

APPEAL,MDL,TERMINATED

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE # 3:06-cv-00274-KI**

Al-Haramain Islamic Foundation, Inc. et al v. Bush et al
Assigned to: Judge Garr M. King
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 02/28/2006
Date Terminated: 12/20/2006
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

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an Oregon Nonprofit Corporation

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Plaintiff

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V.

Defendant

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Defendant

National Security Agency

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Defendant

Keith B. Alexander
its Director

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Defendant

Office of Foreign Assets Control
an office of the United States Treasury

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Defendant

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Defendant

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Interested Party

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Date Filed	#	Docket Text
02/28/2006	<u>1</u>	Complaint. Filed by Asim Ghafoor, Al-Haramain Islamic Foundation, Inc., Wendell Belew against George W Bush, National Security Agency, Keith B. Alexander, Federal Bureau of Investigation, Robert S. Mueller, III. (cib,) (Entered: 02/28/2006)
02/28/2006	<u>2</u>	Motion and Memorandum In Support To File Material Under Seal and Request For In-Camera Inspection. Filed by all plaintiffs. (cib,) Additional attachment(s) added on 3/2/2006 (cib,). (Entered: 02/28/2006)
02/28/2006	<u>3</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to the Honorable Michael W. Mosman. Discovery is to be completed by 6/28/2006. Joint Alternate Dispute Resolution Report is due by 7/28/2006. Pretrial Order is due by 7/28/2006. (cib,) (Entered: 02/28/2006)
03/01/2006	<u>4</u>	Corporate Disclosure Statement. Filed by all plaintiffs. (cib,) (Entered: 03/02/2006)
03/07/2006	<u>5</u>	Notice of Case Reassignment: This case has been reassigned from Judge Michael W. Mosman to Judge Garr M. King. (cib,) (Entered: 03/09/2006)
03/17/2006	<u>6</u>	Record of ORDER setting a telephone status hearing for Monday, March 20, 2006 at 11:00AM (PST) before Judge Garr M. King. The court will place the telephone call. (A Copy of this minute order was faxed to Anthony Coppolino on 3/17/06 at 5:05pm) Ordered by Judge Garr M. King. (md,) (Entered: 03/17/2006)

03/17/2006	<u>7</u>	Motion to Intervene; Motion to Unseal Records. Filed by Oregon Publishing Company. (pvh,) (Entered: 03/20/2006)
03/17/2006	<u>8</u>	Memorandum in Support. Filed by Oregon Publishing Company. (Related document(s): Motion to intervene, Motion to Unseal Records <u>7</u> .)(pvh,) (Entered: 03/20/2006)
03/20/2006	9	MINUTES of Telephone Conference: Order – Granting Plaintiffs' Motion and Memorandum In Support To File Material Under Seal and Request For In–Camera Inspection <u>2</u> . Steven Goldberg, J. Ashlee Albise, Zaha Hassan and Thomas Nelson present as counsel for plaintiff(s). Barry Sheldahl, Jim Sutherlin, Andrew Tannenbaum and Anthony Coppolino present as counsel for defendant(s). Court Reporter: Dennis Grube. Garr M. King presiding(mja,) (Entered: 03/20/2006)
03/21/2006	10	Scheduling Order by Garr M. King. Order – Setting a Telephone Conference for 3/21/2006 at 11:15AM. The court will initiate the call to the parties. (A Copy of this minute order was faxed to Anthony Coppolino and Andrew Tannenbaum on 3/21/06)Ordered by Judge Garr M. King.) (Entered: 03/21/2006)
03/21/2006	11	MINUTES of Telephone Conference: Order – Sealed document discussed with counsel as stated on the record. Steve Goldberg and J. Ashlee Albise present as counsel for plaintiff(s). Anthony Coppolino, Andrew Tannenbaum, Barry Schendahl, James Sutherlin and Steve Borgen present as counsel for defendant(s). Court Reporter: Bonita Alexander. Garr M. King presiding. (mja,) (Entered: 03/21/2006)
03/21/2006	<u>12</u>	Notice of Appearance by attorney Jessica Ashlee Albies. Filed by Jessica Ashlee Albies appearing on behalf of all plaintiffs.(Albies, Jessica) (Entered: 03/21/2006)
03/21/2006	<u>16</u>	Return of Service executed upon United States Attorney General on 03/08/06 by certified mail. (pvh,) (Entered: 03/22/2006)
03/22/2006	<u>13</u>	Notice of Appearance by attorney Anthony J. Coppolino , <i>United States Department of Justice</i> . Filed by Anthony J. Coppolino appearing on behalf of all defendants.(Coppolino, Anthony) (Entered: 03/22/2006)
03/22/2006	<u>14</u>	Notice of Appearance by attorney Andrew H. Tannenbaum , <i>United States Department of Justice</i> . Filed by Andrew H. Tannenbaum appearing on behalf of all defendants.(Tannenbaum, Andrew) (Entered: 03/22/2006)
03/22/2006	<u>15</u>	Notice of Appearance by attorney Andrea Marie Gacki , <i>United States Department of Justice</i> . Filed by Andrea Marie Gacki appearing on behalf of all defendants.(Gacki, Andrea) (Entered: 03/22/2006)
03/29/2006	<u>17</u>	Unopposed Motion for Extension of Time to File a Response/Reply to <i>Motion to Unseal Records</i> and to Motion to intervene, <u>7</u> . Filed by all defendants. (Gacki, Andrea) (Entered: 03/29/2006)
04/04/2006	18	ORDER – Granting Defendants' Unopposed Motion for Extension of Time to File a Response to Motion to Unseal Records and to Motion to intervene <u>17</u> up to and including 4/14/2006. Ordered by Judge Garr M. King. (mja,) (Entered: 04/04/2006)
04/05/2006	19	Scheduling Order by Garr M. King. Order – At the parties' request, the court is setting a Telephone Conference for 4/7/2006 at 02:00PM. The court will initiate the call to the following parties: Jessica Ashlee Albies(503) 367–8590, Steven Goldberg (503) 224–2372, Zaha S Hassan 503–230–8311, Thomas H. Nelson (503) 230–8311, Anthony J. Coppolino (202) 514–4782, Andrea Marie Gacki (202) 514–4336, and Andrew H. Tannenbaum (202) 514–4263.Ordered by Judge Garr M. King. (mja,) (Entered: 04/05/2006)
04/06/2006	<u>20</u>	Order Granting Application for Special Admission Pro Hac Vice of Jon B. Eisenberg for Asim Ghafoor, Al–Haramain Islamic Foundation, Inc., and Wendell Belew. Application Fee in amount of \$100 collected. Receipt No. 8761 issued. Signed on 04/05/06 by Judge Garr M. King. (pvh,) (Entered: 04/06/2006)
04/06/2006	<u>21</u>	Order Granting Application for Special Admission Pro Hac Vice of Lisa R. Jaskol for Asim Ghafoor, Al–Haramain Islamic Foundation, Inc. and Wendell Belew. Application Fee in amount of \$100 collected. Receipt No. 8762 issued. Signed on

		04/05/06 by Judge Garr M. King. (pvh,) (Entered: 04/06/2006)
04/07/2006	22	MINUTES of Telephone Conference: Order – At the parties' request the court is setting a briefing schedule as follows: Defendants shall file an answer to the complaint or dispositive motion by 6/9/2006. Defendants' memorandum regarding plaintiff's continued access to the sealed document is due by 5/26/2006. Plaintiff's response is due by 6/20/2006. Defendants' reply is due 10 days after plaintiff's response. Jessica Ashlee Albies and Steven Goldberg present as counsel for plaintiff(s). Anthony Coppelino, Andrea Gacki, Andrew Tennenbaum and Jim Sutherlin present as counsel for defendant(s). Court Reporter: Nancy Walker. Garr M. King presiding. (mja,) (Entered: 04/07/2006)
04/10/2006	23	Order – The Regional Security Specialist is directed to move the sealed document from the SCIF in Seattle to the SCIF in Portland as discussed during the telephone conference of April 7, 2006. Ordered by Judge Garr M. King. (mja,) (Entered: 04/10/2006)
04/14/2006	<u>24</u>	Response in Opposition to <i>Motion to Unseal Records and to Motion to intervene</i> , <u>7</u> . Filed by all defendants. (Attachments: # <u>1</u> Attachment A – OFAC Declaration# <u>2</u> Attachment B – FBI Declaration# <u>3</u> Attachment C – Court Transcript)(Gacki, Andrea) (Entered: 04/14/2006)
04/14/2006	<u>25</u>	Notice re Motion to intervene, <u>7</u> of Lodging of Ex Parte, In Camera Classified Material. Filed by Andrea Marie Gacki appearing on behalf of all defendants. (Related document(s): Motion to intervene, <u>7</u> .)(Gacki, Andrea) (Entered: 04/14/2006)
04/19/2006	26	Scheduling Order by Garr M. King. Order – Setting a Telephone Conference for 4/25/2006 at 01:30PM, to discuss Plaintiffs' letter of 4/14/2006 and any more formal objections filed by Plaintiffs before the Telephone Conference. The court will initiate the call to the following parties: Jessica Ashlee Albies(503) 367–8590, Steven Goldberg (503) 224–2372, Zaha S Hassan 503–230–8311, Thomas H. Nelson (503) 230–8311, Anthony J. Coppelino (202) 514–4782, Andrea Marie Gacki (202) 514–4336, and Andrew H. Tennenbaum (202) 514–4263. Ordered by Judge Garr M. King. (Entered: 04/19/2006)
04/20/2006	<u>27</u>	Motion for Leave to participate in Oral Argument and, Motion for permission for Reporter to Observe Hearing on April 25, 2006. Expedited Hearing Requested. Filed by Oregon Publishing Company. (pvh,) (Entered: 04/21/2006)
04/20/2006	<u>28</u>	Memorandum in Support. Filed by Oregon Publishing Company. (Related document(s): Motion for Leave to participate in Oral Argument and, Motion for permission for Reporter to Observe Hearing <u>27</u> .)(pvh,) (Entered: 04/21/2006)
04/21/2006	29	ORDER – Oregonian Publishing Company's Motion for Leave to Participate in Oral Argument and for Permission for Reporter to Observe Hearing on April 25, 2006 <u>27</u> is granted in part and denied in part. Oregonian Publishing Company's attorney may participate in the telephone conference. A reporter from the Oregonian may not listen to the proceedings. Pursuant to the usual practice, a transcript of the telephone conference will be available to the public. Ordered by Judge Garr M. King. (mja,) (Entered: 04/21/2006)
04/24/2006	<u>30</u>	Memorandum in Opposition to <i>Defendants' Lodging of Material Ex Parte and In Camera</i> . Filed by all plaintiffs.(Nelson, Thomas) (Entered: 04/24/2006)
04/25/2006	31	MINUTES of Telephone Conference: Order – The Oregonian's Motion to Intervene <u>7</u> is GRANTED. The Oregonian's Motion to Unseal Records <u>7</u> is DEFERRED. Oregonian shall have until 5/22/2006 to reply to the government's response to the Oregonian's Motion to Unseal. Defendants may file a response to Plaintiffs' Opposition to Defendants' Lodging of Material Ex Parte and In Camera by 5/12/2006. Plaintiffs and the Oregonian can reply to the defendants' response by 5/22. Defendants may file a sur-reply by 5/25/2006, if necessary. Jessica Albies, Steven Goldberg, Lisa Jaskol, Thomas Nelson and Zaha Hassan present as counsel for plaintiff(s). Andrea Gacki, Anthony Coppelino and Jim Sutherlin present as counsel for defendant(s). Charles Hinkle present as counsel for intervenor. Court Reporter: Dennis Grube. Garr M. King presiding.(mja,) Modified on 4/25/2006 (mja,). (Entered: 04/25/2006)

05/12/2006	<u>32</u>	Memorandum in Opposition to <i>Plaintiffs' Opposition to Defendants' Lodging of Material Ex Parte and In Camera</i> . Filed by all defendants. (Attachments: # <u>1</u> Attachment 1 – Transcript# <u>2</u> Attachment 2 – Supp. Hourihan Declaration# <u>3</u> Attachment 3 – Hackett Declaration)(Gacki, Andrea) (Entered: 05/12/2006)
05/12/2006	<u>33</u>	Notice re Response in Opposition to Motion, <u>24</u> of <i>Lodging of Superseding Ex Parte, In Camera Classified Material</i> . Filed by Andrea Marie Gacki appearing on behalf of all defendants. (Related document(s): Response in Opposition to Motion, <u>24</u> .)(Gacki, Andrea) (Entered: 05/12/2006)
05/22/2006	<u>34</u>	Sur–Response to <i>Defendants' Response to Filing of Material Ex Parte and In Camera</i> . ORAL ARGUMENT requested. Filed by all plaintiffs.(Nelson, Thomas) (Entered: 05/22/2006)
05/22/2006	<u>35</u>	Motion to Compel <i>Discovery</i> . Oral Argument requested Filed by all plaintiffs. (Goldberg, Steven) (Entered: 05/22/2006)
05/22/2006	<u>36</u>	Memorandum in Support of <i>Motion to Compel</i> . Filed by all plaintiffs. (Related document(s): Motion to compel <u>35</u> .) (Attachments: # <u>1</u> Exhibit)(Goldberg, Steven) (Entered: 05/22/2006)
05/22/2006	<u>37</u>	Reply <i>Memorandum in Support of Motion to Unseal Document</i> . Filed by Oregon Publishing Company.(Hinkle, Charles) (Entered: 05/22/2006)
05/25/2006	<u>38</u>	Sur–Reply to the <i>Oregonian's Reply in Support of the Motion to Unseal and to Plaintiffs' Reply Regarding Ex Parte and In Camera Material</i> . Filed by all defendants.(Gacki, Andrea) (Entered: 05/25/2006)
05/26/2006	<u>39</u>	Motion to Prevent <i>Plaintiffs' Access to the Sealed Classified Document</i> . ORAL ARGUMENT requested Filed by all defendants. (Gacki, Andrea) (Entered: 05/26/2006)
05/26/2006	<u>40</u>	Memorandum in Support of <i>Defendants' Motion to Prevent Plaintiffs' Access to the Sealed Classified Document</i> . Filed by all defendants. (Related document(s): Motion <u>39</u> .) (Attachments: # <u>1</u> Attachment 1 – Transcript# <u>2</u> Attachment 2 – Letter# <u>3</u> Attachment 3 – Haddad opinion# <u>4</u> Attachment 4 – Al–Aqeel Am. Compl.)(Gacki, Andrea) (Entered: 05/26/2006)
06/01/2006	<u>41</u>	Motion for Extension of Time to Respond Both to the <i>Complaint and to Plaintiffs' Motion to Compel</i> . Filed by all defendants. (Gacki, Andrea) (Entered: 06/01/2006)
06/02/2006	<u>42</u>	Response to Motion for Extension of Time <u>41</u> . Filed by all plaintiffs.(Goldberg, Steven) (Entered: 06/02/2006)
06/07/2006	43	ORDER – Defendants' Motion for Extension of Time to Respond Both to the Complaint and to Plaintiffs' Motion to Compel <u>41</u> is GRANTED in PART and DENIED in PART. The time to respond to the Complaint is extended to 6/16/06, and time to respond to the Motion to Compel is extended until 6/16/06. Defendants' request to file a consolidated response is DENIED. Plaintiffs' request to file a reply to Defendants' response to the Motion to Compel is GRANTED, with the reply due by 6/30/06. Plaintiffs' request for extension of time to respond to any dispositive motion is noted and will be considered if such motion is filed. The discovery deadline is extended at Plaintiffs' request and will be reset in a future telephone conference with the parties. Ordered by Judge Garr M. King. (mja,) (Entered: 06/07/2006)
06/07/2006	<u>44</u>	Transcript of Telephone Conference Proceedings held on April 7, 2006 before Judge Garr M. King. Court Reporter: Nancy M. Walker. (pvh,) (Entered: 06/09/2006)
06/09/2006	<u>45</u>	Motion for Protective Order <i>Barring the Deposition of Barbara C. Hammerle</i> . Oral Argument requested Filed by all defendants. (Gacki, Andrea) (Entered: 06/09/2006)
06/09/2006	<u>46</u>	Memorandum in Support of <i>Defendants' Motion for a Protective Order Barring the Deposition of Barbara C. Hammerle</i> . Filed by all defendants. (Related document(s): Motion for Protective Order <u>45</u> .) (Attachments: # <u>1</u> Attachment 1 – Notice of Deposition# <u>2</u> Attachment 2 – Declaration of Barbara Hammerle)(Gacki, Andrea) (Entered: 06/09/2006)

06/15/2006	<u>47</u>	Unopposed Motion for Extension of Time to Respond to Complaint and Motion to Compel. Filed by all defendants. (Coppolino, Anthony) (Entered: 06/15/2006)
06/16/2006	48	ORDER – Granting Defendants' Unopposed Motion for Second Extension of Time to Respond to Complaint and to Plaintiffs' Motion to Compel <u>47</u> . The time to respond to the Complaint is extended to 6/21/2006. The time to respond to the Motion to Compel is extended to 6/21/2006. Plaintiffs' time to reply to Defendants' response to the Motion to Compel is extended to 7/6/2006. Ordered by Judge Garr M. King. (mja,) (Entered: 06/16/2006)
06/16/2006	<u>49</u>	Response in Opposition to Defendants' Motion to Deny Access to Sealed Document to Motion <u>39</u> Oral Argument requested. Filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Lynne Bernabei# <u>2</u> Exhibit 2 – Declaration of Wendell Belew# <u>3</u> Exhibit 3 – Declaration of Asim Ghafoor# <u>4</u> Exhibit 4 – Declaration of Thomas H. Nelson (redacted, original filed under seal)# <u>5</u> Exhibit 5 – Plaintiffs' Proposed Protective Order and Agreement)(Nelson, Thomas) (Entered: 06/16/2006)
06/19/2006	50	AMENDED Order – Granting Defendants' Unopposed Motion for Second Extension of Time to Respond to Complaint and to Plaintiffs' Motion to Compel <u>47</u> . The time to respond to the Complaint is extended to 6/21/2006. The time to respond to the Motion to Compel is extended to 6/21/2006. Plaintiffs requested a corresponding extension of time to file their response, to which defendants did not object. Plaintiffs' time to reply to Defendants' response to the Motion to Compel is extended to 7/11/2006. Ordered by Judge Garr M. King. (mja,) (Entered: 06/19/2006)
06/19/2006	51	Scheduling Order by Garr M. King. Order – Setting a Telephone Conference to discuss Plaintiffs' recent filing for 6/19/2006 at 01:00PM. The Court will initiate the call to the following parties: Steven Goldberg (503) 224–2372, Zaha S. Hassan (503) 230–8311, Lisa R. Jaskol (818) 995–5820, Thomas H. Nelson (503) 230–8311, Andrea Marie Gacki (202) 514–4336, Andrew H. Tannenbaum (202) 514–4263 and Anthony J. Coppolino (202) 514–4782. Ordered by Judge Garr M. King. (mja,) (Entered: 06/19/2006)
06/19/2006	52	MINUTES of Telephone Conference: Order – Plaintiffs' recent filing discussed as stated on the record. Jessica Ashlee Albies, John Eisenberg, Steven Goldberg, Zaha Hassan, and Lisa Jaskol present as counsel for plaintiff(s). Andrew Tannenbaum, Jim Sutherland, Carl Nichols, and Andrea Gacki present as counsel for defendant(s). Court Reporter: Nancy Walker. Garr M. King presiding. (mja,) (Entered: 06/19/2006)
06/19/2006	<u>53</u>	Motion to Continue and Abey Proceedings on Defendants' Motion for Protective Order. Filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Proposed Order Abeying Proceedings Pending Resolution of Motion to Dismiss) (Nelson, Thomas) (Entered: 06/19/2006)
06/21/2006	<u>54</u>	Motion to File Excess Pages in Response to the Complaint and the Motion to Compel re Motion to compel <u>35</u> . Filed by all defendants. (Gacki, Andrea) (Entered: 06/21/2006)
06/21/2006	<u>55</u>	Response in Opposition to Motion to compel <u>35</u> . Filed by all defendants. (Attachments: # <u>1</u> Attachment 1 – Declaration of DNI# <u>2</u> Attachment 2 – Declaration of NSA Director)(Gacki, Andrea) (Entered: 06/21/2006)
06/21/2006	<u>56</u>	Notice of Lodging of In Camera, Ex Parte Materials. Filed by Andrea Marie Gacki appearing on behalf of all defendants.(Gacki, Andrea) (Entered: 06/21/2006)
06/21/2006	<u>57</u>	Amended Motion to File Excess Pages in Response to the Complaint and Motion to Compel re Motion to compel <u>35</u> . Filed by all defendants. (Gacki, Andrea) (Entered: 06/21/2006)
06/21/2006	<u>58</u>	Motion to Dismiss or, in the Alternative, for Summary Judgment. Filed by all defendants. (Tannenbaum, Andrew) (Entered: 06/21/2006)
06/21/2006	<u>59</u>	Memorandum in Support of the United States' Assertion of the Military and State Secrets Privilege and Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment. Filed by all defendants. (Related document(s): Motion to

		Dismiss <u>58</u> .) (Attachments: # <u>1</u> Exhibit Declaration of John D. Negroponte, Director of National Intelligence# <u>2</u> Exhibit Declaration of Lt. Gen. Keith B. Alexander, Director, National Security Agency)(Tannenbaum, Andrew) (Entered: 06/21/2006)
06/22/2006	<u>60</u>	ORDER: It is ordered that the proceedings relating to defendants' motion for protective order be held in abeyance pending resolution of defendants' anticipated motion to dismiss. Plaintiffs will not pursue the deposition of Barbara Hammerle while defendants' motion for protective order is in abeyance. <u>53</u> Signed on 6/22/06 by Judge Garr M. King. (md,) (Entered: 06/23/2006)
06/23/2006	61	Scheduling Order by Garr M. King. Order – Setting a Telephone Conference to discuss Plaintiffs' letter of June 23, 2006, for 6/27/2006 at 01:15PM. The court will initiate the call to the following parties: Steven Goldberg (503) 224–2372, Zaha S. Hassan (503) 230–8311, Lisa R. Jaskol (818) 995–5820, Thomas H. Nelson (503) 230–8311, Andrea Marie Gacki (202) 514–4336, Andrew H. Tannenbaum (202) 514–4263 and Anthony J. Coppolino (202) 514–4782. Ordered by Judge Garr M. King. (mja,) (Entered: 06/23/2006)
06/26/2006	<u>62</u>	Notice of Motion to Transfer to the Joint Panel on Multidistrict Litigation. Filed by Andrew H. Tannenbaum appearing on behalf of all defendants. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Tannenbaum, Andrew) (Entered: 06/26/2006)
06/27/2006	63	MINUTES of Telephone Conference: Order – Plaintiffs have advised the court that they intend to rely on the sealed document and the sealed Declaration of Thomas Nelson filed in this case in their responses to defendants' Motion to Transfer to the Joint Panel on Multidistrict Litigation ("JPML"). In the Motion to Transfer, defendants seek to have this case transferred to the U.S. District Court for the District of Columbia for consolidation with other cases in which defendants are asserting the state secrets privilege. Plaintiffs have requested that the sealed document and sealed Declaration be made available to the JPML. Defendants are hereby ordered to make copies, using secure means, of both the sealed document and sealed Declaration which are currently held in the SCIF in Portland, to retain the originals in the Portland SCIF, and to transfer the copies by secure means to the appropriate security officer in the U.S. District Court for the District of Columbia for placement in a SCIF to which that court has access. Defendants have represented that the copies can thereafter be transferred securely to a SCIF accessible by the JPML within 24 hours of the JPML's request for the documents in advance of the scheduled argument in Chicago. Pending before the court are several motions. Defendants' Amended Motion to File Excess Pages in Response to the Complaint and Motion to Compel <u>57</u> is granted, and the Motion to File Excess Pages in Response to the Complaint and Motion to Compel <u>54</u> is dismissed as moot. Defendants' reply to the plaintiffs' Opposition to Defendants' Motion to Deny Access to Sealed Document is due June 30, 2006. Plaintiffs' response to the Motion to Dismiss is due July 11, 2006. Defendants' reply to the plaintiffs' response to the Motion to Dismiss is due July 25, 2006. As previously ordered, plaintiffs' reply to the defendants' Response in Opposition to Motion to Compel Discovery is due July 11, 2006. Setting Oral Argument on Defendants' Motion to Dismiss, the Plaintiffs' Motion to Compel Discovery, the Defendants' Motion to Deny Plaintiffs Access to Sealed Document, and the Oregon Publishing Company's Motion to Unseal Records for Tuesday, August 29, 2006 at 9:30AM, in Portland, Courtroom 9A, before Judge Garr M. King. Jessica Albies, Jon Eisenberg, Steven Goldberg, Zaha Hassan, Thomas Nelson, and Lisa Jaskol present as counsel for plaintiff(s). Tony Coppolini, Andrew Tannenbaum, Jim Sutherlin present as counsel for defendant(s). Court Reporter: Nancy Walker. Garr M. King presiding. (Entered: 06/27/2006)
06/30/2006	<u>64</u>	Reply to Motion to Prevent Plaintiffs' Access to the Sealed Classified Document <u>39</u> Oral Argument requested. Filed by all defendants.(Gacki, Andrea) (Entered: 06/30/2006)
07/10/2006	<u>65</u>	Reply to Defendants' Opposition to Plaintiffs' Motion for Order Compelling Discovery ORAL ARGUMENT requested. Filed by all plaintiffs.(Goldberg, Steven) (Entered: 07/10/2006)
07/10/2006	<u>66</u>	Response in Opposition to Motion to Dismiss <u>58</u> Oral Argument requested. Filed by all plaintiffs.(Nelson, Thomas) (Entered: 07/10/2006)

07/25/2006	<u>67</u>	Reply <i>Defendants' Reply in Support of</i> to Motion to Dismiss <i>or, in the Alternative, for Summary Judgment</i> (58 in 3:06-cv-00274-KI). Filed by all defendants. Associated Cases: 3:06-cv-00274-KI, 3:06-cv-00553-AA(Coppolino, Anthony) Additional attachment(s) added on 8/1/2006 (jlr,). (Entered: 07/25/2006)
07/25/2006	<u>68</u>	Unopposed Motion to File Excess Pages <i>for Defendants' Reply in Support of Motion to Dismiss or for Summary Judgment</i> . Filed by George W Bush, National Security Agency, Keith B. Alexander, Office of Foreign Assets Control, Robert W. Werner, Federal Bureau of Investigation, Robert S. Mueller, III. Associated Cases: 3:06-cv-00274-KI, 3:06-cv-00553-AA (Coppolino, Anthony) Additional attachment(s) added on 8/1/2006 (jlr,). (Entered: 07/25/2006)
07/25/2006	<u>69</u>	Notice of Lodging <i>in Camera Reply in Support of Defendants' Motion to Dismiss or for Summary Judgment</i> . Filed by Anthony J. Coppolino appearing on behalf of George W Bush, National Security Agency, Keith B. Alexander, Office of Foreign Assets Control, Robert W. Werner, Federal Bureau of Investigation, Robert S. Mueller, III. Associated Cases: 3:06-cv-00274-KI, 3:06-cv-00553-AA(Coppolino, Anthony) Additional attachment(s) added on 8/1/2006 (jlr,). (Entered: 07/25/2006)
08/01/2006	<u>70</u>	Order regarding Unopposed Motion to File Excess Pages <i>for Defendants' Reply in Support of Motion to Dismiss or for Summary Judgment</i> <u>68</u> filed by Robert S. Mueller, III, Office of Foreign Assets Control, George W Bush, Keith B. Alexander, Robert W. Werner, National Security Agency, Federal Bureau of Investigation, Notice, <u>69</u> filed by Robert S. Mueller, III, Office of Foreign Assets Control, George W Bush, Keith B. Alexander, Robert W. Werner, National Security Agency, Federal Bureau of Investigation, Reply to Motion, <u>67</u> filed by Robert S. Mueller, III, Office of Foreign Assets Control, George W Bush, Keith B. Alexander, Robert W. Werner, National Security Agency, Federal Bureau of Investigation for Administrative Correction of the Record. A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. The PDF documents are now attached to documents <u>67</u> , <u>68</u> , and <u>69</u> and are also attached to this entry. (Attachments: # <u>1</u> Reply in Support of Motion To Dismiss; # <u>2</u> Unopposed Motion To File Excess Pages; # <u>3</u> Notice of Lodging In Camera Reply) (jlr,) (Entered: 08/01/2006)
08/03/2006	71	Order – With briefing now complete, the court has requested that the Department of Justice Litigation Security Group deliver the classified filings lodged in this case to the SCIF in Portland so that they are readily accessible to the court. The court has not yet made a decision whether in camera, ex parte review of these filings is appropriate. Ordered by Judge Garr M. King. (mja,). (Entered: 08/03/2006)
08/04/2006	72	ORDER – Granting Defendants' Unopposed Motion to File Excess Pages for Defendants' Reply in Support of Motion to Dismiss or for Summary Judgment <u>68</u> . The Court has not yet made a decision whether in camera, ex parte review of this filing is appropriate. Ordered by Judge Garr M. King. (mja,) (Entered: 08/04/2006)
08/14/2006	<u>73</u>	Notice of Decision <i>by the Judicial Panel on Multidistrict Litigation</i> . Filed by Andrea Marie Gacki appearing on behalf of all defendants. (Attachments: # <u>1</u> Exhibit 1 – MDL Transfer Order) (Gacki, Andrea) (Entered: 08/14/2006)
08/15/2006	<u>74</u>	Response <i>to Defendants' Notice of Decision by The Judicial Panel on Multidistrict Litigation</i> . Filed by all plaintiffs. (Related document(s): Notice <u>73</u> .) (Attachments: # <u>1</u> Attachment Interested Parties Response to the United States' Motion for Transfer and Coordination) (Goldberg, Steven) (Entered: 08/15/2006)
08/16/2006	<u>75</u>	Reply <i>to Plaintiffs' Response to Notice of Decision by the Judicial Panel on Multidistrict Litigation</i> . Filed by all defendants. (Related document(s): Notice <u>73</u> .) (Tannenbaum, Andrew) (Entered: 08/16/2006)
08/17/2006	76	Scheduling Order by Garr M. King. Order – Setting a Telephone Conference to discuss the Defendants' Notice of Decision by the Judicial Panel on Multidistrict Litigation <u>73</u> for 8/18/2006 at 10:00AM. The court will initiate the call to the following parties: Steven Goldberg (503) 224-2372, Zaha S. Hassan (503) 230-8311, Lisa R. Jaskol (818) 995-5820, Thomas H. Nelson (503) 230-8311,

		Andrea Marie Gacki (202) 514-4336, Jim Sutherlin (503) 727-1194, Andrew H. Tannenbaum (202) 514-4263 and Anthony J. Coppolino (202) 514-4782. Ordered by Judge Garr M. King. (mja) (Entered: 08/17/2006)
08/18/2006	77	MINUTES of Telephone Conference: Order – defendants' request to delay or stay proceedings is denied. Judge King will review ex parte in camera filings made by defendants in June and July. Jon B. Eisenberg, Zaha Hassan, Lisa Jaskol and Jessica Albies present as counsel for plaintiff(s). Jim Sutherland, Andrew Tannenbaum and Andrea Gacki present as counsel for defendant(s). Court Reporter: Dennis Grube. Garr M. King presiding. (mja) (Entered: 08/18/2006)
08/29/2006	78	MINUTES of Oral Argument Hearing: Order – The Oregon Publishing Company's Motion to Unseal Records <u>7</u> , Plaintiffs' Motion to Compel Discovery <u>35</u> , the Defendants' Motion to Deny Plaintiffs Access to Sealed Document <u>39</u> and Defendants' Motion to Dismiss <u>58</u> , are taken under advisement as of 8/29/2006. Steven Goldberg, Jessica Albies, Saha Hassan, Lisa Jaskol, Thomas Nelson and Jon Eisenberg present as counsel for plaintiffs. Andrea Gacki, Andrew Tannenbaum and Anthony Coppolino Present as Counsel for defendants. Charles Hinkle present as counsel for interested party. Court Reporter: Nancy Walker. Garr M. King presiding. (mja) (Entered: 08/29/2006)
09/07/2006	<u>79</u>	OPINION AND ORDER. The government's Motion to Dismiss, or, in the Alternative, for Summary Judgment (#58) is denied, but the government has leave to renew its Motion for Summary Judgment. The government's Motion to Prevent Plaintiffs' Access to the Sealed Classified Document (#39) is granted. Plaintiffs' Motion for Order Compelling Discovery (#35) is denied with leave to renew. Oregonian Publishing Company's Motion to Intervene was previously granted, but its Motion to Unseal Records (#7) is denied. IT IS SO ORDERED. Signed on 09/07/06 by Judge Garr M. King. (pvh) (Entered: 09/07/2006)
09/11/2006	<u>80</u>	Transcript of Motion Hearing Proceedings held on 08/29/06 before Judge Garr M. King. Court Reporter: Nancy M. Walker. (pvh) (Entered: 09/12/2006)
10/04/2006	81	Order – The court grants the government's letter request that it be permitted to file a motion to stay proceedings while its petition for interlocutory review is pending. Ordered by Judge Garr M. King. (mja) (Entered: 10/04/2006)
10/24/2006	<u>82</u>	Motion for Stay <i>Defendants' Motion for a Stay of Proceedings Pending Interlocutory Appeal</i> . Filed by all defendants. (Coppolino, Anthony) (Entered: 10/24/2006)
10/24/2006	<u>83</u>	Memorandum in Support of <i>Motion to Stay Proceedings Pending Interlocutory Appeal</i> . Filed by all defendants. (Coppolino, Anthony) (Entered: 10/24/2006)
10/26/2006	<u>84</u>	Transcript of Telephone Conference Proceedings held on 06/19/06 before Judge Garr M. King. Court Reporter: Nancy M. Walker. (pvh) (Entered: 10/26/2006)
10/30/2006	<u>85</u>	Motion for Partial Summary Judgment <i>Of Liability Or, Alternatively, For Partial Summary Adjudication of Specific Issues Within Claims</i> . Oral Argument requested Filed by all plaintiffs. (Goldberg, Steven) (Entered: 10/30/2006)
10/30/2006	<u>86</u>	Concise Statement of Material Fact. Filed by all plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>85</u> .) (Goldberg, Steven) (Entered: 10/30/2006)
10/30/2006	<u>87</u>	Memorandum in Support of <i>Plaintiffs' Motion for Partial Summary Judgment of Liability or, Alternatively, for Partial Summary Adjudication of Specific Issues Within Claims</i> . Filed by all plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>85</u> .) (Goldberg, Steven) (Entered: 10/30/2006)
10/30/2006	<u>88</u>	Declaration of Steven Goldberg <i>in Support of Plaintiffs' Motion for Partial Summary Judgment or Adjudication</i> . Filed by all plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>85</u> .) (Attachments: # <u>1</u> Exhibit A to Declaration of Steven Goldberg# <u>2</u> Exhibit B to Declaration of Steven Goldberg# <u>3</u> Exhibit C to Declaration of Steven Goldberg# <u>4</u> Exhibit D to Declaration of Steven Goldberg# <u>5</u> Exhibit E to Declaration of Steven Goldberg# <u>6</u> Exhibit F to Declaration of Steven Goldberg# <u>7</u> Exhibit G to Declaration of Steven Goldberg# <u>8</u> Exhibit H to Declaration of Steven Goldberg# <u>9</u> Exhibit I to Declaration of Steven

		Goldberg) (Goldberg, Steven) (Entered: 10/30/2006)
10/31/2006	89	Scheduling Order by Garr M. King. Order – Setting a Telephone Conference to discuss the parties' recent submission to the court for 11/1/2006 at 01:30PM. The court will initiate the call to the following parties: Steven Goldberg (503) 224-2372, Zaha S. Hassan (503) 230-8311, Lisa R. Jaskol (818) 995-5820, Thomas H. Nelson (503) 230-8311, Andrea Marie Gacki (202) 514-4336, Jim Sutherlin (503) 727-1194, Andrew H. Tannenbaum (202) 514-4263 and Anthony J. Coppolino (202) 514-4782. Ordered by Judge Garr M. King. (mja) (Entered: 10/31/2006)
11/01/2006	<u>90</u>	Response in Opposition to Motion for Stay <i>Defendants' Motion for a Stay of Proceedings Pending Interlocutory Appeal</i> <u>82</u> Oral Argument requested. Filed by all plaintiffs. (Goldberg, Steven) (Entered: 11/01/2006)
11/01/2006	91	MINUTES of Telephone Conference: Order – Handling of documents discussed as stated on the record. Steven Goldberg, Jon Eisenberg, Jessica Albies, Zaha Hassan and Lisa Jaskol present as counsel for plaintiff(s). Andrew Tannenbaum, Anthony Coppolino, Andrea Gacki and James Sutherland present as counsel for defendant(s). Court Reporter: Karen Eichhorn. Phone (503) 936-4805. Garr M. King presiding. (mja) (Entered: 11/01/2006)
11/02/2006	<u>92</u>	Transcript of Proceedings held on 11/01/06 before Judge Garr M. King. Court Reporter: Karen N. Eichhorn. (pvh) (Entered: 11/02/2006)
11/15/2006	<u>93</u>	Reply <i>in Support of Defendants' Motion</i> to Motion for Stay <i>Defendants' Motion for a Stay of Proceedings Pending Interlocutory Appeal</i> <u>82</u> . Filed by George W Bush, National Security Agency, Keith B. Alexander, Office of Foreign Assets Control, Robert W. Werner, Federal Bureau of Investigation, Robert S. Mueller, III. (Coppolino, Anthony) (Entered: 11/15/2006)
12/20/2006	<u>94</u>	Conditional Transfer Order dated 12/15/06 transferring this case to the USDC for the Northern District of California pursuant to Docket No. 1791. Signed & sealed on 12/15/06 by Willial Terrell Hodges, Chairman of the MDL Panel. (mkk) (Entered: 12/20/2006)
12/20/2006	95	Order – For purposes of clarifying the docket prior to transferring the case, the Court did not issue a decision on defendants' Motion to Stay Pending Appeal (#82), and halted the briefing schedule on plaintiffs' Motion for Summary Judgment (#85), pending the decision of the Judicial Panel on Multidistrict Litigation. In addition, the defendants' Motion for Protective Order Barring Deposition of Barbara C. Hammerle (#45) was held in abeyance on June 22, 2006, pending the outcome of defendants' Motion to Dismiss. That motion for protective order is now denied with leave to renew given this court's Opinion and Order on defendants' Motion to Dismiss. Ordered by Judge Garr M. King. (mja) (Entered: 12/20/2006)
12/26/2006	<u>96</u>	Certified Copy of Order from USCA for the 9th Circuit. The petition for permission to appeal pursuant to 28 U.S.C. §1292(b) is GRANTED . Within 10 days of this order, petitioners shall perfect the appeal pursuant to Federal Rule of Appellate Procedure 5(d). See also 9th Cir. R. 3.1(c). The Clerk is directed to open a new docket number for this appeal. (Case #06-80134 assigned.). Petitioners' alternate motion to hold this appeal in abeyance pending resolution by this court of <i>Hepting v. ATTCorp.</i> , appeal No. 06-17132, and <i>Hepting v. United States</i> , appeal No. 06-17137, shall be addressed by separate order. Filing Fee must be paid by 1/10/2007.(eo) (Entered: 12/27/2006)
01/05/2007	<u>97</u>	Transcript of Telephonic Conference Proceedings held on 03/20/06 before Judge Garr M. King. Court Reporter: Dennis R. Grube. (pvh) (Entered: 01/08/2007)
01/05/2007	<u>98</u>	Transcript of Telephone Conference Proceedings held on 03/21/06 before Judge Garr M. King. Court Reporter: Bonita J. Alexander.. (pvh) (Entered: 01/08/2007)
01/05/2007	<u>99</u>	Transcript of Telephonic Conference Proceedings held on 04/25/06 before Judge Garr M. King. Court Reporter: Dennis R. Grube. (pvh) (Entered: 01/08/2007)
01/18/2007	<u>100</u>	Transcript of Proceedings held on June 27, 2006 before Judge Garr M. King. Court Reporter: Nancy Walker. (eo) (Entered: 01/22/2007)