

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-00842-CRC**

PROTECT DEMOCRACY PROJECT, INC. v. U.S.  
DEPARTMENT OF DEFENSE et al  
Assigned to: Judge Christopher R. Cooper  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/08/2017  
Date Terminated: 08/27/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PROTECT DEMOCRACY  
PROJECT, INC.**

represented by **Anne Harden Tindall**  
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*TERMINATED: 08/01/2018*

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**TERMINATED: 05/07/2018**

V.

**Defendant**

**U.S. DEPARTMENT OF DEFENSE**

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**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **Kathryn Celia Davis**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. DEPARTMENT OF STATE**

represented by **Kathryn Celia Davis**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/08/2017	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0090-4943202) filed by PROTECT DEMOCRACY PROJECT, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> LCvR 7.1 Disclosure Certificate)(Murphy, Allison) (Entered: 05/08/2017)
05/08/2017		Case Assigned to Judge Christopher R. Cooper. (sth) (Entered: 05/08/2017)
05/08/2017	<u>2</u>	SUMMONS (5) Issued Electronically as to U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(sth) (Entered: 05/08/2017)
05/22/2017	<u>3</u>	MOTION for Preliminary Injunction by PROTECT DEMOCRACY PROJECT, INC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit

		C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Declaration Declaration of Ian Bassin)(Murphy, Allison) (Entered: 05/22/2017)
05/23/2017	<u>4</u>	NOTICE of Appearance by Benjamin Leon Berwick on behalf of PROTECT DEMOCRACY PROJECT, INC. (Berwick, Benjamin) (Entered: 05/23/2017)
05/23/2017	<u>5</u>	CERTIFICATE OF SERVICE by PROTECT DEMOCRACY PROJECT, INC. re <u>3</u> MOTION for Preliminary Injunction <i>and Supporting Memorandum</i> . (Murphy, Allison) (Entered: 05/23/2017)
06/01/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/24/2017. Answer due for ALL FEDERAL DEFENDANTS by 6/23/2017. (Attachments: # <u>1</u> Exhibit Signed certified mail card)(Murphy, Allison) (Entered: 06/01/2017)
06/02/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/24/2017. (Attachments: # <u>1</u> Exhibit)(Murphy, Allison) Modified on 6/6/2017 (zrdj). (Entered: 06/02/2017)
06/02/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Attachments: # <u>1</u> signed certified mail card to DoD, # <u>2</u> signed certified mail card to DOJ, # <u>3</u> signed certified mail card to State)(Murphy, Allison) Modified on 6/6/2017 (zrdj). (Entered: 06/02/2017)
06/02/2017	<u>9</u>	NOTICE of Appearance by Kathryn Celia Davis on behalf of U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (Davis, Kathryn) (Entered: 06/02/2017)
06/02/2017	<u>10</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>3</u> MOTION for Preliminary Injunction by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kathryn) (Entered: 06/02/2017)
06/06/2017		MINUTE ORDER granting <u>10</u> Motion for Extension of Time to File Response/Reply: It is hereby ORDERED that the deadline for Defendants to file an opposition to Plaintiff's Motion for a Preliminary Injunction is extended to June 13, 2017, with any reply by Plaintiff due June 20, 2017. Signed by Judge Christopher R. Cooper on 6/6/2017. (lccrc1) (Entered: 06/06/2017)
06/06/2017		Set/Reset Deadlines: Opposition due by 6/13/2017. Reply due by 6/20/2017. (nbn) (Entered: 06/06/2017)
06/13/2017	<u>11</u>	Memorandum in opposition to re <u>3</u> MOTION for Preliminary Injunction filed by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Exhibit Email to Ian Bassin, # <u>2</u> Exhibit Order 03-2078, # <u>3</u> Exhibit Order 00-1396, # <u>4</u> Exhibit Order 06-1773, # <u>5</u> Exhibit Order 06-0096, # <u>6</u> Text of Proposed Order)(Davis, Kathryn) (Entered: 06/13/2017)
06/20/2017	<u>12</u>	REPLY to opposition to motion re <u>3</u> MOTION for Preliminary Injunction filed by PROTECT DEMOCRACY PROJECT, INC.. (Berwick, Benjamin) (Entered: 06/20/2017)
06/23/2017	<u>13</u>	ANSWER to Complaint by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE.(Davis, Kathryn) (Entered: 06/23/2017)
06/26/2017		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a hearing on Plaintiff's Motion for a Preliminary Injunction on Friday, July 7, at 10:00 AM, in Courtroom 27A. Signed by Judge Christopher R. Cooper on 6/26/2017. (lccrc1) (Entered: 06/26/2017)
06/27/2017		Set/Reset Hearings: Motion Hearing set for 7/7/2017 at 10:00 AM in Courtroom 27A before Judge Christopher R. Cooper. (lsj) (Entered: 06/27/2017)

07/07/2017		Minute Entry for Motion Hearing held before Judge Christopher R. Cooper on 7/7/2017. Motion <u>3</u> for Preliminary Injunction argued. Motion taken under advisement; forthcoming Order. (Court Reporter Lisa Moreira) (lsj) (Entered: 07/07/2017)
07/13/2017	<u>14</u>	MEMORANDUM OPINION re: <u>3</u> Plaintiff's Motion for Preliminary Injunction. Signed by Judge Christopher R. Cooper on 7/13/2017. (lccrc1) (Entered: 07/13/2017)
07/13/2017	<u>15</u>	ORDER granting in part and denying in part <u>3</u> Motion for Preliminary Injunction. (See Order for details.). Signed by Judge Christopher R. Cooper on 7/13/2017. (lccrc1) (Entered: 07/13/2017)
07/13/2017		Set/Reset Deadlines: Status Report due by 7/28/2017. Responses to Defendants' timeline, including its own proposal for processing and production due by 8/2/2017. (lsj) (Entered: 07/13/2017)
07/19/2017	<u>16</u>	<p>TRANSCRIPT OF MOTION HEARING before Judge Christopher R. Cooper held on July 7, 2017; Page Numbers: 1–33. Date of Issuance: July 19, 2017. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number 202–354–3187, Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 8/9/2017. Redacted Transcript Deadline set for 8/19/2017. Release of Transcript Restriction set for 10/17/2017.(Moreira, Lisa) (Entered: 07/19/2017)</p>
07/28/2017	<u>17</u>	STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Davis, Kathryn) (Entered: 07/28/2017)
08/02/2017	<u>18</u>	RESPONSE re <u>17</u> Status Report filed by PROTECT DEMOCRACY PROJECT, INC.. (Murphy, Allison) Modified link on 8/3/2017 (znmw). (Entered: 08/02/2017)
08/04/2017		MINUTE ORDER: In light of Defendants' Status Report and Plaintiff's Response, it is hereby ORDERED that Defendants shall provide an interim response to Plaintiff's FOIA request by August 18, 2017, including those records described in the status report which are most relevant to Plaintiff's request and any additional responsive documents that have been processed. It is further ORDERED that Defendants shall provide a final response to Plaintiff's request by September 8, 2017. After that date, the parties are directed to meet and confer in an effort to resolve any outstanding disputes, including the need for and timing of the production of a Vaughn index. No later than September 15, 2017, the parties shall file a joint status report with the Court, indicating whether there are any outstanding issues, and if so, proposing a timeline for further proceedings. Signed by Judge Christopher R. Cooper on 8/4/2017. (lccrc1) (Entered: 08/04/2017)
08/04/2017	<u>19</u>	RESPONSE re <u>18</u> Response to Document filed by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Davis, Kathryn) (Entered: 08/04/2017)
09/15/2017	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Davis, Kathryn) (Entered: 09/15/2017)
09/19/2017		MINUTE ORDER: In light of the <u>15</u> Joint Status Report, it is hereby ORDERED that Defendants' Motion for Summary Judgment and Final Vaughn Index is due on or before November 3, 2017; Plaintiff's Opposition is due on or before November 24,

		2017; and Defendants' Reply is due on or before December 8, 2017. Signed by Judge Christopher R. Cooper on 9/19/2017. (lccrc1) (Entered: 09/19/2017)
09/19/2017		Set/Reset Deadlines: Summary Judgment motions and Vaughn Index due by 11/3/2017. Response to Motion for Summary Judgment due by 11/24/2017. Reply to Motion for Summary Judgment due by 12/8/2017. (lsj) (Entered: 09/19/2017)
10/30/2017	<u>21</u>	MOTION to Bifurcate <i>Briefing or, In the Alternative, For an Extension of Time to File Motion for Summary Judgment</i> by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kathryn). Added MOTION for Extension of Time to File on 10/31/2017 (znmw). (Entered: 10/30/2017)
11/01/2017	<u>22</u>	Memorandum in opposition to re <u>21</u> MOTION to Bifurcate <i>Briefing or, In the Alternative, For an Extension of Time to File Motion for Summary Judgment</i> MOTION for Extension of Time to File filed by PROTECT DEMOCRACY PROJECT, INC.. (Berwick, Benjamin) (Entered: 11/01/2017)
11/03/2017		MINUTE ORDER: It is hereby ORDERED that <u>21</u> Defendants' Motion to Bifurcate Briefing is DENIED; and <u>21</u> Defendants' Motion for Extension of Time to File Motion for Summary Judgment is GRANTED. Defendants' motion for summary judgment is due on or before November 17, 2017; Plaintiff's opposition is due on or before December 8, 2017; and Defendants' reply is due on or before December 22, 2017. Signed by Judge Christopher R. Cooper on 11/3/2017. (lccrc1) (Entered: 11/03/2017)
11/05/2017	<u>23</u>	NOTICE of Appearance by David H. Remes on behalf of PROTECT DEMOCRACY PROJECT, INC. (Remes, David) (Entered: 11/05/2017)
11/17/2017	<u>24</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1 – Castellano Decl., # <u>3</u> Exhibit 2 – Colborn Decl., # <u>4</u> Exhibit 3 – Tiernan Decl., # <u>5</u> Exhibit 4 – Herrington Decl., # <u>6</u> Exhibit 5 – Stein Decl., # <u>7</u> Exhibit 6 – Vaughn Index, # <u>8</u> Exhibit 7 – Gaviria Decl., # <u>9</u> Statement of Facts, # <u>10</u> Text of Proposed Order)(Davis, Kathryn) (Entered: 11/17/2017)
12/01/2017	<u>25</u>	Unopposed MOTION to Amend/Correct Order on Motion to Bifurcate., Order on Motion for Extension of Time to File, , Unopposed MOTION for Extension of Time to File Response/Reply by PROTECT DEMOCRACY PROJECT, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Murphy, Allison) (Entered: 12/01/2017)
12/08/2017	<u>26</u>	Cross MOTION for Summary Judgment <i>and In Opposition to Defendants' Motion for Summary Judgment</i> by PROTECT DEMOCRACY PROJECT, INC. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Statement of Facts, # <u>14</u> Text of Proposed Order)(Murphy, Allison) (Entered: 12/08/2017)
12/08/2017	27	Memorandum in opposition to re <u>24</u> MOTION for Summary Judgment filed by PROTECT DEMOCRACY PROJECT, INC.. (See Docket Entry <u>26</u> to view document). (znmw) (Entered: 12/11/2017)
12/19/2017		MINUTE ORDER granting <u>25</u> Plaintiffs' Unopposed Motion to Modify Briefing Schedule. Defendants' combined opposition and reply is due January 9, 2018. Plaintiff's reply is due January 23, 2018. Signed by Judge Christopher R. Cooper on 12/19/2017. (lccrc1) (Entered: 12/19/2017)
12/20/2017		Set/Reset Deadlines: Responses due by 1/9/2018. Replies due by 1/23/2018. (lsj) (Entered: 12/20/2017)
01/09/2018	<u>28</u>	REPLY to opposition to motion re <u>26</u> Cross MOTION for Summary Judgment <i>and In Opposition to Defendants' Motion for Summary Judgment</i> filed by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Exhibit Suppl. Stein Decl., # <u>2</u> Exhibit Second Colborn Decl., # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Davis, Kathryn) (Entered: 01/09/2018)

01/09/2018	<u>29</u>	Memorandum in opposition to re <u>26</u> Cross MOTION for Summary Judgment <i>and In Opposition to Defendants' Motion for Summary Judgment</i> filed by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Exhibit Suppl. Stein Decl., # <u>2</u> Exhibit Second Colborn Decl., # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Davis, Kathryn) (Entered: 01/09/2018)
01/23/2018	<u>30</u>	REPLY to opposition to motion re <u>26</u> Cross MOTION for Summary Judgment <i>and In Opposition to Defendants' Motion for Summary Judgment</i> filed by PROTECT DEMOCRACY PROJECT, INC.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Certificate of Service)(Murphy, Allison) (Entered: 01/23/2018)
04/09/2018	<u>31</u>	NOTICE of Recent Developments by PROTECT DEMOCRACY PROJECT, INC. re <u>30</u> Reply to opposition to Motion, (Murphy, Allison) (Entered: 04/09/2018)
04/16/2018	<u>32</u>	RESPONSE re <u>31</u> Notice (Other) filed by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Davis, Kathryn) (Entered: 04/16/2018)
04/25/2018	<u>33</u>	ORDER. Defendants by May 4, 2018 shall produce the documents numbered 5–15 in the <u>Vaughn</u> index (ECF No. 24–7) for the Court's <i>in camera</i> review. See full Order for details. Signed by Judge Christopher R. Cooper on 4/25/2018. (lccrc1) (Entered: 04/25/2018)
04/25/2018		Set/Reset Deadlines: Vaughn Index due by 5/4/2018 (lsj) (Entered: 04/25/2018)
05/04/2018	<u>34</u>	NOTICE of Delivery for In Camera Inspection by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (Davis, Kathryn) (Entered: 05/04/2018)
05/07/2018	<u>35</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to PROTECT DEMOCRACY PROJECT, INC.. Attorney David H. Remes terminated. (Remes, David) (Entered: 05/07/2018)
06/05/2018	<u>36</u>	ORDER. Defendants shall file a supplemental brief by June 19, 2018. Plaintiff shall file any response to that brief by July 3, 2018. See full Order for details. Signed by Judge Christopher R. Cooper on 6/5/2018. (lccrc1) (Entered: 06/05/2018)
06/05/2018		Set/Reset Deadlines: Supplemental Brief due by 6/19/2018. Responses to brief due by 7/3/2018 (lsj) (Entered: 06/05/2018)
06/19/2018	<u>37</u>	RESPONSE TO ORDER OF THE COURT re <u>36</u> Order filed by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Exhibit First Suppl. Gaviria Decl., # <u>2</u> Exhibit Third Colborn Decl.)(Davis, Kathryn) (Entered: 06/19/2018)
07/03/2018	<u>38</u>	RESPONSE to Defendants' Supplemental Brief <u>37</u> in Response to <i>the Court's Order of June 5, 2018</i> filed by PROTECT DEMOCRACY PROJECT, INC.. (Attachments: # <u>1</u> Certificate of Service)(Florence, Justin) Modified text on 7/5/2018 (ztd). (Entered: 07/03/2018)
07/26/2018	<u>39</u>	NOTICE of Appearance by Cameron Oatman Kistler on behalf of PROTECT DEMOCRACY PROJECT, INC. (Kistler, Cameron) (Entered: 07/26/2018)
08/01/2018	<u>40</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to PROTECT DEMOCRACY PROJECT, INC.. Attorney Allison F. Murphy terminated. (Murphy, Allison) (Entered: 08/01/2018)
08/01/2018	<u>41</u>	NOTICE of Appearance by Anne Harden Tindall on behalf of PROTECT DEMOCRACY PROJECT, INC. (Tindall, Anne) (Entered: 08/01/2018)
08/01/2018	<u>42</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Steven A. Hirsch, :Firm– Kecker, Van Nest & Peters LLP, :Address– 633 Battery Street San Francisco, CA 94111–1809. Phone No. – (415) 391–5400. Filing fee \$ 100, receipt number 0090–5615183. Fee Status: Fee Paid. by PROTECT DEMOCRACY PROJECT, INC. (Tindall, Anne) (Entered: 08/01/2018)

08/03/2018		MINUTE ORDER granting <u>42</u> Plaintiff's Motion to Admit Attorney Steven A. Hirsch Pro Hac Vice. Signed by Judge Christopher R. Cooper on 8/3/2018. (lccrc1) (Entered: 08/03/2018)
08/21/2018	<u>43</u>	ORDER granting in part and denying in part <u>24</u> Defendants' Motion for Summary Judgment; and granting in part and denying in part <u>26</u> Plaintiff's Cross-Motion for Summary Judgment. Signed by Judge Christopher R. Cooper on 8/21/2018. (lccrc1) (Entered: 08/21/2018)
08/21/2018	<u>44</u>	MEMORANDUM OPINION re <u>43</u> Order. Signed by Judge Christopher R. Cooper on 8/21/2018. (lccrc1) (Entered: 08/21/2018)