

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:13-cv-03994-WHP**

American Civil Liberties Union et al v. Clapper et al
Assigned to: Judge William H. Pauley, III
Related Case: 1:11-cv-07562-WHP
Cause: 28:1331 Fed. Question

Date Filed: 06/11/2013
Date Terminated: 05/14/2018
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

American Civil Liberties Union

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V.

Defendant

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Defendant

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Defense*

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Defendant

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**Former Church Committee Members
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Date Filed	#	Docket Text
06/11/2013	<u>1</u>	COMPLAINT against Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Filing Fee \$ 350.00, Receipt Number 1069477) Document filed by American Civil Liberties Union Foundation, New York Civil Liberties Union Foundation, New York Civil Liberties Union, American Civil Liberties Union. (laq) (jd). (Entered: 06/12/2013)
06/11/2013		SUMMONS ISSUED as to Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (laq) (Entered: 06/12/2013)
06/11/2013		CASE REFERRED TO Judge William H. Pauley as possibly related to 1:11-cv-7562. (laq) (Entered: 06/12/2013)
06/11/2013		Case Designated ECF. (laq) (Entered: 06/12/2013)
06/14/2013		CASE ACCEPTED AS RELATED. Create association to 1:11-cv-07562-WHP. Notice of Assignment to follow. (pgu) (Entered: 06/14/2013)
06/14/2013	<u>2</u>	NOTICE OF CASE ASSIGNMENT to Judge William H. Pauley, III. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 06/14/2013)
06/14/2013		Magistrate Judge James L. Cott is so designated. (pgu) (Entered: 06/14/2013)
06/25/2013	<u>3</u>	AFFIDAVIT OF SERVICE. James R. Clapper served on 6/24/2013, answer due 7/15/2013. Service was made by Mail. Document filed by American Civil Liberties Union Foundation; New York Civil Liberties Union Foundation; New York Civil Liberties Union; American Civil Liberties Union. (Jaffer, Jameel) (Entered: 06/25/2013)

06/25/2013	<u>4</u>	AFFIDAVIT OF SERVICE. Charles T. Hagel served on 6/24/2013, answer due 7/15/2013. Service was made by Mail. Document filed by American Civil Liberties Union Foundation; New York Civil Liberties Union Foundation; New York Civil Liberties Union; American Civil Liberties Union. (Jaffer, Jameel) (Entered: 06/25/2013)
06/25/2013	<u>5</u>	AFFIDAVIT OF SERVICE. Eric H. Holder served on 6/24/2013, answer due 7/15/2013. Service was made by Mail. Document filed by American Civil Liberties Union Foundation; New York Civil Liberties Union Foundation; New York Civil Liberties Union; American Civil Liberties Union. (Jaffer, Jameel) (Entered: 06/25/2013)
06/25/2013	<u>6</u>	AFFIDAVIT OF SERVICE. Keith B. Alexander served on 6/24/2013, answer due 7/15/2013. Service was made by Mail. Document filed by American Civil Liberties Union Foundation; New York Civil Liberties Union Foundation; New York Civil Liberties Union; American Civil Liberties Union. (Jaffer, Jameel) (Entered: 06/25/2013)
06/25/2013	<u>7</u>	AFFIDAVIT OF SERVICE. Robert S. Mueller, III served on 6/24/2013, answer due 7/15/2013. Service was made by Mail. Document filed by American Civil Liberties Union Foundation; New York Civil Liberties Union Foundation; New York Civil Liberties Union; American Civil Liberties Union. (Jaffer, Jameel) (Entered: 06/25/2013)
06/25/2013	<u>8</u>	AFFIDAVIT OF SERVICE of Complaint and Summons served on U.S. Attorney for the Southern District of New York on 06/24/2013. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Jaffer, Jameel) (Entered: 06/25/2013)
06/26/2013	<u>9</u>	NOTICE OF APPEARANCE by Tara Marie La Morte on behalf of Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (La Morte, Tara) (Entered: 06/26/2013)
06/27/2013	<u>10</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 7/17/2013 at 02:00 PM in Courtroom 20B, 500 Pearl Street, New York, NY 10007 before Judge William H. Pauley III, and as further set forth in this document. (Signed by Judge William H. Pauley, III on 6/25/2013) Copies Sent By Chambers. (cd) (Entered: 06/27/2013)
07/03/2013	<u>11</u>	SCHEDULING ORDER: This initial pretrial conference scheduled for July 17, 2013 is rescheduled to July 25, 2013 at 12:00 p.m. (Signed by Judge William H. Pauley, III on 7/3/2013) Copies Sent by Chambers. (mro) (Entered: 07/03/2013)
07/03/2013	<u>12</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Jameel Jaffer dated 7/2/13 re: Counsel writes to request a pre-motion conference to discuss a motion for a preliminary injunction. ENDORSEMENT: Application granted. The Court will hold a pre-motion conference in conjunction with the initial pre-trial conference, which has been rescheduled to July 25, 2013 at 12:00 p.m. (Pre-Motion Conference set for 7/25/2013 at 12:00 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 7/3/2013) (mro) (Entered: 07/03/2013)
07/12/2013	<u>13</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from David S. Jones dated 7/9/13 re: Counsel writes respectfully with the consent of plaintiffs' counsel to request a one-week extension of defendants' time to respond to plaintiffs' July 2 pre-motion conference letter. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 7/11/2013) (mro) (Entered: 07/12/2013)
07/16/2013	<u>14</u>	NOTICE OF APPEARANCE by John Dalton Clopper on behalf of Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Clopper, John) (Entered: 07/16/2013)
07/16/2013	<u>15</u>	NOTICE OF APPEARANCE by David Stuart Jones on behalf of Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Jones, David) (Entered: 07/16/2013)
07/23/2013	<u>16</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from David S. Jones dated 7/18/13 re: Counsel writes in response to plaintiffs' July 2 letter requesting that

		the initial conference now scheduled for July 25 serve as a pre-motion conference in anticipation of a preliminary injunction motion. Defendants request that the same conference also serve as a pre-motion conference for a potential cross-motion to dismiss the complaint. For the reasons herein, counsel requests that defendants' initial briefing on these matters be due no earlier than September 16. ENDORSEMENT: Application granted in part. The July 25 conference will serve as a pre-motion conference for Defendants' anticipated motion to dismiss. The briefing schedule will be discussed at the conference. (Signed by Judge William H. Pauley, III on 7/22/2013) (mro) (Entered: 07/23/2013)
07/24/2013	<u>17</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – NOTICE OF APPEARANCE by Christopher Blake Harwood on behalf of Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Harwood, Christopher) Modified on 7/24/2013 (db). (Entered: 07/24/2013)
07/24/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Christopher Blake Harwood to RE-FILE Document <u>17</u> Notice of Appearance. ERROR(S): Document has not been fully secured, items can be changed/alterd in real time. (db) (Entered: 07/24/2013)
07/24/2013	<u>18</u>	NOTICE OF APPEARANCE by Christopher Blake Harwood on behalf of Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Harwood, Christopher) (Entered: 07/24/2013)
07/25/2013	<u>19</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Laura K. Donohue to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8723410. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Attachments: # <u>1</u> Civil Cover Sheet Cover, # <u>2</u> Text of Proposed Order Order, # <u>3</u> Supplement Certificate of Good Standing)(Donohue, Laura) Modified on 7/25/2013 (bcu). (Entered: 07/25/2013)
07/25/2013		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <u>19</u> MOTION for Laura K. Donohue to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8723410. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Missing Certificate of Good Standing. Certificate of Good Standing must be issued from the State Court of Virginia not from a State Bar Association. Re-file the document as a Corrected Motion to Appear Pro Hac Vice and attach a valid Certificate of Good Standing, issued within the past 30 days. (bcu) (Entered: 07/25/2013)
07/26/2013	<u>20</u>	SCHEDULING ORDER: Counsel for the parties having appeared for a conference on July 25, 2013, the following schedule is established: 1. Plaintiffs will file a motion for a preliminary injunction and Defendants will file a motion to dismiss by August 26, 2013; 2. Opposition briefs are due September 26, 2013; 3. Third parties may file motions for leave to file amici briefs by October 3, 2013 with their proposed briefs attached; 4. Reply briefs are due October 10, 2013; 5. The Court will hear oral argument on November 1, 2013 at 12:00 p.m; 6. Moving and opposition briefs may be 40 pages in length, reply briefs may be 20 pages. (Signed by Judge William H. Pauley, III on 7/25/2013) Copies Sent by Chambers. (mro) (Entered: 07/26/2013)
07/26/2013		Set/Reset Hearings: Oral Argument set for 11/1/2013 at 12:00 PM before Judge William H. Pauley III. (mro) (Entered: 07/26/2013)
07/26/2013	<u>21</u>	LETTER addressed to Judge William H. Pauley from David S. Jones dated 7/18/2013 re: Pursuant to the court's order dated June 27, 2013, I write respectfully on behalf of both parties concerning matters covered by Rule 26(f) of the parties' discovery plan. (ama) (Entered: 07/29/2013)
08/08/2013	<u>22</u>	CORRECTED SCHEDULING ORDER: By letter dated August 2, 2013, the ACLU brought to the Court's attention an error in this Court's July 26, 2013 Scheduling Order. The Court therefore adopts the following corrected schedule: 1. Plaintiffs will file a motion for a preliminary injunction and Defendants will file a motion to dismiss by August 26, 2013; 2. Third parties may file motions for leave to file amici briefs by

		September 4, 2013 with their proposed briefs attached; 3. Opposition briefs are due September 26, 2013; 4. Reply briefs are due October 10, 2013; 5. The Court will hear oral argument on November 1, 2013 at 12:00 p.m; 6. Moving and opposition briefs may be 40 pages in length, reply briefs may be 20 pages. (Motions due by 9/4/2013. Responses due by 9/26/2013 Replies due by 10/10/2013. Oral Argument set for 11/1/2013 at 12:00 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 8/8/2013) Copies Sent By Chambers. (mro) (Entered: 08/08/2013)
08/23/2013	<u>23</u>	SECOND MOTION for Laura Kathleen Donohue to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Former Church Committee Members and Law Professors. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Certificate of Good Standing with the Virginia Bar, # <u>3</u> Certificate of Good Standing Virginia Supreme Court)(Donohue, Laura) (Entered: 08/23/2013)
08/23/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>23</u> SECOND MOTION for Laura Kathleen Donohue to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 08/23/2013)
08/26/2013	<u>24</u>	MOTION for David Allen Greene to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8816230. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Good Standing)(Greene, David) (Entered: 08/26/2013)
08/26/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>24</u> MOTION for David Allen Greene to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8816230. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/26/2013)
08/26/2013	<u>25</u>	MOTION for Preliminary Injunction. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. Return Date set for 11/1/2013 at 12:00 PM.(Abdo, Alexander) (Entered: 08/26/2013)
08/26/2013	<u>26</u>	MEMORANDUM OF LAW in Support re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Abdo, Alexander) (Entered: 08/26/2013)
08/26/2013	<u>27</u>	DECLARATION of Prof. Edward Felten in Support re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Abdo, Alexander) (Entered: 08/26/2013)
08/26/2013	<u>28</u>	DECLARATION of Michael German in Support re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Abdo, Alexander) (Entered: 08/26/2013)
08/26/2013	<u>29</u>	DECLARATION of Steven Shapiro in Support re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Abdo, Alexander) (Entered: 08/26/2013)
08/26/2013	<u>30</u>	DECLARATION of Christopher Dunn in Support re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Abdo, Alexander) (Entered: 08/26/2013)
08/26/2013	<u>31</u>	DECLARATION of Patrick Toomey in Support re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Abdo, Alexander) (Entered: 08/26/2013)

08/26/2013	<u>32</u>	MOTION to Dismiss. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. Responses due by 9/26/2013(Jones, David) (Entered: 08/26/2013)
08/26/2013	<u>33</u>	MEMORANDUM OF LAW in Support re: <u>32</u> MOTION to Dismiss.. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13)(Jones, David) (Entered: 08/26/2013)
08/27/2013	<u>34</u>	MOTION for John Frazer to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8817400. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by National Rifle Association of America, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed order for admission, # <u>2</u> Exhibit Certificate of good standing)(Frazer, John) (Entered: 08/27/2013)
08/27/2013	<u>35</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>23</u> Motion for Laura K. Donohue to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 8/27/2013) (tro) (Entered: 08/27/2013)
08/27/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>34</u> MOTION for John Frazer to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8817400. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/27/2013)
08/28/2013	<u>36</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>24</u> Motion for David A. Greene to Appear Pro Hac Vice. It is hereby Ordered that David A. Greene is admitted pro hac vice to appear for all purposes as counsel for amicus curiae Electronic Frontier Foundation. (Signed by Judge William H. Pauley, III on 8/28/2013) (mro) (Entered: 08/28/2013)
08/28/2013	<u>37</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>34</u> Motion for John Frazer to Appear Pro Hac Vice. IT IS HEREBY ORDERED that John Frazer is admitted pro hac vice to appear for all purposes as counsel for amicus curiae National Rifle Association of America, Inc. (Signed by Judge William H. Pauley, III on 8/26/2013) (mro) (Entered: 08/28/2013)
08/29/2013	<u>38</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for David B. Owens to Appear Pro Hac Vice <i>for amicus curiae Michael P. Lynch</i> . Filing fee \$ 200.00, receipt number 0208-8827772. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Michael P. Lynch. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order For Pro Hac Vice Admission, # <u>2</u> Exhibit Certificate of Good Standing (California), # <u>3</u> Exhibit Certificate of Good Standing (Illinois))(Owens, David) Modified on 8/29/2013 (bcu). (Entered: 08/29/2013)
08/29/2013		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <u>38</u> MOTION for David B. Owens to Appear Pro Hac Vice <i>for amicus curiae Michael P. Lynch</i>. Filing fee \$ 200.00, receipt number 0208-8827772. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Missing Certificate of Good Standing. Certificate of Good Standing must be issued from the Supreme Court of California not from a State Bar Association. Re-file the document as a Corrected Motion to Appear Pro Hac Vice and attach a valid Certificate of Good Standing, issued within the past 30 days. (bcu) (Entered: 08/29/2013)
08/30/2013	<u>39</u>	FIRST MOTION for Leave to File Motion for Leave to File Amicus Brief. Document filed by Former Church Committee Members and Law Professors. Return Date set for 8/30/2013 at 12:26 PM. (Attachments: # <u>1</u> Supplement Certificate of Service, # <u>2</u> Exhibit Amicus Brief)(Donohue, Laura) (Entered: 08/30/2013)
09/03/2013	<u>40</u>	AMENDED MOTION for David B. Owens to Appear Pro Hac Vice <i>on behalf of Michael P. Lynch (amicus curiae)</i> . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Michael P. Lynch. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing (California), # <u>2</u> Exhibit Certificate of Good Standing (Illinois), # <u>3</u> Text of Proposed Order)(Owens, David) (Entered: 09/03/2013)

09/03/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>40</u> AMENDED MOTION for David B. Owens to Appear Pro Hac Vice <i>on behalf of Michael P. Lynch (amicus curiae)</i> . Motion and supporting papers to be reviewed by Clerk's Office staff.AMENDED MOTION for David B. Owens to Appear Pro Hac Vice <i>on behalf of Michael P. Lynch (amicus curiae)</i> . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 09/03/2013)
09/04/2013	<u>41</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>40</u> Motion for David B. Owens to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 9/4/2013) (lmb) (Entered: 09/04/2013)
09/04/2013	<u>42</u>	MOTION for Leave to File <i>Amicus Brief</i> . Document filed by Reporters Committee for Freedom of the Press. (Attachments: # <u>1</u> Proposed brief, # <u>2</u> Appendix Appendix A, # <u>3</u> Appendix Appendix B)(Steger, Michael) (Entered: 09/04/2013)
09/04/2013	<u>43</u>	MOTION for David Allen Greene to Appear Pro Hac Vice (<i>Corrected</i>). Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by F. James Sensenbrenner. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Good Standing)(Greene, David) (Entered: 09/04/2013)
09/04/2013	<u>44</u>	MOTION for Leave to File Amicus brief. Document filed by National Rifle Association of America, Inc.. (Attachments: # <u>1</u> Exhibit Amicus brief)(Frazer, John) (Entered: 09/04/2013)
09/04/2013	<u>45</u>	MOTION for Leave to File Amicus Brief by <i>Professor of Philosophy, Michael P. Lynch</i> . Document filed by Michael P. Lynch. (Attachments: # <u>1</u> Proposed Brief)(Owens, David) (Entered: 09/04/2013)
09/04/2013	<u>46</u>	MOTION for Leave to File Amicus Curiae Brief <i>in Support of Plaintiffs</i> . Document filed by F. James Sensenbrenner. (Attachments: # <u>1</u> Exhibit A (Amicus Brief), # <u>2</u> Text of Proposed Order)(Greene, David) (Entered: 09/04/2013)
09/04/2013	<u>47</u>	MOTION for Leave to File Motion of Non-Party PEN American Center for Leave to File Brief as Amicus Curiae in support of Plaintiffs. Document filed by Pen American Center. (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief, # <u>2</u> Exhibit Certificate of Service)(Davis, Edward) (Entered: 09/04/2013)
09/04/2013	<u>48</u>	NOTICE OF APPEARANCE by Edward J. Davis on behalf of Pen American Center. (Davis, Edward) (Entered: 09/04/2013)
09/04/2013	<u>49</u>	NOTICE OF APPEARANCE by Linda Jane Steinman on behalf of Pen American Center. (Steinman, Linda) (Entered: 09/04/2013)
09/04/2013	<u>50</u>	NOTICE OF APPEARANCE by Eric Joel Feder on behalf of Pen American Center. (Feder, Eric) (Entered: 09/04/2013)
09/05/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>43</u> MOTION for David Allen Greene to Appear Pro Hac Vice (<i>Corrected</i>). Motion and supporting papers to be reviewed by Clerk's Office staff. MOTION for David Allen Greene to Appear Pro Hac Vice (<i>Corrected</i>). Motion and supporting papers to be reviewed by Clerk's Office staff. The document has been reviewed and there are no deficiencies. (bwa) (Entered: 09/05/2013)
09/05/2013	<u>51</u>	ORDER granting <u>39</u> Motion for Leave to File Document; granting <u>42</u> Motion for Leave to File Document; granting <u>44</u> Motion for Leave to File Document; granting <u>45</u> Motion for Leave to File Document; granting <u>46</u> Motion for Leave to File Document; granting <u>47</u> Motion for Leave to File Document. The motions of amicus curiae Former Members of the Church Committee and Law Professors; The Reporters Committee for Freedom of the Press, et. al.; the National Rifle Association of America, Inc.; Michael P. Lynch; Representative F. James Sensenbrenner, Jr.; and the PEN American Center are granted. Amicus curiae may file their proposed briefs. The Clerk of Court is directed to terminate the motions pending at Docket Nos. 39, 42, 44, 45, 46, and 47. (Signed by Judge William H. Pauley, III on 9/5/2013) (mro) (Entered: 09/05/2013)
09/05/2013	<u>52</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>43</u> Motion for David A. Greene to Appear Pro Hac Vice. It is hereby Ordered that David A. Greene is admitted pro hac vice to appear for all purposes as counsel for amicus curiae Congressman Jim

		Sensenbrenner. (Signed by Judge William H. Pauley, III on 9/5/2013) (mro) (Entered: 09/05/2013)
09/05/2013	<u>53</u>	BRIEF OF AMICUS CURIAE PEN AMERICAN CENTER IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION AND IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS. Document filed by Pen American Center.(Davis, Edward) (Entered: 09/05/2013)
09/05/2013	<u>54</u>	BRIEF OF AMICUS CURIAE. Document filed by National Rifle Association of America, Inc..(Frazer, John) (Entered: 09/05/2013)
09/05/2013	<u>55</u>	BRIEF of Amicus Curiae Professor Michael P. Lynch. Document filed by Michael P. Lynch.(Owens, David) (Entered: 09/05/2013)
09/06/2013	<u>56</u>	BRIEF Amicus Curiae in Suppport of Plaintiffs. Document filed by F. James Sensenbrenner.(Greene, David) (Entered: 09/06/2013)
09/26/2013	<u>57</u>	LETTER MOTION for Extension of Time to File Response/Reply as to <u>32</u> MOTION to Dismiss., <u>25</u> MOTION for Preliminary Injunction. addressed to Judge William H. Pauley, III from David S. Jones dated September 26, 2013. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Attachments: # <u>1</u> Text of Proposed Order Proposed revised scheduling order)(Jones, David) (Entered: 09/26/2013)
09/27/2013	<u>58</u>	REVISED SCHEDULING ORDER: It is hereby ORDERED that (a) plaintiffs' opposition to defendants' motion to dismiss and defendants' opposition to plaintiffs' motion for a preliminary injunction shall be due on or before October 1, 2013, and (b) plaintiffs' and defendants' reply papers in further support of their respective motions shall be due on or before October 15, 2013. Set Deadlines/Hearing as to <u>25</u> MOTION for Preliminary Injunction., <u>32</u> MOTION to Dismiss :(Responses due by 10/1/2013, Replies due by 10/15/2013.) (Signed by Judge William H. Pauley, III on 9/27/2013) (mro) (Entered: 09/27/2013)
10/01/2013	<u>59</u>	STANDING ORDER M10-468: Stay of Certain Civil Cases Pending the Restoration of Department of Justice Funding. (Signed by Judge Loretta A. Preska on 10/1/2013) ***Original Standing Order docketed in case no. 1:13-mc-00334-LAP, document no. 2 on 10/1/2013.***(tro) (Entered: 10/01/2013)
10/01/2013	<u>60</u>	MEMORANDUM OF LAW in Opposition re: <u>32</u> MOTION to Dismiss.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Jaffer, Jameel) (Entered: 10/01/2013)
10/01/2013	<u>61</u>	MEMORANDUM OF LAW in Opposition re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by Keith B. Alexander. (Attachments: # <u>1</u> Exhibit)(Jones, David) (Entered: 10/01/2013)
10/01/2013	<u>62</u>	DECLARATION of Robert J. Holley in Opposition re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by Keith B. Alexander. (Jones, David) (Entered: 10/01/2013)
10/01/2013	<u>63</u>	DECLARATION of Teresa H. Shea in Opposition re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Jones, David) (Entered: 10/01/2013)
10/10/2013	<u>64</u>	LETTER MOTION for Extension of Time & to Lift Stay addressed to Judge William H. Pauley, III from Jameel Jaffer dated 10/10/13. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Attachments: # <u>1</u> Text of Proposed Order)(Jaffer, Jameel) (Entered: 10/10/2013)
10/11/2013	<u>65</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge William H. Pauley, III from David S. Jones dated 10/11/2013 re: <u>64</u> LETTER MOTION for Extension of Time & to Lift Stay addressed to Judge William H. Pauley, III from Jameel Jaffer dated 10/10/13.. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Jones, David) (Entered: 10/11/2013)

10/11/2013	<u>66</u>	LETTER RESPONSE to Motion addressed to Judge William H. Pauley, III from David S. Jones dated 10/11/2013 re: <u>64</u> LETTER MOTION for Extension of Time & to Lift Stay addressed to Judge William H. Pauley, III from Jameel Jaffer dated 10/10/13. <i>Corrected version of dkt no 65, correcting nonsubstantive typographical error.</i> Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Jones, David) (Entered: 10/11/2013)
10/15/2013	<u>67</u>	ORDER granting <u>64</u> Letter Motion for Extension of Time. Accordingly, the stay is lifted and the Court adopts the following schedule: 1. The parties will file reply briefs on their pending motions on October 25, 2013; 2. This Court will hear oral argument on November 22, 2013 at 10:30 a.m. (Signed by Judge William H. Pauley, III on 10/15/2013) (mro) (Entered: 10/15/2013)
10/15/2013		Set/Reset Deadlines: (Replies due by 10/25/2013.), Set/Reset Hearings:(Oral Argument set for 11/22/2013 at 10:30 AM before Judge William H. Pauley III.) (mro) (Entered: 10/15/2013)
10/25/2013	<u>68</u>	REPLY MEMORANDUM OF LAW in Support re: <u>25</u> MOTION for Preliminary Injunction.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Attachments: # <u>1</u> Affidavit)(Jaffer, Jameel) (Entered: 10/25/2013)
10/25/2013	<u>69</u>	REPLY MEMORANDUM OF LAW in Support re: <u>32</u> MOTION to Dismiss.. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Jones, David) (Entered: 10/25/2013)
10/28/2013	<u>70</u>	LETTER addressed to Judge William H. Pauley, III from Jameel Jaffer dated 10/28/2013 re: Pls.' Reply, Pursuant to Rule III(F). Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation.(Jaffer, Jameel) (Entered: 10/28/2013)
10/29/2013	<u>71</u>	LETTER addressed to Judge William H. Pauley, III from David S. Jones dated 10/29/2013 re: listing documents filed in connection with defendants' motion to dismiss. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III.(Jones, David) (Entered: 10/29/2013)
11/21/2013	<u>72</u>	RESPONSE in Support of Motion re: <u>32</u> MOTION to Dismiss., <u>25</u> MOTION for Preliminary Injunction. <i>Letter to Court (i) notifying parties of appearance by Assistant Attorney General Stuart F. Delery, and (ii) identifying recently published decisions relevant to pending motions.</i> Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Attachments: # <u>1</u> Exhibit Ex. B – S.D. Cal. decision)(Jones, David) (Entered: 11/21/2013)
12/05/2013	<u>73</u>	TRANSCRIPT of Proceedings re: ARGUMENT held on 11/22/2013 before Judge William H. Pauley, III. Court Reporter/Transcriber: Eve Giniger, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/30/2013. Redacted Transcript Deadline set for 1/9/2014. Release of Transcript Restriction set for 3/10/2014.(Rodriguez, Somari) (Entered: 12/05/2013)
12/05/2013	<u>74</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ARGUMENT proceeding held on 11/22/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 12/05/2013)
12/16/2013	<u>75</u>	LETTER addressed to Judge William H. Pauley, III from Jameel Jaffer dated 12/16/2013 re: Notice of Supplemental Authority. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit Klayman v. Obama (D.D.C. Dec. 16, 2013))(Jaffer, Jameel) (Entered: 12/16/2013)

12/27/2013	<u>76</u>	MEMORANDUM & ORDER denying <u>25</u> Motion for Preliminary Injunction; granting <u>32</u> Motion to Dismiss. For all of the reasons herein, the NSA's bulk telephony metadata collection program is lawful. Accordingly, the Government's motion to dismiss the complaint is granted and the ACLU's motion for a preliminary injunction is denied. The Clerk of Court is directed to terminate the motions pending at ECF Nos. 25 and 32 and to mark this case closed. (Signed by Judge William H. Pauley, III on 12/27/2013) (mro) (Main Document 76 replaced on 1/7/2014) (lmb). (Entered: 12/27/2013)
12/27/2013		Transmission to Judgments and Orders Clerk. Transmitted re: <u>76</u> Order on Motion for Preliminary Injunction, Order on Motion to Dismiss,,,,, to the Judgments and Orders Clerk. (mro) (Entered: 12/27/2013)
12/27/2013	<u>77</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum and Order dated December 27, 2013, the Court finds the NSA's bulk telephony metadata collection program is lawful; accordingly, the Government's motion to dismiss the complaint is granted and the ACLU's motion for a preliminary injunction is denied and the case is closed. (Signed by Clerk of Court Ruby Krajack on 12/27/13) (Attachments: # <u>1</u> Notice of Right to Appeal)(ml) (Entered: 12/27/2013)
12/27/2013	<u>80</u>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>76</u> Order on Motion for Preliminary Injunction, Order on Motion to Dismiss. (fk) (Entered: 06/10/2014)
12/27/2013	<u>81</u>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>76</u> Order on Motion for Preliminary Injunction, Order on Motion to Dismiss. (fk) (Entered: 06/10/2014)
01/02/2014	<u>78</u>	NOTICE OF APPEAL from <u>76</u> Order on Motion for Preliminary Injunction, Order on Motion to Dismiss,,,,, <u>77</u> Clerk's Judgment,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation. Filing fee \$ 505.00, receipt number 0208-9221894. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Jaffer, Jameel) (Entered: 01/02/2014)
01/06/2014		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>78</u> Notice of Appeal. (tp) (Entered: 01/06/2014)
01/06/2014		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files (ONLY) for <u>78</u> Notice of Appeal, filed by New York Civil Liberties Union Foundation, New York Civil Liberties Union, American Civil Liberties Union, American Civil Liberties Union Foundation were transmitted to the U.S. Court of Appeals. (tp) (Entered: 01/06/2014)
03/08/2014	<u>79</u>	NOTICE of FISC order relating to document preservation, and government's intention to comply with FISC orders requiring destruction of certain records. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Attachments: # <u>1</u> Exhibit Government motion to FISC regarding preservation, # <u>2</u> Exhibit FISC 03 07 2014 order re preservation motion)(Jones, David) (Entered: 03/08/2014)
05/07/2015	<u>82</u>	OPINION of USCA as to <u>78</u> Notice of Appeal, filed by New York Civil Liberties Union Foundation, New York Civil Liberties Union, American Civil Liberties Union, American Civil Liberties Union Foundation. USCA Case Number 14-0042-cv. Plaintiffs-appellants American Civil Liberties Union and American Civil Liberties Union Foundation, and New York Civil Liberties Union and New York Civil Liberties Union Foundation, appeal from a decision of the United States District Court for the Southern District of New York (William H. Pauley, III, Judge) granting defendants-appellees' motion to dismiss and denying plaintiffs-appellants' request for a preliminary injunction. The district court held that 215 of the PATRIOT Act impliedly precludes judicial review; that plaintiffs-appellants' statutory claims regarding the scope of 215 would in any event fail on the merits; and that 215 does not violate the Fourth or First Amendments to the United States Constitution. We disagree in part, and hold that 215 and the statutory scheme to which it relates do not preclude judicial review, and that the bulk telephone metadata program is not authorized by 215. We therefore VACATE the judgment of the district court and REMAND for further proceedings consistent with this opinion. Catherine O'Hagan Wolfe, Clerk

		USCA for the Second Circuit. Certified: 05/07/2015. (nd) (Entered: 05/07/2015)
05/08/2015	<u>83</u>	NOTICE OF CHANGE OF ADDRESS by John Frazer on behalf of National Rifle Association of America, Inc.. New Address: National Rifle Association of America, 11250 Waples Mill Road, Fairfax, VA, USA 22030, 703-267-1250. (Frazer, John) (Entered: 05/08/2015)
10/29/2015	<u>84</u>	OPINION of USCA as to <u>78</u> Notice of Appeal, filed by New York Civil Liberties Union Foundation, New York Civil Liberties Union, American Civil Liberties Union, American Civil Liberties Union Foundation. USCA Case Number 14-042-cv. Plaintiffs-appellants American Civil Liberties Union and American Civil Liberties Union Foundation, and New York Civil Liberties Union and New York Civil Liberties Union Foundation, move for a preliminary injunction, requesting various relief. We conclude that Congress intended to authorize the continuation of the bulk telephone metadata collection program for a limited period of 180 days, and decline to reach the constitutional issues for prudential reasons. We therefore DENY the motion for a preliminary injunction and REMAND for further proceedings in the district court consistent with this opinion and our prior opinion in this case. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 10/29/2015. (nd) (Entered: 10/29/2015)
12/04/2015	<u>85</u>	MANDATE of USCA (Certified Copy) as to <u>78</u> Notice of Appeal, filed by New York Civil Liberties Union Foundation, New York Civil Liberties Union, American Civil Liberties Union, American Civil Liberties Union Foundation. USCA Case Number 14-42. IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court dismissing the complaint is VACATED and the case is REMANDED for further proceedings in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 12/04/2015. (nd) (Entered: 12/04/2015)
12/04/2015		Transmission of USCA Mandate to the District Judge re: <u>85</u> USCA Mandate,, (nd) (Entered: 12/04/2015)
12/11/2015	<u>86</u>	ORDER: In accord with the mandate of the United States Court of Appeals for the Second Circuit (ECF No. 85.), this case has been reopened. Counsel are directed to file a joint status report by January 8, 2016. (Signed by Judge William H. Pauley, III on 12/11/2015) (kko) (Entered: 12/11/2015)
01/07/2016	<u>87</u>	JOINT LETTER addressed to Judge William H. Pauley, III from Plaintiffs and Defendants dated 1/7/2016 re: Joint Status Report. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation.(Abdo, Alexander) (Entered: 01/07/2016)
01/19/2016	<u>88</u>	MEMO ENDORSEMENT on re: <u>87</u> Letter, filed by New York Civil Liberties Union Foundation, New York Civil Liberties Union, American Civil Liberties Union, American Civil Liberties Union Foundation. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 1/19/2016) (mro) (Entered: 01/19/2016)
05/04/2016	<u>89</u>	JOINT LETTER addressed to Judge William H. Pauley, III from Plaintiffs and Defendants dated 5/4/2016 re: Joint Status Report. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation.(Abdo, Alexander) (Entered: 05/04/2016)
05/06/2016	<u>90</u>	MEMO ENDORSEMENT on re: <u>89</u> Letter, filed by New York Civil Liberties Union Foundation, New York Civil Liberties Union, American Civil Liberties Union, American Civil Liberties Union Foundation. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 5/6/2016) (mro) (Entered: 05/09/2016)
08/31/2016	<u>91</u>	MOTION for Jameel Jaffer to Withdraw as Attorney . Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation.(Jaffer, Jameel) (Entered: 08/31/2016)
09/02/2016	<u>92</u>	MEMO ENDORSEMENT granting MOTION OF JAMEEL JAFFER TO WITHDRAW AS COUSNEL <u>91</u> Motion to Withdraw as Attorney. ENDORSEMENT:

		Application granted. Attorney Jameel Jaffer terminated (Signed by Judge William H. Pauley, III on 9/2/2016) (cf) (Entered: 09/02/2016)
01/03/2017	<u>93</u>	MOTION for Alex Abdo to Withdraw as Attorney . Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, New York Civil Liberties Union, New York Civil Liberties Union Foundation.(Abdo, Alexander) (Entered: 01/03/2017)
08/01/2017	<u>94</u>	MEMO ENDORSEMENT granting <u>93</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application granted. The Clerk of Court is directed to terminate Alex Abdo from the docket. Attorney Alexander Abraham Abdo terminated. (Signed by Judge William H. Pauley, III on 8/1/2017) (mro) (Entered: 08/02/2017)
05/14/2018	<u>95</u>	LETTER addressed to Judge William H. Pauley, III from David S. Jones dated May 14, 2018 re: reporting agreement to stipulated voluntary dismissal and request for Court approval after judgments and orders clerk's review. Document filed by Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III. (Attachments: # <u>1</u> Exhibit Signed stipulation of voluntary dismissal pending Clerk's review for form and transmittal to chambers)(Jones, David) (Entered: 05/14/2018)
05/14/2018	<u>96</u>	STIPULATION OF VOLUNTARY DISMISSAL: IT IS HEREBY STIPULATED AND AGREED by and between the parties, pursuant to Federal Rule of Civil Procedure 41(a), as follows: That this action is DISMISSED, in its entirety, and as further set forth in this order; and That this Stipulation of Voluntary Dismissal is without prejudice to Plaintiffs seeking attorneys' fees and costs pursuant to 28 U.S.C. section 2412, or to Defendants opposing any request by Plaintiffs for an award of such fees and costs. (Signed by Judge William H. Pauley, III on 5/14/2018) (jwh) Modified on 5/17/2018 (jwh). (Entered: 05/14/2018)
05/14/2018		Terminate Transcript Deadlines (jwh) (Entered: 05/14/2018)