

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:04-cv-02614-VM**

John Doe, et al v. John Ashcroft, et al

Assigned to: Judge Victor Marrero

Related Cases: [1:07-cv-06097-VM](#)

[1:14-cv-09763-VM](#)

Similar Case: [1:08-cv-03584-VM](#)

Case in other court: U.S.C.A. 2nd Cir., 05-02352

Cause: 18:2709 Counterintelligence access to telephone toll and transactional records

Date Filed: 04/06/2004

Date Terminated: 03/18/2010

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**John Doe**

*TERMINATED: 04/13/2005*

represented by **Melissa Goodman**  
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**Plaintiff**

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V.

**Defendant**

**John Ashcroft**  
*in his official capacity as Attorney  
General of the United States*

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**Defendant**

**Marion Bowman**

*in his official capacity as Senior Counsel  
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**Defendant**

**Alberto Gonzales**

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**Defendant**

**Robert Mueller**

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**Amicus**

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**American Booksellers Foundation for  
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**Amicus**

**American Library Association**

represented by **Ronald Marc Daignault**  
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**Freedom to Read Foundation, Inc.**

represented by **Ronald Marc Daignault**  
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**Amicus**

**Pen American Center**

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| Date Filed | #   | Docket Text   |
|------------|-----|---|
| 04/28/2004 | 8   | ORDER, It is ordered that the aboved captioned action shall be exempt from electronic case filing. It is further ordered that the above captioned action is unsealed to the following extent. All documents that have been filed in this case shall remain under seal. The following documents shall be filed on the public docket in redacted form: redacted complaint and redacted motion to file the complaint under seal. Copies of those two redacted documents, which are to be filed on the public docket in redacted form only, are annexed. This order shall be filed on the public docket. All other documents that are to be filed in this case shall be filed under seal, unless otherwise ordered by the court. (Signed by Judge Victor Marrero on 4/28/04) (wv, ) (Entered: 04/28/2004) |
| 04/28/2004 | 9   | COMPLAINT against John Ashcroft, Marion Bowman, Robert Mueller. Document filed by American Civil Liberties Union.(laq, ) (Entered: 04/28/2004)  |
| 04/28/2004 | 10  | MOTION for Leave to File Case Under Seal. Document filed by American Civil Liberties Union. (laq, ) (Entered: 04/28/2004)   |
| 05/10/2004 | 18  | ORDER; having considered plaintiffs' unopposed motion for leave to exceed page limitations contained in Rule II(C) of the Individual Practices of United States Judge Victor Marrero and finding good cause therefore, it is Ordered that the motion shall be and hereby is granted; and that plaintiff's memorandum in support of their motion for summary judgment be filed on May 17, 2004, and shall not exceed forty pages. (Signed by Judge Victor Marrero on 5/10/04) (djc, ) (Entered: 05/14/2004) (Entered: 09/29/2004)  |
| 05/12/2004 | 15  | DECISION AND ORDER. Setting forth a procedure by which documents in this case may be filed. The Clerk of the Court to file this Decision and Order on the public docket (Signed by Judge Victor Marrero on 5/12/04) (yv, ) (Entered: 05/12/2004)  |
| 05/13/2004 | 19  | ORDER that the motion shall be and hereby is granted; that plaintiffs' memorandum in support of their motion for summary judgment to be filed on 5/17/04, shall not exceed forty (40) pages. (Signed by Judge Victor Marrero on 5/10/04) "Copies Faxed By Chambers" (jco, ) Modified on 5/14/2004 (jco, ). (Entered: 05/14/2004)  |
| 05/13/2004 | 27  | ORDER, that the annexed redacted documents shall be filed on the public docket in redacted form, and shall be described on the docket as further set forth herein. (Signed by Judge Victor Marrero on 5/7/04) (tp, ) (Entered: 05/24/2004)  |
| 05/14/2004 | 22  | ENDORSED LETTER addressed to Judge Marrero from Meredith Kotler dated 5/12/04: the Clerk of Court is directed to file in the public docket for this case the attached letter in redacted form, from the Govt to the Court, dated 5/12/04. (Signed by Judge Victor Marrero on 5/13/04) copies sent by chambers.(cd, ) (Entered: 05/17/2004)  |
| 05/14/2004 | 23  | Letter addressed to Judge Marrero from Merdith Kotler dated 5/12/04: fld govt's redacted letter re plntfs' request, as per doc #22. Document filed by John Ashcroft.(cd, ) (Entered: 05/17/2004)  |
| 05/14/2004 | 24  | ORDER: Amici's motion for leave to file an amicus brief and Amici's motion for leave to file an amicus brief and amicus brief be unsealed and filed on the public docket are BOTH GRANTED. Supporting documents attached. (Signed by Judge Victor Marrero on 5/13/04) (db, ) (Entered: 05/18/2004)  |
| 05/14/2004 | 25  | ORDER. The annexed redacted documents shall be filed on the public docket in redacted form, and shall be described on the docket as follows: (1) Letter dated 5/6/04 (2) Letter dated 5/7/04 (3) Letter dated 5/7/04. This Order shall be filed on the public docket (Signed by Judge Victor Marrero on 5/13/04) (yv, ) (Entered: 05/18/2004)   |
| 05/14/2004 | 114 | LETTER DATED 5/6/04 (yv, ) (Entered: 08/22/2005)  |
| 05/14/2004 | 115 | LETTER DATED 5/7/04 (yv, ) (Entered: 08/22/2005)  |

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| 05/14/2004 | 116 | LETTER DATED 5/7/04 (yv, ) (Entered: 08/22/2005)   |
| 05/21/2004 | 28  | ORDER that the redacted documents attached to this order shall be registered on the public docket with the captions as further set forth in this order. (Signed by Judge Victor Marrero on 5/21/04) (dle, ) (Entered: 05/25/2004)  |
| 05/21/2004 | 29  | ORDER that the redacted documents attached to this Order shall be registered on the public docket with the following captions set forth in this Order. (Signed by Judge Victor Marrero on 5/21/04) (jco, ) (Entered: 05/25/2004)   |
| 05/24/2004 | 30  | BRIEF of Electronic Frontier Foundation, at al., as Amicus Curiae in Support of Plaintiffs John Doe and American Civil Liberties Union's Motion for Summary Judgment. (tp, ) (Entered: 05/25/2004)   |
| 05/24/2004 | 35  | MOTION for Ann Beeson to Appear Pro Hac Vice. AFFIDAVIT of Jameel Jaffer in Support attached. Document filed by American Civil Liberties Union. (ps, ) (Entered: 05/26/2004)   |
| 05/25/2004 | 31  | ENDORSED LETTER addressed to Judge Victor Marrero from Mark Schneider dated 5/21/04 re: counsel for plaintiff request that their submissions be filed publicly. Motion granted. The request of the American Library Association. Freedom to Read Foundation and American Booksellers Foundation for free expression to file an amicus brief in support of plaintiffs' motion for summary judgment is approved. (Signed by Judge Victor Marrero on 5/24/04) (dle, ) (Entered: 05/26/2004)   |
| 05/25/2004 | 32  | Memorandum of Law in support of unopposed motion for leave to file amicus curiae brief in support of plaintiffs' motion for summary judgment. Document filed by American Civil Liberties Union. (dle, ) (Entered: 05/26/2004)  |
| 05/25/2004 | 33  | Brief of Amici Curiae American Library Association, Freedom to Read Foundation and American Booksellers Foundation for Free Expression in support of plaintiffs' motion for summary judgment. Document filed by American Civil Liberties Union.(dle, ) (Entered: 05/26/2004)   |
| 05/25/2004 | 34  | MEMO ENDORSEMENT on Unopposed Motion for Leave to File Amicus Curiae brief in support of plaintiffs motion fo summary judgment. Application GRANTED. The Clerk of the Court is directed to file the Amicus Curiae brief in the record of this case. (Signed by Judge Victor Marrero on 5/24/04) Copies Faxed by Chambers.(db, ) (Entered: 05/26/2004)  |
| 05/25/2004 | 36  | ORDER, that the annexed redacted documents shall be filed on the public docket in redacted form, and shall be described on the docket as furhter set forth herein. (Signed by Judge Victor Marrero on 5/21/04) (tp, ) (Entered: 06/02/2004)  |
| 06/15/2004 | 39  | ENDORSED LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 6/4/04; re: The Government's Cross-Motions due by 6/28/2004. The Government's Responses due by 6/28/2004. (Signed by Judge Victor Marrero on 6/7/04) (sac, ) (Entered: 06/16/2004)   |
| 07/07/2004 | 43  | ORDER that the annexed redacted documents shall be filed on the public docket in redacted form, and shall be described on the docket as follows: Notice of Motion, dated 6/28/04; statement pursuant to local civil rule 56.1(b), dated 6/28/04; memorandum of law in opposition to plaintiffs' motion for summary judgment and in support of the Government's Cross-Motion to Dismiss the complaint or for summary judgment, dated 6/28/04; that this Order shall be filed on the public docket. So Ordered. (Signed by Judge Victor Marrero on 7/6/04) (jco, ) (Entered: 07/12/2004) |
| 07/07/2004 | 44  | MOTION for an Order to Dismiss. Document filed by John Ashcroft, Marion Bowman, Robert Mueller. (jco, ) (Entered: 07/12/2004)  |
| 07/07/2004 | 45  | MEMORANDUM OF LAW in opposition to plaintiffs' motion for summary judgment and in Support re: 44 MOTION to Dismiss. Document filed by John Ashcroft, Marion Bowman, Robert Mueller. (jco, ) (Entered: 07/12/2004)  |
| 07/07/2004 | 46  | RULE 56.1 STATEMENT. Document filed by John Ashcroft, Marion Bowman, Robert Mueller. (jco, ) (Entered: 07/12/2004)   |

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| 07/08/2004 | 47 | ENDORSED LETTER addressed to Judge Marrero from Meredith Kotler dated 6/24/04: the Govt may submit a combined opposition and cross motion brief not to exceed 70 pages. The Court is persuaded that such late date is warranted in light of the combined filing and the uniqueness of the case. Plntf shall be accorded similar leeway in connection with its remaining submissions. (Signed by Judge Victor Marrero on 6/25/04) (cd, ) (Entered: 07/13/2004)   |
| 07/20/2004 | 48 | ORDER, that the redacted version of the Government's Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment and in Support of the Government's Cross-Motion to Dismiss the Complaint or for Summary Judgment, filed 6/30/04, shall be removed from the public docket and returned to the Government; the annexed redacted version of the Government's Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment and in Support of the Government's Cross-Motion to Dismiss the Complaint or for Summary Judgment shall be filed on the public docket; this Order shall be filed on the public docket. (Signed by Judge Victor Marrero on 7/13/04) \.(ae, ) (Entered: 07/28/2004) |
| 07/20/2004 | 49 | MEMORANDUM OF LAW in Opposition to Plaintiffs' Motion for Summary Judgment and in Support of The Government's Cross-Motion to Dismiss the Complaint or for Summary Judgment. Document filed by John Ashcroft, Marion Bowman, Robert Mueller. (ae, ) (Entered: 07/28/2004)   |
| 07/30/2004 | 51 | ORDER: plaintiffs unopposed motion for leave to exceed page limitations contained in Rule II(C) is GRANTED. Plaintiffs reply in support of plaintiffs motion for summary judgment and opposition to the government's cross-motion to dismiss the complaint or for summary judgment to be filed on 7/30/04, shall not exceed sixty (60) pages. (Signed by Judge Victor Marrero on 7/28/04) (db, ) (Entered: 08/03/2004)  |
| 08/06/2004 | 52 | ORDER...that the redacted documents attached to this Order shall be registered on the public docket with the following captions, etc. (Signed by Judge Victor Marrero on 8/5/04) (rag, ) (Entered: 08/09/2004)  |
| 08/06/2004 | 53 | REPLY MEMORANDUM OF LAW (REDACTED) in Support of Plaintiffs' Motion for Summary Judgment and Opposition to the Government's Cross-Motion to Dismiss the Complaint or for Summary Judgment re: 52 Order. Document filed by American Civil Liberties Union, John Doe. (rag, ) (Entered: 08/09/2004)   |
| 08/06/2004 | 54 | SUPPLEMENTAL DECLARATION and Exhibits in Support of Plaintiffs' Motion for Summary Judgment and in Opposition to the Government's Cross-Motion to Dismiss the Complaint or for Summary Judgment (REDACTED) re: 52 Order. Document filed by American Civil Liberties Union, John Doe. (rag, ) (Entered: 08/09/2004)  |
| 08/06/2004 | 55 | PLAINTIFFS' RULE 56.1 STATEMENT. (REDACTED) re: 52 Order Document filed by American Civil Liberties Union, John Doe. (rag, ) (Entered: 08/09/2004)  |
| 08/06/2004 | 56 | MOTION (REDACTED) Exclude Ex Parte Declaration Filed in Support of the Government's Cross-Motion to Dismiss the Complaint or for Summary Judgment. re: 52 Order Document filed by American Civil Liberties Union, John Doe. (rag, ) (Entered: 08/09/2004)   |
| 08/12/2004 | 58 | ORDER...that the redacted documents attached to this Order shall be registered on the public docket with the following captions, etc. (Signed by Judge Victor Marrero on August 2004) (rag, ) (Entered: 08/13/2004)   |
| 08/12/2004 | 59 | MOTION (REDACTED) for Summary Judgment. re: 58 Order Document filed by American Civil Liberties Union, John Doe. (rag, ) (Entered: 08/13/2004)  |
| 08/12/2004 | 60 | STATEMENT OF UNDISPUTED FACTS (REDACTED) in Support re: 59 MOTION for Summary Judgment.. re: 58 Order Document filed by American Civil Liberties Union, John Doe. (rag, ) (Entered: 08/13/2004)   |
| 08/12/2004 | 61 | MEMORANDUM OF LAW (REDACTED) in Support re: 56 MOTION Exclude Ex Parte Declaration Filed in Support of the Government's Cross-Motion to Dismiss the Complaint or for Summary Judgment. re: 58 Order. Document filed by American Civil Liberties Union, John Doe. (rag, ) (Entered: 08/13/2004)  |

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| 08/12/2004 | 62 | DECLARATIONS AND EXHIBITS (REDACTED) in Support re: 59 MOTION for Summary Judgment.. re: 58 Order Document filed by American Civil Liberties Union, John Doe. (rag, ) (Entered: 08/13/2004)  |
| 08/16/2004 | 63 | ORDER granting 35 Motion for Ann Beeson to Appear Pro Hac Vice . (Signed by Judge Victor Marrero on 8/16/2004) (jsa, ) (Entered: 08/17/2004)   |
| 09/01/2004 |    | CASHIERS OFFICE REMARK on 63 Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 08/30/04, Receipt Number 518595. (gm, ) (Entered: 09/01/2004)  |
| 09/10/2004 | 67 | ORDER; that the redacted document attached to this Order shall be filed on the public docket and shall be described as: Reply Memorandum of Law in Support of the Governments Cross-Motion to Dismiss the Complaint or for Summary Judgment. (Signed by Judge Victor Marrero on 9/7/2004) (jp, ) (Entered: 09/13/2004)   |
| 09/10/2004 | 68 | REPLY MEMORANDUM OF LAW in Support re: 59 MOTION for Summary Judgment.. Document filed by John Ashcroft, Marion Bowman, Robert Mueller. (jp, ) (Entered: 09/13/2004)   |
| 09/10/2004 |    | Minute Entry for proceedings held before Judge Victor Marrero : Interim Pretrial Conference held on 9/10/2004. (sac, ) (Entered: 09/20/2004)   |
| 09/14/2004 |    | Minute Entry for proceedings held before Judge Victor Marrero : Interim Pretrial Conference held on 9/14/2004. (dle, ) (Entered: 09/21/2004)   |
| 09/29/2004 | 69 | MEMORANDUM AND OPINION # 90699...ORDERED that the motion of John Doe, the ACLU, and the American Civil Liberties Union Foundation for summary judgment in this case is granted. Defendants John Ashcroft, in his official capacity as Attorney General of the U.S., Robert Mueller, in his official capacity as Director of the FBI, and Marion Bowman, in his official capacity as Senior Counsel to the FBI, are hereby enjoined from issuing national security letters under 18 U.S.C. 2709, or from enforcing the provisions of 18 U.S.C. 2709, or from enforcing the provisions of 18 U.S.C. 2709(c); it is further ORDERED that defendants' motion to dismiss, or in the alternative, for summary judgment, is denied, it is further ORDERED that Plaintiffs' motion to exclude Defendants' ex parte affidavit is denied as moot;... it is further ORDERED that the Clerk of Court shall enter judgment accordingly but stay enforcement of the judgment pending any appeal, or, if no appeal is filed, or 90 days from the date of this Order. re: 59 MOTION for Summary Judgment. filed by John Doe, American Civil Liberties Union, 44 MOTION to Dismiss. filed by John Ashcroft, Robert Mueller, Marion Bowman, 56 MOTION Exclude Ex Parte Declaration Filed in Support of the Government's Cross-Motion to Dismiss the Complaint or for Summary Judgment. filed by John Doe, American Civil Liberties Union., Motions terminated: (Signed by Judge Victor Marrero on 9/28/04) (rag, ) (Entered: 09/29/2004) |
| 09/29/2004 |    | Transmission to Judgments and Orders Clerk. Transmitted re: 69 Memorandum & Opinion,,,,, Terminate Motions,,,,, to the Judgments and Orders Clerk for preparation of Judgment. (rag, ) (Entered: 09/29/2004)   |
| 09/30/2004 | 70 | CLERK'S JUDGMENT granting plaintiffs' motion for summary judgment, enjoining defendants from issuing national security letters under 18 U.S.C. ? 2709, or from enforcing the provisions of 18 U.S.C. ? 2709(c), denying defendants' motion to dismiss, or in the alternative, for summary judgment, denying plaintiffs' motion to exclude defendants' ex parte affidavit as moot, and staying enforcement of the judgment pending any appeal, or, if no appeal is filed, for 90 days from the date of the Opinion (90699) dated September 28, 2004. (Signed by J. Michael McMahon, clerk on 9/30/04) (ml, ) (Entered: 09/30/2004)  |
| 10/15/2004 |    | Mailed notice of Right to Appeal to Attorney(s) of Record: Ann Beeson, Arthur N. Eisenberg, Jameel Jaffer, Meredith E. Kotler. (snu, ) (Entered: 10/15/2004)   |
| 11/12/2004 | 71 | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Olstericher dated 11/11/04 re: granting the Gov'ts requests for an extension of time to 11/22/04 to respond to plaintiff's motion for leave to file certain docuemnts on the public docket. (Signed by Judge Victor Marrero on 11/12/04) (pl, ) (Entered: 11/19/2004)   |

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| 11/19/2004 | 72 | ENDORSED LETTER addressed to Judge Marrero from Ann Beeson dated 11/5/2004 re: The Government is directed to respond by 11/5/2004 to the request set forth in plaintiff's motion herein. (Signed by Judge Victor Marrero on 11/8/2004) (jsa, ) (Entered: 11/23/2004)  |
| 11/19/2004 |    | Set Deadlines/Hearings: Responses due by 11/5/2004 (jsa, ) (Entered: 11/23/2004)  |
| 11/23/2004 | 80 | NOTICE OF APPEAL from 69 Memorandum & Opinion, Terminate Motions,,,,,,,,, 70 Clerk's Judgment,, Document filed by John Ashcroft, Robert Mueller, Marion Bowman. Copies of Notice of Appeal mailed to Attorney(s) of Record: Jameel Jaffer, Ann Beeson, Sharon McGowan. (USA NO FEE DUE) (pr, ) (Entered: 02/02/2005)  |
| 11/24/2004 | 74 | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Oestericher dated 11/22/04; re: request granted, the time for the Government to respond to plaintiffs' motion for leave to file certain document herein is extended as follows: Responses due by 11/23/2004; Replies due by 12/3/2004. (Signed by Judge Victor Marrero on 11/22/04) (sac, ) (Entered: 11/29/2004)  |
| 12/27/2004 | 76 | SCHEDULING ORDER: Plaintiff supplemental brief due by 1/7/2005 Supplemental Responses due by 1/18/2005 Supplemental Replies due by 1/24/2005. These supplemental briefs shall be filed under seal pending disposition of plaintiff's motion (Signed by Judge Victor Marrero on 12/22/2004) (jsa, ) (Entered: 12/29/2004)  |
| 01/25/2005 | 77 | ORDER; that plaintiffs may file documents on the public docket that reflect undisputed alterations to the reactions previously approved by the parties or the Court. While no prior permission from the Court shall be necessary for documents reflecting these undisputed alterations to be publicly filed, the parties are directed to follow the procedures outlined in paragraph two of the Court's Order dated 5/12/04, and reported at 317 F. Supp. 2d 488, 492 (S.D.N.Y. 2004), in order to ensure that the publicly-filed versions of the redacted documents actually reflect agreed-upon alterations. The Court shall stay adjudication of any dispute over alterations to the redactions it has previously approved pending resolution of the Government's appeal of the Court's Decision and Order dated 9/28/04. Such stay, however, shall not prejudice any remedy that Plaintiffs may seek before the U.S. Court of Appeals for the Second Circuit related to the Court's prior sealing determination. (Signed by Judge Victor Marrero on 1/24/05) (pl, ) (Entered: 02/01/2005) |
| 01/25/2005 | 78 | ORDER...the annexed documents, employing the public docket caption for this case, were erroneously filed under seal. The Clerk of the Court is hereby ordered to file the attached documents on the public docket, and to describe them on the docket as follows: 1) Notice of Appeal, dated 11/23/04; 2) Order authorizing public filing of Notice of Appeals, dated 11/24/04. (Signed by Judge Victor Marrero on 1/24/05) "copies faxed by chambers".(rag, ) (Entered: 02/01/2005)  |
| 02/01/2005 | 79 | ORDER...(Duplicate Original) It is ORDERED that the annexed document, employing the public docket caption, shall be filed on the public docket and shall be described on the docket as follows: 1) Notice of Appeal, dated 11/23/04. It is further ORDERED that this Order shall be filed on the public. (Signed by Judge Victor Marrero on 11/24/04) (rag, ) (Entered: 02/01/2005)   |
| 02/02/2005 |    | Transmission of Notice of Appeal to the District Judge re: 80 Notice of Appeal,. (pr, ) (Entered: 02/02/2005)   |
| 02/02/2005 |    | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 80 Notice of Appeal,. (pr, ) (Entered: 02/02/2005)   |
| 04/07/2005 | 81 | USCA SCHEDULING ORDER as to 80 Notice of Appeal, filed by John Ashcroft, Robert Mueller, Marion Bowman, USCA Case Number 05-0570-cv. Roseann B. MacKechnie, Clerk USCA. Certified: 3/24/05. Appeal Record due by 5/17/2005. Appellant Brief due by 5/24/2005. Appellee Brief due by 7/25/2005. (tp, ) (Entered: 04/07/2005)   |
| 04/11/2005 | 83 | ORDER on plaintiffs' motion for leave to file under seal be granted. (Signed by Judge Thomas P. Griesa on 4/11/05) (jco, ) (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (Entered: 04/14/2005)   |



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| 04/13/2005 | 82 | ORDER The Clerk of Court is directed to place each of the attached documents on the public docket. Each document shall be separately numbered and discribed, and each shall bear the following caption on the docket sheet: (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). So Ordered. (Signed by Judge Victor Marrero on 4/12/05) (jco, ) (Entered: 04/14/2005)  |
| 04/13/2005 | 84 | AMENDED COMPLAINT amending 9 Complaint against John Ashcroft, Robert Mueller, Marion Bowman.Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. Related document: 9 Complaint filed by American Civil Liberties Union.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)  |
| 04/13/2005 | 85 | NOTICE of Initial Conference. (jco, )(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (Entered: 04/14/2005)   |
| 04/13/2005 | 86 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 4/19/04 re: Counsel on behalf of the parties write to inform the Court that the Government contemplates moving to dismiss the complaint or, in the alternative, for summary judgement in its favor, in lieu of answering. (jco, ) (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (Entered: 04/14/2005)   |
| 04/13/2005 | 87 | MOTION to Unseal Case. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (jco, ) (Entered: 04/14/2005)   |
| 04/13/2005 | 88 | MEMORANDUM OF LAW in Support re: 87 MOTION to Unseal Case. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (jco, ) (Entered: 04/14/2005)   |
| 04/13/2005 | 89 | RULE 56.1 STATEMENT. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (jco, ) (Entered: 04/14/2005)   |
| 04/13/2005 | 90 | MEMORANDUM OF LAW in Support re: 59 MOTION for Summary Judgment. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (jco, ) (Entered: 04/14/2005)   |
| 04/13/2005 | 91 | RULE 56.1(a) STATEMENT. Document filed by John Ashcroft, Robert Mueller, Marion Bowman. (jco, ) (Entered: 04/14/2005)   |
| 04/13/2005 | 92 | DECLARATION of Meredith Kotler. Document filed by John Ashcroft, Robert Mueller, Marion Bowman.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (jco, ) (Entered: 04/14/2005)   |
| 04/13/2005 | 93 | SECOND DECLARATION of Ann Beeson. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (jco, ) (Entered: 04/14/2005)  |
| 04/13/2005 | 94 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 4/26/04 re: Counsel for Government writes to propose the following briefing schedule: plaintiffs' summary judgment motion to be filed by 5/17/04; opposition due 6/7/04; reply papers 6/28/04; Gov't reply papers in support of its motion 7/19/04. (jco, ) (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (Entered: 04/14/2005)                                 |
| 04/13/2005 | 95 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 4/29/04 re: Counsel for The Government writes this letter to request that the Court direct the ACLU to remove immediately from its website any mention of the briefing schedule in this case, and the language describing the specific information requested in the challenged NSL. (jco, ) (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (Entered: 04/14/2005) |
| 04/13/2005 | 96 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 4/30/04 re: The Government writes to submit that the ACLU's motion to generally lift the seal in this case at this time is inappropriate. If the Court will entertain the ACLU's motion to unseal, the Government respectfully requests that is be given ten   |

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|            |     | business days, until 5/14/04, to respond to the motion, as provided by Local Civil Rule 6.1(b). PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)  |
| 04/13/2005 | 97  | LETTER addressed to Judge Victor Marrero from Jameel Jaffer dated 4/30/04 re: Counsel writes in response to the Government's 4/30/04 letter in the matter to clarify what appears to be a point of confusion. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)   |
| 04/13/2005 | 98  | LETTER addressed to Judge Victor Marrero from Ann Beeson dated 5/6/04 re: The ACLU respectfully asks the Court to enter an order amended the sealing order and adopting the ACLU disclosure proposal. (jco, ) (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (Entered: 04/14/2005)  |
| 04/13/2005 | 99  | LETTER addressed to Judge Victor Marrero from Judge Meredith E. Kotler dated 5/7/04 re: Counsel for defendant writes to respond to the last paragraph of plaintiff's 5/6/04 letter to the Court. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)  |
| 04/13/2005 | 100 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 5/7/04 re: Government writes to submit tha the enclosed proposal (as described in a proposed Order and in correspondence to the ACLU) should govern future disclosures in this case. (jco, ) (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05). (Entered: 04/14/2005)  |
| 04/13/2005 | 101 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 5/12/04 re: Government writes to request that the redactions remain, except as proposed in this letter. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)  |
| 04/13/2005 | 102 | LETTER addressed to Judge Victor Marrero from Ann Beeson dated 5/14/04 re: Counsel for plaintiffs submit this letter in response to the government's letter of 5/12/04. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)  |
| 04/13/2005 | 103 | LETTER addressed to Judge Victor Marrero from Ann Beeson dated 5/25/04 re: Counsel for plaintiff write to inform the Court that plaintiff American Civil Liberties Union Foundation (ACLU) inadvertently disclosed five words that are subject to the Court's sealing order. Document filed by American Civil Liberties Union. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)                  |
| 04/13/2005 | 104 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 5/27/04 re: Government writes in support of the disputed redactions sought. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)  |
| 04/13/2005 | 105 | LETTER addressed to Judge Victor Marrero from Ann Beeson dated 6/2/04 re: Counsel for plaintiffs write in response to the Government's letter in support of disputed redactions in plaintiffs' summary judgment pleadings. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05).(jco, ) (Entered: 04/14/2005)                         |
| 04/13/2005 | 106 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 6/24/04 re: The Government respectfully submits this letter to request an extension of the Court's 25–page limit for the Government's memorandum of law to be filed on 6/28/04. (jco, ) (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05) (Entered: 04/15/2005)  |
| 04/13/2005 | 107 | LETTER addressed to Judge Victor Marrero from Jemeel Jaffer dated 6/24/04 re: Counsel for plaintiffs write to respond to the Government's request for an extension to the page limitation for the Government's memo. of law to be filed on June 28. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(jco, ).(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05) (Entered: 04/15/2005) |

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| 04/13/2005 | 108 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 8/10/04 re: The Government writes to request that its time to write in support of disputed redactions in plaintiffs' recently-filed papers be extended until 8/25/04. Plaintiffs oppose this request. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05)(jco, ) (Entered: 04/15/2005)  |
| 04/13/2005 | 109 | LETTER addressed to Judge Victor Marrero from Ann Beeson dated 8/11/04 re: Counsel for plaintiffs writes this letter to clarify the record with respect to certain assertions in defendants' letter of August 10th to the Court requesting the extension. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05)(jco, ) (Entered: 04/15/2005)   |
| 04/13/2005 | 110 | LETTER addressed to Judge Victor Marrero from Meredith E. Kotler dated 8/25/04 re: The Government writes in support of the disputed redactions. (PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05)(jco, ) (Entered: 04/15/2005)   |
| 04/13/2005 | 111 | LETTER addressed to Jeffrey S. Oestericher from Ann Beeson dated 9/3/04 re: Counsel for plaintiffs write to regarding redactions.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05) (jco, ) (Entered: 04/15/2005)   |
| 04/13/2005 | 112 | LETTER addressed to Judge Victor Marrero from Ann Beeson dated 8/31/04 re: Counsel for plaintiffs write in response to The Government's letter of 8/25/04. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(PLACED ON PUBLIC DOCKET PER ORDER DATED 4/12/05)(jco, ) (Entered: 04/15/2005)  |
| 04/25/2005 | 113 | Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 80 Notice of Appeal, filed by John Ashcroft, Robert Mueller, Marion Bowman, USCA Case Number 05-0570, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp, ) (Entered: 04/26/2005)   |
| 05/26/2006 | 117 | MANDATE of USCA (Certified Copy) as to 80 Notice of Appeal, filed by John Ashcroft,, Robert Mueller,, Marion Bowman, USCA Case Number 05-0570-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED, and the case REMANDED for further proceedings. Roseann B. MacKechnie, Clerk USCA. Issued As Mandate: 5/23/2006. (nd, ) (Entered: 05/30/2006)   |
| 05/30/2006 |     | Transmission of USCA Mandate/Order to the District Judge re: 117 USCA Mandate,. (nd, ) (Entered: 05/30/2006)   |
| 07/28/2006 | 123 | (DUPLICATE ORIGINAL) SECOND AMENDED COMPLAINT amending 9 Complaint against Marion Bowman(in his official capacity as Senior Counsel to the Federal Bureau of Investigations), Alberto Gonzales, Robert Mueller(in his official capacity as Director of the Federal Bureau of Investigation).Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. Related document: 9 Complaint filed by American Civil Liberties Union,.(ae, ) (Entered: 08/07/2006) |
| 08/02/2006 | 124 | REDACTED MOTION for Leave to File to file second amended complaint for declaratory and injunctive relief.. (jmi, ) (Entered: 08/08/2006)   |
| 08/03/2006 | 121 | ENDORSED LETTER addressed to Judge Victor Marrero from Jameel Jaffer dated 7/31/06. ENDORSEMENT: Request GRANTED. The briefing schedule with regard to the motion for summary judgment herein is authorized as set forth herein; motion papers submitted by 9/8/06; Response 10/6/06; reply 10/20/06. If a cross motion is filed it shall be made on 10/6/06 response 10/20/06; reply 11/3/06. So Ordered. (Signed by Judge Victor Marrero on 8/2/06) (js, ) (Entered: 08/04/2006)           |
| 08/03/2006 | 122 | NOTICE OF APPEARANCE by Melissa Goodman on behalf of American Civil Liberties Union Foundation, John Doe, American Civil Liberties Union (djc, ) (Entered: 08/04/2006)   |
| 08/30/2006 | 125 | ENDORSED LETTER addressed to Judge Victor Marrero from Jameel Jaffer dated 8/29/06 re: counsel for plaintiff requests leave to exceed page limitations cotained i Rule II (B). Request granted. Plaintiff's have leave to file a brief in  |

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|            |            | connection with their motion for summary judgment herein. This exceeds the limitations the court's Individual Practices, said brief not to exceed 50 pages. Dfts' response may be of equal length. Any reply shall not exceed 20 pages. (Signed by Judge Victor Marrero on 8/29/06) (dle, ) (Entered: 08/31/2006)  |
| 08/31/2006 | 126        | MOTION for leave to exceed page limitations contained in Rule II(B). Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (djc, ) (Entered: 09/05/2006)  |
| 09/12/2006 |            | MEMO ENDORSEMENT on re: 126 MOTION for leave to exceed page limitations contained in Rule II(B) filed by American Civil Liberties Union Foundation, American Civil Liberties Union. ENDORSEMENT: Request Granted. Plaintiffs herein are authorized to submit a brief in connection with their motion for summary judgment which may exceed the page limitations in the Court's Individual Practices, but shall not total more than 50 pages. Defendant's response may similarly exceed the limitation. Any reply shall not exceed 20 pages. So Ordered. (Signed by Judge Victor Marrero on 9/11/2006) (lb, ) (Entered: 09/13/2006) |
| 09/21/2006 | 127        | ENDORSED LETTER addressed to Judge Victor Marrero from Ronald M. Daignault dated 9/20/2006 re: proposed filing date of 9/29/2006. ENDORSEMENT: Request Granted. The organizations referral to above are authorized to submit a brief as amici curiae in this case. So Ordered. (Signed by Judge Victor Marrero on 9/21/2006) (lb, ) (Entered: 09/22/2006)  |
| 09/26/2006 | 128        | ENDORSED LETTER addressed to Judge Victor Marrero from Michael J. Garcia dated 9/22/06 re: Request that the Court memo endorse this letter to indicate to the Clerk of the Court that the redacted version may be filed. ENDORSEMENT: Request GRANTED. Plaintiff's are authorized to file the redacted version of their papers with regard to their motion for summary judgment therein. Defendants redacted response may similarly be filled as well as any reply. (Signed by Judge Victor Marrero on 9/25/06) (js, ) (Entered: 09/27/2006)   |
| 09/26/2006 | 134        | REDACTED MOTION for Summary Judgment. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (jco, ) (Entered: 10/11/2006)   |
| 09/26/2006 | 135        | REDACTED MEMORANDUM OF LAW in Support re: 134 MOTION for Summary Judgment. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (jco, ) (Entered: 10/11/2006)  |
| 09/26/2006 | 136        | REDACTED DECLARATION and EXHIBITS in Support re: 134 MOTION for Summary Judgment. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (jco, ) (Entered: 10/11/2006)   |
| 09/26/2006 | 137        | REDACTED RULE 56.1 STATEMENT. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (jco, ) (Entered: 10/11/2006)   |
| 09/29/2006 | <u>129</u> | MEMORANDUM OF LAW in Support re: 126 MOTION for leave to exceed page limitations contained in Rule II(B). <i>in Support of Plaintiffs' Motion for Partial Summary Judgment and Plaintiffs' Petition to Set Aside Demand for Records.</i> Document filed by American Association of Publishers, Inc., American Booksellers Foundation for Free Expression, American Library Association, Freedom to Read Foundation, Inc., Pen American Center. (Daignault, Ronald) (Entered: 09/29/2006)   |
| 09/29/2006 | <u>130</u> | NOTICE OF APPEARANCE by Ronald Marc Daignault on behalf of American Association of Publishers, Inc., American Booksellers Foundation for Free Expression, American Library Association, Freedom to Read Foundation, Inc., Pen American Center (Daignault, Ronald) (Entered: 09/29/2006)  |
| 09/29/2006 | 131        | ENDORSED LETTER addressed to Judge Victor Marrero from Stephen Kass dated 9/27/06 re: counsel requests in lieu of filing a formal motion, prmission to submit an amicus brief on that date. Request granted. The Association of The Bar of the City of New York is authorized to file a brief as amici curiae in this action. No motionshall be necessary for this purpose. (Signed by Judge Victor Marrero on   |

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|            |            | 9/27/06) (dle, ) (Entered: 10/02/2006)   |
| 09/29/2006 | 132        | MEMORANDUM OF LAW in Support re: 59 MOTION for Summary Judgment.. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union, American Association of Publishers, Inc., American Booksellers Foundation for Free Expression, American Library Association, Freedom to Read Foundation, Inc., Pen American Center. (jmi, ) (Entered: 10/03/2006)   |
| 10/13/2006 | 138        | (REDACTED) MEMORANDUM OF LAW in Support re: 134 MOTION for Summary Judgment.. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (ae, ) (Entered: 10/18/2006)  |
| 10/13/2006 | 139        | (REDACTED) RULE 56.1 STATEMENT. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (ae, ) (Entered: 10/18/2006)  |
| 11/30/2006 | 144        | MOTION for an order dismissing the complaint for failure to state a claim upon which relief can be granted or in the alternative, granting summary judgment in favor of the government, purs. to FRCP 12(b)(6) and 56. Document filed by Alberto Gonzales, Robert Mueller. (dle, ) (Entered: 12/11/2006)   |
| 11/30/2006 | 145        | DECLARATION of Jeffrey Oestericher. Document filed by Alberto Gonzales, Robert Mueller. (dle, ) (Entered: 12/11/2006)  |
| 11/30/2006 | 146        | RULE 56.1 STATEMENT. Document filed by Alberto Gonzales, Robert Mueller. (dle, ) (Entered: 12/11/2006)   |
| 11/30/2006 | 147        | RULE 56.1 (a) STATEMENT. Document filed by Alberto Gonzales, Robert Mueller. (dle, ) (Entered: 12/11/2006)   |
| 11/30/2006 | 148        | MEMORANDUM OF LAW in Opposition to plaintiffs' 134 MOTION for Summary Judgment. Document filed by Alberto Gonzales, Robert Mueller. (dle, ) (Entered: 12/11/2006)  |
| 12/07/2006 | 143        | MOTION for Leave to File to exceed page limitations contained in rules II (B). Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (jmi, ) (Entered: 12/11/2006)  |
| 12/13/2006 | 149        | MEMO ENDORSEMENT on re: 143 MOTION for Leave to File. filed by American Civil Liberties Union Foundation, American Civil Liberties Union; So Ordered. Request Granted. Plaintiff are authorized to submit a brief of up to 35 pages in response to the motion for summary judgment herein. (Signed by Judge Victor Marrero on 12/11/06) (pl, ) (Entered: 12/14/2006)   |
| 01/23/2007 | <u>153</u> | ENDORSED LETTER addressed to Judge Marrero from Jeffrey Cestericher dated 1/19/07 re: submission of redacted version of plaintiff's reply papers in support of the motion for summary judgment and in opposition to the Government's cross-motion to dismiss or for summary judgment. In order to allow the parties to file the redacted version of plaintiff's papers on the public docket, the parties requests that the Court memo endorse this letter to indicate to the clerk of the court that the redacted version may be filed. The Clerk of Court is directed to accept for filing the redacted version of the reply papers to the motion for summary judgment herein.. (Signed by Judge Victor Marrero on 1/23/07) (djc) (Entered: 01/24/2007) |
| 02/02/2007 | 155        | (REDACTED VERSION--see <u>153</u> Order) REPLY MEMORANDUM OF LAW in Support of Motion for Partial Summary Judgment and in Opposition to the Government's Motion to Dismiss or for Summary Judgment. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (db) (Entered: 02/06/2007)  |
| 02/02/2007 | 156        | (REDACTED VERSION--see <u>153</u> Order)RULE 56.1(b) STATEMENT. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (db) (Entered: 02/06/2007)  |
| 02/27/2007 | 158        | REPLY MEMORANDUM OF LAW in Opposition to plaintiffs' motion for partial summary judgment and in Support of the Government's motion to dismiss or for Summary judgment. Document filed by Marion Bowman, Alberto Gonzales, Robert Mueller. (dfe) (Entered: 02/28/2007)  |

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| 05/02/2007 | 159        | MEMO ENDORSEMENT on motion for Ann Beeson to withdraw as counsel for plaintiffs. So Ordered. motion granted. Atty. Ann Beeson may withdraw as counsel to plaintiffs herein. (Signed by Judge Victor Marrero on 5/1/07) (pl) (Entered: 05/04/2007)  |
| 09/06/2007 | <u>160</u> | OPINION DECISION AND ORDER #95142, denying re: 144 MOTION to Dismiss, filed by Alberto Gonzales, Robert Mueller; granting in part and denying in part 134 MOTION for Summary Judgment, filed by American Civil Liberties Union, American Civil Liberties Union Foundation. The Clerk of Court shall file this Decision and Order on the public docket. The Clerk of Court shall enter judgment accordingly but stay enforcement of the judgment pending any appeal, or, if no appeal is filed, for 90 days from the date of this Order. The Clerk of Court is directed to close this case. (Signed by Judge Victor Marrero on 9/6/07) (cd) Modified on 9/6/2007 (Espinell, Antonia). (Entered: 09/06/2007)   |
| 09/06/2007 |            | Transmission to Judgments and Orders Clerk. Transmitted re: <u>160</u> Memorandum & Opinion,, to the Judgments and Orders Clerk. (cd) (Entered: 09/06/2007)  |
| 09/06/2007 | 161        | TRANSCRIPT of proceedings held on 8/15/07 before Judge Victor Marrero. (jbe) (Entered: 09/06/2007)   |
| 09/07/2007 | 162        | CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion Decision and Order dated September 6, 2007, plaintiffs motion for summary judgment is granted in part and denied in part; defendants are enjoined from issuing national security letters under 18 U.S.C. § 2709, or from enforcing the provisions of 18 U.S.C. § 2709(c) and 18 U.S.C. § 3511(b); defendants motion to dismiss, or in the alternative, for summary judgment is denied; and the enforcement of the judgment is stayed pending any appeal, or, if no appeal is filed, for 90 days from the date of the Opinion Decision and Order dated September 6, 2007; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 9/7/07) (ml) (Entered: 09/07/2007) |
| 09/07/2007 |            | Mailed notice of Right to Appeal re: 162 Clerk's Judgment, to Attorney(s) of Record: Ann Beeson, Ronald Marc Daignault, Arthur N. Eisenberg, Melissa Goodman, Jameel Jaffer, Meredith Eve Kotler, Sharon M. McGowan, Jeffrey Stuart Oestericher. (tve) (Entered: 09/25/2007)   |
| 09/25/2007 | 163        | TRANSCRIPT of proceedings held on 8/15/07 before Judge Victor Marrero. (jbe) (Entered: 09/25/2007)   |
| 11/05/2007 | 164        | NOTICE OF APPEAL from 162 Clerk's Judgment. Document filed by Peter d. Keisler, Robert Mueller, and Valerie E. Caproni. Copies mailed to attorney(s) of record: American Civil Liberties Union Foundation. (tp) (Entered: 11/05/2007)  |
| 11/05/2007 |            | Appeal Remark as to 164 Notice of Appeal filed by Robert Mueller. NO FEE. A.U.S.A. (tp) (Entered: 11/05/2007)  |
| 11/05/2007 |            | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 164 Notice of Appeal. (tp) (Entered: 11/05/2007)  |
| 11/05/2007 |            | Transmission of Notice of Appeal to the District Judge re: 164 Notice of Appeal. (tp) (Entered: 11/05/2007)  |
| 12/06/2007 | <u>165</u> | Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 164 Notice of Appeal filed by Robert Mueller USCA Case Number 07-4943-cv, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (dt). (Entered: 12/06/2007)   |
| 05/27/2009 | <u>166</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Oestericher dated 5/22/2009 re: The Government respectfully requests that the Court approve the following schedule: Government's papers in support of the continuing need for nondisclosure of the National Security Letter due 6/17/2009; plaintiffs' papers in response due on 7/1/2009. ENDORSEMENT: Request GRANTED. The briefing schedule with regard to the motion for an order of nondisclosure herein is extended as set forth herein: motion papers submitted by 6-17-09; response 7-1-09. SO ORDERED. (Signed by Judge Victor Marrero on 5/26/2009) (tve) (Entered: 05/27/2009)   |

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| 06/18/2009 | 167        | DECLARATION of Jeffrey Oestericher. Document filed by John Ashcroft, Marion Bowman, Alberto Gonzales, Robert Mueller. (mbe) (Entered: 06/19/2009)   |
| 06/24/2009 | 168        | MOTION for Disclosure of government's Ex Parte filing or, in the alternative, to require the government to produce an unclassified summary. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union.(mbe) (Entered: 06/25/2009)   |
| 06/24/2009 | 169        | MEMORANDUM OF LAW in Support re: 168 MOTION for Disclosure of government's Ex Parte filing or, in the alternative, to require the government to produce an unclassified summary. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (mbe) (Entered: 06/25/2009)   |
| 06/25/2009 | <u>170</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Melissa Goodman dated 6/24/09 re: Counsel submits a courtesy copy of the following documents, which were filed with the clerk's office on 6/24/09 (1) Plaintiffs' Motion for Disclosure of Government's Ex Parte Filing or, in the Alternative, to Require the Government to Produce an Unclassified Summary; and (2) Plaintiffs' Memorandum in Support of the same motion. ENDORSEMENT: The Government is directed to respond by 6/30/09 to the motion of plaintiff set forth above., Set Deadlines/Hearing as to 168 MOTION for Disclosure:( Responses due by 6/30/2009) (Signed by Judge Victor Marrero on 6/25/09) (tro) (Entered: 06/26/2009)   |
| 06/29/2009 | <u>171</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Oestericher dated 6/26/09 re: I write respectfully to request an eight-day extension, from June 30, 2009 to July 8, 2009, to respond to Plaintiffs' Motion for Disclosure of Government's Ex Parte Filing or, in the Alternative, to Require the Government to Produce an Unclassified Summary. ENDORSEMENT: Request Granted. The Governments time to respond to plaintiffs for disclosure of Government's Ex parte Filing or extended to 7-8-9. (Signed by Judge Victor Marrero on 6/26/09) (pl) (Entered: 06/29/2009)  |
| 07/08/2009 | 172        | MEMORANDUM OF LAW in Opposition re: 168 MOTION for Disclosure.. Document filed by John Ashcroft, Marion Bowman, Alberto Gonzales, Robert Mueller. (pl) (Entered: 07/09/2009)  |
| 07/08/2009 | 173        | DECLARATION of Brenda L. Heck authorized in writing by the Assistant Director, Security Division, FBI, to make classification decisions. Document filed by John Ashcroft, Marion Bowman, Alberto Gonzales, Robert Mueller. (pl) (Entered: 07/09/2009)   |
| 07/13/2009 | 174        | REPLY MEMORANDUM OF LAW in Support re: 168 MOTION for Disclosure of government's Ex Parte filing or, in the alternative, to require the government to produce an unclassified summary. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (mbe) (Entered: 07/14/2009)   |
| 07/15/2009 |            | Minute Entry for proceedings held before Judge Victor Marrero: Status Conference held on 7/15/2009. Judge informed the parties that he intends to hold an ex parte conference with the government. Plaintiffs consented. (tro) (Entered: 07/17/2009)  |
| 07/22/2009 |            | Minute Entry for proceedings held before Judge Victor Marrero: Telephone Status Conference held on 7/22/2009. Ex parte conference held with government. (tro) (Entered: 07/28/2009)   |
| 08/05/2009 | <u>175</u> | DECISION AND ORDER: For the reasons stated above, it is hereby ORDERED that motion (Docket No. 168) of plaintiffs herein for an order directing disclosure of a declaration dated June 16, 2009 (the "Declaration") filed ex parte, in camera and under seal by defendants (the "Government") on June 17, 2009 containing classified information relating to this action, or in the alternative, for an unclassified summary of the Declaration, is granted in part and denied in part; and it is hereby ORDERED that the Government disclose to plaintiffs the unclassified summary and redacted version of the Declaration and the deletion key submitted to the Court by the Government by letter dated August 3, 2009. (Signed by Judge Victor Marrero on 8/5/2009) (jfe) (Entered: 08/05/2009) |
| 08/11/2009 | <u>176</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Destericher dated 8/10/2009 re: The parties respectfully request that plaintiffs'  |

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|            |            | response papers be due on August 21, 2009 and that defendants' reply papers be due on September 11, 2009 in connection with plaintiffs' challenge to the continuing need for non-disclosures of the National Security letter served upon plaintiff Doe. ENDORSEMENT: Request GRANTED. The briefing schedule with regard to the challenging the non-disclosure of the NSL herein is extended as set forth herein response 8/21/09, reply 9/11/09. So ordered. (Signed by Judge Victor Marrero on 8/11/2009) (jfe) (Entered: 08/11/2009)   |
| 08/14/2009 | 177        | NOTICE OF APPEARANCE by Laurence Michael Schwartztol on behalf of American Civil Liberties Union Foundation, American Civil Liberties Union (mro) (Entered: 08/18/2009)  |
| 09/10/2009 | <u>178</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Benjamin H. Torrance dated 9/9/2009 re: AUSA writes to inform the Court that enclosed with this letter are redacted copies of the plaintiff's memorandum of law and 2 declarations filed on 8/21/2009 and that one set of these papers are courtesy copies and requests that the other set be filed on the public docket. ENDORSEMENT: Request GRANTED. The Clerk of Court is directed to file the documents attached hereto in the public docket of this action, constituting plaintiffs; opposition to continuation of the NSL's Gag Order. SO ORDERED. (Signed by Judge Victor Marrero on 9/9/2009) (tve) (Entered: 09/10/2009)  |
| 09/16/2009 | 179        | SEALED DOCUMENT placed in vault.(jri) (Entered: 09/16/2009)  |
| 09/18/2009 | <u>180</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Oestericher dated 9/16/2009 re: The parties respectfully request that the Court memo endorse this letter to indicate to the Clerk of the Court that the redacted version may be filed. ENDORSEMENT: Request GRANTED. The Clerk of Court is directed to file the redacted version of the Government's Opposition to Plaintiff's motion to lift the Nondisclosure Requirement of the NSL herein in the public docket of this case. So Ordered. (Signed by Judge Victor Marrero on 9/17/2009) (jfe) (Entered: 09/18/2009)  |
| 09/21/2009 | <u>181</u> | MANDATE (Duplicate) of USCA (Certified Copy) as to 164 Notice of Appeal filed by Robert Mueller USCA Case Number 07-4943-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED in part, VACATED in part and REMANDED in part for further proceedings in accordance with the opinion of this Court. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 3/11/2009. (nd) Modified on 9/24/2009 (nd). (Entered: 09/24/2009)   |
| 09/24/2009 |            | Transmission of USCA Mandate/Order to the District Judge re: <u>181</u> USCA Mandate,. (nd) (Entered: 09/24/2009)  |
| 10/20/2009 | <u>182</u> | ORDER: For the reasons stated above, it is hereby ORDERED that motion (Docket No. 178) of plaintiffs John Doe ( "Doe" ), the American Civil Liberties Union, and the American Civil Liberties Union Foundation (collectively, "Plaintiffs") to lift the nondisclosure requirement of the National Security Letter issued to Doe is DENIED. Defendants Eric Holder, in his official capacity as Attorney General of the United states, Robert Mueller, in his official capacity as Director of the Federal Bureau of Investigation, and Valerie E. Caproni, in her official capacity as General Counsel to the Federal Bureau of Investigation (collectively, "Defendants") are hereby permitted to enforce the nondisclosure provisions of 18 U.S.C. § 2709(C) and 18 U.S.C. § 3511(b) as applied to the National Security Letter issued to Doe; and it is further ORDERED that motion (Docket No. 134) of plaintiffs for partial summary judgment is DENIED in part; and it is further ORDERED that motion (Docket No. 144) of defendants for summary judgment is GRANTED in part; and it is finally ORDERED that the Clerk of Court is directed to file this Decision and Order on the public docket, withdraw any other pending motions and close this case. (Signed by Judge Victor Marrero on 10/20/2009) (jpo) (Entered: 10/20/2009) |
| 11/06/2009 | 183        | SEALED DOCUMENT placed in vault.(nm) (Entered: 11/06/2009)   |
| 11/12/2009 | <u>184</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Benjamin H. Tarrance dated 11/10/09 re: Counsel enclose a redacted copy of the plaintiffs' motion for reconsideration and memorandum of law dated 11/3/09 and request that it be filed on the public docket. ENDORSEMENT: Request GRANTED. The Clerk of Court is directed to file in the public record of this action the plaintiffs' motion  |



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|            |            | for reconsideration dated 11/3/09 with the redacted version of the NSL Attachment. (Signed by Judge Victor Marrero on 11/12/09) (tro) (Entered: 11/12/2009)  |
| 11/12/2009 | <u>185</u> | PLAINTIFFS' MOTION for Partial Reconsideration of this Court's 10/20/09 Order. *Redacted Memorandum in Support of Plaintiffs' Motion for Partial Reconsideration of this Court's 10/20/09 Order attached hereto. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. *Docketed pursuant to [D.E. 184]. (tro) (Entered: 11/12/2009)  |
| 11/18/2009 | 186        | SEALED DOCUMENT placed in vault.(nm) (Entered: 11/18/2009)   |
| 11/23/2009 | <u>187</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Oestericher dated 11/19/09 re: counsel requests that the Court direct that the enclosed Memorandum of Law be filed on the public docket. ENDORSEMENT: Request Granted. The Clerk of Court is directed to enter in the public record of this matter the Government's Memorandum of Law in Opposition to plaintiff's motion for partial reconsideration of this Court's October 20, 2009 Order. (Signed by Judge Victor Marrero on 11/20/09) (djc) (Entered: 11/23/2009)  |
| 12/01/2009 | 188        | REPLY MEMORANDUM OF LAW in Support re: <u>185</u> PLAINTIFFS' MOTION for Partial Reconsideration of this Court's 10/20/09 Order. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (mbe) (Entered: 12/02/2009)  |
| 12/28/2009 | <u>189</u> | MEMO ENDORSEMENT on <u>185</u> PLAINTIFFS' MOTION FOR PARTIAL RECONSIDERATION OF THIS COURT'S OCTOBER 20, 2009 ORDER. ENDORSEMENT: Request GRANTED. A status conference herein is scheduled for 1/15/2010 at 2:00 pm to address the matter described above by Plaintiffs. The Court will hear any further arguments the parties may have for the record in in connection with the instant motion. (Signed by Judge Victor Marrero on 12/23/2009) (jpo) Modified on 1/5/2010 (jpo). (Entered: 12/28/2009)   |
| 01/08/2010 | 190        | MOTION for Laurence M. Schwartztol to Withdraw as Attorney. Document filed by American Civil Liberties Union Foundation.(mbe) (Entered: 01/15/2010)  |
| 01/15/2010 |            | Minute Entry for proceedings held before Judge Victor Marrero: Motion Hearing held on 1/15/2010 re: [Motion for Reconsideration. Government to file documents by 1/18; plaintiff to respond by 1/22. (mro) (Entered: 01/28/2010)   |
| 01/20/2010 | <u>191</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Melissa Goodman dated 1/19/10 re: counsel for plaintiff write respectfully to request a brief extension of time to file their brief in response to the government's Memorandum of Law in Opposition to Plaintiff's Motion to Lift the Nondisclosure Requirement as to the Attachment to the National Security Letter provided to plaintiffs today. Plaintiffs' brief's currently due on Friday, January 22, 2010. We respectfully request that the time be extended to Wednesday, January 27, 2010. ENDORSEMENT: Request Granted. The time for plaintiff to respond to the Government's opposition to plaintiff's motion to lift the non disclosure of the attachment to the National Security Letter herein is extended to 1/27/10. (Signed by Judge Victor Marrero on 1/19/10) (pl) Modified on 1/20/2010 (pl). (Entered: 01/20/2010) |
| 01/20/2010 | 192        | MEMORANDUM OF LAW (Redacted) in Opposition to Plaintiff's to Lift the Nondisclosure Requirement as to the Attachment to the National Security Letter. Document filed by John Ashcroft, Marion Bowman, Alberto Gonzales, Robert Mueller. (mro) (Entered: 01/20/2010)  |
| 01/20/2010 | 193        | DECLARATION (Redacted)of Arthur M. Cummings II, Executive Assistant Director. (mro) (Entered: 01/20/2010)  |
| 01/27/2010 | 194        | SEALED DOCUMENT placed in vault.(nm) (Entered: 01/28/2010)   |
| 02/05/2010 | 195        | MEMORANDUM OF LAW in Opposition to FBI's continued Suppression of the contents of the NSL Attachment. Document filed by American Civil Liberties Union Foundation, American Civil Liberties Union. (mro) (Entered: 02/08/2010)   |
| 02/09/2010 | <u>196</u> | ENDORSED LETTER: addressed to Judge Victor Marrero from Jeffrey Oestericher dated 2/8/2010 re: Counsel for Government requests that the in camera conference scheduled for Wednesday, February 10, 2010 be adjourned until a date  |

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|            |            | next week that is convenient for the Court. ENDORSEMENT: request Granted. The in camera ex parte conference herein is adjourned to 2/18/2010 at 2:30 p.m. So Ordered. (Signed by Judge Victor Marrero on 2/8/2010) (js) (Entered: 02/09/2010)  |
| 03/18/2010 | <u>197</u> | DECISION AND ORDER: For the reasons stated above, it is hereby ORDERED that motion (Docket No. 185) of plaintiffs John Doe ("Doe"), the American Civil Liberties Union, and the American Civil Liberties Union Foundation (collectively, "Plaintiffs") to lift the nondisclosure requirement of the National Security Letter ("NSL") Attachment issued to Doe is GRANTED in part and DENIED in part. Eric Holder, in his official capacity as Attorney General of the United States, Robert Mueller, in his official capacity as Director of the Federal Bureau of Investigation, and Valerie E. Caproni, in her official capacity as General Counsel to the Federal Bureau of Investigation (collectively, "Defendants") are hereby permitted to enforce the nondisclosure provisions of 18 U.S.C. § 2709(c) and 18 U.S.C. § 3511(b) as applied to parties of the NSL Attachment with the exception of the disclosures authorized herein; and it is further ORDERED that the Clerk of Court is directed to file this Decision and Order on the public docket, withdraw any other pending motions and close this case. (Signed by Judge Victor Marrero on 3/17/2010) (jpo) (Entered: 03/18/2010)   |
| 03/19/2010 | 198        | SEALED DOCUMENT placed in vault.(nm) (Entered: 03/19/2010)   |
| 03/29/2010 | 199        | SEALED DOCUMENT placed in vault.(jri) (Entered: 03/29/2010)  |
| 03/29/2010 | 200        | SEALED DOCUMENT placed in vault.(jri) (Entered: 03/29/2010)  |
| 05/17/2010 | <u>201</u> | NOTICE OF APPEAL from <u>182</u> Order, Terminate Motions, <u>197</u> Order, Terminate Motions. Document filed by American Civil Liberties Union Foundation, John Doe, American Civil Liberties Union. Filing fee \$ 455.00, receipt number E 904250. (js) (Entered: 05/19/2010)   |
| 05/19/2010 |            | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>201</u> Notice of Appeal. (js) (Entered: 05/19/2010)   |
| 05/19/2010 |            | Transmission of Notice of Appeal to the District Judge re: <u>201</u> Notice of Appeal. (js) (Entered: 05/19/2010)   |
| 05/19/2010 |            | Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>176</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings, <u>182</u> Order, Terminate Motions, <u>153</u> Endorsed Letter, <u>170</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings, <u>130</u> Notice of Appearance, filed by American Library Association, American Booksellers Foundation for Free Expression, American Association of Publishers, Inc., Pen American Center, Freedom to Read Foundation, Inc., <u>196</u> Endorsed Letter, Set Deadlines/Hearings, <u>165</u> Appeal Record Sent to USCA – Index, <u>184</u> Endorsed Letter, <u>160</u> Memorandum & Opinion, <u>171</u> Endorsed Letter, Set Scheduling Order Deadlines, <u>185</u> MOTION for Reconsideration. filed by American Civil Liberties Union, American Civil Liberties Union Foundation, <u>175</u> Order on Motion for Disclosure, <u>129</u> Memorandum of Law in Support of Motion, filed by American Library Association, American Booksellers Foundation for Free Expression, American Association of Publishers, Inc., Pen American Center, Freedom to Read Foundation, Inc., <u>197</u> Order, Terminate Motions, <u>201</u> Notice of Appeal filed by John Doe, American Civil Liberties Union, American Civil Liberties Union Foundation, <u>181</u> USCA Mandate, <u>180</u> Endorsed Letter, <u>166</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings, <u>178</u> Endorsed Letter, <u>187</u> Endorsed Letter, <u>191</u> Endorsed Letter, Set Scheduling Order Deadlines, <u>189</u> Order, Set Deadlines/Hearings, Terminate Motions, were transmitted to the U.S. Court of Appeals. (js) (Entered: 05/19/2010) |
| 07/01/2010 | 202        | SEALED DOCUMENT placed in vault.(cb) (Entered: 07/01/2010)   |
| 07/29/2010 | <u>203</u> | TRUE COPY ORDER of USCA as to <u>201</u> Notice of Appeal filed by John Doe, American Civil Liberties Union, American Civil Liberties Union Foundation USCA Case Number 10–2052....that the appeal is hereby WITHDRAWN pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 07/28/2010. (nd) (Entered: 07/29/2010)   |

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| 07/30/2010 | <u>204</u> | STIPULATION AND ORDER OF DISMISSAL OF ACTION: This action shall be, and hereby is, dismissed with prejudice pursuant to Rule 41(a)(2) of the F.R.C.P. Plaintiffs hereby agree that they will not reinstate their appeal from this Court's 10/20/09 and 3/18/2010 Decisions and Order (Docket No. 10-2052), and as further set forth in this Order. (Signed by Judge Victor Marrero on 7/30/2010) (tro) (Entered: 07/30/2010)   |
| 08/26/2010 | 205        | MOTION for Attorney Fees. Document filed by American Civil Liberties Union.(mbe) (Entered: 08/27/2010)   |
| 08/26/2010 | 206        | MEMORANDUM OF LAW in Support re: 205 MOTION for Attorney Fees. Document filed by American Civil Liberties Union Foundation. (mbe) (Entered: 08/27/2010)  |
| 08/26/2010 | 207        | DECLARATION of Jameel Jaffer. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (mbe) (Entered: 08/27/2010)   |
| 08/26/2010 | 208        | DECLARATION of Alexa Kolbi-Molinas. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (mbe) (Entered: 08/27/2010)   |
| 08/26/2010 | 209        | SECOND DECLARATION of Melissa Goodman. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (mbe) (Entered: 08/27/2010)  |
| 08/26/2010 | 210        | DECLARATION of Arthur N. Eisenberg. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (mbe) (Entered: 08/27/2010)   |
| 09/03/2010 | 211        | DECLARATION of Charles S. Sims in Support re: 205 MOTION for Attorney Fees. Document filed by American Civil Liberties Union Foundation. (mbe) (Entered: 09/07/2010)   |
| 09/03/2010 | 212        | FORTH DECLARATION of Ann Beeson. Document filed by American Civil Liberties Union Foundation. (mbe) (Entered: 09/07/2010)  |
| 09/03/2010 | 214        | FOURTH DECLARATION of Nicholas Merrill. Document filed by American Civil Liberties Union Foundation. (mbe) (Entered: 09/07/2010)   |
| 09/07/2010 | 213        | DECLARATION of Sharon M. McGowan. Document filed by American Civil Liberties Union Foundation. (mbe) (Entered: 09/07/2010)   |
| 09/13/2010 |            | Minute Entry for proceedings held before Judge Victor Marrero: Telephone Conference held on 9/13/2010. Parties to consult and confer and inform the Court of status by 9/27/10. Additional conference to be held thereafter. (mro) (Entered: 09/22/2010)   |
| 09/23/2010 | <u>215</u> | MANDATE of USCA (Certified Copy) as to <u>201</u> Notice of Appeal filed by John Doe, American Civil Liberties Union, American Civil Liberties Union Foundation USCA Case Number 10-2052....that the appeal is hereby WITHDRAWN pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 09/22/2010. (nd) (Entered: 09/23/2010)  |
| 09/23/2010 |            | Transmission of USCA Mandate/Order to the District Judge re: <u>215</u> USCA Mandate,. (nd) (Entered: 09/23/2010)  |
| 09/28/2010 | <u>216</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Melissa Goodman dated 9/27/10 re: Pursuant to this Court's order at the telephone conference held on September 13, 2010, plaintiffs' counsel submits this letter on behalf of both parties to apprise the Court of the status of the parties' negotiations with respect to plaintiffs' pending attorney's fees motion. ENDORSEMENT: Request GRANTED. The parties are directed to submit by 11-19-10 an update on the status of their efforts to reach a settlement of the attorneys fees motion now pending. SO ORDERED. ( Status Report due by 11/19/2010.) (Signed by Judge Victor Marrero on 9/27/10) (jmi) Modified on 10/7/2010 (jmi). (Entered: 09/28/2010) |
| 11/08/2010 |            | Minute Entry for proceedings held before Judge Victor Marrero: Telephone Conference held on 11/8/2010. Parties to submit proposed briefing second circuit  |

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|            |            | remand of plaintiff's application for appellate fees. (mbe) (Entered: 11/15/2010)   |
| 11/16/2010 | <u>217</u> | ORDER of USCA (Certified Copy) as to 164 Notice of Appeal filed by Robert Mueller USCA Case Number 07-4943-cv. IT IS HEREBY ORDERED that the joint motion to remand to the District Court plaintiffs-appellees' motion for attorneys' fees under the Equal Access to Justice Act, is GRANTED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 11/15/2010. (nd) (Entered: 11/16/2010)   |
| 11/16/2010 | <u>218</u> | MOTION for Attorney Fees. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(mro) (Entered: 11/16/2010)   |
| 11/22/2010 | <u>219</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Oestericher dated 11/22/10 re: counsel to defendants write with consent of plaintiffs' counsel to provide a brief update and propose a briefing schedule in connection with plaintiffs' pending motion for attorney's fees pursuant to the Equal Access to Justice Act. ENDORSEMENT: Request GRANTED. The briefing schedule with regard to the motion for attorney's fees herein is extended as set forth herein: response - 12/15/10; reply - 2/15/11; (Responses due by 12/15/2010, Replies due by 2/15/2011.) (Signed by Judge Victor Marrero on 11/22/10) (djc) (Entered: 11/23/2010)  |
| 12/14/2010 | <u>220</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Jeffrey Oestericher dated 12/13/10 re: Request for the following revised schedule (re: motion for attorneys fees): Defendants response due 12/23/10; Plaintiffs' reply due 2/23/11. ENDORSEMENT: Request GRANTED. The briefing schedule with regard to the motion for attorneys fees herein is extended as set forth herein; response 12/23/10; reply 2/23/11. SO ORDERED. Set Deadlines as to 205 MOTION for Attorney Fees, <u>218</u> MOTION for Attorney Fees: (Responses due by 12/23/2010, Replies due by 2/23/2011.) (Signed by Judge Victor Marrero on 12/13/10) (db) (Entered: 12/14/2010)   |
| 12/22/2010 | <u>221</u> | MOTION for Melissa Goodman to Withdraw as Attorney. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Goodman, Melissa) (Entered: 12/22/2010)  |
| 12/22/2010 | <u>222</u> | ENDORSED LETTER addressed to Judge Victor Marrero from Preet Bharara dated 12/22/10 re: I am writing pursuant to Your Honor's Individual Rules of Practice respectfully to request a thirteen page extension of the page limit (to permit a thirty-eight page brief) in connection with the submission of the Government's opposition to plaintiffs' motion for attorney's fees pursuant to the Equal Access to Justice Act. ENDORSEMENT: Request granted. The page limitations provision of the Court's Individual Practices is modified to authorize the Government to file a brief not to exceed 38 pages in connection with the motion for attorney's fees herein. So ordered. (Signed by Judge Victor Marrero on 12/22/10) (rjm) (Entered: 12/22/2010)   |
| 12/23/2010 | 223        | MEMORANDUM OF LAW in Opposition re: <u>218</u> MOTION for Attorney Fees. Document filed by John Ashcroft, Marion Bowman, Alberto Gonzales, Robert Mueller. (cd) (Entered: 12/29/2010)   |
| 12/23/2010 | 224        | AFFIDAVIT of James Schratz in Support re: 223 Memorandum of Law in Opposition to Motion. Document filed by John Ashcroft, Marion Bowman, Alberto Gonzales, Robert Mueller. (cd) (Entered: 12/29/2010)   |
| 02/28/2011 | <u>225</u> | STIPULATION AND ORDER OF SETTLEMENT OF EAJA FEES MOTION: It is hereby Stipulated and agreed that Defendants shall pay to the American Civil Liberties Union Foundation the sum of \$225,000 in attorney's fees and litigation costs, pursuant to 28 U.S.C. § 2412(d), which sum Plaintiffs and their counsel agree to accept in full satisfaction of any claim for attorneys' fees and costs that Plaintiffs have incurred to date for services performed in connection with this action. In consideration of the payment obligation set forth in this paragraph, plaintiffs hereby release the United States, its agencies, departments, officers, employees, servants and agents, including the Defendants herein, from any claims for attorney's fees, costs, and expenses of any kind and however denominated relating to services heretofore performed in connection with this action. (Signed by Judge Victor Marrero on 2/28/2011) (jfe) (Entered: 02/28/2011) |

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| 08/30/2011 | <u>226</u> | SEALED MATERIALS DISPOSED: Document(s) 194 were disposed since no party retrieved the material(s) within 30 days of the date indicated. The sealed record(s) were destroyed on 08/30/2011.(mps) (Entered: 08/30/2011)  |
| 04/15/2014 | <u>227</u> | STIPULATION AND ORDER MODIFYING JULY 30, 2010, JUDGMENT OF DISMISSAL: The nondisclosure obligation set forth in 18 U.S.C. § 2709 continues to apply to the Attachment to the Doe NSL, except insofar as the information in the Attachment has already been made public in the Redacted Attachment; except as provided in paragraph 1 of this Stipulation and Order, the nondisclosure obligation set forth in 18 U.S.C. § 2709, as it pertains to the Doe NSL, is no longer in effect; nothing in this Stipulation and Order affects whatever rights plaintiffs John Doe and John Doe, Inc., may have to petition in the future under 18 U.S.c. § 3511(b) or any other provision of law for an order modifying or setting aside the nondisclosure requirement left in place by this Stipulation and Order; this Stipulation constitutes the entire agreement of the parties, and no prior statement, representation, agreement, or understanding, oral or written, will have any force or effect. (Signed by Judge Victor Marrero on 4/15/2014) (tn) (Entered: 04/15/2014) |