

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:02-cv-02077-ESH**

AMERICAN CIVIL LIBERTIES UNION et al v.
DEPARTMENT OF JUSTICE
Assigned to: Judge Ellen S. Huvelle
Cause: 05:552 Freedom of Information Act

Date Filed: 10/24/2002
Date Terminated: 05/19/2003
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN CIVIL LIBERTIES
UNION**

represented by **Ann Beeson**
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Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **Ann Beeson**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Arthur B. Spitzer
(See above for address)
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David L. Sobel
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Jameel Jaffer
(See above for address)
*LEAD ATTORNEY
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Plaintiff

**AMERICAN BOOKSELLERS
FOUNDATION FOR FREE
EXPRESSION**

represented by **Ann Beeson**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Arthur B. Spitzer
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David L. Sobel
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Jameel Jaffer
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Plaintiff

**FREEDOM TO READ
FOUNDATION**

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Arthur B. Spitzer
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Jameel Jaffer
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V.

Defendant

**UNITED STATES DEPARTMENT
OF JUSTICE**

represented by **Anthony Joseph Coppolino**
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Date Filed	#	Docket Text
10/24/2002	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE (Filing fee \$150). Filed by AMERICAN BOOKSELLERS FOUNDATION FOR FREE EXPRESSION, AMERICAN CIVIL LIBERTIES UNION, ELECTRONIC PRIVACY INFORMATION CENTER, FREEDOM TO READ FOUNDATION. (nmr,) (Entered: 10/25/2002)
10/24/2002		SUMMONS (3) Issued as to DEPARTMENT OF JUSTICE , U.S. Attorney and U.S. Attorney General (nmr,) (Entered: 10/25/2002)
10/24/2002	<u>2</u>	LCvR 26.1 – CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests <i>filed by plaintiffs</i> . (nmr,) (Entered: 10/25/2002)
11/13/2002	<u>3</u>	MOTION for Preliminary Injunction by AMERICAN CIVIL LIBERTIES UNION. (Attachments: # <u>1</u> Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction# <u>2</u> Affidavit Declaration of Jameel Jaffer# <u>3</u> Exhibit Ex. 1# <u>4</u> Exhibit Ex. 2# <u>5</u> Exhibit Ex. 3# <u>6</u> Exhibit Ex. 4# <u>7</u> Exhibit Ex. 5# <u>8</u> Exhibit Ex. 6# <u>9</u> Exhibit Ex. 7# <u>10</u> Exhibit Ex. 8# <u>11</u> Exhibit Ex. 9# <u>12</u> Exhibit Ex. 10# <u>13</u> Exhibit Ex. 11# <u>14</u> Exhibit Ex. 12# <u>15</u> Exhibit Ex. 13# <u>16</u> Exhibit Ex. 14# <u>17</u> Exhibit Ex. 15# <u>18</u> Exhibit Ex. 16)(Sobel, David) (Entered: 11/13/2002)
11/13/2002	<u>4</u>	MOTION Admission Pro Hac Vice by AMERICAN CIVIL LIBERTIES UNION. (Sobel, David) (Entered: 11/13/2002)
11/18/2002		ORDER granting Motion for admission pro hac vice <u>4</u> . Signed by Judge Ellen Segal Huvelle on 11/18/02. (BL,) (Entered: 11/18/2002)
11/19/2002	<u>5</u>	Unopposed MOTION for Extension of Time to File Response/Reply re <u>3</u> to <i>Plaintiff's Motion for a Preliminary Injunction</i> by DEPARTMENT OF JUSTICE. (Coppolino, Anthony) (Entered: 11/19/2002)
11/19/2002	<u>6</u>	NOTICE of Appearance by DEPARTMENT OF JUSTICE (Coppolino, Anthony) (Entered: 11/19/2002)
11/19/2002	<u>7</u>	ORDER granting defendant's unopposed motion to extend time <u>5</u> . Signed by Judge Ellen Segal Huvelle on 11/19/02. (BL,) (Entered: 11/19/2002)
11/22/2002	<u>8</u>	Memorandum in opposition to motion re <u>3</u> <i>Plaintiffs' Motion for a Preliminary Injunction</i> filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit Transcript Civil Action 00-1849)(Coppolino, Anthony) Additional attachment(s) added on 11/25/2002 (nmr,). (Entered: 11/22/2002)

11/22/2002	<u>9</u>	ENTERED IN ERROR.....AFFIDAVIT in Opposition re <u>3</u> MOTION for Preliminary Injunction <i>Declaration of Robert O. Davis</i> filed by DEPARTMENT OF JUSTICE. (Coppolino, Anthony) Modified on 11/25/2002 (nmr,). (Entered: 11/22/2002)
11/25/2002	<u>10</u>	NOTICE by DEPARTMENT OF JUSTICE re <u>8</u> Memorandum in Opposition, <i>Defendant's Notice of Filing of Declarations</i> (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u>)(Coppolino, Anthony) (Entered: 11/25/2002)
11/25/2002	<u>11</u>	<i>Defendant's</i> ANSWER to Complaint by DEPARTMENT OF JUSTICE.(Coppolino, Anthony) (Entered: 11/25/2002)
11/25/2002		Set/Reset Hearings: Preliminary Injunction Hearing set for 11/26/2002 02:30 PM in Courtroom 18 before Ellen S. Huvelle. (gdf,) (Entered: 11/25/2002)
11/26/2002		Minute Entry Preliminary Injunction Hearing held before Judge Ellen Segal Huvelle on 11/26/2002 re <u>3</u> denying as moot the Motion for Preliminary Injunction filed by AMERICAN CIVIL LIBERTIES UNION. (Court Reporter Beth Wasserman, Miller Reporting.) (gdf,) (Entered: 11/26/2002)
11/26/2002	<u>12</u>	ORDER denying <u>3</u> Motion for Preliminary Injunction. Further ordered that defendant shall complete its processing of plaintiffs' FOIA requests, not later than January 15, 2003; and it is further ordered that plaintiffs shall inform defendant in writing of the withholdings that it wishes to challenge no later than January 17, 2003; and it is further ordered that defendant's summary judgment motions shall be filed by 1/24/03; plaintiffs' response by 2/6/03 and defendant's reply by 2/17/03. Signed by Judge Ellen S. Huvelle on 11/26/02. (BL,) (Entered: 11/26/2002)
11/26/2002		Set Scheduling Order Deadlines: Summary Judgment Motion due by 1/24/2002. (BL,) (Entered: 11/26/2002)
01/22/2003	<u>13</u>	TRANSCRIPT of Proceedings held on 11/26/02 before Judge Ellen Segal Huvelle. Court Reporter: Elizabeth L. Wasserman. (nmr,) (Entered: 01/23/2003)
01/24/2003	<u>14</u>	MOTION for Partial Summary Judgment <i>Defendant's Motion for Partial Summary Judgment</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Affidavit Declaration of James A. Baker# <u>2</u> Affidavit Second Declaration of Melanie Ann Pustay# <u>3</u> Exhibit Exhibits to Defendant's Motion for Summary Judgment)(Coppolino, Anthony) (Entered: 01/24/2003)
01/24/2003	<u>15</u>	MOTION for Extension of Time to File <i>Defendant's Motion for Summary Judgement until 1/31/03/I></i> by DEPARTMENT OF JUSTICE. (Coppolino, Anthony) Modified on 1/27/2003 (mpt,). (Entered: 01/24/2003)
01/27/2003		Minute Order granting <u>15</u> Motion for Extension of Time to File defendant's summary judgment motion to 1/31/03. Signed by Judge Ellen S. Huvelle on 1/27/03. (BL,) (Entered: 01/27/2003)
01/31/2003	<u>16</u>	Second MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Affidavit Declaration of David M. Hardy and Exhibits)(Coppolino, Anthony) (Entered: 01/31/2003)
02/04/2003		Minute Order granting <u>16</u> unopposed motion to extend the date on which the FBI's complete response to plaintiffs' FOIA request, summary judgment motion and Vaughn declaration are due. Signed by Judge Ellen S. Huvelle on 2/4/03. (BL,) (Entered: 02/04/2003)
02/04/2003	<u>17</u>	NOTICE of Appearance by Arthur B. Spitzer on behalf of AMERICAN BOOKSELLERS FOUNDATION FOR FREE EXPRESSION, AMERICAN CIVIL LIBERTIES UNION, ELECTRONIC PRIVACY INFORMATION CENTER, FREEDOM TO READ FOUNDATION (mpt,) (Entered: 02/06/2003)
02/27/2003	<u>18</u>	NOTICE of Appearance by Marcia Berman on behalf of DEPARTMENT OF JUSTICE (Berman, Marcia) (Entered: 02/27/2003)
02/27/2003	<u>19</u>	Consent MOTION for Extension of Time to <i>file summary judgment motion</i> by DEPARTMENT OF JUSTICE. (Berman, Marcia) (Entered: 02/27/2003)
03/04/2003		Minute Order granting <u>19</u> Motion for Extension of Time for FBI to file its summary judgment motion (to 3/7/03), plaintiff's opposition (to 3/21/03) and DOJ's reply (to

		3/28/03). Signed by Judge Ellen S. Huvelle on 3/4/03. (BL,) (Entered: 03/04/2003)
03/07/2003	<u>20</u>	MOTION for Summary Judgment <i>on Behalf of the FBI</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Affidavit Revised Second Declaration of Christine Kiefer# <u>2</u> Affidavit Declaration of Charles Steele# <u>3</u> Exhibit Exhibit A to FBI's Mtn for Summary Judgment# <u>4</u> Exhibit Exhibit I to FBI's Mtn for Summary Judgment# <u>5</u> Exhibit Exhibit II to FBI's Mtn for Summary Judgment# <u>6</u> Exhibit Exhibit III to FBI's Mtn for Summary Judgment# <u>7</u> Exhibit Exhibit IV to FBI's Mtn for Summary Judgment)(Berman, Marcia) (Entered: 03/07/2003)
03/21/2003	<u>21</u>	Memorandum in opposition to motion <i>of defendant DOJ for partial summary judgment and for summary judgment</i> filed by AMERICAN CIVIL LIBERTIES UNION. (Attachments: # <u>1</u> Exhibit 1)(Sobel, David) (Entered: 03/21/2003)
03/21/2003	<u>22</u>	Cross MOTION for Summary Judgment by AMERICAN CIVIL LIBERTIES UNION. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Text of Proposed Order)(Sobel, David) (Entered: 03/21/2003)
03/28/2003	<u>23</u>	REPLY in support of motion re <u>14</u> <i>for summary judgment</i> filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Affidavit Third Declaration of Melanie Ann Pustay)(Berman, Marcia) (Entered: 03/28/2003)
04/04/2003	<u>24</u>	REPLY in support of motion re <u>22</u> <i>Plaintiffs' Cross-Motion for Summary Judgment</i> filed by AMERICAN CIVIL LIBERTIES UNION. (Sobel, David) (Entered: 04/04/2003)
05/19/2003	<u>25</u>	ORDER denying <u>22</u> Motion for Summary Judgment, granting <u>14</u> Motion for Partial Summary Judgment, granting <u>20</u> Motion for Summary Judgment . Signed by Judge Ellen S. Huvelle on 5/19/03. (BL,) (Entered: 05/19/2003)
05/19/2003	<u>26</u>	MEMORANDUM AND OPINION. Signed by Judge Ellen S. Huvelle on 5/19/03. (BL,) (Entered: 05/19/2003)