

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-06259-JGK**

Amnesty International USA et al v. McConnell et al
Assigned to: Judge John G. Koeltl
Related Case: 1:08-cv-06264-JGK
Case in other court: USCA 2nd Circuit, 09-04112-cv
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 07/10/2008
Date Terminated: 08/01/2013
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

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Plaintiff

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Plaintiff

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V.

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Date Filed	#	Docket Text
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07/10/2008	<u>1</u>	COMPLAINT against John M. McConnell, Keith B. Alexander(in his official capacity as Director of the National Security Agency), Keith B. Alexander(in his official capacity as Chief of the Central Security Service), Michael B. Mukasey. (Filing Fee \$ 350.00, Receipt Number 656420)Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(mbe) (Entered: 07/14/2008)
07/10/2008		SUMMONS ISSUED as to John M. McConnell, Keith B. Alexander(in his official capacity as Director of the National Security Agency), Keith B. Alexander(in his official capacity as Chief of the Central Security Service), Michael B. Mukasey. (mbe) (Entered: 07/14/2008)
07/10/2008		Magistrate Judge Henry B. Pitman is so designated. (mbe) (Entered: 07/14/2008)
07/10/2008		Case Designated ECF. (mbe) (Entered: 07/14/2008)
07/10/2008	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(mbe) (Entered: 07/14/2008)
08/12/2008	<u>3</u>	ENDORSED LETTER addressed to Judge John G. Koeltl from Beth E. Goldman dated 8/1/08 re: The parties conferred to discuss a proposed briefing schedule for dispositive motions. Counsel's joint proposal is as follows: 9/12/08– Plaintiffs' motion for summary judgment; 10/10/08– Defendants' opposition to plaintiffs' motion and cross–motion to dismiss, or in the alternative, for summary judgment; 11/7/08– Plaintiffs' reply on motion for summary judgment and opposition to defendants' motion; 12/5/08– Defendants' reply; and the parties also agreed that defendants' time to answer or otherwise respond to the complaint is extended to 10/10/08. ENDORSEMENT: APPLICATION GRANTED. (Signed by Judge John G. Koeltl on 8/7/08) (tro) (Entered: 08/12/2008)
09/04/2008	<u>4</u>	MOTION for Leave to File Excess Pages. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(Jaffer, Jameel) (Entered: 09/04/2008)
09/10/2008	<u>5</u>	MEMO ENDORSEMENT granting <u>4</u> Motion for Leave to File Excess Pages. ENDORSEMENT: APPLICATION GRANTED. (Signed by Judge John G. Koeltl on 9/8/08) (tro) (Entered: 09/10/2008)
09/12/2008	<u>6</u>	MOTION for Summary Judgment. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(Jaffer, Jameel) (Entered: 09/12/2008)
09/12/2008	<u>7</u>	MEMORANDUM OF LAW in Support re: <u>6</u> MOTION for Summary Judgment.. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Attachments: # <u>1</u> Affidavit Declaration of Jameel Jaffer, # <u>2</u> Affidavit Declaration of Naomi Klein part 1, # <u>3</u> Affidavit Declaration of Naomi Klein part 2, # <u>4</u> Affidavit Declaration of Joanne Mariner, # <u>5</u> Affidavit Declaration of Sylvia Royce, # <u>6</u> Affidavit Declaration of John Walsh)(Jaffer, Jameel) (Entered: 09/12/2008)

09/12/2008	<u>8</u>	RULE 56.1 STATEMENT. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 09/12/2008)
10/07/2008	<u>9</u>	ORDER: The briefing schedule entered by memo-endorsed letter on August 12, 2008, is hereby modified to conform to the revised schedule below:10/28/2008 – Defendants' opposition to plaintiffs' motion and cross-motion to dismiss, or in the alternative, for summary judgment; 12/12/2008 – Plaintiffs' reply on motion for summary judgment and opposition to defendants' cross-motion; 12/19/2008 – Briefs of amici curiae; and 1/9/2009 Defendants' cross-reply. SO ORDERED. (Signed by Judge John G. Koeltl on 10/7/2008) (tve) (Entered: 10/07/2008)
10/28/2008	<u>10</u>	MEMORANDUM OF LAW in Opposition re: <u>6</u> MOTION for Summary Judgment. <i>and in Support of Defendants' Cross-Motion for Summary Judgment.</i> Document filed by John M. McConnell, Keith B. Alexander(in his official capacity as Director of the National Security Agency), Keith B. Alexander(in his official capacity as Chief of the Central Security Service), Michael B. Mukasey. (Turner, Serrin) (Entered: 10/28/2008)
10/28/2008	<u>11</u>	RULE 56.1 STATEMENT. Document filed by John M. McConnell, Keith B. Alexander(in his official capacity as Director of the National Security Agency), Keith B. Alexander(in his official capacity as Chief of the Central Security Service), Michael B. Mukasey. (Turner, Serrin) (Entered: 10/28/2008)
10/28/2008	<u>12</u>	MOTION for Summary Judgment. Document filed by John M. McConnell, Keith B. Alexander(in his official capacity as Director of the National Security Agency), Keith B. Alexander(in his official capacity as Chief of the Central Security Service), Michael B. Mukasey.(Turner, Serrin) (Entered: 10/28/2008)
11/20/2008	<u>13</u>	NOTICE OF APPEARANCE by Laurence Michael Schwartztol on behalf of Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America (Schwartztol, Laurence) (Entered: 11/20/2008)
12/04/2008	<u>14</u>	MOTION for Leave to File Excess Pages. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(Goodman, Melissa) (Entered: 12/04/2008)
12/04/2008	<u>15</u>	MOTION for Leave to File Excess Pages. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(Goodman, Melissa) (Entered: 12/04/2008)
12/08/2008	<u>16</u>	ENDORSED LETTER addressed to Judge John E. Sprizzo from Lori Danielle Tully dated 12/4/2008 re: Plaintiffs respectfully request that the clerk remove Docket Item No. 14 (Plaintiffs' Unopposed Motion for Leave to Exceed Page Limitations Contained in Rule 2(e)) from the docket. ENDORSEMENT: Docket No. 14 can be removed. So ordered. (Signed by Judge John G. Koeltl on 12/5/2008) (tve) Modified on 1/28/2009 (tve). (Entered: 12/08/2008)
12/08/2008	<u>17</u>	MEMO ENDORSEMENT on re: <u>14</u> MOTION for Leave to File Excess Pages. filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>15</u> MOTION for Leave to File Excess Pages. filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund

		for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights. The brief is opposition may not exceed thirty-five pages. The reply brief may not exceed 20 pages. So ordered. (Signed by Judge John G. Koeltl on 12/5/2008) (jmi) (Entered: 12/09/2008)
12/12/2008	<u>18</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – REPLY MEMORANDUM OF LAW in Support re: <u>6</u> MOTION for Summary Judgment. <i>And Opposition to Defendants' Cross-Motion for Summary Judgment</i> . Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Attachments: # <u>1</u> Affidavit Declaration of Christopher Hedges, # <u>2</u> Affidavit Declaration of Scott McKay, # <u>3</u> Affidavit Declaration of Professor Stephen Gillers, # <u>4</u> Affidavit Declaration of Steven M. Bellovin)(Jaffer, Jameel) Modified on 12/15/2008 (db). (Entered: 12/12/2008)
12/12/2008	<u>19</u>	RULE 56.1 STATEMENT. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 12/12/2008)
12/12/2008	<u>20</u>	ENDORSED LETTER addressed to Judge John G. Koeltl from Michael Steger dated 12/10/08 re: Request that the Reporters Committee For Freedom of the Press brief be filed by 12/19/08. ENDORSEMENT: Application granted.(Brief due by 12/19/2008.) (Signed by Judge John G. Koeltl on 12/11/08) (cd) (Entered: 12/12/2008)
12/12/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Jameel Jaffer to RE-FILE Document <u>18</u> Reply Memorandum of Law in Support of Motion. ERROR(S): Supporting Document must be filed separately (i.e. The four (4) Declarations in Support of the Reply Memorandum must be filed individually. ***REMINDER*** – First Re-File the Reply Memorandum in Support of the Motion for Summary Judgment (found under the Event Type – Replies, Opposition and Supporting Documents), then file and link the Supporting Declarations to the Reply Memorandum using the event Declaration in Support (non-motion) found under the Event Type – Other Answers. (db) (Entered: 12/15/2008)
12/15/2008	<u>21</u>	REPLY MEMORANDUM OF LAW in Support re: <u>6</u> MOTION for Summary Judgment. <i>And Opposition to Defendants' Cross-Motion for Summary Judgment</i> . Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 12/15/2008)
12/15/2008	<u>22</u>	DECLARATION of Christopher L. Hedges in Support re: <u>21</u> Reply Memorandum of Law in Support of Motion,. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 12/15/2008)
12/15/2008	<u>23</u>	DECLARATION of Scott McKay in Support re: <u>21</u> Reply Memorandum of Law in Support of Motion,. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 12/15/2008)

12/15/2008	<u>24</u>	DECLARATION of Professor Stephen Gillers in Support re: <u>21</u> Reply Memorandum of Law in Support of Motion,. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 12/15/2008)
12/15/2008	<u>25</u>	DECLARATION of Steven Bellovin in Support re: <u>21</u> Reply Memorandum of Law in Support of Motion,. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 12/15/2008)
12/19/2008	<u>26</u>	BRIEF re: <u>6</u> MOTION for Summary Judgment. <i>Amicus Brief in Support of Motion for Summary Judgment</i> . Document filed by Reporters Committee for Freedom of the Press.(Steger, Michael) (Entered: 12/19/2008)
12/19/2008	<u>27</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Reporters Committee for Freedom of the Press.(Steger, Michael) (Entered: 12/19/2008)
12/19/2008	<u>28</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION to File Amicus Brief <i>in Support of Plaintiffs' Motion for Summary Judgment & in Opposition to Defendants' Cross–Motion for Summary Judgment</i> . Document filed by Brennan Center for Justice, The Rutherford Institute. (Attachments: # <u>1</u> Supplement Brief Amicus Curiae)(Abel, Laura) Modified on 12/22/2008 (db). (Entered: 12/19/2008)
12/19/2008	<u>29</u>	BRIEF re: <u>6</u> MOTION for Summary Judgment. (" <i>BRIEF AMICUS CURIAE OF THE NEW YORK CITY BAR ASSOCIATION IN SUPPORT OF PLAINTIFFS MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS CROSS–MOTION FOR SUMMARY JUDGMENT</i> "). Document filed by Duane L. Loft, Duane L. Loft, The New York City Bar Association.(Loft, Duane) (Entered: 12/19/2008)
12/19/2008		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Laura Klein Abel to RE–FILE Document <u>28</u> MOTION to File Amicus Brief <i>in Support of Plaintiffs' Motion for Summary Judgment & in Opposition to Defendants' Cross–Motion for Summary Judgment</i> . ERROR(S): Supporting Document must be filed separately (i.e. Memorandum of Law in Support of Motion to be filed individually. ***REMINDER*** – Re–File Motion first, then file and link any supporting documents. (db) (Entered: 12/22/2008)
12/23/2008	<u>30</u>	FIRST MOTION to File Amicus Brief. Document filed by Brennan Center for Justice, The Rutherford Institute.(Abel, Laura) (Entered: 12/23/2008)
12/23/2008	<u>31</u>	FIRST MEMORANDUM OF LAW in Support re: <u>30</u> FIRST MOTION to File Amicus Brief.. Document filed by Brennan Center for Justice, The Rutherford Institute. (Abel, Laura) (Entered: 12/23/2008)
12/29/2008	<u>32</u>	ORDER that defendants' cross–reply shall be due on 1/16/09, and shall be limited to 25 pages. (Reply due by 1/16/2009.) (Signed by Judge John G. Koeltl on 12/23/08) (cd) (Entered: 12/29/2008)
12/29/2008	<u>33</u>	ORDER, the briefing schedule for the parties' summary judgment motions in this matter is hereby revised as follows: Defendants' cross–reply shall be due on January 16,2009, and shall be limited to 25 pages. (Signed by Judge Jed S. Rakoff, Part I on 12/29/08) (pl) Modified on 12/29/2008 (pl). (Entered: 12/29/2008)
01/16/2009	<u>34</u>	CROSS REPLY MEMORANDUM OF LAW in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by John M. McConnell, Keith B. Alexander(in his official capacity as Director of the National Security Agency), Keith B. Alexander(in his official capacity as Chief of the Central Security Service), Michael B. Mukasey. (Turner, Serrin) (Entered: 01/16/2009)

01/22/2009	<u>35</u>	ENDORSED LETTER addressed to Judge John G. Koeltl from Serrin Turner dated 1/21/2009 re: Counsel writes presently to request leave to file a corrected version of the Government's cross-reply brief, which was originally filed last Friday, January 16, 2009. ENDORSEMENT: Application granted. So Ordered. (Signed by Judge John G. Koeltl on 1/22/2009) (jfe) (Entered: 01/22/2009)
01/23/2009	<u>36</u>	AMENDED REPLY MEMORANDUM OF LAW in Support re: <u>12</u> MOTION for Summary Judgment.. Document filed by John M. McConnell, Keith B. Alexander(in his official capacity as Director of the National Security Agency), Keith B. Alexander(in his official capacity as Chief of the Central Security Service), Michael B. Mukasey. (Turner, Serrin) (Entered: 01/23/2009)
02/04/2009	<u>37</u>	MOTION for Disclosure of Information Concerning Aug. 22, 2009 Decision of the FISA Court of Review. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(Jaffer, Jameel) (Entered: 02/04/2009)
02/04/2009	<u>38</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>37</u> MOTION for Disclosure of Information Concerning Aug. 22, 2009 Decision of the FISA Court of Review. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Attachments: # <u>1</u> Affidavit Declaration of Laurence M. Schwartztol)(Jaffer, Jameel) Modified on 2/5/2009 (db). (Entered: 02/04/2009)
02/04/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Jameel Jaffer to RE-FILE Document <u>38</u> Memorandum of Law in Support of Motion. ERROR(S): Supporting Document must be filed separately (i.e. Declaration in Support of Motion to be filed individually). ***REMINDER*** – First Re-File Memorandum in Law in Support of Motion. (db) (Entered: 02/05/2009)
02/05/2009	<u>39</u>	MEMORANDUM OF LAW in Support re: <u>37</u> MOTION for Disclosure of Information Concerning Aug. 22, 2009 Decision of the FISA Court of Review.. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 02/05/2009)
02/05/2009	<u>40</u>	DECLARATION of Laurence M. Schwartztol in Support re: <u>37</u> MOTION for Disclosure of Information Concerning Aug. 22, 2009 Decision of the FISA Court of Review.. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Schwartztol, Laurence) (Entered: 02/05/2009)
03/09/2009	<u>41</u>	NOTICE of Withdrawal. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. (Jaffer, Jameel) (Entered: 03/09/2009)
03/11/2009	<u>42</u>	ENDORSED LETTER addressed to Judge John G. Koeltl from David S. Jones dated 3/9/09 re: Counsel for defendants in this action write to report additional information pertaining to plaintiffs' pending "Motion for Disclosure," which sought information relating to certain proceedings in the FISA Court of Review. ENDORSEMENT: This letter should be docketed. (Signed by Judge John G. Koeltl on 3/10/09) (tro) (Entered: 03/11/2009)

06/10/2009	<u>43</u>	ORDER, oral argument on the parties cross-motions for summary judgment set for 7/10/09 at 3:30 pm. Set Deadlines/Hearing as to <u>12</u> MOTION for Summary Judgment, <u>6</u> MOTION for Summary Judgment. (Motion Hearing set for 7/10/2009 at 03:30 PM before Judge John G. Koeltl.) (Signed by Judge John G. Koeltl on 6/9/09) (cd) (Entered: 06/10/2009)
06/30/2009	<u>44</u>	ORDER: Oral argument on the parties' cross-motions for summary judgment is scheduled for 7/10/09 at 3:30 p.m. The parties should ensure that all amici are given notice of oral argument. (Signed by Judge John G. Koeltl on 6/29/09) (tro) (Entered: 06/30/2009)
07/02/2009	<u>45</u>	ORDER, oral argument on this motion, which was previously scheduled for 7/10/09, is now scheduled for 7/17/09 at 3:00 pm. Plaintiff's counsel is directed to ensure that defense counsel and all amici are notified accordingly. Set Deadlines/Hearing as to <u>12</u> MOTION for Summary Judgment, <u>6</u> MOTION for Summary Judgment. (Motion Hearing reset for 7/17/2009 at 03:00 PM before Judge John G. Koeltl.) (Signed by Judge John G. Koeltl on 7/1/09) (cd) (Entered: 07/02/2009)
07/08/2009	<u>46</u>	ORDER: Oral argument on the pending motions, previously set for 7/17/09, is now scheduled for 7/22/09 at 10:00 AM. The parties shall ensure that all amici are notified accordingly. (Signed by Judge John G. Koeltl on 7/7/09) (tro) (Entered: 07/08/2009)
07/09/2009	<u>47</u>	MOTION for Lori Danielle Tully to Withdraw as Attorney. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(Jaffer, Jameel) (Entered: 07/09/2009)
08/12/2009	48	TRANSCRIPT of proceedings held on 7/22/09 before Judge John G. Koeltl. (pl) (Entered: 08/12/2009)
08/20/2009	<u>49</u>	OPINION AND ORDER:#97936 For all of the foregoing reasons, the plaintiffs lack Article III standing to bring this constitutional challenge to the FAA. The plaintiffs' motion for summary judgment is denied. The Government's motion for summary judgment is granted. The Clerk is directed to close Docket Nos. 6 and 12 and to enter judgment dismissing the complaint and closing this case. (Signed by Judge John G. Koeltl on 8/20/2009) (jpo) Modified on 8/21/2009 (jab). (Entered: 08/20/2009)
08/20/2009		Transmission to Judgments and Orders Clerk. Transmitted re: <u>49</u> Opinion and Order, to the Judgments and Orders Clerk. (jpo) (Entered: 08/27/2009)
08/27/2009	<u>50</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated August 20, 2009, plaintiffs' motion for summary judgment is denied; the Government's motion for summary judgment is granted; and the complaint is dismissed; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 8/27/09) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 08/27/2009)
08/28/2009	<u>51</u>	ORDER: The Clerk is directed to close Docket Nos. 14, 15, 30, and 47 in this case. The motions reflected in those docket entries are granted and in any event are moot. The Clerk is directed to close Docket No. 37. The motion reflected in that docket entry was withdrawn. (See Docket No. 41.) Pursuant to the August 20, 2009 Opinion and Order (Docket No. 49), the Clerk is directed to enter judgment dismissing the Complaint and closing this case. (Signed by Judge John G. Koeltl on 8/22/2009) (jfe) (Entered: 08/28/2009)
10/01/2009	<u>52</u>	NOTICE OF APPEAL from <u>50</u> Clerk's Judgment, <u>49</u> Memorandum & Opinion,. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Crime Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America. Filing fee \$ 455.00, receipt number E 701889. (nd) (Entered: 10/02/2009)

10/02/2009		Transmission of Notice of Appeal to the District Judge re: <u>52</u> Notice of Appeal,. (nd) (Entered: 10/02/2009)
10/02/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>52</u> Notice of Appeal,. (nd) (Entered: 10/02/2009)
10/02/2009		<p>Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>30</u> FIRST MOTION to File Amicus Brief. filed by Brennan Center for Justice, The Rutherford Institute, <u>5</u> Order on Motion for Leave to File Excess Pages, <u>29</u> Brief, filed by The New York City Bar Association, Duane L. Loft, <u>1</u> Complaint,, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>16</u> Endorsed Letter, <u>50</u> Clerk's Judgment, <u>44</u> Order, Set Deadlines/Hearings, <u>27</u> Rule 7.1 Corporate Disclosure Statement filed by Reporters Committee for Freedom of the Press, <u>17</u> Memo Endorsement,, <u>41</u> Notice (Other), Notice (Other) filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>14</u> MOTION for Leave to File Excess Pages. filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>8</u> Rule 56.1 Statement, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>51</u> Order, <u>35</u> Endorsed Letter, <u>47</u> MOTION for Lori Danielle Tully to Withdraw as Attorney. filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>26</u> Brief filed by Reporters Committee for Freedom of the Press, <u>22</u> Declaration in Support, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>10</u> Memorandum of Law in Opposition to Motion, filed by Keith B. Alexander, Michael B. Mukasey, John M. McConnell, <u>43</u> Order, Set Motion and RRDeadlines/Hearings,, <u>7</u> Memorandum of Law in Support of Motion,, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>13</u> Notice of Appearance, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>2</u> Rule 7.1 Corporate Disclosure Statement, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>23</u> Declaration in Support, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, <u>3</u> Endorsed Letter, Set Deadlines/Hearings,,,,, <u>31</u> Memorandum of Law in Support of Motion filed by</p>

Brennan Center for Justice, The Rutherford Institute, 20 Endorsed Letter, Set Deadlines/Hearings,, 15 MOTION for Leave to File Excess Pages. filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 19 Rule 56.1 Statement, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 52 Notice of Appeal, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 11 Rule 56.1 Statement, filed by Keith B. Alexander, Michael B. Mukasey, John M. McConnell, 39 Memorandum of Law in Support of Motion, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 34 Reply Memorandum of Law in Support of Motion, filed by Keith B. Alexander, Michael B. Mukasey, John M. McConnell, 46 Order, Set Deadlines/Hearings, 12 MOTION for Summary Judgment. filed by Keith B. Alexander, Michael B. Mukasey, John M. McConnell, 6 MOTION for Summary Judgment. filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 45 Order, Set Motion and RRDeadlines/Hearings,, 37 MOTION for Disclosure of *Information Concerning Aug. 22, 2009 Decision of the FISA Court of Review*. filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 49 Memorandum & Opinion, 33 Order, Set Scheduling Order Deadlines,, 24 Declaration in Support, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 25 Declaration in Support, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 42 Endorsed Letter, 32 Order, Set Deadlines/Hearings, 36 Reply Memorandum of Law in Support of Motion, filed by Keith B. Alexander, Michael B. Mukasey, John M. McConnell, 21 Reply Memorandum of Law in Support of Motion, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 40 Declaration in Support of Motion,, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 4 MOTION for Leave to File Excess Pages. filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights, 9 Order, Set Deadlines,,, were transmitted to the U.S. Court of Appeals. (nd) (Entered: 10/02/2009)

10/19/2009		USCA Case Number 09-4112-cv from the USCA 2nd Circuit assigned to <u>52</u> Notice of Appeal, filed by Scott McKay, Pen American Center, The Nation Magazine, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, International Crime Defence Attorneys Association, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights. (tp) (Entered: 10/19/2009)
12/28/2009	<u>53</u>	JOINT MOTION to Supplement Record. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Criminal Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(Jaffer, Jameel) (Entered: 12/28/2009)
01/07/2010	<u>54</u>	MOTION for Laurence M. Schwartztol to Withdraw as Attorney. Document filed by Daniel N. Arshack, David Nevin, Scott McKay, Sylvia Royce, Amnesty International USA, Global Fund for Women, Global Rights, Human Rights Watch, International Criminal Defence Attorneys Association, The Nation Magazine, Pen American Center, Service Employees International Union, Washington Office on Latin America.(Schwartztol, Laurence) (Entered: 01/07/2010)
03/22/2011	<u>55</u>	TRUE COPY ORDER of USCA as to <u>52</u> Notice of Appeal, filed by Scott McKay, Pen American Center, The Nation Magazine, International Criminal Defence Attorneys Association, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights USCA Case Number 09-4112-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED and REMANDED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 03/21/2011. (Attachments: # <u>1</u> Part 2 of the opinion)(nd) (Entered: 03/22/2011)
03/22/2011		Transmission of USCA Order to the District Judge re: <u>55</u> USCA Order,,. (nd) Modified on 3/22/2011 (nd). (Entered: 03/22/2011)
03/24/2011	<u>56</u>	MEMO ENDORSEMENT on <u>54</u> Motion to Withdraw as Attorney. Attorney Laurence Michael Schwartztol terminated. ENDORSEMENT: Application granted. So Ordered.. (Signed by Judge John G. Koeltl on 3/24/2011) (jpo) (Entered: 03/24/2011)
03/29/2011	<u>57</u>	ORDER: The parties' joint motion to supplement the record is granted. The Clerk is directed to close Document 53 as an open motion. (Signed by Judge John G. Koeltl on 3/29/2011) (jpo) (Entered: 03/29/2011)
10/12/2011	<u>58</u>	MANDATE of USCA (Certified Copy) as to <u>52</u> Notice of Appeal, filed by Scott McKay, Pen American Center, The Nation Magazine, International Criminal Defence Attorneys Association, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights USCA Case Number 09-4112-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED and the case is REMANDED to the District Court in accordance with the opinion of this Court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 10/12/2011. (Attachments: # <u>1</u> Opinion)(nd) (Entered: 10/12/2011)
10/12/2011		Transmission of USCA Mandate/Order to the District Judge re: <u>58</u> USCA Mandate,,. (nd) (Entered: 10/12/2011)
10/13/2011	<u>59</u>	NOTICE OF COURT CONFERENCE: You are directed to appear for a pretrial conference, to be held on Tuesday, November 1, 2011 in Courtroom 12B, at 4:30pm in front of the Honorable John G. Koeltl. All requests for adjournments must be made in writing to the Court. For any further information, please contact the Court at (212) 805-0107. By: Don Fletcher, Courtroom Case Manager on October 13, 2011. (djc) (Entered: 10/14/2011)
10/13/2011		Set/Reset Hearings: Pretrial Conference set for 11/1/2011 at 04:30 PM in Courtroom 12B, 500 Pearl Street, New York, NY 10007 before Judge John G. Koeltl. (djc) (Entered: 10/14/2011)

10/28/2011	<u>60</u>	ENDORSED LETTER addressed to Judge John G. Koeltl from Serrin Turner dated 10/27/2011 re: request for a further adjournment of the status conference. ENDORSEMENT: The Status Conference is Adjourned to December 6, 2011, 4:30 p.m. w/out prejudice to a subsequent application. (Pretrial Conference set for 12/6/2011 at 04:30 PM before Judge John G. Koeltl.) (Signed by Part I Judge Alvin K. Hellestein on 10/28/2011) (ama) (Entered: 10/28/2011)
10/28/2011		Set Deadlines/Hearings: Status Conference set for 12/6/2011 at 04:30 PM before Judge John G. Koeltl. (ama) (Entered: 11/02/2011)
12/05/2011	<u>61</u>	ENDORSED LETTER addressed to Judge John G. Koeltl from Serrin Turner dated 12/1/2011 re: The Government writes to request an adjournment of the status conference currently scheduled for 12/6/2011. ENDORSEMENT: Adjourned to Thursday, January 19, 2012 at 4:30 PM. (Status Conference set for 1/19/2012 at 04:30 PM before Judge John G. Koeltl.) (Signed by Judge John G. Koeltl on 12/5/2011) (ab) (Entered: 12/05/2011)
01/18/2012	<u>62</u>	ENDORSED LETTER addressed to Judge John G. Koeltl from Serrin Turner dated 1/18/12 re: Counsel for the Government seeks an adjournment of the 1/19 conference until sometime after 2/21/12. ENDORSEMENT: Conference adjourned to 2/28/12 at 4:30 p.m. So ordered. (Status Conference set for 2/28/2012 at 04:30 PM before Judge John G. Koeltl.) (Signed by Judge John G. Koeltl on 1/18/2012) (mro) (Entered: 01/18/2012)
02/07/2012	<u>63</u>	NOTICE OF APPEARANCE by Alexander Abraham Abdo on behalf of Amnesty International USA, Daniel N. Arshack, Global Fund for Women, Global Rights, Human Rights Watch, International Criminal Defence Attorneys Association, Scott McKay, David Nevin, Pen American Center, Sylvia Royce, Service Employees International Union, The Nation Magazine, Washington Office on Latin America (Abdo, Alexander) (Entered: 02/07/2012)
03/02/2012	<u>64</u>	ENDORSED LETTER: addressed to Judge John G. Koeltl from U.S. Department of Justice dated 2/24/2012 re: Counsel for defendant requests an adjournment of the status conference currently scheduled for February 28, 2012 to after June 1, 2012. ENDORSEMENT: Adjourned to Tuesday, June 19, 2012 at 4:30 p.m. (Status Conference set for 6/19/2012 at 04:30 PM before Judge John G. Koeltl.) (Signed by Judge John G. Koeltl on 2/29/2012) (js) (Entered: 03/02/2012)
06/15/2012	<u>65</u>	ENDORSED LETTER addressed to Judge John G. Koeltl' from SERRIN TURNER dated 6/15/2012 re: counsel for the Government seeks to adjourn the upcoming conference until the litigation of the case in the Supreme Court is resolved. The Government will apprise the Court promptly upon the conclusion of the Supreme Court litigation. ENDORSEMENT: Application Granted. (Signed by Judge John G. Koeltl on 6/18/2012) (pl) (Entered: 06/18/2012)
07/30/2013	<u>66</u>	MANDATE of USCA (Certified Copy) as to <u>52</u> Notice of Appeal, filed by Scott McKay, Pen American Center, The Nation Magazine, International Criminal Defence Attorneys Association, Sylvia Royce, Global Fund for Women, Human Rights Watch, David Nevin, Service Employees International Union, Washington Office on Latin America, Daniel N. Arshack, Amnesty International USA, Global Rights USCA Case Number 09-4112-cv. On March 21, 2011, we reversed the district court's August 27, 2009 judgment, which granted summary judgment to defendants and dismissed the case. On February 26, 2013, the Supreme Court reversed our judgment and remanded the case for further proceedings consistent with its opinion. In accordance with the instructions of the Supreme Court, we therefore now VACATE our prior judgment and AFFIRM the district court's August 27, 2009 judgment dismissing the complaint. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 7/30/2013. (nd) (Entered: 07/30/2013)
08/01/2013	<u>67</u>	ORDER: Pursuant to the July 30, 2013 mandate of the United states Court of Appeals for the Second Circuit, the Clerk is directed to close this case. (Signed by Judge John G. Koeltl on 7/31/2013) (djc) (Entered: 08/02/2013)