

Case details

Court: dcd
Docket #: 1:12-cv-00327
Case Name: ELECTRONIC PRIVACY INFORMATION CENTER et al v. U.S. DEPARTMENT OF EDUCATION
PACER case #: 152961
Date filed: 2012-02-29
Date of last filing: 2013-02-04
Assigned to: Judge Amy Berman Jackson
Case Cause: 05:702 Administrative Procedure Act
Nature of Suit: 890 Other Statutory Actions
Jury Demand: None
Jurisdiction: U.S. Government Defendant

Parties

Represented Party

Attorney & Contact Info

Marc Rotenberg
ELECTRONIC PRIVACY INFORMATION CENTER 1718 Connecticut Avenue, NW Suite 200 Washington, DC 20009 (202) 483-1140, ext 106 Fax: (202) 483-1248 Email: rotenberg@epic.org
LEAD ATTORNEY ATTORNEY TO BE NOTICED

ELECTRONIC
PRIVACY
INFORMATION
CENTER
Plaintiff

John Arthur Verdi
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TERMINATED: 03/28/2012

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ATTORNEY TO BE NOTICED

Marc Rotenberg
(See above for address)
LEAD ATTORNEY ATTORNEY TO BE NOTICED

GRAYSON BARBER
Plaintiff

John Arthur Verdi
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TERMINATED: 03/28/2012

Khaliah N'Cole Barnes
(See above for address)
ATTORNEY TO BE NOTICED

PABLO GARCIA

Marc Rotenberg

MOLINA
Plaintiff

(See above for address)
LEAD ATTORNEY ATTORNEY TO BE NOTICED

John Arthur Verdi
(See above for address)
TERMINATED: 03/28/2012

Khaliah N'Cole Barnes
(See above for address)
ATTORNEY TO BE NOTICED

Marc Rotenberg
(See above for address)
LEAD ATTORNEY ATTORNEY TO BE NOTICED

PETER NEUMANN
Plaintiff

John Arthur Verdi
(See above for address)
TERMINATED: 03/28/2012

Khaliah N'Cole Barnes
(See above for address)
ATTORNEY TO BE NOTICED

Marc Rotenberg
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DEBORAH PEEL
Plaintiff

John Arthur Verdi
(See above for address)
TERMINATED: 03/28/2012

Khaliah N'Cole Barnes
(See above for address)
ATTORNEY TO BE NOTICED

U.S. DEPARTMENT
OF EDUCATION
Defendant

Galen Nicholas Thorp
U.S. DEPARTMENT OF JUSTICE Civil Division 20
Massachusetts Avenue, NW Room 7109 Washington, DC
20001 (202) 514-4781 Fax: (202) 616-8460 Email:
galen.thorp@usdoj.gov
LEAD ATTORNEY ATTORNEY TO BE NOTICED

Marina Utgoff Braswell
U.S. ATTORNEYS OFFICE FOR THE DISTRICT OF COLUMBIA 555
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(202) 514-7226 Fax: (202) 514-8780 Email:
Marina.Braswell@usdoj.gov
TERMINATED: 05/04/2012

Documents

| Date Filed | Document # | Attachment # | Short Description | Long Description | Upload date |
|------------|-------------------|--------------|---|--|---------------------|
| 2012-02-29 | 1 | 0 | Complaint | COMPLAINT against U.S. DEPARTMENT OF EDUCATION (Filing fee \$ 350, receipt number 4616046366) filed by DEBORAH PEEL, PABLO GARCIA MOLINA, ELECTRONIC PRIVACY INFORMATION CENTER, GRAY BARBER, PETER NEUMANN. (Attachments: # 1 Civil Cover Sheet)(jf,) (Entered: 02/29/2012) | 2012-12-14 10:51:33 |
| | 1 | 1 | Civil Cover Sheet | | |
| 2012-02-29 | 2 | 0 | LCvR 7.1 Certificate of Disclosure - Corporate Affiliations/Financial Interests | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests NONE by ELECTRONIC PRIVACY INFORMATION CENTER (jf,) (Entered: 02/29/2012) | 2013-03-15 11:44:53 |
| 2012-03-15 | 3 | 0 | Notice of Appearance | NOTICE of Appearance by Marina Utgoff Braswell on behalf of U.S. DEPARTMENT OF EDUCATION (Braswell, Marina) (Entered: 03/15/2012) | 2012-10-26 13:34:20 |
| 2012-03-28 | 4 | 0 | Notice of Appearance | NOTICE of Appearance by Marc Rotenberg on behalf of All Plaintiffs (Rotenberg, Marc) (Entered: 03/28/2012) | 2012-10-26 13:35:09 |
| 2012-03-28 | 5 | 0 | Notice of Withdrawal of Appearance | NOTICE OF WITHDRAWAL OF APPEARANCE as to GRAYSON BARBER, ELECTRONIC PRIVACY INFORMATION CENTER, PABLO GARCIA MOLINA, PETER NEUMANN, DEBORAH PEEL. Attorney John Arthur Verdi terminated. (Verdi, John) (Entered: 03/28/2012) | 2012-10-26 13:36:20 |
| 2012-05-04 | 6 | 0 | Substitution of Counsel | NOTICE OF SUBSTITUTION OF COUNSEL by Galen Nicholas Thorp on behalf of All Defendants Substituting for attorney Marina Utgoff Braswell (Thorp, Galen) (Entered: 05/04/2012) | |
| 2012-05-04 | 7 | 0 | Answer to Complaint | ANSWER to 1 Complaint, by U.S. DEPARTMENT OF EDUCATION.(Thorp, Galen) | 2013-01-08 12:39:46 |

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|------------|--------------------|---|---------------------------------|---|
| | | | (Entered: 05/04/2012) | |
| 2012-05-18 | 8 | 0 | Meet and Confer Statement | MEET AND CONFER STATEMENT. (Attachments: # 1 Text of Proposed Order)(Thorp, Galen) (Entered: 05/18/2012) 2013-07-03 10:02:20 |
| | 8 | 1 | Text of Proposed Order | 2012-10-26 18:58:38 |
| 2012-05-21 | 9 | 0 | Scheduling Order | SCHEDULING ORDER: The administrative record will be due 6/29/2012. Defendant's dispositive motion will be due on 7/27/2012, with plaintiffs' opposition and any cross-motion due 8/27/2012; the reply and opposition to any cross-motion due 9/26/2012; and reply to any cross-motion due 10/10/2012. SEE ORDER FOR COMPLETE DETAILS. Signed by Judge Amy Berman Jackson on 5/21/2012. (MT) (Entered: 05/21/2012) 2012-05-22 17:09:36 |
| 2012-06-29 | 10 | 0 | Administrative Record | ADMINISTRATIVE RECORD by U.S. DEPARTMENT OF EDUCATION. (Attachments: # 1 Index, # 2 1 - NPRM, # 3 2 - Comments Pt. 1, # 4 2 - Comments Pt. 2, # 5 2 - Comments Pt. 3, # 6 3 - Final Rule, # 7 4 - 2008 Final Rule, # 8 5 - 2008 NPRM, # 9 6 - Hansen Memorandum, # 10 7 - Rescission Memorandum, # 11 8 - Winston Memorandum, # 12 9 - McNeil Memorandum, # 13 10 - CDC Agreement, # 14 11 - Joint Statement, # 15 12 - Rep. Kline Letter, # 16 13 - NCES Basic Concepts, # 17 14 - NCES Data Stewardship, # 18 15 - NCES Statistical Methods, # 19 16 - GAO Report, # 20 17 - Fordham Center Report, # 21 18 - Data Quality Campaign Email, # 22 19 - Nat'l Academic Press Workshop, # 23 20 - OMB Directive, # 24 21 - NCES Small Rural Districts)(Thorp, Galen) (Entered: 06/29/2012) 2013-01-08 12:38:17 |
| 2012-07-23 | 11 | 0 | Motion for Miscellaneous Relief | MOTION to Supplement the Administrative Record and Consider Extra-Record Evidence by GRAYSON BARBER, ELECTRONIC PRIVACY INFORMATION CENTER, PABLO GARCIA MOLINA, PETER NEUMANN, DEBORAH PEEL 2012-07-26 10:10:23 |

| Date | Document ID | Page Count | Document Title | Description | Date | Time |
|------------|--------------------|------------|--|---|------------|----------|
| | | | | (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order)(Rotenberg, Marc) (Entered: 07/23/2012) | | |
| | 11 | 1 | Exhibit A | | 2012-07-26 | 10:14:06 |
| | 11 | 2 | Text of Proposed Order | | 2012-07-26 | 10:15:42 |
| 2012-07-23 | 12 | 0 | Motion for Extension of Time to File | Consent MOTION for Extension of Time to File Dispositive Motion by U.S. DEPARTMENT OF EDUCATION (Attachments: # 1 Text of Proposed Order)(Thorp, Galen) (Entered: 07/23/2012) | 2012-07-26 | 10:31:22 |
| | 12 | 1 | Text of Proposed Order | | 2012-10-26 | 17:08:18 |
| 2012-08-09 | 13 | 0 | Memorandum in Opposition | Memorandum in opposition to re 11 MOTION to Supplement the Administrative Record and Consider Extra-Record Evidence filed by U.S. DEPARTMENT OF EDUCATION. (Attachments: # 1 Exhibit 1, # 2 Text of Proposed Order)(Thorp, Galen) (Entered: 08/09/2012) | 2012-08-09 | 16:51:58 |
| | 13 | 1 | Exhibit 1 | | 2012-08-09 | 15:04:14 |
| | 13 | 2 | Text of Proposed Order | | 2012-08-09 | 17:01:10 |
| 2012-08-16 | 14 | 0 | Reply to opposition to Motion | REPLY to opposition to motion re 11 MOTION to Supplement the Administrative Record and Consider Extra-Record Evidence filed by GRAYSON BARBER, ELECTRONIC PRIVACY INFORMATION CENTER, PABLO GARCIA MOLINA, PETER NEUMANN, DEBORAH PEEL. (Attachments: # 1 Text of Proposed Order)(Rotenberg, Marc) (Entered: 08/16/2012) | 2012-08-16 | 17:34:07 |
| | 14 | 1 | Text of Proposed Order | | 2012-08-24 | 16:27:35 |
| 2012-10-26 | 15 | 0 | Order on Motion for Miscellaneous Relief | MEMORANDUM OPINION AND ORDER granting in part and denying in part 11 Motion to Supplement the Administrative Record and Consider | 2012-10-26 | 17:36:24 |

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|------------|--------------------|---|--|---|
| | | | Extra-Record Evidence. The Clerk is directed to docket pages 6-37 of [13-1] as a supplement to the administrative record. (SEE ORDER FOR COMPLETE DETAILS). Signed by Judge Amy Berman Jackson on 10/26/12. (lcabj1) (Entered: 10/26/2012) | |
| 2012-10-26 | 16 | 0 | Supplemental Memorandum | SUPPLEMENT to re 10 Administrative Record,,, filed by U.S. DEPARTMENT OF EDUCATION . (jf,) Modified on 11/14/2012 to correct filer (jf,). (Entered: 10/31/2012) |
| 2012-11-08 | 17 | 0 | Meet and Confer Statement | Joint Status Report. (Attachments: # 1 Text of Proposed Order Proposed Scheduling Order)(Rotenberg, Marc) Modified per counsel on 11/8/2012 (td,). (Entered: 11/08/2012) |
| | 17 | 1 | Text of Proposed Order Proposed Scheduling Order | 2012-11-08 15:45:51 |
| 2012-11-30 | 18 | 0 | Motion to Dismiss | MOTION to Dismiss or, in the Alternative, MOTION for Summary Judgment by U.S. DEPARTMENT OF EDUCATION (Attachments: # 1 Exhibit Index, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Text of Proposed Order)(Thorp, Galen) (Entered: 11/30/2012) |
| | 18 | 1 | Exhibit Index | 2012-12-18 14:26:06 |
| | 18 | 2 | Exhibit A | 2012-12-07 17:31:59 |
| | 18 | 3 | Exhibit B | 2012-12-17 17:18:37 |
| | 18 | 4 | Exhibit C | 2012-12-07 17:39:52 |
| | 18 | 5 | Exhibit D | 2012-12-07 17:40:39 |
| | 18 | 6 | Exhibit E | 2012-12- |

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|------------|--------------------|----|---------------------------------|--|
| | | | | 07 17:41:17 |
| | 18 | 7 | Exhibit F | 2012-12-07 17:42:55 |
| | 18 | 8 | Exhibit G | 2012-12-17 17:56:28 |
| | 18 | 9 | Exhibit H | 2012-12-19 12:34:34 |
| | 18 | 10 | Exhibit I | 2012-12-17 17:58:10 |
| | 18 | 11 | Exhibit J | 2012-12-17 17:58:22 |
| | 18 | 12 | Exhibit K | 2013-01-10 11:38:38 |
| | 18 | 13 | Exhibit L | 2013-01-10 11:43:45 |
| | 18 | 14 | Exhibit M | 2012-12-17 17:58:52 |
| | 18 | 15 | Exhibit N | 2012-12-17 18:00:45 |
| | 18 | 16 | Text of Proposed Order | 2013-01-18 15:12:56 |
| 2012-12-19 | 19 | 0 | Motion for Extension of Time to | Consent MOTION for Extension of Time to File Plaintiffs' Opposition and Cross-Motion by GRAYSON BARBER, ELECTRONIC PRIVACY INFORMATION CENTER, PABLO GARCIA MOLINA, PETER NEUMANN, DEBORAH PEEL (Attachments: # 1 Text of Proposed Order)(Rotenberg, Marc) (Entered: 12/19/2012) |
| | 19 | 1 | Text of Proposed Order | 2012-12-19 18:22:45 |
| 2013-01-18 | 20 | 0 | Memorandum in Opposition | Memorandum in opposition to re 18 MOTION to Dismiss or, in the Alternative MOTION for Summary Judgment Combined Opposition/Cross-Motion filed by |
| | | | | 2013-01-18 22:03:30 |

GRAYSON BARBER,
 ELECTRONIC PRIVACY
 INFORMATION CENTER, PABLO
 GARCIA MOLINA, PETER
 NEUMANN, DEBORAH PEEL.
 (Attachments: # 1 Exhibit Index, # 2
 Exhibit A, # 3 Exhibit B, # 4 Exhibit
 C, # 5 Exhibit D, # 6 Exhibit E, # 7
 Exhibit F, # 8 Exhibit G, # 9 Text of
 Proposed Order)(Rotenberg, Marc)
 (Entered: 01/18/2013)

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|------------|--------------------|---|-----------------------------|--|------------------------|
| | 20 | 1 | Exhibit Index | | 2013-02-13 12:06:26 |
| | 20 | 2 | Exhibit A | | |
| | 20 | 3 | Exhibit B | | |
| | 20 | 4 | Exhibit C | | |
| | 20 | 5 | Exhibit D | | |
| | 20 | 6 | Exhibit E | | 2013-02-13 20:49:09 |
| | 20 | 7 | Exhibit F | | 2013-02-13 12:08:00 |
| | 20 | 8 | Exhibit G | | 2013-02-13 20:47:20 |
| | 20 | 9 | Text of Proposed Order | | |
| 2013-01-18 | 21 | 0 | Motion for Summary Judgment | CROSS MOTION for Summary Judgment by GRAYSON BARBER, ELECTRONIC PRIVACY INFORMATION CENTER, PABLO GARCIA MOLINA, PETER NEUMANN, DEBORAH PEEL. (See Docket Entry 20 to view document) (jf,) (Entered: 01/22/2013) | |
| 2013-02-01 | 22 | 0 | Memorandum in Opposition | Memorandum in opposition to re 21 MOTION for Summary Judgment (Plaintiffs' Cross-Motion) and Reply in Support of Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment filed by U.S. DEPARTMENT OF EDUCATION. (Attachments: # 1 Statement of Facts, # 2 Text of Proposed Order)(Thorp, Galen) (Entered: 02/01/2013) | 2013-02-04 12:01:00 |
| | 22 | 1 | Statement of Facts | | 2013-02-04 14:36:39 |
| | 22 | 2 | Text of Proposed Order | | 2013-02- |

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| 2013-02-04 | 23 | 0 | Reply to opposition to Motion | REPLY to opposition to motion re 18 MOTION to Dismiss or, in the Alternative MOTION for Summary Judgment (also filed as Docket No. 22, Opposition to Plaintiffs' Cross-Motion) filed by U.S. DEPARTMENT OF EDUCATION. (Thorp, Galen) (Entered: 02/04/2013) | |
| 2013-02-15 | 24 | 0 | | REPLY to opposition to motion re 21 MOTION for Summary Judgment filed by GRAYSON BARBER, ELECTRONIC PRIVACY INFORMATION CENTER, PABLO GARCIA MOLINA, PETER NEUMANN, DEBORAH PEEL. (Attachments: # 1 Exhibit Index, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D)(Rotenberg, Marc) (Entered: 02/15/2013) | 2013-02-15 22:25:36 |
| | 24 | 1 | Exhibit Index | | 2013-02-15 22:25:57 |
| | 24 | 2 | Exhibit A | | 2013-02-15 22:26:09 |
| | 24 | 3 | Exhibit B | | 2013-02-15 22:26:22 |
| | 24 | 4 | Exhibit C | | 2013-02-15 22:26:36 |
| | 24 | 5 | Exhibit D | | 2013-02-15 22:27:30 |
| 2013-03-01 | 25 | 0 | | NOTICE of filing of Joint Appendix by GRAYSON BARBER, ELECTRONIC PRIVACY INFORMATION CENTER, PABLO GARCIA MOLINA, PETER NEUMANN, DEBORAH PEEL (Attachments: # 1 Index of Joint Appendix, # 2 Appendix Joint Appendix)(Rotenberg, Marc) (Entered: 03/01/2013) | 2013-03-05 10:16:01 |
| | 25 | 1 | Index of Joint Appendix | | 2013-03-05 10:17:18 |
| | 25 | 2 | Appendix Joint Appendix | | 2013-03-05 |

2013-
06-28 [26](#) 0

NOTICE of Appearance by Khaliah
N'Cole Barnes on behalf of All
Plaintiffs (Barnes, Khaliah) (Main
Document 26 replaced on 7/1/2013)
(jf,). (Entered: 06/28/2013)

10:42:19

2013-07-
03

09:40:19