

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL  
BRIAN L. SCHWALB

January 31, 2025

The Honorable Phil Mendelson, Chairman  
Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Suite 504  
Washington, DC 20004

Dear Chairman Mendelson,

Under DC Code § 2-538(c), the Office of the Attorney General (OAG) must annually transmit to the Council a report on its litigation arising under the *District of Columbia Freedom of Information Act* (FOIA) during the previous fiscal year. Attached is OAG's FOIA report for Fiscal Year 2024. If you have any questions, please contact Acting Deputy Attorney General for Policy and Legislative Affairs Sarah Comeau at [Sarah.Comeau@dc.gov](mailto:Sarah.Comeau@dc.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian L. Schwalb".

Brian L. Schwalb  
Attorney General for the District of Columbia

## OFFICE OF THE ATTORNEY GENERAL FY 2024 FOIA REPORT

1. 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: Closed. The Court ordered a supplemental search on November 22, 2021, and the District completed a production of supplemental records, which resolved the merits of the dispute, in March 2023. The parties settled the case in March 2024 for \$140,000 in attorney's fees and costs.
- d. Cost Assessed: None; the case settled for \$140,000.
2. 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.
3. a. Case Name/ Number: *WP Company LLC v. District of Columbia*, (EOM, OUC, MPD, OCME), Civ. No. 2021 CA 002114 B, DCCA No. 23-CV-0488
- 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: The case is on appeal and will be argued in February. On May 9, 2023, the Court granted the District's motion for summary judgment, entering judgment for the District on all counts. Plaintiff timely appealed to the DCCA.
- d. Costs Assessed: None to date.

4. 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: The parties briefed whether the agency properly responded to the request. At a hearing on December 10, 2024, the Court largely upheld the District’s arguments on the exemptions, but ordered the production of two exhibits. The parties are discussing resolution of the case.
- d. Costs Assessed: None to date.
5. 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: Closed. The Court ordered production of documents and denied the District’s motion for summary judgment. Following briefing on attorney’s fees, the Court awarded fees and closed the case.
- d. Costs Assessed: \$56,825
6. 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: Closed. The Court ordered production of documents. Following briefing on attorney’s fees, the Court awarded a portion of the requested fees and closed the case.
- d. Costs Assessed: \$68,635.18.
7. 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: Closed. The Court granted in part and denied in part Plaintiff's summary judgement motion and left the issue of fees open to allow settlement discussions to take place. . On June 6, 2024, Plaintiff accepted the District's offer of judgment for \$400,000 to resolve Plaintiff's attorney's fees and costs.
- d. Costs Assessed: None; offer of judgment for \$400,000 accepted.
8. 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. On August 23, 2023, the Court awarded Plaintiff \$62,252.51 in attorney's fees. The Parties subsequently entered a settlement agreement including payment of the costs for the District to complete an email search and production schedule. A status conference is currently set for February 21, 2025, at 10:00 a.m.
- d. Costs Assessed: \$62,252.51
9. 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: Closed. Following the Court's ruling on summary judgment in favor of Plaintiff, the District produced the remaining records and settled Plaintiff's request for attorney's fees and costs on January 10, 2024. The case has been dismissed.
- d. Costs Assessed: None; the case settled for \$75,000 in attorney's fees and costs.
10. 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: Closed. The District prevailed below. The DCCA affirmed summary judgment in the District's favor.
- d. Costs Assessed: None.
11. 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.
12. 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: The District prevailed below. The DCCA dismissed the appeal for want of prosecution, leaving the District's victory intact.
- d. Costs Assessed: None.
13. a. Case Name/ Number: *Tormell Dubose v. District of Columbia*, (DOH), 2018 CA 000378 B, DCCA No. 19-CV-1239
- b. Exemption(s) Claimed: None.
- c. Disposition: Reopened. The Superior Court's judgment for the District was overturned on appeal. On remand, the Court set a briefing schedule for renewed motions for summary judgment. The District filed a renewed motion for summary judgment on September 13, 2024. In response, Plaintiff filed a Rule 56(d)(2) motion to reopen discovery. Both motions are fully briefed.
- d. Costs Assessed: None to date.

14. 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: The District prevailed below. DCCA reversed and remanded. On remand, the court, as suggested by the parties, conducted an in camera review of the agency's redactions and found the majority were proper under the cited exemptions. The District has revised the redactions on the remaining documents and is awaiting any claim by the plaintiff for attorney's fees.
- d. Costs Assessed: None to date.
15. a. Case Name/ Number: *Leslie Richards v. D.C. Finance & Treasury et al.*, DCCA No. 24-CV-0034.
- b. Exemption(s) Claimed: No exemptions; filed motion to dismiss arguing that Plaintiff failed to state a plausible claim for relief – 12(b)(6).
- c. Disposition: On January 9, 2023, the Court granted D.C. Finance & Treasury's MTD. Plaintiff filed Notice of Appeal on 1/12/2024. The appeal is fully briefed and awaiting decision in the DCCA.
- d. Costs Assessed: None.
16. a. Case Name/ Number: *Larry Anthony Gooch v. Metropolitan Police Department*, (MPD), Case No. 2023-CAB-002404
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(3)(C) (personal privacy in investigatory records); D.C. Code § 2-534(a)(6) (information exempt from disclosure by statute)
- c. Disposition: Open. MPD moved for summary judgment on September 11, 2023, which the Court denied. The next status hearing is set for February 13, 2025
- d. Costs Assessed: None to date.

17. a. Case Name/ Number: *Trombly & Singer v. District of Columbia* (MPD), Civ. No. 2023-CAB-006273
- b. Exemption(s) Claimed: D.C. Code § 2-534 (a)(2) and (a)(3)(C); D.C. Code § 7-2509.09(a).
- c. Disposition: Closed. The parties settled the case and filed a stipulation of dismissal.
- d. Costs Assessed: None; the case settled for \$2500.
18. a. Case Name/ Number: *Government Accountability and Oversight (GAO) v. District of Columbia*, Civ. No. 2023 CA 007049 B
- b. Exemption(s) Claimed: Unknown
- c. Disposition: The Plaintiff voluntarily dismissed the case before the District filed an answer.
- d. Costs Assessed: None.
19. a. Case Name/ Number: *Civil Rights Corps v. District of Columbia*, (MPD and MOLC), 2023-CAB-004358
- b. Exemption(s) Claimed: None, Plaintiff challenged MPD's assessment of an \$800,000 cost for responding to the request as well as MOLC's failure to timely respond to an appeal of the cost assessed.
- c. Disposition: Closed. The parties settled the case with the District paying attorney's fees and costs, and Plaintiff paying \$8,000.00 for a contractor to produce the data Plaintiff requested from MPD. Plaintiff dismissed the case on April 25, 2024. However, MPD is still working to complete the collection and production of the data with agreed upon redactions.
- d. Costs Assessed: None; the District agreed to pay \$7,608.61 in attorney's fees and costs as part of the settlement agreement.
20. a. Case Name/Number: *Joel Flachs v. District of Columbia* (MPD), DCCA No. 24-CV-0470
- 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: The Court denied both parties' motions for summary judgment. On reconsideration, on April 19, 2024, the Court granted in part and denied in part each party's motion for summary judgment and closed the case. Plaintiff appealed the Court's order on May 15, 2024, and the appeal is in briefing.
- d. Costs Assessed: None to date.
21. a. Case Name/Number: *Invisible Institute, Washington City Paper v. District of Columbia* (MPD), 2023-CAB-6295
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy)
- c. Disposition: Closed. The Court granted the District's motion for summary judgment as to the reasonableness of its search but granted summary judgment to Plaintiffs on MPD's withholdings.
- d. Costs Assessed: None. The parties have settled Plaintiffs' attorney's fee claim for \$45,000.
22. a. Case Name/Number: *D.C. Open Gov't Coalition v. District of Columbia* (OCTO), 2023-CAB-7251
- b. Exemption(s) Claimed: None; the disputed issue is the reasonableness of OCTO's search
- c. Disposition: Open. OCTO generated and produced requested records from FOIAXpress and cross-moved for summary judgment on mootness grounds. After completion of summary judgment briefing, Plaintiff moved to amend complaint, which the District opposed. Status Conference is scheduled for February 14, 2025.
- d. Costs Assessed: None to date.
23. a. Case Name/ Number: *Public Defender Service for the District of Columbia v. District of Columbia*, (DOC), Civ. No. 2023 CAB 003609
- 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)(F) (life or physical safety of law enforcement personnel)



- c. Disposition: Closed. On January 23, 2024, the Court granted in part and denied in part the District's motion for summary judgment, granted Plaintiff's motion for summary judgment, and ordered that certain use of force data and investigatory reports be produced. The District moved for clarification on January 30, 2024, which the Court denied. The District then appealed to the DCCA, and the case settled while on appeal. The settlement did not include any payment by the District to the plaintiff.
- d. Costs Assessed: None.
24. a. Case Name/ Number: *The Heritage Foundation, et al. v. District of Columbia, (FEMS)*, Civ. No. 2023 CAB 007139
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(3)(E) (law enforcement techniques and procedures); D.C. Code § 2-534(a)(10) (emergency response plan)
- c. Disposition: Open. The District moved for summary judgment and made certain supplemental productions based on instructions from the Court during a hearing. After those productions, the parties entered a settlement in principle for the attorney's fees and outstanding claims, which is being finalized.
- d. Costs Assessed: None to date.
25. a. Case Name/ Number: *Webster v. Metropolitan Police Department, (MPD)*, 2024-CAB-004681
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy), (a)(3)(C) (law enforcement privacy)
- c. Disposition: Open. The District's motion to dismiss under Rule 12(b)(6) is pending.
- d. Costs Assessed: None to date.
26. a. Case Name/ Number: *Paul Casey v. District of Columbia, (MPD)*, Civ. No. 2023 CAB 001970
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(3)(C) (law enforcement privacy); D.C. Code § 2-

534(a)(6) (information specifically exempted from disclosure by statute)

- c. Disposition: Open. Plaintiff's motion for summary judgment is due February 18, 2025. The parties are attempting resolve remaining disputes over document production.
- d. Costs Assessed: None to date.
27. a. Case Name/ Number: *Mid-Atlantic Innocence Project v. District of Columbia, (MPD), Civ. No. 2023 CAB 002925*
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (invasion of privacy); D.C. Code § 2-534(a)(3)(C) (law enforcement privacy); D.C. Code § 2-534(a)(6) (other statutorily protected material)
- c. Disposition: Closed. The parties cross-moved for summary judgment and then the Court agreed to conduct an in-camera review of the documents at issue. After the Court proposed redaction removals based on its review and the District submitted objections to the Court's proposed redaction removals, the Court released the records with only certain redactions.
- d. Costs Assessed: None; the case settled for \$40,000.
28. a. Case Name/ Number: *Mid-Atlantic Innocence Project v. District of Columbia, (MPD), Civ. No. 2023 CAB 002745*
- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) and (3)(C) (invasion of privacy); D.C. Code § 2-534(a)(6) (other statutorily protected material)
- c. Disposition: Open. The parties cross-moved for summary judgment after which the Court ordered a supplemental production with more limited redactions and an additional document review and search. The District produced supplemental documents, conducted the new search, and amended various redactions. MAIP has since raised additional issues with the new production, which the parties are working to resolve to determine whether additional briefing will be necessary.
- d. Costs Assessed: None to date.
29. a. Case Name/ Number: *Washington Lawyers' Committee for Civil Rights and*

*Urban Affairs v. District of Columbia*, (DOC),  
Civ. No. 2024 CAB 004880

- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (invasion of privacy); D.C. Code § 2-534(a)(3)(A)(i),(B), (C), (D), (E) (law enforcement techniques and procedures); D.C. Code § 2-534(a)(4) (inter-agency records); and D.C. Code § 2-534(a)(10) (act of terrorism emergency response plan)
- c. Disposition: Open. The parties are currently negotiating a potential supplemental production of certain documents, which moot portions of this case. The District plans to move for summary judgment on the remaining issues not resolved by a supplemental production.
- d. Costs Assessed: None to date.
30. a. Case Name/ Number: *Tobias Jones v. District of Columbia Metropolitan Police Department*, (MPD), Civ. No. 2024 CAB 003992
- b. Exemption(s) Claimed: None (challenging failure to produce records following MOLC determination)
- c. Disposition: Closed. Shortly after filing of Complaint, MPD produced requested records and Plaintiff voluntarily dismissed Complaint.
- d. Costs Assessed: None.
31. a. Case Name/ Number: *Keith Rogers v. District of Columbia*, (MPD), Civ. No. 2024 CAB 004371
- b. Exemption(s) Claimed: None (MPD asserts record was destroyed years before FOIA request per document retention policy)
- c. Disposition: Open. The District moved for summary judgment. Plaintiff's opposition was due January 17, 2025 but he did not file an opposition. Status hearing set for March 14, 2015.
- d. Costs Assessed: None to date.
32. a. Case Name/ Number: *Judicial Watch v. District of Columbia*, (MPD), Civ. No. 2024 CAB 003453

- b. Exemption(s) Claimed: D.C. Code § 2-534(a)(2) (personal privacy); D.C. Code § 2-534(a)(3) (law enforcement records)
- c. Disposition: Open. The District moved for summary judgment on November 5, 2024, and the parties await a decision.
- d. Costs Assessed: None to date.