

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:11-cv-06990-WHP**

The New York Times Company et al v. United States  
Department of Justice  
Assigned to: Judge William H. Pauley, III  
Related Case: 1:11-cv-07562-WHP  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/05/2011  
Date Terminated: 05/17/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**The New York Times Company**

represented by **David Edward McCraw**  
The New York Times Company (10018)  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Charlie Savage**

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

V.

**Defendant**

**United States Department of Justice**

represented by **Emily Ewell Daughtry**  
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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/05/2011	<u>1</u>	COMPLAINT against United States Department of Justice. (Filing Fee \$ 350.00, Receipt Number 18281)Document filed by The New York Times Company, Charlie Savage.(ama) (Entered: 10/06/2011)
10/05/2011		SUMMONS ISSUED as to United States Department of Justice, U.S. Attorney and U.S. Attorney General. (ama) (Entered: 10/06/2011)

10/05/2011		Magistrate Judge James L. Cott is so designated. (ama) (Entered: 10/06/2011)
10/05/2011		Case Designated ECF. (ama) (Entered: 10/06/2011)
10/05/2011	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Charlie Savage, The New York Times Company.(ama) (Entered: 10/06/2011)
10/07/2011	<u>3</u>	CERTIFICATE OF SERVICE of Summons and Complaint. United States Department of Justice served on 10/6/2011, answer due 10/27/2011. Service was made by Mail. Document filed by The New York Times Company; Charlie Savage. (McCraw, David) (Entered: 10/07/2011)
10/17/2011	<u>4</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 11/18/2011 at 10:00 AM in Courtroom 11D at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007 before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 10/17/2011) Copies Mailed By Chambers. (mro) (Entered: 10/18/2011)
11/10/2011	<u>5</u>	ANSWER to <u>1</u> Complaint. Document filed by United States Department of Justice.(Clopper, John) (Entered: 11/10/2011)
11/14/2011	<u>6</u>	AMENDED RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The New York Times Company.(McCraw, David) (Entered: 11/14/2011)
11/21/2011	<u>7</u>	SCHEDULING ORDER: (1) The Government's brief in support of its motion for summary judgment in 11 Civ. 6990 and in support of its motion for partial summary judgment in 11 Civ. 7562 shall be filed by February 1, 2012; (2) The New York Times' brief in support of its motion for summary judgment in 11 Civ. 6990 and the ACLU's brief in support of its motion for partial summary judgment in 11 Civ. 7562 shall be filed by February 24, 2012; Oral Argument set for 4/20/2012 at 11:00 AM before Judge William H. Pauley III. Status Report due by 1/13/2012. (3) The Government's reply shall be filed by March 16, 2012; (4) This Court will hear oral argument on April 20, 2012, at 11:00 a.m.; and (5) The parties in 11 Civ. 7562 shall submit a joint status report to the Court by January 13, 2012 or earlier. (Signed by Judge William H. Pauley, III on 11/18/2011) (ae) (Entered: 11/21/2011)
01/27/2012	<u>8</u>	ENDORSED LETTER addressed to Judge William H Pauley from John D Clopper dated 1/26/2012 re: Request for the briefing schedule as set forth. ENDORSEMENT: Application granted. The proposed schedule is adopted. (NY Times and ACLUS Cross Motions due by 3/9/2012. Government's Motion due by 2/22/2012. Government Reply due by 4/6/2012.) (Signed by Judge William H. Pauley, III on 1/27/2012) (cd) (Entered: 01/30/2012)
02/07/2012	<u>9</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from John D. Clopper dated 2/1/2012 re: I write respectfully to inform the Court of an error in the Government's January 26, 2012 letter requesting an extension of the briefing schedule in these related cases. I respectfully request that the Court approve the corrected dates, as set forth.ENDORSEMENT: Application granted. The Court adopts the revised scheduled above. ( Cross Motions due by 3/16/2012., Motions due by 2/22/2012., Replies due by 4/6/2012.) (Signed by Judge William H. Pauley, III on 2/6/2012) (lmb) (Entered: 02/07/2012)
02/27/2012	<u>10</u>	MOTION for Summary Judgment. Document filed by United States Department of Justice.(Daughtry, Emily) (Entered: 02/27/2012)
02/27/2012	<u>11</u>	MEMORANDUM OF LAW in Support re: <u>10</u> MOTION for Summary Judgment.. Document filed by United States Department of Justice. (Daughtry, Emily) (Entered: 02/27/2012)
02/27/2012	<u>12</u>	DECLARATION of Mark A. Bradley in Support re: <u>10</u> MOTION for Summary Judgment.. Document filed by United States Department of Justice. (Daughtry, Emily) (Entered: 02/27/2012)
02/27/2012	<u>13</u>	NOTICE of Filing of Classified Document re: <u>10</u> MOTION for Summary Judgment.. Document filed by United States Department of Justice. (Daughtry,

		Emily) (Entered: 02/27/2012)
03/06/2012	<u>14</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Emily E. Daughtry dated 3/2/201 re: counsel writes to request permission to file a corrected copy of the Unclassified Declaration of Mark A. Bradley on ECF. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 3/5/2012) (djc) Modified on 3/14/2012 (djc). (Entered: 03/06/2012)
03/07/2012	<u>15</u>	DECLARATION of Mark A. Bradley (Corrected) in Support re: <u>10</u> MOTION for Summary Judgment.. Document filed by United States Department of Justice. (Daughtry, Emily) (Entered: 03/07/2012)
03/20/2012	<u>16</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Alexander A. Abdo dated 3/16/12 re: Counsel requests a five day extension, from 3/21/12 to 3/26/12, for plaintiffs to file their briefs in support of their cross-motions for summary judgment. ENDORSEMENT: Application granted. So ordered. (Signed by Judge William H. Pauley, III on 3/19/2012) (mro) (Entered: 03/20/2012)
03/22/2012	<u>17</u>	ENDORSED LETTER: addressed to Judge William H. Pauley from John D. Clopper and Emily E. Daughtry dated 3/22/2012 re: Counsel writes to clarify that, subject to the Court's approval, the parties have agreed that the Government's reply brief in the above referenced cases would be due on Monday, April 16, 2012, not Friday, April 13, 2012. ENDORSEMENT: Application Granted. So Ordered., ( Replies due by 4/16/2012.) (Signed by Judge William H. Pauley, III on 3/22/2012) (js) (Entered: 03/23/2012)
03/26/2012	<u>18</u>	CROSS MOTION for Summary Judgment. Document filed by Charlie Savage, The New York Times Company.(McCraw, David) (Entered: 03/26/2012)
03/26/2012	<u>19</u>	MEMORANDUM OF LAW in Support re: <u>18</u> CROSS MOTION for Summary Judgment.. Document filed by Charlie Savage, The New York Times Company. (McCraw, David) (Entered: 03/26/2012)
03/26/2012	<u>20</u>	DECLARATION of NABIHA SYED in Support re: <u>18</u> CROSS MOTION for Summary Judgment.. Document filed by Charlie Savage, The New York Times Company. (McCraw, David) (Entered: 03/26/2012)
04/17/2012	<u>21</u>	SCHEDULING ORDER: Oral argument is rescheduled to May 4, 2012 at 10:30 a.m. (Signed by Judge William H. Pauley, III on 4/16/2012) (mro) (Entered: 04/17/2012)
04/17/2012	<u>22</u>	ENDORSED LETTER addressed to Judge William H. Pauley III from John D. Clopper and Emily Daughtry dated 4/12/12 re: Counsel requests a one week extension, from 4/16/12 to 4/23/12, for the Government to file its reply brief. ENDORSEMENT: Application granted. So ordered. ( Replies due by 4/23/2012.) (Signed by Judge William H. Pauley, III on 4/16/2012) (mro) (Entered: 04/17/2012)
04/23/2012	<u>23</u>	REPLY MEMORANDUM OF LAW in Support re: <u>10</u> MOTION for Summary Judgment.. Document filed by United States Department of Justice. (Clopper, John) (Entered: 04/23/2012)
04/23/2012	<u>24</u>	REPLY AFFIDAVIT of Mark Bradley in Support re: <u>10</u> MOTION for Summary Judgment.. Document filed by United States Department of Justice. (Clopper, John) (Entered: 04/23/2012)
05/04/2012		Minute Entry for proceedings held before Judge William H. Pauley, III: Oral Argument held on 5/4/2012. (rjm) (Entered: 05/11/2012)
05/09/2012	<u>25</u>	Letter addressed to Judge William H. Pauley from Emily Daughtry dated 5/8/2012 re: I write respectfully to respond to the Court's request, made at oral argument on May 4, 2012, that the Government submit a letter to the Court providing information as to whether there are written policies regarding the referral of classified information located in response to Freedom of Information Act ("FOIA") requests to the Department of Justice's Department Review Committee ("DRC"), and the subsequent withdrawal of such referrals from the DRC at the onset of FOIA litigation. Document filed by United States Department of Justice.(lmb) (Entered: 05/09/2012)

05/17/2012	<u>26</u>	MEMORANDUM AND ORDER: For the foregoing reasons, the New York Times' motion for summary judgment and the ACLU's motion for partial summary judgment are denied. The Government's motions for summary judgment in the New York Times action and for partial summary judgment in the ACLU action are granted. The Clerk of the Court is directed to file this Memorandum & Order in both 11 Civ. 6990 and 11 Civ. 7562. The Clerk of the Court is further directed to terminate all pending motions in 11 Civ. 6990 and mark that case closed, and to terminate the motions pending at ECF Nos. 14 and 23 in 11 Civ. 7562. (Signed by Judge William H. Pauley, III on 5/17/2012) (js) (Entered: 05/17/2012)
05/30/2012	<u>27</u>	TRANSCRIPT of Proceedings re: ARGUMENT held on 5/4/2012 before Judge William H. Pauley, III. Court Reporter/Transcriber: Andrew Walker, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/25/2012. Redacted Transcript Deadline set for 7/5/2012. Release of Transcript Restriction set for 8/31/2012. (McGuirk, Kelly) (Entered: 05/30/2012)
05/30/2012	<u>28</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ARGUMENT proceeding held on 5/4/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days... (McGuirk, Kelly) (Entered: 05/30/2012)