

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-03584-VM**

American Civil Liberties Union et al v. Federal Bureau of Investigation
Assigned to: Judge Victor Marrero
Similar Case: 1:04-cv-02614-VM
Cause: 05:552 Freedom of Information Act

Date Filed: 04/15/2008
Date Terminated: 09/17/2008
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

American Civil Liberties Union

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V.

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Date Filed	#	Docket Text
04/15/2008	<u>1</u>	COMPLAINT against Federal Bureau of Investigation. (Filing Fee \$ 350.00, Receipt Number 647576) Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(mbe) (Entered: 04/18/2008)
04/15/2008		SUMMONS ISSUED as to Federal Bureau of Investigation. (mbe) (Entered: 04/18/2008)
04/15/2008		CASE REFERRED TO Judge Victor Marrero as possibly related to 1:04-cv-2614. (mbe) (Entered: 04/18/2008)
04/15/2008		Case Designated ECF. (mbe) (Entered: 04/18/2008)
04/15/2008	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(mbe) (Entered: 04/18/2008)
05/02/2008		CASE ACCEPTED AS SIMILAR. Create association to 1:04-cv-02614-VM. Notice of Assignment to follow. (mbe) (Entered: 05/07/2008)
05/02/2008	<u>3</u>	NOTICE OF CASE ASSIGNMENT to Judge Victor Marrero. (mbe) (mbe). (Entered: 05/07/2008)
05/02/2008		Magistrate Judge Kevin N. Fox is so designated. (mbe) (Entered: 05/07/2008)
05/16/2008	<u>4</u>	ANSWER to Complaint. Document filed by Federal Bureau of Investigation.(Turner, Serrin) (Entered: 05/16/2008)
07/01/2008	<u>5</u>	NOTICE OF INITIAL CONFERENCE Initial Conference set for 7/18/2008 at 10:15 AM in Courtroom 20B, 500 Pearl Street, New York, NY 10007 before Judge Victor Marrero. (Signed by Judge Victor Marrero on 7/1/08) (mme) (Entered: 07/01/2008)

07/17/2008	<u>6</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Serrin Turner dated 7/16/08 re: Request for a 4 week adjournment of the scheduled 7/18/08 initial conference. ENDORSEMENT: Request GRANTED. The initial status conference herein is rescheduled to 8/29/08 at 4:30 p.m. SO ORDERED. (Initial Conference set for 8/29/2008 at 04:30 PM before Judge Victor Marrero.) (Signed by Judge Victor Marrero on 7/16/08) (db) (Entered: 07/17/2008)
08/25/2008	<u>7</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed that Defendant's will complete its processing of the Request by November 21, 2008. The parties may agree to extend any of the deadlines set forth in this Stipulation and Order without approval of the Court. This Stipulation and Order shall not affect the defendant's right to redact or withhold requested records pursuant to applicable FOIA exemptions. This Stipulation and Order shall not affect the plaintiff's right under FOIA to challenge the adequacy of any search, withholding, or redaction of requested records, or any refusal of a fee waiver or limitation, This Stipulation and Order shall have no effect or bearing on any request for expedited processing or fee waiver or fee limitation in connection with any other FOIA request made by the plaintiff's. Plaintiff's expressly waive any argument that entry of this Stipulation and Order, or any party's compliance with the terms of this Stipulation and Order, confers prevailing-party status upon plaintiff's under the FOIA's fee-shifting provisions, 5 U.S.C 552(a)(4)(E), or otherwise entitles plaintiff's to attorney's fees. The parties understood and agree that this stipulation and order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. (Signed by Judge Victor Marrero on 8/24/2008) (jfe) (Entered: 08/25/2008)
08/25/2008	<u>8</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed that Defendant's will complete its processing of the Request by November 21, 2008. The parties may agree to extend any of the deadlines set forth in this Stipulation and Order without approval of the Court. This Stipulation and Order shall not affect the defendant's right to redact or withhold requested records pursuant to applicable FOIA exemptions. This Stipulation and Order shall not affect the plaintiff's right under FOIA to challenge the adequacy of any search, withholding, or redaction of requested records, or any refusal of a fee waiver or limitation, This Stipulation and Order shall have no effect or bearing on any request for expedited processing or fee waiver or fee limitation in connection with any other FOIA request made by the plaintiff's. Plaintiff's expressly waive any argument that entry of this Stipulation and Order, or any party's compliance with the terms of this Stipulation and Order, confers prevailing-party status upon plaintiff's under the FOIA's fee-shifting provisions, 5 U.S.C 552(a)(4)(E), or otherwise entitles plaintiff's to attorney's fees. The parties understood and agree that this stipulation and order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. ENDORSED: Request GRANTED. The next status conference herein is rescheduled to 12/19/2008 at 9:30 a.m. So Ordered. (Signed by Judge Victor Marrero on 8/25/2008) (jfe) (Entered: 08/25/2008)
09/17/2008	<u>9</u>	CONDITIONAL ORDER OF DISCONTINUANCE: It is hereby ordered that this action be conditionally discontinued without prejudice and without costs; provided, however, that in furtherance of the terms of the parties' Stipulation and Order dated August 18, 2008, (the "Agreement"), within thirty (30) days of November 21, 2008, the parties may submit to the Court their own final Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time. The next status conference herein is scheduled

		for December 19, 2008 at 9:30 a.m. in the event plaintiff notifies the Court that the parties' settlement was not effectuated in accordance with the parties' August 18, 2008 Agreement, and that such conference is necessary to resume pretrial proceedings herein. The Clerk of Court is directed to close this case. (Signed by Judge Victor Marrero on 9/16/2008) (jfe) (Entered: 09/17/2008)
12/18/2008	<u>10</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT –STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above–captioned action is voluntarily dismissed, with prejudice against the defendant(s) all defendants and without costs to either party pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation, Federal Bureau of Investigation.(Turner, Serrin) Modified on 12/19/2008 (dt). (Entered: 12/18/2008)
12/19/2008		***NOTE TO ATTORNEY TO E–MAIL PDF. Note to Attorney Serrin Turner for noncompliance with Section (14.3) of the S.D.N.Y. Electronic Case Filing Rules &Instructions. E–MAIL the PDF for Document <u>10</u> Stipulation of Voluntary Dismissal, to: judgments@nysd.uscourts.gov. (dt) (Entered: 12/19/2008)
12/19/2008	<u>11</u>	STIPULATION AND ORDER; The parties agree to settle and compromise this action on the terms set forth below. This action is hereby dismissed with prejudice, without an award of costs or fees to either party. The release of the records already provided shall be in full settlement of plaintiffs' claim in this lawsuit. This Stipulation and Order shall have no effect or bearing on any other FOIA request made by the plaintiffs or any other FOIA litigation filed by plaintiffs. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. SO ORDERED. The Clerk of the Court is directed to withdraw any pending motions in this action and to close this case. SO ORDERED. (Signed by Judge Victor Marrero on 12/19/2008) (tve) (Entered: 12/19/2008)