

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-03883-DLC**

Wilner et al v. National Security Agency et al
Assigned to: Judge Denise L. Cote
Cause: 05:552 Right to Privacy Act

Date Filed: 05/17/2007
Date Terminated: 07/12/2010
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

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Date Filed	#	Docket Text
05/17/2007	<u>1</u>	COMPLAINT against National Security Agency, Department of Justice. (Filing Fee \$ 350.00, Receipt Number 619981) Document filed by Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Gitanjali Gutierrez, Michael J. Sternhell, Jonathan Wells Dixon.(jpo) Additional attachment(s) added on 6/13/2007 (Becerra, Maribel). (Entered: 05/31/2007)
05/17/2007		SUMMONS ISSUED as to National Security Agency, Department of Justice. (jpo) (Entered: 05/31/2007)
05/17/2007		Magistrate Judge Douglas F. Eaton is so designated. (jpo) (Entered: 05/31/2007)
05/17/2007		Case Designated ECF. (jpo) (Entered: 05/31/2007)
06/28/2007	<u>2</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against National Security Agency, Department of Justice. Document filed by Jonathan Hafetz, Jonathan Wells Dixon, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Clive Stafford Smith, Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Gitanjali Gutierrez, Michael J. Sternhell, Jonathan Wells Dixon. Related document: <u>1</u> Complaint, filed by Jonathan Wells Dixon, Asmah Tareen, James E. Dorsey, Joseph Margulies,

		Richard A. Grigg, Joshua Colangelo Bryan, Thomas Wilner, Anne Castle, Gitanjali Gutierrez, Thomas R. Johnson, Michael J. Sternhell, Brian J. Neff, Scott S. Barker, Stephen M. Truitt, George Brent Mickum, IV.(jco) Additional attachment(s) added on 7/17/2007 (Correa, Julie). (Entered: 06/29/2007)
06/28/2007		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Shayana Kadidal for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document <u>2</u> Amended Complaint, to: case_openings@nysd.uscourts.gov. (jco) (Entered: 06/29/2007)
08/02/2007	<u>3</u>	NOTICE OF APPEARANCE by Rupa Bhattacharyya on behalf of National Security Agency, Department of Justice (Bhattacharyya, Rupa) (Entered: 08/02/2007)
08/02/2007	<u>4</u>	ANSWER to Amended Complaint. Document filed by National Security Agency, Department of Justice. Related document: <u>2</u> Amended Complaint,, filed by Jonathan Wells Dixon, Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, Joseph Margulies, James E. Dorsey, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV.(Bhattacharyya, Rupa) (Entered: 08/02/2007)
09/10/2007	<u>5</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE:Initial Conference set for 9/28/2007 at 04:00 PM in Courtroom 11B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 9/10/07) (tro) (Entered: 09/10/2007)
09/25/2007	<u>6</u>	ENDORSED LETTER addressed to Judge Denise Cote from Rupa Bhattacharyya dated 9/24/2007 re: Parties request a continuance of the initial pre-trial conference currently scheduled for September 28, 2007. ENDORSEMENT: Conference is adjourned to 10/26/2007 at 12:30 PM before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 9/25/2007) (gr) (Entered: 09/25/2007)
10/30/2007	<u>7</u>	PRETRIAL SCHEDULING ORDER: Plaintiffs shall amend their complaint by 11/2/2007. Parties' summary judgment motions: Defendants' motion to be served by 2/22/2008. Plaintiffs' opposition and cross motion to be served by 3/14/2008. Defendants' reply and opposition to be served by 4/4/2008. Plaintiff's reply to be served by 4/11/2008. (Signed by Judge Denise L. Cote on 10/29/2007) (jar) (Entered: 11/01/2007)
11/02/2007	<u>8</u>	NOTICE OF APPEARANCE by Pardiss Kebriai on behalf of Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith, Jonathan Wells Dixon (Kebriai, Pardiss) (Entered: 11/02/2007)
11/02/2007	<u>9</u>	SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF amending <u>2</u> Amended Complaint, against National Security Agency, Department of Justice. Document filed by Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith. Related document: <u>2</u> Amended Complaint, filed by Jonathan Wells Dixon, Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, Joseph Margulies, James E. Dorsey, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV. (jco)

		(Entered: 11/05/2007)
11/19/2007	<u>10</u>	ANSWER to Amended Complaint. Document filed by National Security Agency, Department of Justice. Related document: <u>9</u> Amended Complaint,,,, filed by Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, Joseph Margulies, James E. Dorsey, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV.(Bhattacharyya, Rupa) (Entered: 11/19/2007)
11/28/2007	<u>11</u>	MOTION for James I. Rubin, Julie P. Shelton, Karen M. Borg and Mark A. Schwartz to Appear Pro Hac Vice for plaintiffs. Document filed by Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith. One (1) Proposed Order for all four (4) attorneys attached.(db) (Entered: 12/03/2007)
12/04/2007		CASHIERS OFFICE REMARK on <u>11</u> Motion to Appear Pro Hac Vice,, in the amount of \$100.00, paid on 11/28/2007, Receipt Number 634466. (jd) (Entered: 12/04/2007)
12/06/2007	<u>12</u>	MEMORANDUM ENDORSEMENT re: <u>11</u> Motion for James I. Rubin, Julie P. Shelton, Karen M. Borg and Mark A. Schwartz to Appear Pro Hac Vice for plaintiffs. ENDORSEMENT: GRANTED. (Signed by Judge Denise L. Cote on 12/6/07) (db) (Entered: 12/07/2007)
12/12/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>12</u> Order on Motion to Appear Pro Hac Vice to the Attorney Admissions Clerk for updating of Attorney Information. (db) (Entered: 12/12/2007)
02/22/2008	<u>13</u>	NOTICE OF APPEARANCE by Alexander Kenneth Haas on behalf of National Security Agency, Department of Justice (Haas, Alexander) (Entered: 02/22/2008)
02/27/2008	<u>14</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Alexander Haas dated 2/22/08 re: counsel for defendants requests a modification of the previous briefing schedule as follows: 3/18/08 government to file motion for partial summary judgment relating to its "Glomar" defense along with all supporting materials upon which the Government will rely. 4/15/08 Plaintiffs to file opposition to Government's motion for summary judgment on Government's "Glomar" defense. 5/6/08 Government to file reply in support of its motion for summary judgment on Government's "Glomar" defense. 3/28/08 Government to produce to Plaintiffs draft indices in support of its non "Glomar" defense. 4/18/08 Government to file its motion for summary judgment on document defense, along with any declarations and modified or supplemental indices upon which the Government will rely. Week of 4/28/08 The parties requests that the Court set a status conference. ENDORSEMENT: There shall be no sur reply. Conference is scheduled for 4/25/08 at 2:00 p.m. (Signed by Judge Denise L. Cote on 2/27/08) (dle) (Entered: 02/27/2008)
03/18/2008	<u>15</u>	MOTION for Partial Summary Judgment. Document filed by National Security Agency, Department of Justice. Responses due by 4/15/2008(Haas, Alexander) (Entered: 03/18/2008)
03/18/2008	<u>16</u>	MEMORANDUM OF LAW in Support re: <u>15</u> MOTION for Partial Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 03/18/2008)
03/18/2008	<u>17</u>	DECLARATION of Joseph J. Brand in Support re: <u>15</u> MOTION for Partial Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 03/18/2008)

03/18/2008	<u>18</u>	DECLARATION of J. Michael McConnell in Support re: <u>15</u> MOTION for Partial Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 03/18/2008)
03/18/2008	<u>19</u>	DECLARATION of David M. Hardy in Support re: <u>15</u> MOTION for Partial Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 03/18/2008)
03/31/2008	<u>20</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Mark Schwartz dated 3/28/08 re: Request to modify the briefing schedule as follows: ENDORSEMENT: So ordered. There shall be no further extensions of the 5/6 date. Set Deadlines/Hearing as to <u>15</u> MOTION for Partial Summary Judgment. (Response due by 5/6/2008. Reply due by 5/27/2008.) (Signed by Judge Denise L. Cote on 3/31/08) (cd) (Entered: 04/01/2008)
04/16/2008	<u>21</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Alexander K. Haas dated 4/14/2008 re: Requesting a modification, as set herein, of the current briefing schedule. ENDORSEMENT: The Government's summary judgment motion on the non-Glomar defense is due April 28, 2008. The conference is adjourned to May 8, 2008 at 3:00 p.m. (Signed by Judge Denise L. Cote on 4/16/2008) (jpo) (Entered: 04/17/2008)
04/25/2008	<u>22</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Alexander Haas dated 4/24/08 re: Request for a short extension of time to file the Government motion for summary judgment. ENDORSEMENT: Granted. Government's motion is due 5/5. To permit the parties an adequate opportunity to consult, the conference is adjourned to 5/12 at 10:00 am. (Motion due by 5/5/2008. Status Conference reset for 5/12/2008 at 10:00 AM before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 4/25/08) (cd) (Entered: 04/25/2008)
05/05/2008	<u>23</u>	MOTION for Summary Judgment. Document filed by National Security Agency, Department of Justice.(Haas, Alexander) (Entered: 05/05/2008)
05/05/2008	<u>24</u>	MEMORANDUM OF LAW in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/05/2008)
05/05/2008	<u>25</u>	AFFIDAVIT of Joseph J. Brand (Redacted) in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/05/2008)
05/05/2008	<u>26</u>	AFFIDAVIT of DNI J. Michael McConnell (Redacted) in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/05/2008)
05/05/2008	<u>27</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Steven G. Bradbury (Redacted) in Support re: <u>23</u> MOTION for Summary Judgment. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) Modified on 5/6/2008 (jar). (Entered: 05/05/2008)
05/05/2008	<u>28</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Steven G. Bradbury (Exhibits) in Support re: <u>23</u> MOTION for Summary Judgment. Document filed by National Security Agency. (Haas, Alexander) Modified on 5/6/2008 (jar). (Entered: 05/05/2008)
05/05/2008	<u>29</u>	DECLARATION of Melanie Pustay in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency. (Haas, Alexander) (Entered: 05/05/2008)
05/05/2008	<u>30</u>	DECLARATION of Kathy Hsu in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/05/2008)
05/05/2008	<u>31</u>	DECLARATION of James Kovakas in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/05/2008)

05/05/2008	<u>32</u>	DECLARATION of Kaletus L. McCain in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/05/2008)
05/05/2008	<u>33</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of David M. Hardy (Redacted) in Support re: <u>23</u> MOTION for Summary Judgment. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) Modified on 5/6/2008 (jar). (Entered: 05/05/2008)
05/05/2008	<u>34</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of David M Hardy (Exhibits) in Support re: <u>23</u> MOTION for Summary Judgment. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) Modified on 5/6/2008 (jar). (Entered: 05/05/2008)
05/05/2008	<u>35</u>	DECLARATION of Matthew G Olsen (Redacted) in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/05/2008)
05/05/2008	<u>36</u>	NOTICE of Lodging of Classified Exhibits re: <u>27</u> Declaration in Support of Motion, <u>33</u> Declaration in Support of Motion, <u>35</u> Declaration in Support of Motion, <u>25</u> Affidavit in Support of Motion, <u>26</u> Affidavit in Support of Motion. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/06/2008)
05/06/2008	<u>37</u>	DECLARATION of Joseph J Brand (Redacted) (Corrected) in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/06/2008)
05/06/2008	<u>38</u>	DECLARATION of DNI J. Michael McConnell (Redacted) (Corrected) in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 05/06/2008)
05/06/2008	<u>39</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Alexander K. Haas dated 5/5/08 re: Counsel for defendants, the National Security Agency and the United States Department of Justice request permission to exceed by the Court's 25 page limit for memoranda of law in relation to the Government's motion for summary judgment and to file a brief not to exceed 66 pages. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 5/6/08) (tro) (Entered: 05/06/2008)
05/06/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Alexander Haas to RE-FILE Document <u>27</u> Declaration in Support of Motion. ERROR(S): Exhibits are not file separately. Exhibits are filed as attachments to the document they are supporting. (jar) (Entered: 05/06/2008)
05/06/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Alexander Haas to RE-FILE Document <u>28</u> Declaration in Support of Motion. ERROR(S): Exhibits are not file separately. Exhibits are filed as attachments to the document they are supporting. (jar) (Entered: 05/06/2008)
05/06/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Alexander Haas to RE-FILE Document <u>33</u> Declaration in Support of Motion. ERROR(S): Exhibits are not file separately. Exhibits are filed as attachments to the document they are supporting. (jar) (Entered: 05/06/2008)
05/06/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Alexander Haas to RE-FILE Document <u>34</u> Declaration in Support of Motion. ERROR(S): Exhibits are not file separately. Exhibits are filed as attachments to the document they are supporting. (jar) (Entered: 05/06/2008)
05/06/2008	<u>40</u>	MEMORANDUM OF LAW in Opposition re: <u>15</u> MOTION for Partial Summary Judgment.. Document filed by Thomas Wilner. (Attachments: # <u>1</u> Appendix Declarations 1–8, # <u>2</u> Appendix Declarations 9–14, # <u>3</u> Appendix Declarations 14–18)(Schwartz, Mark) (Entered: 05/06/2008)

05/07/2008	<u>41</u>	DECLARATION of Steven G. Bradbury (Redacted) (Refiled Per Court Notice) in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Attachments: # <u>1</u> Exhibit Exhibits to Bradbury Declaration)(Haas, Alexander) (Entered: 05/07/2008)
05/07/2008	<u>42</u>	DECLARATION of David M Hardy (Redacted) (Refiled Per Court Notice) in Support re: <u>23</u> MOTION for Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Attachments: # <u>1</u> Exhibit Exhibits to Hardy Declaration)(Haas, Alexander) (Entered: 05/07/2008)
05/14/2008	<u>43</u>	PRETRIAL SCHEDULING ORDER: Government's reply in support of their motion for partial summary judgment on the Glomar defense shall be due by June 3, 2008. By June 6, 2008, plaintiffs shall submit a status letter to the Court. (Signed by Judge Denise L. Cote on 5/14/08) (tro) (Entered: 05/14/2008)
06/03/2008	<u>44</u>	REPLY MEMORANDUM OF LAW in Support re: <u>15</u> MOTION for Partial Summary Judgment.. Document filed by National Security Agency, Department of Justice. (Haas, Alexander) (Entered: 06/03/2008)
06/06/2008	<u>45</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – (SELECTED THE WRONG FILERS) –NOTICE OF APPEARANCE by Emilou Harris MacLean on behalf of Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, National Security Agency, Department of Justice, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith, Jonathan Wells Dixon (MacLean, Emilou) Modified on 6/10/2008 (lb). (Entered: 06/06/2008)
06/06/2008	<u>46</u>	NOTICE OF APPEARANCE by Emilou Harris MacLean on behalf of Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith (MacLean, Emilou) (Entered: 06/06/2008)
06/09/2008	<u>47</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Shayana Kadidal dated 6/4/2008 re: Counsel for plaintiffs write to request that the Court place the Government's non-Glomar summary judgment motion on the Court's suspense calendar, and hold in abeyance briefing on that motion pending final resolution of the related FOIA cases, including any appeals. ENDORSEMENT: The non-Glomar 5/5 motion is denied without prejudice to its renewal in the event that the parties agree that issues encompassed by the motion remain unresolved in related litigation. Status letter is due 12/15/2008. (Signed by Judge Denise L. Cote on 6/9/2008) (tve) (Entered: 06/09/2008)
06/25/2008	<u>48</u>	OPINION AND ORDER # 96173: For reasons further set forth in said Order, defendants' 3/18/08 <u>15</u> MOTION for Partial Summary Judgment is GRANTED. (Signed by Judge Denise L. Cote on 6/25/08) (db) Modified on 6/30/2008 (rw). (Entered: 06/25/2008)
07/29/2008	<u>49</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Entry of Judgment under Rule 54(b) <i>Unopposed</i> . Document filed by Thomas Wilner.(Schwartz, Mark) Modified on 7/30/2008 (jar). (Entered: 07/29/2008)
07/30/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Mark Schwartz to RE-FILE Document <u>49</u> MOTION for Entry of Judgment under Rule 54(b) <i>Unopposed</i> . ERROR(S): Filer Error. Each individual party associated with the filing of the motion must be selected as Filer when prompted on the Select Filer Screen. Ex/ If a motion is being filed by all plaintiffs then each individual plaintiff must be selected as filer, not just one plaintiff. (jar) (Entered: 07/30/2008)

07/30/2008	<u>50</u>	MOTION for Entry of Judgment under Rule 54(b) <i>Unopposed</i> . Document filed by Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith.(Schwartz, Mark) (Entered: 07/30/2008)
07/31/2008	<u>51</u>	MEMORANDUM OPINION & ORDER #96308: For reasons further set forth in said Order, plaintiff's 7/29/08 <u>50</u> Unopposed MOTION for Rule 54(b) Certification is granted. The Clerk of Court shall enter partial judgment in defendants' favor on the claims associated with FOIA Request No.1. (Signed by Judge Denise L. Cote on 7/31/08) (db) Modified on 8/1/2008 (pl). (Entered: 07/31/2008)
07/31/2008		Transmission to Judgments and Orders Clerk. Transmitted re: <u>51</u> Memorandum & Opinion, to the Judgments and Orders Clerk. (db) (Entered: 07/31/2008)
07/31/2008	<u>52</u>	CLERK'S Rule 54(b) JUDGMENT That for the reasons stated in the Court's Memorandum Opinion and Order dated July 31, 2008, there is no just reason for delay pursuant to Fed. R. Civ. 54(b), partial judgment is entered in defendants favor on the claims associated with FOIA Request No. 1. (Signed by J. Michael McMahon, clerk on 7/31/08) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 08/01/2008)
09/17/2008	<u>53</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – NOTICE of Notice of Appeal. Document filed by Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith. (Schwartz, Mark) Modified on 9/24/2008 (kkc). (Entered: 09/17/2008)
09/24/2008	<u>54</u>	NOTICE OF APPEAL from <u>52</u> Clerk's Judgment, <u>48</u> Memorandum & Opinion, <u>51</u> Memorandum & Opinion,. Document filed by Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, Anne Castle, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith, Jonathan Wells Dixon. Filing fee \$ 455.00, receipt number E 663985. (nd) (Entered: 09/24/2008)
09/24/2008		Transmission of Notice of Appeal to the District Judge re: <u>54</u> Notice of Appeal. (nd) (Entered: 09/24/2008)
09/24/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>54</u> Notice of Appeal,. (nd) (Entered: 09/24/2008)
09/24/2008		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>3</u> Notice of Appearance filed by Department of Justice, National Security Agency, <u>47</u> Endorsed Letter,, <u>24</u> Memorandum of Law in Support of Motion filed by Department of Justice, National Security Agency, <u>44</u> Reply Memorandum of Law in Support of Motion filed by Department of Justice, National Security Agency, <u>42</u> Declaration in Support of Motion, filed by Department of Justice, National Security Agency, <u>14</u> Endorsed Letter, Set Deadlines/Hearings,,,,,, <u>40</u> Memorandum of Law in Opposition to Motion filed by Thomas Wilner, <u>20</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>6</u> Endorsed Letter, Set Deadlines/Hearings,, <u>50</u> MOTION for Entry of Judgment under Rule 54(b) <i>Unopposed</i> . MOTION for Entry of Judgment under Rule 54(b) <i>Unopposed</i> . filed by Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, Joseph Margulies, James E. Dorsey, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas

R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV, 41 Declaration in Support of Motion, filed by Department of Justice, National Security Agency, 27 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 16 Memorandum of Law in Support of Motion filed by Department of Justice, National Security Agency, 31 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 23 MOTION for Summary Judgment. filed by Department of Justice, National Security Agency, 13 Notice of Appearance filed by Department of Justice, National Security Agency, 52 Clerk's Judgment, 46 Notice of Appearance,, filed by Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, James E. Dorsey, Joseph Margulies, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV, 17 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 12 Order on Motion to Appear Pro Hac Vice, 48 Memorandum & Opinion, 35 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 18 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 39 Endorsed Letter, 32 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 29 Declaration in Support of Motion filed by National Security Agency, 36 Notice (Other), Notice (Other) filed by Department of Justice, National Security Agency, 43 Scheduling Order, Set Motion and RRDeadlines/Hearings,, 15 MOTION for Partial Summary Judgment. filed by Department of Justice, National Security Agency, 25 Affidavit in Support of Motion filed by Department of Justice, National Security Agency, 21 Endorsed Letter, Set Deadlines/Hearings,, 10 Answer to Amended Complaint,, filed by Department of Justice, National Security Agency, 19 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 38 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 54 Notice of Appeal,, filed by Jonathan Wells Dixon, Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, James E. Dorsey, Joseph Margulies, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV, 11 MOTION for James I. Rubin, Julie P. Shelton, Karen M. Borg and Mark A. Schwartz to Appear Pro Hac Vice. filed by Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, James E. Dorsey, Joseph Margulies, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV, 22 Endorsed Letter, Set Deadlines/Hearings,, 30 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 2 Amended Complaint,, filed by Jonathan Wells Dixon, Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, James E. Dorsey, Joseph Margulies, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV, 51 Memorandum & Opinion, 4 Answer to Amended Complaint,, filed by Department of Justice, National Security Agency, 26 Affidavit in Support of Motion filed by Department of Justice, National Security Agency, 9 Amended Complaint,, filed by Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, James E. Dorsey, Joseph Margulies, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV, 37 Declaration in Support of Motion filed by Department of Justice, National Security Agency, 5 Order for Initial Pretrial Conference, 8 Notice of Appearance,, filed by Jonathan Wells Dixon, Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler,

		Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, James E. Dorsey, Joseph Margulies, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV, <u>1</u> Complaint, filed by Jonathan Wells Dixon, Richard A. Grigg, Thomas Wilner, Anne Castle, Gitanjali Gutierrez, Stephen M. Truitt, Asmah Tareen, James E. Dorsey, Joseph Margulies, Joshua Colangelo Bryan, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, George Brent Mickum, IV, <u>7</u> Scheduling Order, were transmitted to the U.S. Court of Appeals. (nd) (Entered: 09/24/2008)
12/16/2008	<u>55</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Kathryn Sabbeth dated 12/12/08 re: Status of Case. ENDORSEMENT: Status letter due 12/15/09. (Status Report/letter due by 12/15/2009.) (Signed by Judge Denise L. Cote on 12/15/08) (cd) (Entered: 12/16/2008)
09/29/2009	<u>56</u>	NOTICE OF WITHDRAWAL OF APPEARANCE: Pursuant to Local Rule 1A, the undersigned counsel, Emilou Harris MacLean, who is no longer employed by the Center for Constitutional Rights, respectfully requests to withdraw her appearance as counsel for the plaintiffs in the above-captioned matter. Shayana Kadidal of the Center for Constitutional Rights, who has already entered an appearance, will continue to represent the plaintiffs in the above-captioned matter. (Signed by Judge Denise L. Cote on 9/29/2009) (jpo) Modified on 10/13/2009 (jpo). (Entered: 09/30/2009)
10/15/2009	<u>57</u>	REFERRED TO JUDGE FOR APPROVAL – STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, against the defendant(s) National Security Agency, Department of Justice and without costs to either party pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by Anne Castle, National Security Agency, Department of Justice.(Kadidal, Shayana) Modified on 10/16/2009 (dt). (Entered: 10/15/2009)
10/16/2009		***NOTE TO ATTORNEY – DOCUMENT REFERRED TO JUDGE FOR APPROVAL. Note to Attorney Shayana Kadidal Document <u>57</u> Stipulation of Voluntary Dismissal, was referred to Judge Denise L. Cote for approval. (dt) (Entered: 10/16/2009)
10/23/2009	<u>58</u>	MEMO ENDORSED ON STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(A)(1)(A)(II) OF CLAIMS OF PLAINTIFF ANNE CASTLE: ENDORSEMENT: Finding no reason for delay in entering this partial dismissal, It is approved. So Ordered (Signed by Judge Denise L. Cote on 10/22/09) (js) (Entered: 10/26/2009)
12/31/2009	<u>59</u>	ORDER that the parties shall submit a joint status update letter to the Court by 1/29/10. (Signed by Judge Denise L. Cote on 12/30/09) (dle) (Entered: 12/31/2009)
01/22/2010	<u>60</u>	NOTICE of Substitution of Attorney. Old Attorney: Alexander K. Haas, New Attorney: Caroline Lewis Wolverton, Address: U.S. Department of Justice, 20 Massachusetts Ave., NW, Washington, DC, USA 20007, 202-514-0265. Document filed by National Security Agency, Department of Justice. (Wolverton, Caroline) (Entered: 01/22/2010)
02/01/2010	<u>61</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Mark Schwartz dated 1/29/2010 re: The parties propose to submit a joint status report to this Court within 2 weeks after the time for filing a petition for certiorari with the United States Supreme Court—that is, on or before 4/13/2010. ENDORSEMENT: Status report due May 1, 2010. The letter shall address non-Glomar track issues in more detail. So Ordered. (Signed by Judge Denise L. Cote on 2/1/2010) (jfe) (Entered: 02/02/2010)
03/11/2010	<u>62</u>	MANDATE of USCA (Certified Copy) as to <u>54</u> Notice of Appeal,, filed by Jonathan Wells Dixon, Richard A. Grigg, Thomas Wilner, Anne Castle, John A. Chandler, Tina M. Foster, Gitanjali Gutierrez, Jonathan Hafetz, David H. Remes, Stephen M. Truitt, Charles Carpenter, Asmah Tareen, Joseph Margulies, James E. Dorsey, Joshua Colangelo Bryan, Clive Stafford Smith, Marc D. Falkoff, Alison

		Sclater, Thomas R. Johnson, Brian J. Neff, Michael J. Sternhell, Scott S. Barker, H. Candace Gorman, Jonathan Wells Dixon, George Brent Mickum, IV USCA Case Number 08-4726-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 3/11/2010. (nd) (Entered: 03/11/2010)
03/11/2010		Transmission of USCA Mandate/Order to the District Judge re: <u>62</u> USCA Mandate,,,. (nd) (Entered: 03/11/2010)
05/04/2010	<u>63</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Shayana Kadidal dated 5/3/10 re: Joint status report is provided, pursuant to the order of 2/2/10. ENDORSEMENT: Status letter is due 7/2/10. (Status Report due by 7/2/2010.) (Signed by Judge Denise L. Cote on 5/4/10) (cd) (Entered: 05/04/2010)
05/04/2010	<u>64</u>	NOTICE of Substitution of Attorney. Old Attorney: Alexander K. Haas, Rupa Bhattacharyya, New Attorney: Caroline Lewis Wolverton, Address: U.S. Department of Justice, Civil Division, Federal Programs Branch, 20 Massachusetts Ave., N.W., Room 7150, Washington, DC, USA 20001, 202-514-0265. Document filed by National Security Agency, Department of Justice. (Wolverton, Caroline) (Entered: 05/04/2010)
07/02/2010	<u>65</u>	CONSENT MOTION for Extension of Time to <i>File Status Report</i> . Document filed by Joshua Colangelo Bryan, Brian J. Neff, Joseph Margulies, Scott S. Barker, James E. Dorsey, Asmah Tareen, Richard A. Grigg, Thomas R. Johnson, George Brent Mickum, IV, Stephen M. Truitt, Thomas Wilner, Jonathan Hafetz, Jonathan Wells Dixon, Gitanjali Gutierrez, Tina M. Foster, Alison Sclater, Marc D. Falkoff, David H. Remes, H. Candace Gorman, Charles Carpenter, John A. Chandler, Michael J. Sternhell, Clive Stafford Smith, Jonathan Wells Dixon.(Kadidal, Shayana) (Entered: 07/02/2010)
07/06/2010	<u>66</u>	MEMO ENDORSEMENT on <u>65</u> CONSENT MOTION FOR EXTENSION OF TIME TO FILE STATUS REPORT. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 7/6/2010) (jpo) (Entered: 07/06/2010)
07/06/2010		Set Deadlines/Hearings: Status Report due by 7/9/2010. (jpo) (Entered: 07/06/2010)
07/09/2010	<u>67</u>	STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) all parties and without costs to either party pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by National Security Agency, Department of Justice.(Wolverton, Caroline) (Entered: 07/09/2010)
07/12/2010	<u>68</u>	STIPULATION AND ORDER OF PARTIAL DISMISSAL. The parties to this action under the Freedom of Information Act, by and through their respective counsel and pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, hereby stipulate to dismissal without prejudice of Plaintiffs' non-Glomar claims in this case, with each party bearing his/its own fees and costs. The Clerk of Court shall close the case. (Signed by Judge Denise L. Cote on 7/12/10) (djc) (Entered: 07/12/2010)