Order)(Rumold, Mark) (Entered: 11/30/2015)
12/02/2015	<u>45</u>	ORDER ON JOINT STIPULATION TO EXTEND PLAINTIFF'S DEADLINE <u>44</u> by Judge Philip S. Gutierrez. The parties' Joint Stipulation to Extend Plaintiff's Deadline is hereby APPROVED. The deadlines for supplemental briefing are continued and reset as follows: Deadline for HRW's supplemental briefing: December 14, 2015; Deadline for the Government's response briefing: January 15, 2016. (lom) (Entered: 12/02/2015)
12/14/2015	<u>46</u>	NOTICE of Voluntary Dismissal filed by PLAINTIFF Human Rights Watch. Dismissal is without prejudice. (Rumold, Mark) (Entered: 12/14/2015)
12/16/2015	<u>47</u>	NOTICE OF VOLUNTARY DISMISSAL; ORDER by Judge Philip S. Gutierrez, re Notice of Voluntary Dismissal of an Action (Pursuant to FRCP 41a(1)) <u>46</u> : NOTE CHANGES MADE BY THE COURT. (Made JS-6. Case Terminated.) (bm) (Entered: 12/16/2015)