

**General Docket
Court of Appeals, 2nd Circuit**

Court of Appeals Docket #: 17-3399

Docketed: 10/20/2017

Nature of Suit: 2895 STATUTES-FOIA 1974

Termed: 05/30/2019

American Civil Liberties Union v. National Security Agency

Appeal From: SDNY (NEW YORK CITY)

Fee Status: Paid

Case Type Information:

- 1) Civil
- 2) United States
- 3) -

Originating Court Information:

District: 0208-1 : [13-cv-9198](#)

Trial Judge: Kimba M. Wood, U.S. District Judge

Date Filed: 12/30/2013

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
08/22/2017	08/22/2017	10/20/2017	10/20/2017

Prior Cases:

None

Current Cases:

None

Panel Assignment: Not available

American Civil Liberties Union
Plaintiff - Appellant

Ashley Gorski, Esq., -
Direct: 212-284-7305
[COR LD NTC Retained]
American Civil Liberties Union Foundation
18th Floor
125 Broad Street
New York, NY 10004

David A. Schulz, -
Direct: 212-850-6103
[COR NTC -]
Ballard Spahr LLP
19th Floor
1675 Broadway
New York, NY 10019

American Civil Liberties Union Foundation
Plaintiff - Appellant

Patrick Toomey, Esq., -
Direct: 212-519-7816
[COR NTC Retained]
American Civil Liberties Union of New York
18th Floor
125 Broad Street
New York, NY 10004

Ashley Gorski, Esq., -
Direct: 212-284-7305
[COR LD NTC Retained]
(see above)

Patrick Toomey, Esq., -
Direct: 212-519-7816
[COR NTC Retained]
(see above)

National Security Agency
Defendant - Appellee

Jean-David Barnea, Assistant United States
Attorney
[COR NTC US Attorney]
United States Attorney's Office for the
Southern District of New York
86 Chambers Street
New York, NY 10007

David S. Jones, Assistant U.S. Attorney
Direct: 212-637-2739
[COR NTC US Attorney]
United States Attorney's Office for the
Southern District of New York
3rd Floor
86 Chambers Street
New York, NY 10007

Benjamin H. Torrance, Assistant U.S.
Attorney
[COR NTC US Attorney]
United States Attorney's Office for the
Southern District of New York
86 Chambers Street
New York, NY 10007

Central Intelligence Agency
Defendant - Appellee

Jean-David Barnea, Assistant United States
Attorney
[COR NTC US Attorney]
(see above)

David S. Jones, Assistant U.S. Attorney
Direct: 212-637-2739
[COR NTC US Attorney]
(see above)

Benjamin H. Torrance, Assistant U.S.
Attorney
[COR NTC US Attorney]
(see above)

United States Department of Defense
Defendant - Appellee

Jean-David Barnea, Assistant United States
Attorney
[COR NTC US Attorney]
(see above)

David S. Jones, Assistant U.S. Attorney
Direct: 212-637-2739
[COR NTC US Attorney]
(see above)

Benjamin H. Torrance, Assistant U.S.
Attorney
[COR NTC US Attorney]
(see above)

United States Department of Justice
Defendant - Appellee

Jean-David Barnea, Assistant United States
Attorney
[COR NTC US Attorney]
(see above)

David S. Jones, Assistant U.S. Attorney
Direct: 212-637-2739
[COR NTC US Attorney]
(see above)

Benjamin H. Torrance, Assistant U.S.
Attorney
[COR NTC US Attorney]
(see above)

United States Department of State
Defendant - Appellee

Jean-David Barnea, Assistant United States
Attorney
[COR NTC US Attorney]
(see above)

David S. Jones, Assistant U.S. Attorney
Direct: 212-637-2739
[COR NTC US Attorney]
(see above)

Benjamin H. Torrance, Assistant U.S.
Attorney
[COR NTC US Attorney]
(see above)

American Civil Liberties Union, American Civil Liberties Union Foundation,

Plaintiffs - Appellants,

v.

National Security Agency, Central Intelligence Agency, United States Department of Defense, United
States Department of Justice, United States Department of State,

Defendants - Appellees,

10/20/2017	1 18 pg, 102.01 KB	NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. [2154368] [17-3399] [Entered: 10/23/2017 04:12 PM]
10/20/2017	2 1 pg, 36.83 KB	DISTRICT COURT JUDGMENT, dated 08/22/2017, RECEIVED.[2154377] [17-3399] [Entered: 10/23/2017 04:14 PM]
10/20/2017	3	PAYMENT OF DOCKETING FEE, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, district court receipt # 0208-14269822, FILED.[2154378] [17-3399] [Entered: 10/23/2017 04:15 PM]
10/20/2017	4 16 pg, 106.2 KB	ELECTRONIC INDEX, in lieu of record, FILED.[2154379] [17-3399] [Entered: 10/23/2017 04:15 PM]
10/23/2017	6 1 pg, 62.77 KB	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee Central Intelligence Agency, Department of Defense, Department of Justice, Department of State and National Security Agency, FILED. Service date 10/23/2017 by CM/ECF. [2154521] [17-3399] [Entered: 10/23/2017 05:56 PM]

10/23/2017	7 1 pg, 61.32 KB	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee Central Intelligence Agency, Department of Defense, Department of Justice, Department of State and National Security Agency, FILED. Service date 10/23/2017 by CM/ECF. [2154524] [17-3399] [Entered: 10/23/2017 06:08 PM]
10/24/2017	8	ATTORNEY, Jean-David Barnea for National Security Agency Department of Justice Department of State Department of Defense Central Intelligence Agency, in case 17-3399, [6] , ADDED.[2154645] [17-3399] [Entered: 10/24/2017 09:13 AM]
10/24/2017	9	ATTORNEY, David S. Jones for National Security Agency Department of Justice Department of State Department of Defense Central Intelligence Agency, in case 17-3399, [7] , ADDED.[2154648] [17-3399] [Entered: 10/24/2017 09:14 AM]
10/24/2017	10 1 pg, 9.4 KB	CAPTION, United States added to the three Departments listed as Appellees, AMENDED.[2154915] [17-3399] [Entered: 10/24/2017 11:11 AM]
11/03/2017	11 81 pg, 2.61 MB	FORM C, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 11/03/2017 by CM/ECF.[2164422] [17-3399] [Entered: 11/03/2017 02:50 PM]
11/03/2017	12 1 pg, 43.47 KB	FORM D, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 11/03/2017 by CM/ECF.[2164423] [17-3399] [Entered: 11/03/2017 02:51 PM]
11/03/2017	13 2 pg, 75.16 KB	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 11/03/2017 by CM/ECF.[2164444] [17-3399] [Entered: 11/03/2017 03:00 PM]
11/03/2017	16 1 pg, 60.57 KB	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellee Central Intelligence Agency, National Security Agency, United States Department of Defense, United States Department of Justice and United States Department of State, FILED. Service date 11/03/2017 by CM/ECF.[2164709] [17-3399] [Entered: 11/03/2017 04:33 PM]
11/06/2017	17 1 pg, 165.66 KB	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, informing Court of proposed due date 02/02/2018, RECEIVED. Service date 11/06/2017 by CM/ECF.[2165978] [17-3399] [Entered: 11/06/2017 05:21 PM]

11/08/2017	19 1 pg, 79.78 KB	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 11/08/2017 by CM/ECF. [2167828] [17-3399] [Entered: 11/08/2017 01:03 PM]
11/08/2017	20	ATTORNEY, Patrick Toomey for American Civil Liberties Union Foundation American Civil Liberties Union, in case 17-3399, [19], ADDED.[2167937] [17-3399] [Entered: 11/08/2017 01:56 PM]
12/11/2017	23 1 pg, 9.17 KB	NEW CASE MANAGER, Elizabeth Munoz, ASSIGNED.[2191857] [17-3399] [Entered: 12/11/2017 06:51 PM]
12/13/2017	26 1 pg, 37.07 KB	SO-ORDERED SCHEDULING NOTIFICATION, setting Appellant American Civil Liberties Union and American Civil Liberties Union Foundation Brief due date as 02/02/2018. Joint Appendix due date as 02/02/2018, FILED.[2193355] [17-3399] [Entered: 12/13/2017 12:05 PM]
02/02/2018	27 60 pg, 919.53 KB	BRIEF, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 02/02/2018 by CM/ECF.[2228641] [17-3399] [Entered: 02/02/2018 09:34 PM]
02/02/2018	28 245 pg, 20.44 MB	JOINT APPENDIX, volume 1 of 2, (pp. 1-242), on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 02/02/2018 by CM/ECF.[2228642] [17-3399] [Entered: 02/02/2018 09:45 PM]
02/02/2018	29 250 pg, 17.19 MB	JOINT APPENDIX, volume 2 of 2, (pp. 243-489), on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 02/02/2018 by CM/ECF.[2228643] [17-3399] [Entered: 02/02/2018 09:53 PM]
02/02/2018	30 108 pg, 3.2 MB	SPECIAL APPENDIX, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 02/02/2018 by CM/ECF.[2228644] [17-3399] [Entered: 02/02/2018 09:54 PM]
02/07/2018	31 1 pg, 31.22 KB	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellee Central Intelligence Agency, National Security Agency, United States Department of Defense, United States Department of Justice and United States Department of State, informing Court of proposed due date 05/04/2018, RECEIVED. Service date 02/07/2018 by CM/ECF.[2231222] [17-3399] [Entered: 02/07/2018 01:40 PM]

02/13/2018	39 1 pg, 16.87 KB	SO-ORDERED SCHEDULING NOTIFICATION, setting Appellee Central Intelligence Agency, National Security Agency, United States Department of Defense, United States Department of Justice and United States Department of State Brief due date as 05/04/2018, FILED.[2234859] [17-3399] [Entered: 02/13/2018 02:14 PM]
05/01/2018	41 8 pg, 353.86 KB	MOTION, to extend time, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 05/01/2018 by CM/ECF. [2292738] [17-3399] [Entered: 05/01/2018 04:26 PM]
05/03/2018	44 1 pg, 79.51 KB	MOTION ORDER, granting motion to extend time to submit the reply brief [41] filed by Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. [2294161][44] [17-3399] [Entered: 05/03/2018 09:56 AM]
05/03/2018	45 1 pg, 36.91 KB	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 05/03/2018 by CM/ECF. [2294622] [17-3399] [Entered: 05/03/2018 02:09 PM]
05/04/2018	46 65 pg, 305.28 KB	BRIEF, on behalf of Appellee Central Intelligence Agency, National Security Agency, United States Department of Defense, United States Department of Justice and United States Department of State, FILED. Service date 05/04/2018 by CM/ECF. [2295863] [17-3399] [Entered: 05/04/2018 04:01 PM]
05/16/2018	49 1 pg, 31.75 KB	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 05/16/2018 by CM/ECF. [2304757] [17-3399] [Entered: 05/16/2018 04:54 PM]
05/16/2018	50	ATTORNEY, David A. Schulz for American Civil Liberties Union, in case 17-3399 , [49], ADDED.[2304863] [17-3399] [Entered: 05/16/2018 07:15 PM]
05/17/2018	51 1 pg, 99.18 KB	ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney Ashley Gorski, Esq. for Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 05/17/2018 by CM/ECF. [2305049] [17-3399] [Entered: 05/17/2018 10:06 AM]
05/17/2018	53 1 pg, 78.73 KB	ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney Jean-David Barnea for Appellee Central Intelligence Agency, National Security Agency, United States Department of

		Defense, United States Department of Justice and United States Department of State, FILED. Service date 05/17/2018 by CM/ECF. [2305145] [17-3399] [Entered: 05/17/2018 10:59 AM]
06/15/2018	55 36 pg, 416.97 KB	REPLY BRIEF, on behalf of Appellant American Civil Liberties Union Foundation and American Civil Liberties Union, FILED. Service date 06/15/2018 by CM/ECF. [2326391] [17-3399] [Entered: 06/15/2018 07:05 PM]
07/03/2018	57 1 pg, 193 KB	LETTER, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, informing the Court of availability for oral argument, RECEIVED. Service date 07/03/2018 by CM/ECF.[2337764] [17-3399]--[Edited 07/03/2018 by EM] [Entered: 07/03/2018 12:06 PM]
07/12/2018	60	CASE CALENDARING, for the week of 10/09/2018, PROPOSED.[2344047] [17-3399] [Entered: 07/12/2018 04:04 PM]
09/05/2018	61	CASE CALENDARING, for argument on 10/12/2018, SET.[2382109] [17-3399] [Entered: 09/05/2018 10:55 AM]
09/05/2018	62 2 pg, 17.21 KB	ARGUMENT NOTICE, to attorneys/parties, TRANSMITTED.[2382768] [17-3399] [Entered: 09/05/2018 04:25 PM]
09/11/2018	65 1 pg, 36.84 KB	ORDER, dated 09/11/2018, adjourning oral argument for October 12, 2018, oral argument will be rescheduled at a later date, FILED.[2387009] [17-3399] [Entered: 09/11/2018 04:39 PM]
09/11/2018	66	CASE CALENDARING, for argument on 12/04/2018, SET.[2387015] [17-3399] [Entered: 09/11/2018 04:42 PM]
10/23/2018	67 2 pg, 17.19 KB	ARGUMENT NOTICE, to attorneys/parties, TRANSMITTED.[2416627] [17-3399] [Entered: 10/23/2018 03:34 PM]
10/24/2018	68 1 pg, 199.43 KB	NOTICE OF HEARING DATE ACKNOWLEDGMENT, on behalf of Appellee Central Intelligence Agency, National Security Agency, United States Department of Defense, United States Department of Justice and United States Department of State, FILED. Service date 10/24/2018 by CM/ECF. [2417535] [17-3399] [Entered: 10/24/2018 02:16 PM]
10/24/2018	69 1 pg, 245.17 KB	NOTICE OF HEARING DATE ACKNOWLEDGMENT, on behalf of Appellant American Civil Liberties Union and American Civil Liberties Union Foundation, FILED. Service date 10/24/2018

		by CM/ECF. [2417821] [17-3399] [Entered: 10/24/2018 05:00 PM]
12/04/2018	70	CASE, before JAC, DAL, L. SCHOFIELD, HEARD.[2448549] [17-3399] [Entered: 12/04/2018 04:09 PM]
03/21/2019	72 1 pg, 9.17 KB	NEW CASE MANAGER, Tynetta Wilder, ASSIGNED.[2522827] [17-3399] [Entered: 03/21/2019 10:44 AM]
05/30/2019	74 1 pg, 9.17 KB	NEW CASE MANAGER, Yana Segal, ASSIGNED.[2575797] [17-3399] [Entered: 05/30/2019 03:04 PM]
05/30/2019	75 51 pg, 422.26 KB	OPINION, affirming the 08/22/2017 judgment of the District Court, by JAC, DAL, L. SCHOFIELD, FILED.[2575805] [17-3399] [Entered: 05/30/2019 03:09 PM]
05/30/2019	79 1 pg, 50.86 KB	JUDGMENT, FILED.[2575877] [17-3399] [Entered: 05/30/2019 03:33 PM]
06/04/2019	80 78 pg, 922.88 KB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579532] [17-3399] [Entered: 06/04/2019 02:13 PM]
06/04/2019	81 308 pg, 16.87 MB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579540] [17-3399] [Entered: 06/04/2019 02:16 PM]
06/04/2019	82 4 pg, 1.07 MB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579542] [17-3399] [Entered: 06/04/2019 02:17 PM]
06/04/2019	83 49 pg, 996.9 KB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579543] [17-3399] [Entered: 06/04/2019 02:17 PM]
06/04/2019	84 746 pg, 53.89 MB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579546] [17-3399] [Entered: 06/04/2019 02:19 PM]
06/04/2019	85 2 pg, 676.75 KB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579548] [17-3399] [Entered: 06/04/2019 02:19 PM]
06/04/2019	86 43 pg, 3.1 MB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579554] [17-3399] [Entered: 06/04/2019 02:21 PM]

06/04/2019	87 2 pg, 973.35 KB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579555] [17-3399] [Entered: 06/04/2019 02:22 PM]
06/04/2019	88 164 pg, 15.8 MB	INTERNET CITATION NOTE: Material from decision with internet citation, ATTACHED.[2579560] [17-3399] [Entered: 06/04/2019 02:22 PM]
08/12/2019	89 50 pg, 900.86 KB	JUDGMENT MANDATE, ISSUED.[2629514] [17-3399] [Entered: 08/12/2019 10:53 AM]
08/14/2019	90 1 pg, 23.09 KB	ERRATA SHEET, for Opinion dated 05/30/2019, by JAC. FILED.[2632277] [17-3399] [Entered: 08/14/2019 02:52 PM]