

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:11-cv-00939-RJL**

ELECTRONIC FRONTIER FOUNDATION v. DEPARTMENT OF JUSTICE  
Assigned to: Judge Richard J. Leon  
Case in other court: 12-05363  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/19/2011  
Date Terminated: 09/21/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ELECTRONIC FRONTIER  
FOUNDATION**

represented by **David L. Sobel**  
ELECTRONIC FRONTIER  
FOUNDATION  
5335 Wisconsin Avenue, NW  
Suite 640  
Washington, DC 20015-2052  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**DEPARTMENT OF JUSTICE**

represented by **Elisabeth Layton**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW  
Suite 7110  
Washington, DC 20530  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/19/2011	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE ( Filing fee \$ 350, receipt number 4616038972) filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet)(jf, ) (Entered: 05/20/2011)
05/19/2011		SUMMONS (3) Issued as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (jf, ) (Entered: 05/20/2011)
05/19/2011	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests NONE by ELECTRONIC FRONTIER FOUNDATION (jf, ) (Entered: 05/20/2011)
06/10/2011	<u>3</u>	STANDING ORDER. Signed by Judge Richard J. Leon on 6/10/2011. (lcrjl3) (Entered: 06/10/2011)
06/20/2011	<u>4</u>	ANSWER to <u>1</u> Complaint by DEPARTMENT OF JUSTICE.(Layton, Elisabeth) (Entered: 06/20/2011)
07/20/2011	<u>5</u>	MEET AND CONFER STATEMENT. (Layton, Elisabeth) (Entered: 07/20/2011)
08/04/2011	<u>6</u>	ERRATA <i>Proposed Order</i> by DEPARTMENT OF JUSTICE <u>5</u> Meet and Confer Statement. (Layton, Elisabeth) (Entered: 08/04/2011)

08/08/2011	<u>7</u>	ORDER : Defendant's Motion for Summary Judgment due by 10/7/2011. Plaintiff's Opposition thereto and Cross-Motion for Summary Judgment due by 11/7/2011. Defendant's Reply and Opposition due by 11/21/2011. Plaintiff's Reply by 12/5/2011. Signed by Judge Richard J. Leon on 8/5/2011. (see order) (kc) (Entered: 08/08/2011)
09/30/2011	<u>8</u>	Unopposed MOTION for Extension of Time to <i>File Defendant's Motion For Summary Judgment</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Layton, Elisabeth) (Entered: 09/30/2011)
10/07/2011	<u>9</u>	ORDER granting <u>8</u> Defendant's Motion for Extension of Time. Defendant's Motion for Summary Judgment is due by 11/4/2011; Plaintiff's Opposition and Cross-Motion is due by 12/7/2011; Defendant's Reply to Summary Judgment and Opposition to the Cross-Motion is due by 12/21/2011; Plaintiff's Reply to the Cross-Motion is due by 1/6/2012. Signed by Judge Richard J. Leon on 10/3/2011. (jth) (Entered: 10/07/2011)
11/04/2011	<u>10</u>	Unopposed MOTION for Extension of Time to <i>File Defendant's Motion For Summary Judgment</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Layton, Elisabeth) (Entered: 11/04/2011)
11/07/2011		MINUTE ORDER granting <u>10</u> Unopposed Motion for Extension of Time to File Defendant's Motion for Summary Judgment. It is hereby ORDERED that the motion is GRANTED. Signed by Judge Richard J. Leon on 11/7/2011. (lcrjl3) (Entered: 11/07/2011)
11/10/2011	<u>11</u>	MOTION for Summary Judgment by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration of David M. Hardy, # <u>4</u> Declaration of Paul P. Colborn, # <u>5</u> Text of Proposed Order)(Layton, Elisabeth) (Entered: 11/10/2011)
12/13/2011	<u>12</u>	NOTICE OF FILING CORRECTED DECLARATION OF DAVID M. HARDY by DEPARTMENT OF JUSTICE re <u>11</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Errata Corrected Declaration of David M. Hardy)(Layton, Elisabeth) (Entered: 12/13/2011)
12/13/2011	<u>13</u>	Memorandum in opposition to re <u>11</u> MOTION for Summary Judgment filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Statement of Facts (Response), # <u>4</u> Text of Proposed Order)(Sobel, David) (Entered: 12/13/2011)
12/13/2011	<u>14</u>	Cross MOTION for Summary Judgment by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Sobel, David) (Entered: 12/13/2011)
12/19/2011	<u>15</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION for Summary Judgment, <u>14</u> Cross MOTION for Summary Judgment by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Layton, Elisabeth) (Entered: 12/19/2011)
12/27/2011		MINUTE ORDER granting <u>15</u> Unopposed Motion for Extension of Time to File Response. It is hereby ORDERED that the motion is GRANTED. Signed by Judge Richard J. Leon on 12/27/11.(lcrjl3) (Entered: 12/27/2011)
12/28/2011		Set/Reset Deadlines: Defendant's Reply to the Motion for Summary Judgment and Response to Plaintiff's Cross Motion is due by 1/9/2012. Plaintiff's Reply to the Cross Motion is due by 1/25/2012. (jth) (Entered: 12/28/2011)
01/09/2012	<u>16</u>	Unopposed MOTION for Extension of Time to <i>File Defendant's Opposition To Plaintiff's Cross-Motion For Summary Judgment And Reply In Support Of Defendant's Motion For Summary Judgment</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Layton, Elisabeth) (Entered: 01/09/2012)
01/10/2012	<u>17</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment, filed by DEPARTMENT OF JUSTICE. (Layton, Elisabeth) Modified link on 1/11/2012 (znmw, ). (Entered: 01/10/2012)
01/10/2012	<u>18</u>	Memorandum in opposition to re <u>14</u> Cross MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE. (See Docket Entry <u>17</u> to view document. Counsel is reminded to file a combined reply and opposition as two separate docket entries in future). (znmw, ) (Entered: 01/11/2012)

01/11/2012		MINUTE ORDER granting <u>16</u> Unopposed Motion for Extension of Time to File Defendant's Opposition. It is hereby ORDERED that the motion is GRANTED. Signed by Judge Richard J. Leon on 01/11/12. (lcrjl3) (Entered: 01/11/2012)
01/24/2012	<u>19</u>	Consent MOTION for Extension of Time to File Response/Reply ( <i>Two Days</i> ) by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Sobel, David) (Entered: 01/24/2012)
01/27/2012		MINUTE ORDER granting <u>19</u> Consent Motion for Extension of Time to File Response/Reply. It is hereby ORDERED that the motion is GRANTED. Signed by Judge Richard J. Leon on 1/27/2012. (lcrjl3) (Entered: 01/27/2012)
01/30/2012	<u>20</u>	REPLY to opposition to motion re <u>14</u> Cross MOTION for Summary Judgment filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Sobel, David) (Entered: 01/30/2012)
02/07/2012	<u>21</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by ELECTRONIC FRONTIER FOUNDATION (Sobel, David) (Entered: 02/07/2012)
09/21/2012	<u>22</u>	MEMORANDUM OPINION. Signed by Judge Richard J. Leon on 9/21/2012. (kc ) (Entered: 09/21/2012)
09/21/2012	<u>23</u>	ORDER, For the reasons set forth in the Memorandum Opinion entered this date, it is this 21st day of September, 2012, hereby ORDERED that defendant's Motion <u>11</u> for Summary Judgment is GRANTED; it is further ORDERED that plaintiff's Cross-Motion <u>14</u> for Summary Judgment is DENIED. Signed by Judge Richard J. Leon on 9/21/2012. (see order) (kc ) (Entered: 09/21/2012)
11/15/2012	<u>24</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>23</u> Order on Motion for Summary Judgment,, <u>22</u> Memorandum & Opinion by ELECTRONIC FRONTIER FOUNDATION. Filing fee \$ 455, receipt number 0090-3133183. Fee Status: Fee Paid. Parties have been notified. (Sobel, David) (Entered: 11/15/2012)
11/16/2012	<u>25</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <u>24</u> Notice of Appeal to DC Circuit Court,. (znmw, ) (Entered: 11/16/2012)
11/16/2012		USCA Case Number 12-5363 for <u>24</u> Notice of Appeal to DC Circuit Court, filed by ELECTRONIC FRONTIER FOUNDATION. (jf, ) (Entered: 11/16/2012)
03/25/2014	<u>26</u>	MANDATE of USCA (certified copy) as to <u>24</u> Notice of Appeal to DC Circuit Court, filed by ELECTRONIC FRONTIER FOUNDATION ; ORDERED and ADJUDGED that the judgment of the District Court appealed from in this cause is hereby affirmed, in accordance with the opinion of the court filed herein this date. USCA Case Number 12-5363. (Attachments: # <u>1</u> USCA Opinion)(md, ) (Entered: 03/27/2014)