

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:14-cv-03776-AT-SN**

The New York Times Company et al v. United States
Department of Justice
Assigned to: Judge Analisa Torres
Referred to: Magistrate Judge Sarah Netburn
Cause: 05:552 Freedom of Information Act

Date Filed: 05/28/2014
Date Terminated: 08/22/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

The New York Times Company

represented by **David Edward McCraw**
The New York Times Company (10018)
620 Eighth Avenue
New York, NY 10018
(212) 556-4031
Fax: (212) 556-1009
Email: mccraw@nytimes.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Diana Victoria Baranetsky
New York Times Company
620 Eighth Avenue, 18th Floor
New York, NY 10018
(212)-556-5188
Email: victoria.baranetsky@nytimes.com
ATTORNEY TO BE NOTICED

Plaintiff

Charlie Savage

represented by **David Edward McCraw**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Diana Victoria Baranetsky
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Justice

represented by **Emily Ewell Daughtry**
U.S. Attorney's Office, SDNY (Chambers
Street)
86 Chambers Street
New York, NY 10007
(212)-637-2800 x1579
Fax: (212)-637-2717
Email: emily.daughtry@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tara Marie La Morte
DOJ-USAO
Lrm Jones, Lisa
1 St. Andrews Plaza
New York, NY 10007
212-637-1041

Email: tara.lamorte2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Tulis
United States Attorney's Office
Southern District Of New York
86 Chambers Street, Third Floor
New York, NY 10007
(212)–637–2725
Fax: (212)–637–2702
Email: elizabeth.tulis@usdoj.gov
ATTORNEY TO BE NOTICED

John Dalton Clopper
U.S. Attorney's Office, SDNY
86 Chambers Street
New York, NY 10007
212 637 2716
Fax: 212 637 0033
Email: john.clopper@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/28/2014	<u>1</u>	CIVIL COVER SHEET filed. (lcu) (Entered: 05/30/2014)
05/28/2014	<u>2</u>	COMPLAINT against United States Department of Justice. (Filing Fee \$ 350.00, Receipt Number 465401096003)Document filed by The New York Times Company, Charlie Savage.(lcu) (Entered: 05/30/2014)
05/28/2014		SUMMONS ISSUED as to United States Department of Justice, U.S. Attorney and U.S. Attorney General. (lcu) (Entered: 05/30/2014)
05/28/2014		Magistrate Judge Sarah Netburn is so designated. (lcu) (Entered: 05/30/2014)
05/28/2014		Case Designated ECF. (lcu) (Entered: 05/30/2014)
06/03/2014		NOTICE OF CASE REASSIGNMENT to Judge Analisa Torres. Judge John G. Koeltl is no longer assigned to the case. (pgu) (Entered: 06/03/2014)
06/05/2014	<u>3</u>	INITIAL PRETRIAL CONFERENCE ORDER: Initial Conference set for 8/4/2014 at 04:15 PM in Courtroom 15D, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres, and as further set forth. (Signed by Judge Analisa Torres on 6/5/2014) (rjm) (Entered: 06/06/2014)
06/30/2014	<u>4</u>	ANSWER to <u>2</u> Complaint. Document filed by United States Department of Justice.(Clopper, John) (Entered: 06/30/2014)
07/03/2014	<u>5</u>	NOTICE OF APPEARANCE by Emily Ewell Daughtry on behalf of United States Department of Justice. (Daughtry, Emily) (Entered: 07/03/2014)
07/31/2014	<u>6</u>	LETTER MOTION to Adjourn Conference addressed to Judge Analisa Torres from John Clopper dated July 31, 2014. Document filed by United States Department of Justice.(Clopper, John) (Entered: 07/31/2014)
07/31/2014	<u>7</u>	ORDER granting <u>6</u> Letter Motion to Adjourn Conference: The parties' request to adjourn the initial pre-trial conference scheduled for August 4, 2014, is GRANTED. The conference is rescheduled to August 13, 2014, at 4:15 p.m. The parties shall submit their joint letter and proposed case management plan by August 11, 2014. (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (Torres, Analisa) (Entered: 07/31/2014)
08/11/2014	<u>8</u>	LETTER MOTION to Adjourn Conference addressed to Judge Analisa Torres from John Clopper dated August 11, 2014. Document filed by United States Department of Justice.(Clopper, John) (Entered: 08/11/2014)

08/12/2014	<u>9</u>	ORDER granting <u>8</u> Letter Motion to Adjourn Conference: The parties' request to adjourn the initial pre-trial conference scheduled for August 13, 2014, is GRANTED. The conference is rescheduled to August 28, 2014, at 4:00 p.m. (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (Torres, Analisa) (Entered: 08/12/2014)
08/25/2014	<u>10</u>	LETTER addressed to Judge Analisa Torres from John Clopper dated August 25, 2014 re: proposed FOIA processing schedule. Document filed by United States Department of Justice.(Clopper, John) (Entered: 08/25/2014)
08/26/2014	<u>11</u>	NOTICE OF APPEARANCE by Diana Victoria Baranetsky on behalf of Charlie Savage, The New York Times Company. (Baranetsky, Diana) (Entered: 08/26/2014)
08/28/2014	<u>12</u>	MEMO ENDORSEMENT on re: <u>10</u> Letter filed by United States Department of Justice. ENDORSEMENT: The government shall process responsive documents in accordance with the schedule outlined above. (Signed by Judge Analisa Torres on 8/28/2014) (tn) (Entered: 08/28/2014)
08/28/2014		Minute Order Proceedings held before Judge Analisa Torres: Initial Pretrial Conference held on 8/28/2014. (mo) (Entered: 09/03/2014)
12/19/2014	<u>13</u>	LETTER MOTION for Extension of Time <i>to release document to Plaintiff</i> addressed to Judge Analisa Torres from Emily E. Daughtry dated December 19, 2014. Document filed by United States Department of Justice.(Daughtry, Emily) (Entered: 12/19/2014)
12/19/2014	<u>14</u>	ORDER granting <u>13</u> Letter Motion for Extension of Time. GRANTED. The deadline for the release for the "702 Report" is extended from December 22, 2014, to January 9, 2015. SO ORDERED. (Signed by Judge Analisa Torres on 12/19/2014) (ajs) (Entered: 12/22/2014)
02/04/2015	<u>15</u>	LETTER MOTION for Extension of Time addressed to Judge Analisa Torres from Emily Daughtry dated 02/04/2015. Document filed by United States Department of Justice.(Daughtry, Emily) (Entered: 02/04/2015)
02/04/2015	<u>16</u>	ORDER granting <u>15</u> Letter Motion for Extension of Time. GRANTED. Defendant shall complete its processing of the Joint Inspector General Report by April 20, 2015. SO ORDERED. (Signed by Judge Analisa Torres on 2/4/2015) (ajs) (Entered: 02/04/2015)
04/17/2015	<u>17</u>	LETTER MOTION for Extension of Time addressed to Judge Analisa Torres from Emily E. Daughtry dated April 17, 2015. Document filed by United States Department of Justice.(Daughtry, Emily) (Entered: 04/17/2015)
04/17/2015	<u>18</u>	ORDER granting <u>17</u> Letter Motion for Extension of Time. GRANTED. The deadline is extended from April 20, 2015, to April 24, 2015. SO ORDERED. (Signed by Judge Analisa Torres on 4/17/2015) (ajs) (Entered: 04/20/2015)
05/06/2015	<u>19</u>	LETTER MOTION for Extension of Time addressed to Judge Analisa Torres from David E. McCraw dated 05/06/2015. Document filed by Charlie Savage, The New York Times Company.(McCraw, David) (Entered: 05/06/2015)
05/07/2015	<u>20</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time. GRANTED. The parties shall file any pre-motion conference requests by May 15, 2015. (Signed by Judge Analisa Torres on 5/7/2015) (mro) (Entered: 05/08/2015)
05/07/2015		Set/Reset Deadlines: Motions due by 5/15/2015. (mro) (Entered: 05/08/2015)
05/15/2015	<u>21</u>	LETTER MOTION for Conference <i>or for Summary Judgment Briefing Schedule</i> addressed to Judge Analisa Torres from John Clopper dated May 15, 2015. Document filed by United States Department of Justice.(Clopper, John) (Entered: 05/15/2015)
05/18/2015	<u>22</u>	ORDER granting <u>21</u> Letter Motion for permission to file cross-motions for summary judgment. GRANTED. The parties shall adhere to the briefing schedule set forth above. (Signed by Judge Analisa Torres on 5/18/2015) (spo) (Entered: 05/18/2015)
05/18/2015		Set/Reset Deadlines: Cross Motions due by 8/3/2015. Motions due by 7/21/2015. Responses due by 8/3/2015. Replies due by 9/14/2015. Reply to Response to Brief due by 10/14/2015. Responses to Brief due by 9/14/2015. (spo) (Entered: 05/18/2015)

07/17/2015	<u>23</u>	LETTER MOTION for Extension of Time addressed to Judge Analisa Torres from John Clopper dated July 17, 2015. Document filed by United States Department of Justice.(Clopper, John) (Entered: 07/17/2015)
07/20/2015	<u>24</u>	ORDER granting <u>23</u> Letter Motion for Extension of Time. GRANTED. The parties shall adhere to the proposed briefing schedule set forth above. SO ORDERED. (Signed by Judge Analisa Torres on 7/20/2015) (ajs) (Entered: 07/21/2015)
07/20/2015		Set/Reset Deadlines: Cross Motions due by 10/7/2015. Motions due by 9/16/2015. Responses due by 11/10/2015 Replies due by 12/8/2015. (ajs) (Entered: 07/21/2015)
09/11/2015	<u>25</u>	LETTER MOTION for Extension of Time <i>for Summary Judgment Briefing</i> addressed to Judge Analisa Torres from David E. McCraw dated 09/11/2015. Document filed by Charlie Savage, The New York Times Company.(McCraw, David) (Entered: 09/11/2015)
09/11/2015	<u>26</u>	ORDER granting <u>25</u> Letter Motion for Extension of Time. GRANTED. The parties shall adhere to the schedule set forth above. SO ORDERED. (Signed by Judge Analisa Torres on 9/11/2015) (ajs) (Entered: 09/11/2015)
09/11/2015		Set/Reset Deadlines: Cross Motions due by 11/9/2015. Motions due by 10/7/2015. Responses due by 12/2/2015 Replies due by 1/6/2016. (ajs) (Entered: 09/11/2015)
09/25/2015	<u>27</u>	LETTER addressed to Judge Analisa Torres from David McCraw dated 9-25-2015 re: Filing of Voluminous Record. Document filed by Charlie Savage, The New York Times Company.(McCraw, David) (Entered: 09/25/2015)
09/25/2015	<u>28</u>	MEMO ENDORSEMENT on re: <u>27</u> Letter filed by The New York Times Company, Charlie Savage. ENDORSEMENT: GRANTED to the extent that Plaintiff shall file on ECF: (1) the report pages containing the challenged redactions, and (2) the report pages cited in Plaintiff's memorandum. Plaintiff shall submit hard copies, as well as an electronic version on a CD, of the entire set of redacted documents. (Signed by Judge Analisa Torres on 9/25/2015) (mro) (Entered: 09/28/2015)
10/07/2015	<u>29</u>	MOTION for Summary Judgment . Document filed by Charlie Savage, The New York Times Company. Responses due by 11/9/2015(McCraw, David) (Entered: 10/07/2015)
10/07/2015	<u>30</u>	MEMORANDUM OF LAW in Support re: <u>29</u> MOTION for Summary Judgment . . Document filed by Charlie Savage, The New York Times Company. (McCraw, David) (Entered: 10/07/2015)
10/07/2015	<u>31</u>	DECLARATION of David E. McCraw in Support re: <u>29</u> MOTION for Summary Judgment .. Document filed by Charlie Savage, The New York Times Company. (McCraw, David) (Entered: 10/07/2015)
10/07/2015	<u>32</u>	NOTICE of Excerpts Containing Plaintiffs' Challenged Redactions and Cited Portions of Redacted Material Referenced in Plaintiffs' Memorandum of Law in Support of their Motion for Summary Judgment. Document filed by Charlie Savage, The New York Times Company. (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3, # <u>3</u> Part 4, # <u>4</u> Part 5, # <u>5</u> Part 6)(McCraw, David) (Entered: 10/07/2015)
11/06/2015	<u>33</u>	LETTER MOTION for Extension of Time <i>to file brief</i> addressed to Judge Analisa Torres from John Clopper dated November 6, 2015. Document filed by United States Department of Justice.(Clopper, John) (Entered: 11/06/2015)
11/09/2015	<u>34</u>	ORDER granting <u>33</u> LETTER MOTION for Extension of Time to file brief addressed to Judge Analisa Torres from John Clopper dated November 6, 2015. Document filed by United States Department of Justice. GRANTED. The parties shall adhere to the schedule set forth above. So ordered. (Cross Motions due by 11/16/2015). (Signed by Judge Analisa Torres on 11/9/2015) (rjm) (Entered: 11/09/2015)
11/09/2015		Set/Reset Deadlines: Responses due by 12/22/2015. Replies due by 1/22/2016. (rjm) (Entered: 11/09/2015)
11/13/2015	<u>35</u>	LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Analisa Torres from AUSA John Clopper dated November 13, 2015. Document filed by United States Department of Justice.(Clopper, John) (Entered: 11/13/2015)

11/13/2015	<u>36</u>	NOTICE OF APPEARANCE by Tara Marie La Morte on behalf of United States Department of Justice. (La Morte, Tara) (Entered: 11/13/2015)
11/16/2015	<u>37</u>	ORDER granting <u>35</u> Letter Motion for Extension of Time to File Response/Reply re <u>29</u> MOTION for Summary Judgment. GRANTED. The parties shall adhere to the schedule set forth above. (Responses due by 12/11/2015. Replies due by 1/12/2016.) (Signed by Judge Analisa Torres on 11/16/2015) (kko) (Entered: 11/16/2015)
11/16/2015		Set/Reset Deadlines: Cross Motions due by 12/11/2015. Responses due by 1/12/2016 Replies due by 2/12/2016. (kko) (Entered: 11/16/2015)
11/16/2015		Set/Reset Deadlines as to <u>29</u> MOTION for Summary Judgment: Responses due by 12/11/2015. Replies due by 1/12/2016. (kko) (Entered: 11/16/2015)
12/11/2015	<u>38</u>	CROSS MOTION for Summary Judgment . Document filed by United States Department of Justice.(La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>39</u>	MEMORANDUM OF LAW in Support re: <u>38</u> CROSS MOTION for Summary Judgment . <i>and in Opposition to Plaintiffs' Motion for Summary Judgment.</i> Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>40</u>	DECLARATION of Mary E. Wilson in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>41</u>	DECLARATION of David M. Hardy in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>42</u>	DECLARATION of Dr. David J. Sherman in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>43</u>	DECLARATION of John Bradford Wiegmann in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>44</u>	DECLARATION of Douglas R. Hibbard in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>45</u>	DECLARATION of Paul P. Colborn in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>46</u>	DECLARATION of Tara M. La Morte in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit A)(La Morte, Tara) (Entered: 12/11/2015)
12/11/2015	<u>47</u>	NOTICE of Classified Filing re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 12/11/2015)
12/16/2015	<u>48</u>	NOTICE OF APPEARANCE by Elizabeth Tulis on behalf of United States Department of Justice. (Tulis, Elizabeth) (Entered: 12/16/2015)
01/12/2016	<u>49</u>	REPLY MEMORANDUM OF LAW in Support re: <u>29</u> MOTION for Summary Judgment . <i>and in Opposition re: <u>38</u> CROSS-MOTION for Summary Judgment.</i> Document filed by Charlie Savage, The New York Times Company. (McCraw, David) (Entered: 01/12/2016)
01/12/2016	<u>50</u>	DECLARATION of David E. McCraw in Support re: <u>29</u> MOTION for Summary Judgment .. Document filed by Charlie Savage, The New York Times Company. (McCraw, David) (Entered: 01/12/2016)
02/12/2016	<u>51</u>	LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Analisa Torres from Tara M. La Morte dated February 12, 2016. Document filed by United States Department of Justice.(La Morte, Tara) (Entered: 02/12/2016)

02/14/2016	<u>52</u>	NOTICE of Withdrawal of Counsel. Document filed by Charlie Savage, The New York Times Company. (McCraw, David) (Entered: 02/14/2016)
02/16/2016	<u>53</u>	ORDER granting <u>51</u> Letter Motion for Extension of Time to File Response/Reply re <u>38</u> CROSS MOTION for Summary Judgment. GRANTED. Defendant shall adhere to the schedule set forth above. SO ORDERED. Replies due by 2/19/2016. (Signed by Judge Analisa Torres on 2/16/2016) (kko) (Entered: 02/16/2016)
02/19/2016	<u>54</u>	REPLY MEMORANDUM OF LAW in Support re: <u>38</u> CROSS MOTION for Summary Judgment . . Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 02/19/2016)
02/19/2016	<u>55</u>	REPLY AFFIDAVIT of Tara M. La Morte in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(La Morte, Tara) (Entered: 02/19/2016)
02/19/2016	<u>56</u>	DECLARATION of David J. Sherman (supplemental declaration) in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 02/19/2016)
02/19/2016	<u>57</u>	DECLARATION of David M. Hardy (second declaration) in Support re: <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 02/19/2016)
02/19/2016	<u>58</u>	NOTICE of Classified Filing re: <u>54</u> Reply Memorandum of Law in Support of Motion, <u>38</u> CROSS MOTION for Summary Judgment .. Document filed by United States Department of Justice. (La Morte, Tara) (Entered: 02/19/2016)
08/18/2016	<u>59</u>	MEMORANDUM AND ORDER granting <u>38</u> Motion for Summary Judgment; denying <u>29</u> Motion for Summary Judgment. For the reasons stated above, Plaintiffs' motion for summary judgment is DENIED, and Defendant's motion is GRANTED. The Clerk of Court is directed to terminate the motions at ECF Nos. 29 and 38 and to close the case. SO ORDERED. (As further set forth in this Order.) (Signed by Judge Analisa Torres on 8/18/2016) (kko) (Entered: 08/18/2016)
08/18/2016		Transmission to Judgments and Orders Clerk. Transmitted re: <u>59</u> Order on Motion for Summary Judgment to the Judgments and Orders Clerk. (kko) (Entered: 08/18/2016)
08/18/2016	<u>60</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Sarah Netburn. (Signed by Judge Lorna G. Schofield on 8/18/2016) (kko) (Entered: 08/18/2016)
08/18/2016	<u>62</u>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>59</u> Order on Motion for Summary Judgment. (Attachments: # <u>1</u> Internet Citation, # <u>2</u> Internet Citation, # <u>3</u> Internet Citation, # <u>4</u> Internet Citation, # <u>5</u> Internet Citation, # <u>6</u> Internet Citation, # <u>7</u> Internet Citation, # <u>8</u> Internet Citation, # <u>9</u> Internet Citation, # <u>10</u> Internet Citation) (vf) (Entered: 11/15/2016)
08/22/2016	<u>61</u>	CLERK'S JUDGMENT: That for the reasons stated in the Court's Memorandum and Order dated August 18, 2016, Plaintiffs' motion for summary judgment is denied, and Defendant's motion is granted; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 8/22/2016) (Attachments: # <u>1</u> Notice of Right to Appeal, # <u>2</u> Notice of Right to Appeal)(dt) (Entered: 08/22/2016)