

OFFICE OF THE ATTORNEY GENERAL FY 2022 FOIA REPORT

1. a. Case Name/Number: *Claudia Barber v. Office of Administrative Hearings*, (OAH), Civ. No. 2020 CA 001022 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534 (a)(4) (deliberative process)
- c. Disposition of Case: Closed. OAH filed a motion to dismiss and for summary judgment on October 13 and November 12, 2020. The Court granted Plaintiff leave to amend the complaint on July 27, 2021, and again on September 20, 2021, and denied all pending dispositive motions as moot. OAH's motion to stay discovery was granted on October 6, 2021, and the agency produced all responsive, non-exempt records. OAH then filed another motion to dismiss and for summary judgment, which the Court granted on January 26, 2023.
- d. Costs Assessed: None.
2. a. Case Name/ Number: *Partnership for Civil Justice Fund v. District of Columbia*, (MPD), Civ. No. 2018 CA 001083 B (Project Veritas FOIA)
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(4) (law enforcement privilege)
- c. Disposition: Open. On July 1, 2021, the Court denied the District's motion for summary judgment and partially granted Plaintiff's cross-motion for summary judgment, requiring the District to perform a new search, which did not uncover any additional records. The parties are discussing the possibility of settlement.
- d. Cost Assessed: None to date.
3. a. Case Name/ Number: *Partnership for Civil Justice Fund v. District of Columbia*, (MPD), Civ. No. 2017 CA 001931 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(4) (law enforcement privilege)
- c. Disposition: Open. OAG obtained summary judgment in December 2019. Plaintiff moved for relief from the judgment in December 2020, and the motion remains pending.

- d. Cost Assessed: None to date.
4. a. Case Name/ Number: *WP Company LLC v. District of Columbia*, (EOM, OUC, MPD, OCME), Civ. No. 2021 CA 002114 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code §§ 2-534(a)(4), (e) (deliberative process privilege)
- c. Disposition: Open. OAG moved to dismiss after EOM produced responsive records; the motion was granted in part and denied in part (as to adequacy of the search). The District's motion for summary judgment is currently pending.
- d. Costs Assessed: None to date.
5. a. Case Name/ Number: *Aaron Raymond Babbitt v. District of Columbia*, (MPD), Civ. No. 2021 CA 001780 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(3)(A)(i) (interference with enforcement proceeding); D.C. Code § 2-534(a)(3)(C) (law enforcement privacy); D.C. Code § 2-534(a)(3)(E) (law enforcement techniques and procedures); D.C. Code § 2-534(a)(3)(F) (law enforcement officer safety); D.C. Code § 2-534(a)(4) (law enforcement privilege); D.C. Code § 2-534(a)(6) (exempt under other statute)
- c. Disposition: Closed. The Court granted the District's motion to dismiss, upholding all claimed exemptions, on March 3, 2022.
- d. Costs Assessed: None.
6. a. Case Name/ Number: *Fraternal Order of Police v. District of Columbia*, (MPD), Civ. No. 2021 CA 003695 B
- b. Exemption(s) Claimed: D.C. Code § 2-532(a-2) (more than eight hours to reprogram or reformat records)
- c. Disposition: Open. The Court dismissed Plaintiff's claims for injunctive and declaratory relief as moot but ordered supplemental briefing on attorney's fees. The parties are discussing a possible resolution, and a status hearing is set for March 3, 2023.
- d. Costs Assessed: None to date.

7. a. Case Name/Number: *Judicial Watch v. District of Columbia*, (OCME), Civ. No. 2021 CA 000875 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code §§ 2-534(a)(4), (e) (deliberative process, attorney-client privileges; attorney work-product doctrine)
- c. Disposition: Closed. The Court consolidated this case with *Judicial Watch v. District of Columbia*, (OCME and MPD), Civ. No. 2021 CA 001710 B. MPD and OCME produced all non-exempt records and provided indices of withheld and redacted documents. The District moved for summary judgment, and Plaintiff agreed to dismissal.
- d. Costs Assessed: None.
8. a. Case Name/Number: *Judicial Watch v. District of Columbia*, (OCME and MPD), Civ. No. 2021 CA 001710 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code §§ 2-534(a)(4), (e) (deliberative process and law enforcement privileges); (a)(3)(A)(i) (investigatory records); (a)(3)(C) (law enforcement privacy); (a)(3)(E) (investigative procedures and techniques); (a)(3)(F) (life or physical safety of law enforcement personnel)
- c. Disposition: Closed. The Court consolidated this case with *Judicial Watch v. District of Columbia*, (OCME and MPD), Civ. No. 2021 CA 000875 B. MPD and OCME produced all non-exempt records and provided indices of withheld and redacted documents. The District moved for summary judgment, and Plaintiff agreed to dismissal.
- d. Costs Assessed: None.
9. a. Case Name/ Number: *Safe Healthy Playing Fields v. District of Columbia*, (DPR), Civ. No. 2020 CA 004979 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(4) (deliberative process privilege)
- c. Disposition: Open. The Court granted in part and denied in part the District's motion for summary judgment and granted in part and denied in part Plaintiff's motion for summary judgment on January 20, 2022. The parties settled Plaintiff's attorney's fees for \$5,000.00 in December 2022. A status conference is scheduled for March 31, 2023. It is anticipated that a stipulation of dismissal with prejudice will be filed shortly.

- d. Costs Assessed: None, but case was settled for \$5,000 in attorney's fees and costs.
10. a. Case Name/ Number: *Goodman v. District of Columbia*, (HSEMA), Civ. No. 2021 CA 003359 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(4) (deliberative process privilege)
- c. Disposition: Closed. The District produced responsive records after the lawsuit was filed. The parties settled Plaintiff's attorney's fees and costs for \$5,000 and a stipulation of dismissal with prejudice was filed on September 13, 2022.
- d. Costs Assessed: None, but the case settled for \$5,000 in attorney's fees and costs.
11. a. Case Name/ Number: *Bedrock Media v. District of Columbia*, (OCFO), Civ. No. 2021 CA 002969 B
- b. Exemption(s) Claimed: D.C. Code § 2-534 (a)(1) (trade secrets or commercial or financial information exemption); D.C. Code. § 2-534 (a)(4) (deliberative process privilege and attorney-client privilege)
- c. Disposition: Closed. Additional responsive documents were produced after the lawsuit was brought, and OAG moved for summary judgment in November 2021; the motion was denied on January 12, 2022, and the District was ordered to produce certain documents on February 10, 2022.
- d. Costs Assessed: None.
12. a. Case Name/Number: *Rebecca Jones v. District of Columbia*, (MPD), Civ. No. 2022 CA 002001 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-434(a)(3)(c) (law enforcement personal privacy); D.C. Code § 2-534(a)(4) (deliberative process); D.C. Code § 4-1301.52(a)(4) (confidentiality of information and records of the Children's Advocacy Center)
- c. Disposition: Open. The District moved for summary judgment, and the motion is pending.
- d. Costs Assessed: None.

13. a. Case Name/Number: *Dr. Lokesh Vuyyuru v. District of Columbia*, (DOH), Civ. No. 2022 CA 003627 B
- b. Exemption(s) Claimed: None.
- c. Disposition: Open. The District moved for summary judgment, and the motion is pending.
- d. Costs Assessed: None.
14. a. Case Name/Number: *AJE v. District of Columbia*, (DCPS), Civ. No. 2022 CA 003436B
- b. Exemption Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(6) (materials otherwise protected from disclosure by statute: 20 U.S.C. § 1232g(b)(1) (FERPA))
- c. Disposition: Open. The District moved for summary judgment, and the motion is pending.
- d. Costs Assessed: None.
15. a. Case Name/Number: *David Crowell v. Everett Lott, et al.*, (DDOT, EOM), Civ. No. 2022 CA 004737 B
- b. Exemption Claimed: D.C. Code § 2-534(a)(4) (deliberative process privilege)
- c. Disposition: Open. The District moved for summary judgment, and the motion is pending.
- d. Costs: None.
16. a. Case Name/Number: *DC Kincare Alliance v. District of Columbia*, (MPD), Civ. No. 2021 CA 004154 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(6) (materials otherwise protected from disclosure by statute: D.C. Code § 16-2333)
- c. Disposition of Case: Closed. After the lawsuit was filed, MPD produced responsive records. The parties settled Plaintiff's attorney's fees and costs for \$12,882.67 in December 2022.
- d. Costs Assessed: None, but the case settled for \$12,882.67 in attorney's fees and costs.
17. a. Case Name/Number: *Geoffrey Allen v. District of Columbia Office of the State Superintendent of Education*, (OSSE), Civ. No. 2022 CA 001292 B

- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(3)(C) (unwarranted invasion of personal privacy)
- c. Disposition of Case: Closed. After the lawsuit was filed, OSSE produced responsive records. The parties settled Plaintiff's attorney's fees and costs for \$4,909.98 in August 2022.
- d. Costs Assessed: None, but the case settled for \$4,909.98 in attorney's fees and costs.
18. a. Case Name/Number: *Brennan Center for Justice, et al. v. District of Columbia*, (MPD), Civ. No. 2022 CA 000922 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534 (a)(3) (law enforcement records); D.C. Code § 2-534(a)(4) (deliberative process privilege and law enforcement privilege)
- c. Disposition of Case: Open. Briefing on Plaintiff's pending motion for summary judgment is stayed while the parties attempt to resolve the matter without further litigation. MPD produced additional records following court orders. A status conference is scheduled for February 3, 2023.
- d. Costs Assessed: None to date.
19. a. Case Name/Number: *Epoch Times v. Metropolitan Police Department*, (MPD), Civ. No. 2022 CA 000906 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(2) (personal privacy); D.C. Code §§ (a)(3)(A)(i), (C), (F) (law enforcement records exemptions)
- c. Disposition of Case: Closed. The Court dismissed the case on November 22, 2022, for failure to exhaust administrative remedies.
- d. Costs Assessed: None.
20. a. Case Name/Number: *Chicago Justice Project v. District of Columbia*, (MPD), Civ. No. 2022 CA 001175 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(2) (personal privacy); D.C. Code §§ (a)(3)(A)(i), (C)-(F) (law enforcement records exemptions)
- c. Disposition of Case: Open. The Court found against the District, but did not issue injunctive relief. Additional briefing on the remaining issues is not yet complete.
- d. Costs Assessed: None to date.

21. a. Case Name/Number: *Energy & Policy Institute v. Office of the Senior Advisor*, (EOM), Civ. No. 2022 CA 001926 B
- b. Exemption(s) Claimed: None.
- c. Disposition of Case: Closed. The Office of the Senior Advisor conducted a search and produced all responsive emails without redaction. The parties filed a joint stipulation of dismissal on September 22, 2022.
- d. Costs Assessed: None.
22. a. Case Name/Number: *Marcus v. District of Columbia*, (MPD), Civ. No. 2021 CA 003709 B
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(4) (deliberative process); D.C. Code § 2-534(a)(3) (investigatory records); D.C. Code § 2-534(a)(4) (law enforcement)
- c. Disposition: Open. Plaintiff sought data and emails related to MPD’s gang database. The District produced all responsive, non-privileged information, and the Parties have agreed to file a stipulation of dismissal.
- d. Costs Assessed: None.
23. a. Case Name/Number: *Lowy v. District of Columbia*, (MPD), Civ. No. 2022 CA 004519 B
- b. Exemption(s) Claimed: D.C. Code §§ 2-534(a)(3)(A)(i), (a)(3)(B) (investigatory records); D.C. Code §§ 2-534(a)(2), (a)(3)(A)(i), and (a)(3)(C) (personal privacy)
- c. Disposition: Open. The District filed its motion for summary judgment, produced an index of the withheld documents, and is awaiting Plaintiff’s response.
- d. Costs Assessed: None.
24. a. Case Name/Number: *Partnership for Civil Justice Fund v. District of Columbia*, (MPD), Civ. No. 2022 CAB 005873 (2020 Racial Justice Protests FOIA)
- b. Exemption(s) Claimed: None. Plaintiff challenges MPD’s non-response to two requests submitted in June and December 2020.

- c. Disposition of Case: Open. The Complaint was served on January 4, 2023, and the responsive pleading is due March 6, 2023.
- d. Costs Assessed: None to date.
25. a. Case Name/ Number: *April Goggans v. District of Columbia*, (MPD), DCCA No. 19-CV-321
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(3) (investigatory records)
- c. Disposition: Open. The District prevailed below. The matter is fully briefed and awaiting decision in the DCCA.
- d. Costs Assessed: None.
26. a. Case Name/ Number: *District of Columbia v. Terris, Pravlik & Millian*, (EOM), DCCA No. 21-CV-543
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(4) (deliberative process)
- c. Disposition: The case is on appeal of the D.C. Superior Court's order to produce and publish the requested documents. The matter is fully briefed and awaiting decision in the DCCA.
- d. Costs Assessed: None to date.
27. a. Case Name/ Number: *Corey Zinman v. District of Columbia*, (MPD), DCCA No. 21-CV-0894
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(3)(C) (law enforcement privacy)
- c. Disposition: Open. The District prevailed below. The matter is fully briefed and awaiting decision in the DCCA.
- d. Costs Assessed: None.
28. a. Case Name/ Number: *Tormell Dubose v. District of Columbia*, (DOH), DCCA No. 19-CV-1239
- b. Exemption(s) Claimed: None.
- c. Disposition: Open. The District prevailed below. The matter is fully briefed and awaiting decision in the DCCA.
- d. Costs Assessed: None.

29. a. Case Name/ Number: *Tax Analysts v. District of Columbia*, (OCFO), DCCA No. 21-CV-31
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(6)(A) (information exempt from disclosure by statute with no discretion to the court)
- c. Disposition: Oen. The District prevailed below. The matter is fully briefed and awaiting decision in the DCCA.
- d. Costs Assessed: None.