

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:03-cv-02522-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: 12/10/2003
Date Terminated: 08/25/2004
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN CIVIL LIBERTIES
UNION**

represented by **David L. Sobel**
ELECTRONIC FRONTIER
FOUNDATION
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LEAD ATTORNEY
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Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **David L. Sobel**
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LEAD ATTORNEY
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Jameel Jaffer
(See above for address)
LEAD ATTORNEY
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Arthur B. Spitzer
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ATTORNEY TO BE NOTICED

Plaintiff

**AMERICAN BOOKSELLERS
FOUNDATION FOR FREE
EXPRESSION**

represented by **David L. Sobel**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jameel Jaffer
(See above for address)
LEAD ATTORNEY
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Arthur B. Spitzer
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Plaintiff

**FREEDOM TO READ
FOUNDATION**

represented by **David L. Sobel**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jameel Jaffer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Arthur B. Spitzer
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ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF JUSTICE

represented by **Raphael O Gomez**
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Date Filed	#	Docket Text
12/10/2003	<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.(jf,) (Entered: 12/16/2003)
12/10/2003		SUMMONS (3) Issued as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 12/16/2003)
12/10/2003	<u>2</u>	NOTICE OF RELATED CASE by AMERICAN BOOKSELLERS FOUNDATION FOR FREE EXPRESSION, AMERICAN CIVIL LIBERTIES UNION, ELECTRONIC PRIVACY INFORMATION CENTER, FREEDOM TO READ FOUNDATION. Case related to Case No. 02-2077. (jf,) (Entered: 12/16/2003)
12/10/2003	<u>3</u>	LCvR 7.1 – CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PLAINTIFFS (jf,) (Entered: 12/16/2003)
01/09/2004	<u>4</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of DEPARTMENT OF JUSTICE (Shapiro, Elizabeth) (Entered: 01/09/2004)
01/09/2004	<u>5</u>	ANSWER to Complaint by DEPARTMENT OF JUSTICE.(Shapiro, Elizabeth) (Entered: 01/09/2004)
01/12/2004	<u>6</u>	NOTICE of Appearance by Arthur B. Spitzer on behalf of all plaintiffs (Spitzer, Arthur) (Entered: 01/12/2004)
01/14/2004	<u>7</u>	ORDER that defendant shall file a motion to dismiss or for summary judgment on or before February 16, 2004.. Signed by Ellen S. Huvelle on 1/14/04. (BL,) (Entered: 01/14/2004)
02/17/2004	<u>8</u>	ENTERED IN ERROR..... MOTION for Summary Judgment <i>Partial</i> by DEPARTMENT OF JUSTICE. (Gomez, Raphael) Modified on 2/18/2004 (rje,). (Entered: 02/17/2004)
02/17/2004	<u>9</u>	ENTERED IN ERROR..... MOTION for Summary Judgment <i>partial</i> by DEPARTMENT OF JUSTICE. (Gomez, Raphael) Modified on 2/18/2004 (rje,). (Entered: 02/17/2004)
02/17/2004	<u>10</u>	ENTERED IN ERROR..... MOTION for Summary Judgment <i>Statement of Material Facts/Motion for Partial Summary Judgment</i> by DEPARTMENT OF JUSTICE. (Gomez, Raphael) Modified on 2/18/2004 (rje,). (Entered: 02/17/2004)
02/17/2004	<u>11</u>	ENTERED IN ERROR..... MOTION to Stay <i>Motion for Partial Open America Stay</i> by DEPARTMENT OF JUSTICE. (Gomez, Raphael) Modified on 2/18/2004 (rje,). (Entered: 02/17/2004)
02/17/2004	<u>12</u>	ENTERED IN ERROR..... MOTION to Stay <i>Memorandum in support of Motion for Partial Open America Stay</i> by DEPARTMENT OF JUSTICE. (Gomez, Raphael) Modified on 2/18/2004 (rje,). (Entered: 02/17/2004)
02/17/2004	<u>13</u>	MOTION for <i>for Partial Summary Judgment</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Affidavit # <u>3</u> Exhibit)(Gomez, Raphael) Modified on 2/20/2004 (rje,). (Entered: 02/18/2004)
02/18/2004		NOTICE OF CORRECTED DOCKET ENTRY. Document Nos. 8, 9 & 10 were Entered in Error and counsel was instructed to refile said pleadings as one filing entry with the necessary attachments and not as separate filing entries. (Entered: 02/18/2004)
02/18/2004		NOTICE OF CORRECTED DOCKET ENTRY. Document Nos. 11 and 12 were Entered in Error and counsel was instructed to refile the motion with order and exhibits as attachments and not as two separate filing entries. (rje,) (Entered: 02/18/2004)
02/18/2004	<u>14</u>	MOTION <i>For a Partial Stay of Proceedings</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Exhibit 1# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u>

		Exhibit 4# <u>6</u> Exhibit 5# <u>7</u> Exhibit 6)(Gomez, Raphael) Modified on 2/20/2004 (rje,). (Entered: 02/18/2004)
03/01/2004	<u>15</u>	MOTION to Stay <i>Proceedings Related to Defendant's Open America Motion</i> by AMERICAN CIVIL LIBERTIES UNION. (Attachments: # <u>1</u> Text of Proposed Order)(Sobel, David) (Entered: 03/01/2004)
03/01/2004	<u>16</u>	Memorandum in opposition to motion re <u>13</u> <i>for partial summary judgment</i> filed by AMERICAN BOOKSELLERS FOUNDATION FOR FREE EXPRESSION, AMERICAN CIVIL LIBERTIES UNION, ELECTRONIC PRIVACY INFORMATION CENTER, FREEDOM TO READ FOUNDATION. (Attachments: # <u>1</u> Exhibit Exhibit A Part 1# <u>2</u> Exhibit Exhibit A Part 2# <u>3</u> Exhibit Exhibit A Part 3# <u>4</u> Exhibit Exhibit A Part 4# <u>5</u> Exhibit Exhibit A Part 5# <u>6</u> Exhibit Exhibit B# <u>7</u> Exhibit Exhibit C# <u>8</u> Statement of Material Facts# <u>9</u> Proposed Order)(Spitzer, Arthur) (Entered: 03/01/2004)
03/01/2004	<u>17</u>	Cross MOTION for Summary Judgment (<i>Partial</i>) by AMERICAN BOOKSELLERS FOUNDATION FOR FREE EXPRESSION, AMERICAN CIVIL LIBERTIES UNION, ELECTRONIC PRIVACY INFORMATION CENTER, FREEDOM TO READ FOUNDATION. (Attachments: # <u>1</u> Exhibit Exhibit A Part 1# <u>2</u> Exhibit Exhibit A Part 2# <u>3</u> Exhibit Exhibit A Part 3# <u>4</u> Exhibit Exhibit A Part 4# <u>5</u> Exhibit Exhibit A Part 5# <u>6</u> Exhibit Exhibit B# <u>7</u> Exhibit Exhibit C# <u>8</u> Statement of Material Facts# <u>9</u> Proposed Order)(Spitzer, Arthur) (Entered: 03/01/2004)
03/02/2004	<u>18</u>	RESPONSE to <i>Plaintiffs' Motion to Stay Proceedings Related to Defendant's Open America Motion</i> filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Gomez, Raphael) (Entered: 03/02/2004)
03/02/2004	<u>19</u>	MOTION for Extension of Time to File Response/Reply <i>Defendant's Motion And Memorandum To Extend Time</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Gomez, Raphael) (Entered: 03/02/2004)
03/03/2004		Minute ORDER granting <u>15</u> Motion to Stay, granting <u>19</u> Motion for Extension of Time to File Reply to 3/15/2004. Signed by Judge Ellen S. Huvelle on 3/3/04. (BL,) (Entered: 03/03/2004)
03/15/2004	<u>20</u>	REPLY in support of motion re <u>13</u> <i>Memorandum of Points and Authorities in Reply to Plaintiffs' Opposition to Defendant's Motion for Partial Summary Judgment</i> filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Affidavit Supplemental Declaration of David M. Hardy)(Gomez, Raphael) (Entered: 03/15/2004)
03/15/2004	<u>21</u>	Memorandum in opposition to motion re <u>17</u> <i>Memorandum of Points and Authorities in Opposition to Plaintiffs' Cross Motion for Partial Summary Judgment</i> filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Affidavit Supplemental Declaration of David M. Hardy)(Gomez, Raphael) (Entered: 03/15/2004)
03/15/2004	<u>22</u>	ENTERED IN ERROR.....Memorandum in opposition to motion re <u>17</u> <i>Defendant's Proposed Order/Defendant's Opposition to Plaintiffs' Cross Motion for Partial Summary Judgment</i> filed by DEPARTMENT OF JUSTICE. (Gomez, Raphael) Modified on 3/16/2004 (jf,). (Entered: 03/15/2004)
03/15/2004		NOTICE OF CORRECTED DOCKET ENTRY. Document No. 22 was entered in error and counsel was instructed not to re-file said pleading. Proposed Orders should not be docketed using the event Memorandum In Opposition. (jf,) (Entered: 03/16/2004)
03/22/2004	<u>23</u>	REPLY in support of motion re <u>17</u> <i>Plaintiff's Cross-Motion for Partial Summary Judgment</i> filed by AMERICAN CIVIL LIBERTIES UNION. (Sobel, David) (Entered: 03/22/2004)
05/10/2004	<u>24</u>	ORDER granting in part and denying in part <u>13</u> Motion for Summary Judgment, finding as moot <u>14</u> Motion to Stay, granting in part and denying in part <u>17</u> Motion for Summary Judgment . Signed by Judge Ellen S. Huvelle on 5/10/04. (BL,) (Entered: 05/10/2004)
05/10/2004	<u>25</u>	MEMORANDUM AND OPINION. Signed by Judge Ellen S. Huvelle on 5/10/04. (BL,) (Entered: 05/10/2004)

05/10/2004		NOTICE of Hearing:Status Conference set for 5/20/2004 03:30 PM in Courtroom 18 before Judge Ellen S. Huvelle. (gdf) (Entered: 05/11/2004)
05/21/2004	<u>26</u>	ORDER re briefing scheduling. Signed by Judge Ellen S. Huvelle on 5/21/04. (BL,) (Entered: 05/21/2004)
05/24/2004	<u>27</u>	Unopposed MOTION for Leave to Appear Admission Pro Hac Vice by AMERICAN CIVIL LIBERTIES UNION. (Sobel, David) (Entered: 05/24/2004)
05/24/2004		Minute ORDER granting <u>27</u> Motion for Leave to Appear pro hac vice (Jaffer). Signed by Judge Ellen S. Huvelle on 5/24/04. (BL,) (Entered: 05/24/2004)
07/28/2004	<u>28</u>	MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Gomez, Raphael) (Entered: 07/28/2004)
07/29/2004		MINUTE ORDER granting <u>28</u> Motion for Extension of Time to File Motion for Summary Judgment by DEPARTMENT OF JUSTICE. Signed by Judge Ellen S. Huvelle on 07/29/04. (lcesh1,) (Entered: 07/29/2004)
08/04/2004	<u>29</u>	NOTICE of Appearance by Marcia Clare Hofmann on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Hofmann, Marcia) (Entered: 08/04/2004)
08/11/2004	<u>30</u>	Unopposed MOTION for Extension of Time to <i>File Dispositive Motions</i> by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Gomez, Raphael) (Entered: 08/11/2004)
08/11/2004		Minute ORDER granting <u>30</u> Motion for Extension of Time to file its summary judgment motion. Signed by Judge Ellen S. Huvelle on 8/11/04. (BL,) (Entered: 08/11/2004)
08/24/2004	<u>31</u>	MOTION to Dismiss <i>the Case with Prejudice</i> by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Hofmann, Marcia) (Entered: 08/24/2004)
08/25/2004		Minute ORDER granting <u>31</u> plaintiffs' Motion to Dismiss the Case with Prejudice. Signed by Judge Ellen S. Huvelle on 8/24/04. (lcesh1) (Entered: 08/25/2004)
09/02/2004	<u>32</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Attorneys' Fees</i> by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Hofmann, Marcia) (Entered: 09/02/2004)
09/02/2004		Set/Reset Deadlines: Motions due by 9/30/2004. (gdf) (Entered: 09/14/2004)
09/03/2004		Minute ORDER granting <u>32</u> plaintiffs' Motion for Extension of Time to 9/30/04 to file any motion for attorneys' fees pursuant to 5 U.S.C. section 522(a)(4)(E). Signed by Judge Ellen S. Huvelle on 9/2/04. (lcesh1,) (Entered: 09/03/2004)