

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:17-cv-01309-WMR**

American Civil Liberties Union of Georgia, Inc. et al v.	Date Filed: 04/12/2017
U.S. Department of Homeland Security et al	Date Terminated: 07/31/2019
Assigned to: Judge William M. Ray, II	Jury Demand: None
Cause: 05:0552 Freedom of Information Act	Nature of Suit: 895 Freedom of Information Act
	Jurisdiction: U.S. Government Defendant

Plaintiff

American Civil Liberties Union of Georgia, Inc.

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Plaintiff

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Plaintiff

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V.

Defendant

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Defendant**U.S. Customs and Border
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TERMINATED: 04/05/2018

Matthew J. Berns
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TERMINATED: 12/27/2017

Date Filed	#	Docket Text
04/12/2017	1	COMPLAINT filed by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of West Virginia, Inc., American Civil Liberties Union of South Carolina, Inc. (Filing fee \$ 400 receipt number 113E-7084219.) (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A, # 3 Exhibit B)(bnw) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 04/12/2017)
04/12/2017	2	Electronic Summons Issued as to U.S. Customs and Border Protection and U.S. Department of Homeland Security. (Attachments: # 1 Summons U.S. Department of Homeland Security)(bnw) (Entered: 04/12/2017)
04/13/2017		Notification of Docket Correction: Judge Duffey entered on case in error, case assigned to Jude Story (aar) (Entered: 04/13/2017)
04/13/2017	3	Certificate of Interested Persons by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Podolsky, Gail) (Entered: 04/13/2017)

04/13/2017	4	Court Notice Of Filing: Standing Order Regarding Civil Litigation by Judge Richard W. Story. (sk) (Entered: 04/13/2017)
05/08/2017	5	NOTICE of Appearance by Matthew J. Berns on behalf of U.S. Customs and Border Protection, U.S. Department of Homeland Security (Berns, Matthew) (Entered: 05/08/2017)
05/08/2017	6	NOTICE by U.S. Customs and Border Protection, U.S. Department of Homeland Security of <i>Motion filed with the JPML to Transfer Action Pursuant to 28 U.S.C. 1407</i> (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1 - Transfer Motion, # 3 Exhibit 2 - Supporting Memorandum, # 4 Exhibit 3 - Schedule of Actions)(Berns, Matthew) (Entered: 05/08/2017)
05/10/2017	7	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to Complaint with Brief In Support by U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # 1 Text of Proposed Order)(Berns, Matthew) (Entered: 05/10/2017)
05/11/2017	8	ORDER granting 7 Motion for Extension of Time to Answer or Otherwise Respond to 1 Complaint. U.S. Customs and Border Protection Answer due 7/1/2017; U.S. Department of Homeland Security Answer due 7/1/2017. Signed by Judge Richard W. Story on 5/11/2017. (bdb) (Entered: 05/11/2017)
05/12/2017	9	MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> with Brief In Support by U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # 1 Brief)(Berns, Matthew) (Entered: 05/12/2017)
05/23/2017	10	Consent MOTION for Extension of Time to Respond to Defendants' Motion to Stay Proceedings Pending Decision on Motion to Transfer re: 9 MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Podolsky, Gail) (Entered: 05/23/2017)
05/24/2017	11	ORDER granting 10 Consent Motion for Extension of Time for Plaintiffs to Respond to 9 MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> to 6/9/2017. Signed by Judge Richard W. Story on 5/24/2017. (bdb) (Entered: 05/24/2017)
06/06/2017	12	NOTICE Of Filing by U.S. Customs and Border Protection, U.S. Department of Homeland Security of <i>JPML Reply Brief</i> (Attachments: # 1 JPML Reply Brief)(Berns, Matthew) (Entered: 06/06/2017)

06/09/2017	13	RESPONSE in Opposition re 9 MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> filed by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Podolsky, Gail) (Entered: 06/09/2017)
06/09/2017	14	NOTICE Of Filing by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc. of <i>Memorandum in Opposition filed with the JPML</i> (Attachments: # 1 Exhibit)(Podolsky, Gail) (Entered: 06/09/2017)
06/12/2017	15	NOTICE Of Filing by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc. re 13 Response in Opposition to Motion, <i>Exhibit A</i> (Attachments: # 1 Exhibit)(Podolsky, Gail) (Entered: 06/12/2017)
06/23/2017	16	REPLY BRIEF re 9 MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> filed by U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Berns, Matthew) (Entered: 06/23/2017)
06/26/2017		Submission of 9 MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> . Submitted to District Judge Richard W. Story. (bdb) (Entered: 06/26/2017)
06/26/2017	17	NOTICE by U.S. Customs and Border Protection, U.S. Department of Homeland Security of <i>Two Recent Decisions Granting Defendants' Stay Motions</i> (Attachments: # 1 Eastern District of Virginia Opinion)(Berns, Matthew) (Entered: 06/26/2017)
06/28/2017	18	NOTICE by U.S. Customs and Border Protection, U.S. Department of Homeland Security of <i>Recent Decision Granting Defendants' Stay Motion</i> (Attachments: # 1 Northern District of Illinois Order)(Berns, Matthew) (Entered: 06/28/2017)
06/29/2017	19	DOCUMENT FILED IN ERROR NOTICE by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc. of <i>Decisions</i> (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Podolsky, Gail) Modified on 6/29/2017 per telephone call from counsel. Attorney will re-file. (fem). (Entered: 06/29/2017)

06/29/2017	20	NOTICE by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc. <i>of Decisions</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Podolsky, Gail) (Entered: 06/29/2017)
06/29/2017	21	NOTICE by U.S. Customs and Border Protection, U.S. Department of Homeland Security <i>of Recent Decision in Related Case</i> (Attachments: # 1 Southern District of Florida Order)(Berns, Matthew) (Entered: 06/29/2017)
06/30/2017	22	Consent MOTION for Extension of Time to File Answer <i>or Otherwise Respond to Complaint</i> with Brief In Support by U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # 1 Text of Proposed Order)(Berns, Matthew) (Entered: 06/30/2017)
06/30/2017	23	ORDER granting 9 Motion to Stay and denying as moot 22 Motion for Extension of Time to Answer. Signed by Judge Richard W. Story on 06/30/2017. (sek) (Entered: 06/30/2017)
07/31/2017	24	NOTICE of Appearance by Sean Young on behalf of American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc. (Young, Sean) (Entered: 07/31/2017)
08/02/2017	25	ORDER DENYING TRANSFER of MDL Panel (No. 2786) re: MOTION for Centralization of actions is denied. Signed by Multidistrict Litigation Chair, Sarah S. Vance. (bdb) (Entered: 08/03/2017)
08/07/2017	26	ORDER LIFTING STAY. On August 2, 2017, the JPML issued an order denying transfer of this action. Defendants are ORDERED to file their response to the Complaint not later than August 22, 2017. Signed by Judge Richard W. Story on 08/07/2017. (rsg) (Entered: 08/07/2017)
08/07/2017		Set Answer Deadline: U.S. Customs and Border Protection and U.S. Department of Homeland Security answer due 8/22/2017. (rsg) (Entered: 08/07/2017)
08/22/2017	27	ANSWER to 1 COMPLAINT by U.S. Customs and Border Protection, U.S. Department of Homeland Security. Discovery ends on 1/19/2018.(Berns, Matthew) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 08/22/2017)

08/29/2017	28	NOTICE of Appearance by Emily B. Nestler on behalf of U.S. Customs and Border Protection, U.S. Department of Homeland Security (Nestler, Emily) (Entered: 08/29/2017)
09/20/2017	29	JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Podolsky, Gail) (Entered: 09/20/2017)
10/04/2017	30	SCHEDULING ORDER: The Court has reviewed the 29 Joint Preliminary Report filed by the parties. The parties are ORDERED submit a joint status report by October 27, 2017. Signed by Judge Richard W. Story on 10/04/2017. (rsg) (Entered: 10/05/2017)
10/27/2017	31	Consent MOTION for Extension of Time file Joint Status Report by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Attachments: # 1 Text of Proposed Order)(Podolsky, Gail) (Entered: 10/27/2017)
10/30/2017	32	ORDER granting 31 Motion for Extension of Time. The parties shall have through and including October 31, 2017 to file the Joint Status Report. Signed by Judge Richard W. Story on 10/30/2017. (dgr) (Entered: 10/30/2017)
10/31/2017	33	Consent MOTION for Extension of Time to file Joint Status Report by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Podolsky, Gail) (Entered: 10/31/2017)
11/01/2017	34	ORDER granting 33 Motion for Extension of Time. The Parties shall have through and including November 3, 2017, to file the Joint Status Report. Signed by Judge Richard W. Story on 11/01/2017. (dgr) (Entered: 11/01/2017)
11/03/2017	35	STATUS REPORT <i>Jointly Submitted</i> by U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Nestler, Emily) (Entered: 11/03/2017)
11/08/2017	36	ORDER: The Court will permit Defendants to proceed with the review and production as they propose. The parties should communicate in good faith to address concerns raised by Plaintiffs. Also, the Court will be willing to revisit Plaintiffs objections should the production be

		inadequate. Defendants shall submit a proposed schedule within 14 days, and Plaintiffs may file a response within 14 days thereafter. Signed by Judge Richard W. Story on 11/07/2017. (dgr) (Entered: 11/08/2017)
11/21/2017	37	PROPOSED ORDER Defendants' Proposed Production Schedule re: 36 Order,. (Attachments: # 1 Exhibit A, Declaration of Patrick Howard)(Nestler, Emily) (Entered: 11/21/2017)
12/05/2017	38	RESPONSE re 37 Proposed Order <i>in Opposition to Defendants' Proposed Production Schedule</i> filed by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Podolsky, Gail) (Entered: 12/05/2017)
12/13/2017	39	ORDER: The Court, therefore, finds Defendants Proposed Production Schedule 37 inadequate. Instead, the Court ORDERS the following: 1. By no later than January 16, 2018, Defendants shall process no less than 1,000 pages of the records identified as potentially responsive to Plaintiffs FOIA request and (i) produce to Plaintiff all responsive, non-exempt records identified in this review and (ii) identify any asserted exemptions. 2. Each month thereafter, Defendants shall repeat this process, processing no less than 1,000 pages of the records identified as potentially responsive to Plaintiffs FOIA request and, by the 16th of each month, (i) produce to Plaintiff all responsive, non-exempt records identified in this review and (ii) identify any asserted exemptions. 3. By no later than June 17, 2018, Defendants shall have fully responded to Plaintiffs request, having reviewed all records identified as potentially responsive to Plaintiffs FOIA request and (i) produced to Plaintiff all responsive, non-exempt records identified and (ii) identified any asserted exemptions. 4. By June 17, 2018, the Parties shall submit a joint status report and proposed case schedule to the Court, addressing: (i) the status of Defendants response to Plaintiffs FOIA request; and (ii) a proposed briefing schedule for dispositive motions, if appropriate. Signed by Judge Richard W. Story on 12/13/2017. (rsg) (Entered: 12/13/2017)
12/26/2017	40	CERTIFICATE of Counsel <i>Certificate of Consent to Withdraw as Counsel</i> by Matthew J. Berns on behalf of U.S. Customs and Border Protection, U.S. Department of Homeland Security (Berns, Matthew) (Entered: 12/26/2017)
02/12/2018	41	Unopposed MOTION for Extension of Time <i>for February Record Release</i> by U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # 1 Text of Proposed Order)(Nestler, Emily) (Entered: 02/12/2018)

02/13/2018	42	ORDER granting 41 Motion for Extension of Time for February Record Release. Defendants' February record release shall be enlarged through and including February 27, 2018. Signed by Judge Richard W. Story on 02/13/2018. (rsg) (Entered: 02/13/2018)
04/04/2018	43	NOTICE of Appearance by Rachael Westmoreland on behalf of U.S. Customs and Border Protection, U.S. Department of Homeland Security (Westmoreland, Rachael) (Entered: 04/04/2018)
04/05/2018	44	CERTIFICATE of Counsel <i>Consent to Emily Nestler's Withdrawal</i> by Rachael Westmoreland on behalf of U.S. Customs and Border Protection, U.S. Department of Homeland Security (Westmoreland, Rachael) (Entered: 04/05/2018)
06/15/2018	45	STATUS REPORT by U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Westmoreland, Rachael) (Entered: 06/15/2018)
06/18/2018	46	ORDER: The parties propose that they be permitted to follow this course and submit another joint status report in 90 days. The parties request is granted. They shall submit another status report in 90 days, setting forth a briefing schedule should motions be required. Signed by Judge Richard W. Story on 06/18/2018. (dgr) (Entered: 06/18/2018)
09/14/2018	47	STATUS REPORT by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Podolsky, Gail) (Entered: 09/14/2018)
09/17/2018	48	ORDER: On September 14, 2018, the parties submitted their Joint Status Report 47 to the Court. After reviewing the Report, the Court enters the following Order. The parties are making good faith efforts to discuss Defendants' production and to resolve the case without motions practice. The parties propose that they be permitted to follow this course and submit another joint status report in 60 days. The parties' request is granted. They shall submit another status report in 60 days, setting forth a briefing schedule should motions be required. Signed by Judge Richard W. Story on 09/17/2018. (dgr) (Entered: 09/17/2018)
10/30/2018		Case Reassigned to Judge William M Ray, II. Judge Richard W. Story no longer assigned to case. NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:17-cv-01309-WMR. Please make note of this change in order to facilitate the docketing of pleadings in this case. (dgr) (Entered: 10/30/2018)

11/16/2018	49	JOINT STATUS REPORT by U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Westmoreland, Rachael) (Entered: 11/16/2018)
12/04/2018		NOTICE of Hearing: Status Conference set for 1/31/2019 at 1:00 PM in ATLA Courtroom 1705 before Judge William M Ray II re 49 JOINT STATUS REPORT. (jkl) (Entered: 12/04/2018)
12/26/2018	50	Administrative Order Staying Civil Proceedings in Light of Lapse Appropriations. Signed by Chief Judge Thomas W. Thrash, Jr. on 12/26/18.(aaq) (Entered: 12/27/2018)
01/28/2019		NOTICE OF CANCELLATION of Hearing re: NOTICE of Hearing: Status Conference set for 1/31/2019 at 1:00 PM in ATLA Courtroom 1705 before Judge William M Ray II re 49 JOINT STATUS REPORT. A new date will be set. (jkl) (jkl) (Entered: 01/28/2019)
01/28/2019		NOTICE of Hearing: Status Conference RESET for 2/13/2019 at 12:00 PM in ATLA Courtroom 1705 before Judge William M Ray II. (jkl) (Entered: 01/28/2019)
02/13/2019	51	NOTICE of Appearance by David Barret Broussard on behalf of American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc. (Broussard, David) (Entered: 02/13/2019)
02/13/2019	52	ORDER that this case shall be terminated and all claims dismissed on June 1, 2019, unless either the Plaintiffs or Defendants notify the Court prior to that time that they object to the dismissal and that there remain other matters for resolution. Signed by Judge William M Ray, II on 2/13/19. (jpa) (Entered: 02/13/2019)
02/13/2019	53	Minute Entry for proceedings held before Judge William M Ray, II: Status Conference held on 2/13/2019. Parties updated the Court as to the status of document production and the thirteen parallel cases across the country. Both parties agreed there were no substantive issues requiring summary judgment briefing. The Court ordered that if no motions are filed by either party by June 1, 2019, the case would be dismissed, absent prior notice from the parties requesting an extension. Defendant anticipates if settlement is reached, it would be well in advance of that date. A written order will follow. (Court Reporter Wynette Blathers)(rlb) (Entered: 02/13/2019)
05/29/2019	54	Joint MOTION for Extension of Time to Extend Date of Dismissal by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union

		of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Podolsky, Gail) (Entered: 05/29/2019)
06/04/2019	55	ORDER granting 54 Joint Motion to Extend Date of Dismissal. Parties shall have until Tuesday, July 30, 2019, to notify the Court of any outstanding issues, and delay any dismissal of this case to Wednesday, July 31, 2019 at the earliest. Signed by Judge William M Ray, II on 6/4/19. (rlb) (Entered: 06/04/2019)
07/30/2019	56	STIPULATION of Dismissal <i>with Prejudice</i> by American Civil Liberties Union of Georgia, Inc., American Civil Liberties Union of North Carolina, Inc., American Civil Liberties Union of South Carolina, Inc., American Civil Liberties Union of West Virginia, Inc.. (Podolsky, Gail) (Entered: 07/30/2019)
07/31/2019		Clerk's Entry of Dismissal APPROVING 56 Stipulation of Dismissal, pursuant to Fed.R.Civ.P.41(a)(1)(A)(ii) (rlb) (Entered: 07/31/2019)
07/31/2019		Civil Case Terminated. (rlb) (Entered: 07/31/2019)

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