

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:10-cv-00755-RLW

ELECTRONIC FRONTIER FOUNDATION v.
DEPARTMENT OF JUSTICE
Assigned to: Judge Robert L. Wilkins
Cause: 05:552 Freedom of Information Act

Date Filed: 05/11/2010
Date Terminated: 06/17/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC FRONTIER
FOUNDATION**

represented by **David L. Sobel**
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ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF JUSTICE

represented by **Kyle Renee Freeny**
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TERMINATED: 06/09/2010

Date Filed	#	Docket Text
05/11/2010	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE (Filing fee \$ 350, receipt number 4616029607) filed by ELECTRONIC FRONTIER FOUNDATION.

		(Attachments: # <u>1</u> Civil Cover Sheet)(td,) (Entered: 05/12/2010)
05/11/2010		SUMMONS (3) Issued as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (td,) (Entered: 05/12/2010)
05/11/2010	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ELECTRONIC FRONTIER FOUNDATION identifying Corporate Parent NONE for ELECTRONIC FRONTIER FOUNDATION. (td,) (Entered: 05/12/2010)
05/14/2010	<u>3</u>	Case randomly reassigned to Judge Colleen Kollar-Kotelly. Judge Paul L. Friedman no longer assigned to the case. (gt,) (Entered: 05/14/2010)
05/19/2010	<u>4</u>	ORDER Establishing Procedures for Electronic Filing for Cases Assigned to Judge Colleen Kollar-Kotelly, signed on May 19, 2010. (SM) (Entered: 05/19/2010)
05/20/2010	<u>5</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 05/20/2010)
06/09/2010	<u>6</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to DEPARTMENT OF JUSTICE. Attorney Marina Utgoff Braswell terminated. (Braswell, Marina) (Entered: 06/09/2010)
06/10/2010	<u>7</u>	NOTICE of Appearance by Kyle Renee Freeny on behalf of DEPARTMENT OF JUSTICE (Freeny, Kyle) (Entered: 06/10/2010)
06/10/2010	<u>8</u>	ANSWER to <u>1</u> Complaint by DEPARTMENT OF JUSTICE.(Freeny, Kyle) (Entered: 06/10/2010)
06/14/2010	<u>9</u>	ORDER. The parties shall confer and propose a schedule for proceeding in this matter. The schedule should 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, etc. The parties shall file the schedule not later than June 28, 2010. Signed by Judge Colleen Kollar-Kotelly on June 14, 2010. (lcckk1) (Entered: 06/14/2010)
06/28/2010	<u>10</u>	STATUS REPORT (<i>Joint</i>) by DEPARTMENT OF JUSTICE. (Freeny, Kyle) (Entered: 06/28/2010)
06/30/2010		MINUTE ORDER (paperless). The parties have filed a <u>10</u> Joint Status Report and Schedule indicating that Defendant will complete processing of Plaintiffs FOIA request on or before November 15, 2010. Following the completion of processing, the parties shall confer in an effort to narrow any disputed issues and submit a further Joint Status Report with a proposed schedule for proceeding by no later than November 30, 2010. Signed by Judge Colleen Kollar-Kotelly on June 30, 2010.(lcckk1) (Entered: 06/30/2010)
11/30/2010	<u>11</u>	STATUS REPORT <i>and Proposed Schedule (Joint)</i> by DEPARTMENT OF JUSTICE. (Freeny, Kyle) (Entered: 11/30/2010)
12/02/2010	<u>12</u>	ORDER: Pursuant to the Joint Status Report and Proposed Schedule filed by the parties on November 30, 2010, the Court approves the proposed schedule which is adopted and incorporated in the attached Scheduling Order. Accordingly, Defendant's motion for summary judgment shall be due on or before February 28, 2011; Plaintiff's opposition and cross-motion for summary judgment shall be due on or before March 30, 2011; Defendant's reply and opposition brief shall be due on or before April 19, 2011; and Plaintiff's reply brief shall be due on or before May 9, 2010. Signed by Judge Colleen Kollar-Kotelly on December 2, 2010. (SM,) (Entered: 12/02/2010)
12/02/2010		Set/Reset Deadlines: Plaintiff's Cross Motions due by 3/30/2011. Response to Cross Motions due by 4/19/2011. Reply to Cross Motions due by 5/9/2011. Defendant's Summary Judgment motions due by 2/28/2011. Response to Motion for Summary Judgment due by 3/30/2011. Reply to Motion for Summary Judgment due by 4/19/2011. (dot) (Entered: 12/18/2010)
01/20/2011		Case reassigned to U.S. District Judge Robert L. Wilkins. Judge Colleen Kollar-Kotelly no longer assigned to the case. (ds) (Entered: 01/20/2011)

02/18/2011	<u>13</u>	Unopposed MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Freeny, Kyle) (Entered: 02/18/2011)
02/23/2011		MINUTE ORDER granting <u>13</u> Unopposed Motion for Extension of Time. Accordingly, the deadlines set in the briefing schedule on December 2, 2010, have been extended as follows: Defendant shall have until March 4, 2011, to file its Motion for Summary Judgment; Plaintiff shall have until April 5, 2011, to file its Opposition to Defendant's Motion for Summary Judgment and Cross Motion for Summary Judgment; Defendant shall have until April 25, 2011, to file its Reply in support of its Motion for Summary Judgment and Opposition to Plaintiff's Cross Motion for Summary Judgment; and Plaintiff shall have until May 13, 2011, to file its Reply in support of its Cross Motion for Summary Judgment. Set/Reset Deadlines: Motion for Summary Judgment due by 3/4/2011; Response to Motion for Summary Judgment due by 4/5/2011; Reply to Motion for Summary Judgment due by 4/25/2011. Cross Motion for Summary Judgment due by 4/5/2011; Response to Cross Motion due by 4/25/2011; Reply to Cross Motion due by 5/13/2011. Signed by Judge Colleen Kollar-Kotelly on February 23, 2011, on behalf of newly appointed Judge Wilkins. (SM) (Entered: 02/23/2011)
03/04/2011	<u>14</u>	MOTION for Summary Judgment by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Affidavit Declaration of David M. Hardy, # <u>3</u> Exhibit Exhibits to Declaration (Pt. 1), # <u>4</u> Exhibit Exhibits to Declaration (Pt. 2), # <u>5</u> Exhibit Exhibits to Declaration (Pt. 3), # <u>6</u> Errata Exhibits to Declaration (Pt. 4), # <u>7</u> Exhibit Exhibits to Declaration (Pt. 5), # <u>8</u> Exhibit Exhibits to Declaration (Pt. 6), # <u>9</u> Exhibit Exhibits to Declaration (Pt. 7), # <u>10</u> Exhibit Exhibits to Declaration (Pt. 8), # <u>11</u> Exhibit Exhibits to Declaration (Pt. 9), # <u>12</u> Exhibit Exhibits to Declaration (Pt. 10), # <u>13</u> Text of Proposed Order)(Freeny, Kyle) (Entered: 03/04/2011)
04/05/2011	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment (<i>Partial</i>) filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Sobel, David) (Entered: 04/05/2011)
04/05/2011	<u>16</u>	Cross MOTION for Partial Summary Judgment by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Sobel, David) (Entered: 04/05/2011)
04/22/2011	<u>17</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1 (Declaration of Dennis J. Argall), # <u>2</u> Exhibit 2)(Freeny, Kyle) (Entered: 04/22/2011)
04/22/2011	<u>18</u>	Memorandum in opposition to re <u>16</u> Cross MOTION for Partial Summary Judgment filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1 (Declaration of Dennis J. Argall), # <u>2</u> Exhibit 2)(Freeny, Kyle) (Entered: 04/22/2011)
05/11/2011	<u>19</u>	NOTICE of Appearance by Thomas David Zimpleman on behalf of DEPARTMENT OF JUSTICE (Zimpleman, Thomas) (Entered: 05/11/2011)
05/11/2011	<u>20</u>	Consent MOTION for Extension of Time to <i>File Reply</i> by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Sobel, David) (Entered: 05/11/2011)
05/12/2011	<u>21</u>	ORDER granting <u>20</u> Consent MOTION for Extension of Time to File Reply; it is further ordered that plaintiff shall have until June 7,2011, to file its reply in support of plaintiffs cross-motion for partial summary judgment. Signed by Judge Robert L. Wilkins on 5/12/2011. (tcb) (Entered: 05/12/2011)
06/07/2011	<u>22</u>	Consent MOTION for Extension of Time to <i>File Reply</i> by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Sobel, David) (Entered: 06/07/2011)
06/08/2011	<u>23</u>	ORDER granting <u>22</u> Consent MOTION for Extension of Time to File Reply; and plaintiff shall have until June 28,2011, to file its reply in support of plaintiffs cross-motion for partial summary judgment. Signed by Judge Robert L. Wilkins on 6/8/2011. (tcb) (Entered: 06/08/2011)

06/16/2011	<u>24</u>	NOTICE of Settlement <i>Agreement and Release</i> by ELECTRONIC FRONTIER FOUNDATION (Sobel, David) (Entered: 06/16/2011)
06/16/2011	<u>25</u>	STIPULATION of Dismissal by ELECTRONIC FRONTIER FOUNDATION. (Sobel, David) (Entered: 06/16/2011)