

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 10-1157

Electronic Privacy Information, et al v. DHS, et al

Appeal From: DHS Homeland Security

Fee Status: Fee Paid

Docketed: 07/02/2010

Termed: 07/15/2011

Case Type Information:

- 1) Petition for Review
- 2) Review
- 3)

Originating Court Information:

District: DHS-1 : DHS-May28,2010Letter

Date Filed: 05/28/2010

Prior Cases:

None

Current Cases:

None

Panel Assignment:

Panel: DHG KLH DST

Date of Hearing: 03/10/2011 **Date of Decision:** 07/15/2011 **Date Completed:** 07/15/2011

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v.

United States Department of Homeland
Security

Respondent

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Janet Ann Napolitano, in her official capacity
as Secretary of the United States Department
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Respondent

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(see above)

	Beth S. Brinkmann, Esquire [COR NTC Gvt US DOJ] (see above)
	Douglas N. Letter, Esquire, Attorney [COR NTC Gvt US DOJ] (see above)
	Michael Jay Singer [COR NTC Gvt US DOJ] (see above)
Mary Ellen Callahan, in her official capacity as Chief Privacy Officer	John S. Koppel, Attorney [COR LD NTC Gvt US DOJ] (see above)
Respondent	
	Beth S. Brinkmann, Esquire [COR NTC Gvt US DOJ] (see above)
	Douglas N. Letter, Esquire, Attorney [COR NTC Gvt US DOJ] (see above)
	Michael Jay Singer [COR NTC Gvt US DOJ] (see above)


Electronic Privacy Information Center; Chip Pitts; Bruce Schneier,

Petitioners








v.

United States Department of Homeland Security; Janet Ann Napolitano, in her official capacity as Secretary of the United States Department of Homeland Security; Mary Ellen Callahan, in her official capacity as Chief Privacy Officer,


Respondents


07/02/2010	PETITION FOR REVIEW CASE docketed. [10-1157] [Entered: 07/02/2010 04:15 PM]
07/02/2010  6 pg, 4.53 MB	PETITION FOR REVIEW filed [1253217] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier of a decision by federal agency [Service Date: 07/02/2010] Disclosure Statement:


Attached; Certificate of Parties: Not Applicable to this Filing [10-1157] [Entered: 07/02/2010 04:19 PM]


- 07/02/2010  73 pg, 27.36 MB MOTION filed [1253222] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to stay underlying order in case (Response to Motion served by mail due on 07/15/2010) [Service Date: 07/02/2010 by US mail] Pages: 16-20. [10-1157] [Entered: 07/02/2010 04:28 PM]
- 07/07/2010  2 pg, 554.97 KB ENTRY OF APPEARANCE filed [1253798] by John S. Koppel and co-counsel Douglas Letter on behalf of Respondents Mary Ellen Callahan, Janet Ann Napolitano and DHS. [10-1157] (Koppel, John) [Entered: 07/07/2010 04:28 PM]
- 07/15/2010  44 pg, 1.07 MB MODIFIED DOCKET TEXT--RESPONSE IN OPPOSITION FILED [1255494] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to motion to stay case [[1253222-2](#)] [Service Date: 07/15/2010 by clerk] Pages: 11-15. [10-1157]--[Edited 07/16/2010 by TAG] (Koppel, John) [Entered: 07/15/2010 05:02 PM]
- 07/20/2010 DISREGARD DOCKET ENTRY - INCORRECT PDF WAS ATTACHED--REPLY FILED [1256222] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to response [[1255494-2](#)] [Service Date: 07/20/2010 by email] Pages: 1-10. [10-1157]--[Edited 07/20/2010 by LMF] (Rotenberg, Marc) [Entered: 07/20/2010 04:26 PM]
- 07/20/2010  124 pg, 6.62 MB REPLY FILED [1256231] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to response [[1255494-2](#)] [Service Date: 07/20/2010 by email] Pages: 1-10. [10-1157] (Rotenberg, Marc) [Entered: 07/20/2010 04:47 PM]
- 09/01/2010  1 pg, 41.39 KB PER CURIAM ORDER filed [1263807] denying motion to stay case construed as a motion for injunctive relief. The Clerk is directed to enter a briefing schedule and to schedule oral argument on the first appropriate date following the completion of briefing [[1253222-2](#)] Before Judges: Ginsburg, Brown and Griffith. [10-1157] [Entered: 09/01/2010 06:21 PM]
- 09/02/2010  2 pg, 41.63 KB CLERK'S ORDER filed [1263858] ORDERED that respondents submit the certified index to the record by 9/22/10, setting briefing schedule: PETITIONER Brief due 11/01/2010. Appendix due 11/01/2010. RESPONDENT Brief due on 12/01/2010. PETITIONER Reply Brief due 12/15/2010 [10-1157] [Entered: 09/02/2010 11:47 AM]
- 09/20/2010  4 pg, 176.51 KB MOTION filed [1266930] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to extend time to file certified index to


10/04/2010. (Response to Motion served by mail due on 10/04/2010) [Service Date: 09/20/2010 by CM/ECF NDA] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 09/20/2010 04:58 PM]


09/23/2010  1 pg, 38.67 KB CLERK'S ORDER filed [1267653] granting respondents' motion for extension of time to file certified index; Certified index now due by 10/04/2010. [[1266930-2](#)] [10-1157] [Entered: 09/23/2010 02:22 PM]


10/04/2010  9 pg, 118.51 KB CERTIFIED INDEX TO RECORD [1269737] by Mary Ellen Callahan, Janet Ann Napolitano and DHS [Service Date: 10/04/2010] [10-1157] (Koppel, John) [Entered: 10/04/2010 06:49 PM]


10/29/2010  14 pg, 144.95 KB *AMENDED* CERTIFIED INDEX TO RECORD [1274589] by Mary Ellen Callahan, Janet Ann Napolitano and DHS [Service Date: 10/29/2010] [10-1157] (Koppel, John) [Entered: 10/29/2010 06:38 PM]


11/01/2010  57 pg, 2.14 MB PETITIONER BRIEF [1274825] filed by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier [Service Date: 11/01/2010] Length of Brief: 10,956 Words. [10-1157] (Rotenberg, Marc) [Entered: 11/01/2010 05:24 PM]

11/05/2010  7 pg, 293.49 KB MOTION filed [1275922] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to strike the brief (Response to Motion served by mail due on 11/18/2010) [Service Date: 11/05/2010 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 11/05/2010 03:01 PM]








11/09/2010  17 pg, 770.06 KB RESPONSE IN OPPOSITION FILED [1276521] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to motion to strike document [[1275922-2](#)] [Service Date: 11/09/2010 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157] (Rotenberg, Marc) [Entered: 11/09/2010 01:09 PM]








11/12/2010  7 pg, 292.12 KB REPLY FILED [1277126] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to response [[1276521-2](#)] [Service Date: 11/12/2010 by CM/ECF NDA, US Mail] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 11/12/2010 11:39 AM]






11/22/2010  1 pg, 37.41 KB CLERK'S ORDER filed [1278927], on the court's own motion, suspending the remainder of the briefing schedule pending further order of the court. [10-1157]--[Edited 11/22/2010 by CWC] [Entered: 11/22/2010 03:59 PM]









11/30/2010  1 pg, 38.62 KB PER CURIAM ORDER filed [1280220] referring motion to strike petitioner's brief [[1275922-2](#)] to the merits panel to which this case










is assigned. The clerk is directed to enter a new briefing schedule that will make respondents' brief due ten days from the date of this order. Before Judges: Henderson, Garland and Brown. [10-1157] [Entered: 11/30/2010 11:09 AM]

- 12/01/2010  5 pg, 285.08 KB MOTION filed [1280577] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to extend time to file brief to 12/23/2010. (Response to Motion served by mail due on 12/16/2010) [Service Date: 12/01/2010 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 12/01/2010 12:54 PM]
- 12/07/2010  7 pg, 96.76 KB RESPONSE IN OPPOSITION FILED [1281570] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to motion to extend time [[1280577-2](#)] [Service Date: 12/07/2010 by CM/ECF NDA] Pages: 1-10. [10-1157] (Verdi, John) [Entered: 12/07/2010 07:58 AM]
- 12/07/2010  4 pg, 49.73 KB REPLY FILED [1281700] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to response [[1281570-2](#)] [Service Date: 12/07/2010 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157] (Letter, Douglas) [Entered: 12/07/2010 12:57 PM]
- 12/09/2010  1 pg, 39.56 KB PER CURIAM ORDER filed [1282208] granting motion to extend time [[1280577-2](#)], setting briefing schedule: RESPONDENT Brief due on 12/23/2010. PETITIONER Reply Brief due 01/06/2011. Appendix due 01/13/2011. PETITIONER Final Brief due 01/27/2011. RESPONDENT Final Brief due on 01/27/2011. PETITIONER Final Reply Brief due 01/27/2011 Before Judges: Ginsburg, Tatel and Brown. [10-1157] [Entered: 12/09/2010 02:02 PM]
- 12/21/2010  1 pg, 40.8 KB CLERK'S ORDER filed [1284098] scheduling oral argument before Judges GINSBURG, HENDERSON, TATEL 03/10/2011 AM [10-1157] [Entered: 12/21/2010 09:28 AM]
- 12/23/2010  86 pg, 644.37 KB RESPONDENT BRIEF [1284763] filed by Mary Ellen Callahan, Janet Ann Napolitano and DHS [Service Date: 12/23/2010] Length of Brief: 13,913 words. [10-1157] (Koppel, John) [Entered: 12/23/2010 08:53 PM]
- 01/06/2011  39 pg, 1.95 MB MODIFIED EVENT--PETITIONER REPLY BRIEF [1286650] filed by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier [Service Date: 01/06/2011] Length of Brief: 6,996 words. [10-1157]--[Edited 01/07/2011 by JMC] (Verdi, John) [Entered: 01/06/2011 04:24 PM]
- 01/18/2011 APPENDIX [1288835] LODGED [Volumes: 7] [Service Date: 01/19/2011] [10-1157] [Entered: 01/20/2011 09:21 AM]










01/19/2011	 3 pg, 74.87 KB	NOTICE FILED [1288782] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier . [Service Date: 01/19/2011] [10-1157] (Verdi, John) [Entered: 01/19/2011 04:34 PM]
01/19/2011	 3 pg, 75.82 KB	MOTION filed [1288784] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier for leave to file appendix (Response to Motion served by mail due on 02/03/2011) [Service Date: 01/19/2011 by CM/ECF NDA] Pages: 1-10. [10-1157] (Verdi, John) [Entered: 01/19/2011 04:41 PM]
01/20/2011	 1 pg, 37.88 KB	CLERK'S ORDER filed [1289101] granting petitioners' motion for leave to file the appendix out of time [1288784-2]; The Clerk is directed to file the lodged appendix (Vols. 1-7) [1288835-2] [10-1157] [Entered: 01/20/2011 05:07 PM]
01/20/2011		PER ABOVE ORDER lodged appendix [1288835-2] is filed [10-1157] [Entered: 01/20/2011 05:10 PM]
01/27/2011	 0 pg, 0 KB	INCORRECT DOCKET ENTRY-DISREGARD--RESPONDENT FINAL BRIEF [1290285] filed by Mary Ellen Callahan, Janet Ann Napolitano and DHS [Service Date: 01/27/2011] Length of Brief: 13,877 words. [10-1157]--[Edited 03/02/2011 by JMC] (Koppel, John) [Entered: 01/27/2011 04:47 PM]
01/27/2011	 55 pg, 118.78 KB	PETITIONER FINAL BRIEF [1290310] filed by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier [Service Date: 01/27/2011] Length of Brief: 10,400. [10-1157] (Verdi, John) [Entered: 01/27/2011 08:54 PM]
01/27/2011	 39 pg, 117.18 KB	PETITIONER FINAL REPLY BRIEF [1290311] filed by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier [Service Date: 01/27/2011] Length of Brief: 6,996 Words. [10-1157] (Verdi, John) [Entered: 01/27/2011 08:55 PM]
01/28/2011	 8 pg, 1012.74 KB	MOTION filed [1290427] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to supplement the appendix (Response to Motion served by mail due on 02/10/2011) [Service Date: 01/28/2011 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 01/28/2011 11:52 AM]
01/28/2011		MODIFIED EVENT FROM FILED TO LODGED--UNDER SEAL SSI EX PARTE - SUPPLEMENTAL APPENDIX [1290533] lodged [Volumes: 1] [Service Date:01/28/2011] [10-1157]--[Edited 01/28/2011 by LMF] [Entered: 01/28/2011 02:53 PM]

02/10/2011	 5 pg, 92.89 KB	RESPONSE IN OPPOSITION FILED [1292659] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to motion to supplement [1290427-2] [Service Date: 02/10/2011 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157] (Verdi, John) [Entered: 02/10/2011 03:48 PM]
02/15/2011	 9 pg, 1.26 MB	REPLY FILED [1293387] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to response [Service Date: 02/15/2011 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 02/15/2011 03:11 PM]
02/22/2011	 2 pg, 44.04 KB	PER CURIAM ORDER filed [1294351] that the motion for leave to file the sealed ex parte supplemental appendix be granted in part. Respondents' request to file the sealed supplement ex parte is granted with respect to the items in the joint appendix that contain sensitive security information as designated by the STA pursuant to 49 USC 114Ir)(1)(C) and 49 CFR pt. 1520. Respondents are directed to file ex parte, within 3 days, a sealed supplement limited to those terms. It is FURTHER ORDERED that respondent's request to file the sealed supplement ex parte is denied with respect to three copyrighted documents that were omitted in their entirety from the joint appendix: JA 1, 2, and 87. Respondent's are directed to file and serve under seal, within 3 days, a supplement to the joint appendix containing those items. It is FURTHER ORDERED that respondents file and serve, within 7 days, a corrected brief with appropriate page references to the two sealed supplements. The Clerk is directed to return the lodged supplemental appendix. Before Judges: Ginsburg, Henderson and Tatel. [10-1157] [Entered: 02/22/2011 03:54 PM]
02/25/2011	 1 pg, 41.28 KB	PER CURIAM ORDER filed [1295025] allocating oral argument time as follows: Petitioners -- 15 Minutes, Respondents -- 15 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney - due 03/03/2011 [10-1157] [Entered: 02/25/2011 12:08 PM]
02/25/2011	 3 pg, 322.89 KB	LETTER FILED [1295136] by Mary Ellen Callahan, Janet Ann Napolitano and DHS . [Service Date: 02/25/2011] [10-1157] (Koppel, John) [Entered: 02/25/2011 03:06 PM]
02/25/2011		UNDER SEAL COPYRIGHTED MATERIAL SUPPLEMENT [1295201] filed by Mary Ellen Callahan, Janet Ann Napolitano and DHS [Service Date: 02/25/2011] [10-1157] [Entered: 02/28/2011 10:01 AM]








02/25/2011		UNDER SEAL - SSI EX PARTE SUPPLEMENTAL APPENDIX [1295203] filed [Volumes: 1] [Service Date:02/25/2011] [10-1157] [Entered: 02/28/2011 10:03 AM]
03/01/2011	 85 pg, 644.53 KB	<i>CORRECTED</i> RESPONDENT FINAL BRIEF [1295625] filed by Mary Ellen Callahan, Janet Ann Napolitano and DHS [Service Date: 03/01/2011] Length of Brief: 13,885 words. [10-1157] (Koppel, John) [Entered: 03/01/2011 12:42 PM]
03/02/2011		FORM 72 submitted by arguing attorney, Beth S. Brinkmann, on behalf of Respondents Mary Ellen Callahan, Janet Ann Napolitano and DHS. [10-1157] (Koppel, John) [Entered: 03/02/2011 03:55 PM]
03/02/2011		FORM 72 submitted by arguing attorney, Marc Rotenberg, on behalf of Petitioners Electronic Privacy Information Center, Chip Pitts and Bruce Schneier. [10-1157] (Verdi, John) [Entered: 03/02/2011 04:19 PM]
03/03/2011	 3 pg, 321.63 KB	LETTER FILED [1296174] by Mary Ellen Callahan, Janet Ann Napolitano and DHS concerning possible closure of courtroom. [Service Date: 03/03/2011] [10-1157] (Koppel, John) [Entered: 03/03/2011 11:12 AM]
03/08/2011	 2 pg, 83.96 KB	LETTER FILED [1296942] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier concerning oral argument format [Service Date: 03/08/2011] [10-1157] (Verdi, John) [Entered: 03/08/2011 12:33 PM]
03/10/2011	 1 pg, 39.85 KB	ORAL ARGUMENT HELD before Judges Ginsburg, Henderson and Tatel. [10-1157] [Entered: 03/10/2011 10:02 AM]
03/14/2011	 2 pg, 87.64 KB	LETTER FILED [1297848] by Mary Ellen Callahan, Janet Ann Napolitano and DHS regarding oral argument matter [Letter clarifying response at oral argument] [Service Date: 03/14/2011] [10-1157] (Letter, Douglas) [Entered: 03/14/2011 11:06 AM]
07/15/2011	 1 pg, 52.84 KB	PER CURIAM JUDGMENT filed [1318804] that the petition for review be granted in part, be denied in part, and the rule be remanded to TSA for prompt proceedings for the reasons in the accompanying opinion . Before Judges: Ginsburg, Henderson and Tatel. [10-1157] [Entered: 07/15/2011 09:59 AM]
07/15/2011	 18 pg, 84.4 KB	OPINION filed [1318805] (Pages: 18) for the Court by Judge Ginsburg [10-1157] [Entered: 07/15/2011 10:01 AM]
07/15/2011	 1 pg, 38.89 KB	CLERK'S ORDER filed [1318807] withholding issuance of the mandate. [10-1157] [Entered: 07/15/2011 10:01 AM]

07/15/2011	 1 pg, 38.3 KB	CLERK'S ORDER filed [1318830] that the motion to strike document be dismissed as moot in light of the court's opinion issued on July 15, 2011. [1275922-2] [10-1157] [Entered: 07/15/2011 10:23 AM]
08/29/2011	 45 pg, 362.49 KB	PETITION filed [1326484] by Petitioners Electronic Privacy Information Center, Chip Pitts and Bruce Schneier for rehearing, for rehearing en banc. [Service Date: 08/29/2011 by CM/ECF NDA, US Mail] Pages: 11-15. [10-1157] (Rotenberg, Marc) [Entered: 08/29/2011 12:28 PM]
09/12/2011	 1 pg, 38.31 KB	PER CURIAM ORDER filed [1328890] denying petition for rehearing [1326484-2] Before Judges: Ginsburg, Henderson and Tatel. [10-1157] [Entered: 09/12/2011 02:39 PM]
09/12/2011	 1 pg, 38.49 KB	PER CURIAM ORDER, En Banc, filed [1328891] denying petition for rehearing en banc [1326484-3] Before Judges: Sentelle, Ginsburg, Henderson, Rogers, Tatel, Garland, Brown, Griffith and Kavanaugh. [10-1157] [Entered: 09/12/2011 02:40 PM]
09/21/2011		MANDATE ISSUED to United States Department of Homeland Security [10-1157] [Entered: 09/21/2011 10:55 AM]
10/28/2011	 70 pg, 7.94 MB	MOTION filed [1338525] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to enforce mandate (Response to Motion served by mail due on 11/10/2011) [Service Date: 10/28/2011 by US Mail, CM/ECF NDA] Pages: 16-20. [10-1157] (Rotenberg, Marc) [Entered: 10/28/2011 11:12 AM]
11/10/2011	 22 pg, 290.45 KB	RESPONSE IN OPPOSITION FILED [1341159] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to motion to enforce mandate [1338525-2] [Service Date: 11/10/2011 by CM/ECF NDA] Pages: 11-15. [10-1157] (Koppel, John) [Entered: 11/10/2011 02:32 PM]
11/16/2011	 1 pg, 38.31 KB	PER CURIAM ORDER filed [1342367] denying motion to enforce mandate [1338525-2] Before Judges: Henderson, Tatel and Ginsburg. [10-1157] [Entered: 11/16/2011 04:42 PM]
12/23/2011	 53 pg, 792.33 KB	MOTION filed [1349517] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to enforce mandate (Response to Motion served by mail due on 01/06/2012) [Service Date: 12/23/2011 by US Mail, CM/ECF NDA] Pages: 16-20. [10-1157] (Rotenberg, Marc) [Entered: 12/23/2011 02:26 PM]
12/27/2011	 4 pg, 43.98 KB	MOTION filed [1349760] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to extend time to file response to 01/13/2012.

[Service Date: 12/27/2011] Pages: 1-10. [10-1157] (Letter, Douglas) [Entered: 12/27/2011 03:25 PM]

- 12/29/2011  1 pg, 38.14 KB CLERK'S ORDER filed [1350107] Upon consideration of respondents' unopposed motion for extension of time to file a response to petitioners' second motion to enforce the mandate, it is ORDERED that the motion be granted. The response is now due on or before January 13, 2012. [10-1157] [Entered: 12/29/2011 12:08 PM]
- 01/11/2012  44 pg, 749.98 KB MOTION filed [1352181] by Electronic Privacy Information Center for attorneys fee (Response to Motion served by mail due on 01/26/2012) [Service Date: 01/11/2012 by US Mail, CM/ECF NDA] Pages: 16-20. [10-1157] (Verdi, John) [Entered: 01/11/2012 05:07 PM]
- 01/13/2012  11 pg, 100.12 KB RESPONSE IN OPPOSITION FILED [1352715] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to motion to enforce mandate [[1349517-2](#)] [Service Date: 01/13/2012 by CM/ECF NDA] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 01/13/2012 05:46 PM]
- 01/17/2012  17 pg, 155.45 KB REPLY FILED [1353010] by Electronic Privacy Information Center to response [[1352715-2](#)] [Service Date: 01/17/2012 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157] (Verdi, John) [Entered: 01/17/2012 04:47 PM]
- 01/26/2012  20 pg, 127.03 KB RESPONSE IN OPPOSITION FILED [1355018] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to motion for attorney fees [[1352181-2](#)] [Service Date: 01/26/2012 by CM/ECF NDA] Pages: 16-20. [10-1157] (Koppel, John) [Entered: 01/26/2012 05:39 PM]
- 02/02/2012  1 pg, 38.08 KB PER CURIAM ORDER filed [1356176] denying motion to enforce mandate [[1349517-2](#)] Before Judges: Henderson, Tatel and Ginsburg. [10-1157] [Entered: 02/02/2012 02:16 PM]
- 02/02/2012  13 pg, 122.35 KB REPLY FILED [1356251] by Electronic Privacy Information Center to response [[1355018-2](#)] [Service Date: 02/02/2012 by CM/ECF NDA, US Mail] Pages: 1-10. [10-1157] (Verdi, John) [Entered: 02/02/2012 04:51 PM]
- 02/15/2012  1 pg, 46.53 KB PER CURIAM ORDER filed [1358453] denying motion for attorney fees [[1352181-2](#)] Before Judges: Henderson, Tatel and Ginsburg. [10-1157] [Entered: 02/15/2012 09:03 AM]
- 03/16/2012  59 pg, 547.53 KB MODIFIED EVENT-- MOTION filed [1364130] by Electronic Privacy Information Center for panel and en banc reconsideration

of order denying attorneys' fees [[1358453-2](#)] (Response to Motion served by mail due on 03/29/2012) [Service Date: 03/16/2012 by US Mail, CM/ECF NDA] Pages: 1-10. [10-1157]--[Edited 03/20/2012 by JMC] (Rotenberg, Marc) [Entered: 03/16/2012 12:53 PM]

- 03/23/2012  1 pg, 388.04 KB ENTRY OF APPEARANCE filed [1365322] by Beth S. Brinkmann (appearance already entered) and co-counsel Michael Jay Singer on behalf of Respondents Mary Ellen Callahan, Janet Ann Napolitano and DHS. [10-1157] (Koppel, John) [Entered: 03/23/2012 12:03 PM]
- 03/23/2012  5 pg, 59.22 KB MOTION filed [1365427] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to extend time to file response to 04/12/2012 at 11:59 pm. [Service Date: 03/23/2012] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 03/23/2012 04:08 PM]
- 03/28/2012  1 pg, 74.76 KB NOTICE FILED [1366112] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to withdraw attorney John Arthur Verdi who represented Bruce Schneier, Chip Pitts and Electronic Privacy Information Center in 10-1157 [Service Date: 03/28/2012] [10-1157] (Verdi, John) [Entered: 03/28/2012 02:41 PM]
- 03/30/2012  1 pg, 37.79 KB CLERK'S ORDER filed [1366590] Upon consideration of respondents' unopposed motion for an extension of time to file a response to the motion for reconsideration, it is ORDERED that the motion be granted. Respondents may file a response on or before April 12, 2012. [[1365427-2](#)] [10-1157] [Entered: 03/30/2012 03:59 PM]
- 04/12/2012  6 pg, 60.43 KB RESPONSE IN OPPOSITION FILED [1368543] by Mary Ellen Callahan, Janet Ann Napolitano and DHS to motion to reconsider [[1364130-4](#)] [Service Date: 04/12/2012 by CM/ECF NDA] Pages: 1-10. [10-1157] (Koppel, John) [Entered: 04/12/2012 12:19 PM]
- 04/18/2012  8 pg, 128.71 KB REPLY FILED [1369406] by Electronic Privacy Information Center, Chip Pitts and Bruce Schneier to response [[1368543-2](#)] [Service Date: 04/18/2012 by CM/ECF NDA] Pages: 1-10. [10-1157] (Rotenberg, Marc) [Entered: 04/18/2012 11:16 AM]
- 05/03/2012  1 pg, 38.41 KB PER CURIAM ORDER filed [1372216] Upon consideration of petitioner Electronic Privacy Information Center's motion for panel reconsideration of the denial of petitioner's motion for fees, the response thereto, and the reply, it is ORDERED that the motion be denied. Before Judges: Henderson, Tatel and Ginsburg. [10-1157] [Entered: 05/03/2012 03:50 PM]

05/03/2012



1 pg, 38.69 KB

PER CURIAM ORDER, En Banc, filed [1372217] Upon consideration of petitioner Electronic Privacy Information Center's motion for en banc reconsideration of the denial of petitioner's motion for fees, the response thereto, and the reply, it is ORDERED that the motion be denied. Before Judges: Sentelle, Henderson, Rogers, Tatel, Garland, Brown, Griffith, Kavanaugh and Ginsburg. [10-1157] [Entered: 05/03/2012 03:52 PM]