

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:14-cv-00705-CB**

SCHUCHARDT v. OBAMA et al
Assigned to: Judge Cathy Bissoon
Case in other court: Third Circuit, 15-03491
Third Circuit, 17-01252
Third Circuit, 19-01366
Cause: 28:2201 Declaratory Judgment

Date Filed: 06/02/2014
Date Terminated: 02/04/2019
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

ELLIOTT J. SCHUCHARDT
*individually and doing business as the
Schuchardt Law Firm, on behalf of
himself and all others similarly situated*

represented by **Elliott J Schuchardt**
Schuchardt Law Firm
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

BARACK H. OBAMA
*in his capacity as President of the United
States*

represented by **James J. Gilligan**
United States Department of Justice
Civil Division, Federal Programs Branch
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Email: timothy.johnson4@usdoj.gov
TERMINATED: 06/08/2018
ATTORNEY TO BE NOTICED

Defendant

JAMES R. CLAPPER
*in his official capacity as Director of
National Intelligence*

represented by **James J. Gilligan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Caroline J. Anderson
(See above for address)
ATTORNEY TO BE NOTICED

Julia A. Berman
(See above for address)
ATTORNEY TO BE NOTICED

Marcia Berman
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ATTORNEY TO BE NOTICED

Rodney Patton
(See above for address)
ATTORNEY TO BE NOTICED

Timothy A. Johnson
(See above for address)
TERMINATED: 06/08/2018
ATTORNEY TO BE NOTICED

Defendant

ADM. MICHAEL S. ROGERS
*in his official capacity as Director of the
National Security Agency and Chief of
the Central Security Service*

represented by **James J. Gilligan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Caroline J. Anderson
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Timothy A. Johnson
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TERMINATED: 06/08/2018
ATTORNEY TO BE NOTICED

Defendant

JAMES B. COMEY
*in his official capacity as Director of the
Federal Bureau of Investigation*

represented by **James J. Gilligan**
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Timothy A. Johnson
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TERMINATED: 06/08/2018
ATTORNEY TO BE NOTICED

Party

JUSTIN CREDICO
TERMINATED: 12/27/2016

represented by **JUSTIN CREDICO**
#71239066
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PRO SE

Date Filed	#	Docket Text
06/02/2014	<u>1</u>	COMPLAINT against JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS (Filing fee, including Administrative fee, \$400, receipt number 3214807), filed by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Civil Cover Sheet List of Defendants, # <u>3</u> Summons President Barack H. Obama, # <u>4</u> Summons Adm. Michael S. Rogers, # <u>5</u> Summons James B. Comey, Jr., # <u>6</u> Summons James R. Clapper) (plh) (Entered: 06/02/2014)
06/02/2014		Summons Issued as to *JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS* (plh) (Entered: 06/02/2014)

07/28/2014	<u>2</u>	SUMMONS/Return of Service Returned Executed by ELLIOTT J. SCHUCHARDT. All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Schuchardt, Elliott) Modified on 7/29/2014. (plh) This document removed from public view and redocketed at Doc. # <u>3</u> . (Entered: 07/28/2014)
07/28/2014	<u>3</u>	SUMMONS/Return of Service Returned Executed by ELLIOTT J. SCHUCHARDT. JAMES R. CLAPPER served on 6/10/2014, answer due 8/11/2014; JAMES B. COMEY served on 6/10/2014, answer due 8/11/2014; BARACK H. OBAMA served on 6/10/2014, answer due 8/11/2014; ADM. MICHAEL S. ROGERS served on 6/10/2014, answer due 8/11/2014. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (plh) (Entered: 07/29/2014)
08/06/2014	<u>4</u>	Joint MOTION for Leave to File Excess Pages <i>Joint Motion to Enlarge Page Limitations and Set Briefing Schedule</i> by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Berman, Marcia) (Entered: 08/06/2014)
08/06/2014		ORDER granting in part and denying in part <u>4</u> Motion for Leave to File Excess Pages and for extensions of deadlines. The parties' requests regarding the extension of page limitations are denied, and the parties request for extensions of deadlines are granted. Plaintiff's deadline for responding to Defendants' motion to dismiss is extended until 10/14/14, and Defendants' reply is extended until 11/4/14. Signed by Judge Cathy Bissoon on 8/6/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 08/06/2014)
08/06/2014		Set deadlines: Plaintiff's response to motion due by 10/14/14, Defendants' reply due by 11/4/14. See text Order entered today. (dcd) (Entered: 08/06/2014)
08/11/2014	<u>5</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss for Lack of Jurisdiction by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Berman, Marcia) Modified on 8/12/2014. (plh) This document removed from public view SEE Doc. # <u>7</u> for corrections. (Entered: 08/11/2014)
08/11/2014	<u>6</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Brief in Support of Defs.' Motion to Dismiss</i> , MOTION to Dismiss for Lack of Jurisdiction <i>Brief in Support of Defs.' Motion to Dismiss</i> by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Declaration of Marcia Berman, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4) (Berman, Marcia) Modified on 8/12/2014. (plh) This document removed from public view and refiled SEE DOC. # <u>8</u> for correction. (Entered: 08/11/2014)
08/11/2014	<u>7</u>	MOTION to Dismiss re <u>1</u> Complaint pursuant to Rule 12, by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (plh) (Entered: 08/12/2014)
08/11/2014	<u>8</u>	BRIEF in Support re <u>7</u> Motion to Dismiss pursuant to Rule 12 filed by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Declaration of Marcia Berman, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4) (plh) (Entered: 08/12/2014)
08/11/2014		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>5</u> Motion to Dismiss for Failure to State a Claim, Motion to Dismiss/Lack of Jurisdiction, <u>6</u> Motion to Dismiss for Failure to State a Claim, Motion to Dismiss/Lack of Jurisdiction. ERROR: Wrong event selected. CORRECTION: Re-docketed as Motion to dismiss and Brief in Support of Motion. This message is for informational purposes only. (plh) (Entered: 08/12/2014)
09/01/2014	<u>9</u>	AMENDED COMPLAINT against All Defendants, filed by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Exhibit A – Greenwald article about Verizon collection, # <u>2</u> Exhibit B – Verizon collection order, # <u>3</u> Exhibit C – Greenwald article about Prism data collection, # <u>4</u> Exhibit D – Slide showing types of stored communications, # <u>5</u> Exhibit E – Slide showing acquisition dates of stored communications, # <u>6</u> Exhibit F – Slide showing "collect it all" posture, # <u>7</u> Exhibit G – Slide showing goal of "collecting it all", # <u>8</u> Exhibit H – Slide showing Skydrive collection, # <u>9</u> Exhibit I – Slide showing collection outpacing analysis, # <u>10</u> Exhibit J – Guardian article showing Snowden statements about ubiquity of collection, # <u>11</u> Exhibit K – Snowden press release about universal collection, # <u>12</u> Exhibit L –

		Lavabit statement) (Schuchardt, Elliott) (Entered: 09/01/2014)
09/02/2014	<u>10</u>	NOTICE of Withdrawal of <u>9</u> Amended Complaint, by ELLIOTT J. SCHUCHARDT. (Schuchardt, Elliott) (Entered: 09/02/2014)
09/02/2014	<u>11</u>	AMENDED COMPLAINT against All Defendants, filed by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Exhibit A – Greenwald article about Verizon collection, # <u>2</u> Exhibit B – Verizon collection order, # <u>3</u> Exhibit C – Greenwald article about Prism data collection, # <u>4</u> Exhibit D – Slide showing types of stored communications, # <u>5</u> Exhibit E – Slide showing acquisition dates of stored communications, # <u>6</u> Exhibit F – Slide showing "collect it all" posture, # <u>7</u> Exhibit G – Slide showing goal of "collecting it all", # <u>8</u> Exhibit H – Slide showing Skydrive collection, # <u>9</u> Exhibit I – Slide showing collection outpacing analysis, # <u>10</u> Exhibit J – Guardian article showing Snowden statements about ubiquity of collection, # <u>11</u> Exhibit K – Snowden press release about universal collection, # <u>12</u> Exhibit L – Lavabit statement concerning Defendant access to all of its records) (Schuchardt, Elliott) Modified on 9/3/2014 to edit docket text. (ksa) (Entered: 09/02/2014)
09/02/2014		ORDER. The Court hereby orders that Plaintiff's Amended Complaint (Doc. <u>11</u>) shall be treated an amendment as a matter of course under Federal Rule 15(a)(1)(B). Defendants' current Motion to Dismiss (Doc. <u>7</u>), therefore, is denied as moot. Under Fed. R. Civ. P. 15(a)(3), Defendants must respond to the Amended Complaint (Doc. <u>11</u>) by 9/16/14. Finally, the response and reply deadlines regarding the prior Motion to Dismiss are VACATED. Signed by Judge Cathy Bissoon on 9/2/14. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (dcd) Modified on 9/3/2014 to correct typo. (ksa) (Entered: 09/02/2014)
09/08/2014	<u>12</u>	Joint MOTION Joint Motion to Set Briefing Schedule re <u>11</u> Amended Complaint, filed by ELLIOTT J. SCHUCHARDT by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Berman, Marcia) (Entered: 09/08/2014)
09/08/2014		ORDER granting <u>12</u> Joint Motion to Set a Briefing Schedule. Defendants' renewed Motion to Dismiss is due by 10/20/14; Plaintiff's response is due by 12/8/14; and Defendants' reply is due by 12/22/14. No further extensions will be granted. Signed by Judge Cathy Bissoon on 9/8/14. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 09/08/2014)
09/08/2014		Defendants' renewed motion to dismiss due by 10/20/14; response due by 12/8/14; and reply brief due by 12/22/14. See text Order entered today. (dcd) (Entered: 09/08/2014)
10/20/2014	<u>13</u>	MOTION TO DISMISS re: <u>11</u> First Amended Complaint by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Berman, Marcia) Modified on 10/21/2014. (plh) (Entered: 10/20/2014)
10/20/2014	<u>14</u>	BRIEF in Support re <u>13</u> Motion to Dismiss re: <u>11</u> First Amended Complaint filed by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Declaration of Maj. Gen. Gregg C. Potter, with Exhibit A, # <u>2</u> Declaration of Marcia Berman, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3) (Berman, Marcia) Modified on 10/21/2014. (plh) (Entered: 10/20/2014)
10/21/2014		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>13</u> Motion to Dismiss for Failure to State a Claim, <u>14</u> Brief in Support of Motion. ERROR: Document incorrectly linked. CORRECTION: Linked to appropriate document. This message is for informational purposes only. (plh) (Entered: 10/21/2014)
10/23/2014	<u>15</u>	MOTION to Take Deposition from Edward Snowden by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Proposed Order) (Schuchardt, Elliott) (Entered: 10/23/2014)
10/23/2014		ORDER. Plaintiff's Motion to Take Deposition (Doc. <u>15</u>) is DENIED. There is no indication that the requirements of Federal Rule 26(d)(1) have been satisfied. Even if there was, Plaintiff's stated reasons for seeking discovery are inconsistent with the law. <i>Compare</i> Mot. at pg. 2 para. 8 ("Plaintiff would like to take the deposition of Edward

		Snowden for purposes of opposing the motion to dismiss, and for use later in the case") <i>with, e.g., Mann v. Brenner</i> , 2010 WL 1220963, *5 (3d Cir. Mar. 30, 2010) ("[a] motion to dismiss pursuant to Rule 12(b)(6) tests the legal sufficiency of a claim, and therefore may be decided on its face," and "the purpose of Rule 12(b)(6) is to streamline[] litigation by dispensing with needless discovery and factfinding") (citations to quoted authority omitted). Signed by Judge Cathy Bissoon on 10/23/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 10/23/2014)
11/10/2014	<u>16</u>	Second AMENDED COMPLAINT against All Defendants, filed by ELLIOTT J. SCHUCHARDT. (Schuchardt, Elliott) Modified on 11/12/2014. (plh) Modified on 11/12/2014. (plh) This document removed from public view. (Entered: 11/10/2014)
11/10/2014		ORDER. Plaintiff's purported second amended complaint (Doc. <u>16</u>) is STRICKEN. Plaintiff already has used his amendment as a matter of course under Rule 15(a)(1), and additional amendment requires the opposing party's written consent or leave or court. See Fed. R. Civ. P. 15(a)(2). Signed by Judge Cathy Bissoon on 11/10/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 11/10/2014)
11/11/2014	<u>17</u>	MOTION for Leave to File Amended Complaint. by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Exhibit A – Proposed Amended Complaint, # <u>2</u> Proposed Order) (Schuchardt, Elliott) (Entered: 11/11/2014)
11/14/2014	<u>18</u>	BRIEF in Opposition re <u>17</u> Motion for Leave to File <i>Defendants' Opposition to Plaintiffs' Motion for Leave to File [Second] Amended Complaint</i> filed by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Berman, Marcia) (Entered: 11/14/2014)
11/19/2014		ORDER granting Plaintiff's Motion (Doc. <u>17</u>) for leave to file second amended complaint, as follows. Plaintiff shall file his second amended complaint by 11/25/14, and absent unforeseen and extraordinary circumstances, no further amendments will be permitted. Although, generally, leave to amend freely is given, this rule cannot be read so broadly as to allow or require the Court and opposing parties to entertain endless requests for amendment. The purpose of Federal Rule 15 is not "to make the complaint 'a moving target,'" <i>Minter v. Prime Equipment Co.</i> , 451 F.3d 1196, 1206 (10th Cir. 2006), and any further requests for amendment most likely will raise significant issues regarding undue delay and prejudice. Accordingly, Plaintiff's second amended complaint must make last, best efforts to state any and all allegations and viable claims that Plaintiff intends to pursue in this lawsuit. Signed by Judge Cathy Bissoon on 11/19/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 11/19/2014)
11/24/2014	<u>19</u>	Second AMENDED COMPLAINT against JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS JAMES R. CLAPPER answer due 12/8/2014; JAMES B. COMEY answer due 12/8/2014; BARACK H. OBAMA answer due 12/8/2014; ADM. MICHAEL S. ROGERS answer due 12/8/2014, filed by ELLIOTT J. SCHUCHARDT. (Schuchardt, Elliott) (Entered: 11/24/2014)
12/11/2014	<u>20</u>	MOTION to Dismiss <i>Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint</i> re <u>19</u> Amended Complaint, by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Berman, Marcia) (Entered: 12/11/2014)
12/11/2014	<u>21</u>	BRIEF in Support re <u>20</u> Motion to Dismiss, <i>Brief in Support of Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint</i> filed by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Declaration of M. Berman, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B) (Berman, Marcia) (Entered: 12/11/2014)
12/23/2014	<u>22</u>	RESPONSE IN OPPOSITION to <u>20</u> Motion to Dismiss, filed by ELLIOTT J. SCHUCHARDT. (Schuchardt, Elliott) (Entered: 12/23/2014)
12/23/2014	<u>23</u>	BRIEF in Opposition re <u>20</u> Motion to Dismiss, filed by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Exhibit A – New York Times Article About FISA Court denying

		bulk collection authority, # <u>2</u> Exhibit B – Government's brief in support of application to collect e–mail in bulk through the Foreign Intelligence Surveillance Court, # <u>3</u> Exhibit C – Declaration of NSA Program Manager in support of bulk collection of e–mail, # <u>4</u> Exhibit D – Opinion of Foreign Intelligence Surveillance Court denying authority to collect e–mail in bulk, # <u>5</u> Exhibit E – Shea Declaration describing scope of metadata collection program, # <u>6</u> Exhibit F – Binney Declaration, # <u>7</u> Exhibit G – Schuchardt Affidavit) (Schuchardt, Elliott) (Entered: 12/23/2014)
12/26/2014	<u>24</u>	Consent MOTION for Extension of Time to File Response/Reply <i>Consent Motion for Extension of Time to File Defendants' Reply in Support of Motion to Dismiss</i> by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Berman, Marcia) (Entered: 12/26/2014)
12/30/2014		ORDER granting <u>24</u> unopposed Motion for Extension of Time to File Reply re <u>20</u> MOTION to Dismiss. Defendants' reply now is due by 1/12/15. Signed by Judge Cathy Bissoon on 12/30/14. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 12/30/2014)
01/07/2015	<u>25</u>	MOTION for Preliminary Injunction by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Proposed Order) (Schuchardt, Elliott) (Entered: 01/07/2015)
01/07/2015	<u>26</u>	BRIEF in Support re <u>25</u> Motion for Preliminary Injunction filed by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Exhibit A – Verizon Court Order, # <u>2</u> Exhibit B – Affidavit of Elliott Schuchardt in Support of Motion for Preliminary Injunction) (Schuchardt, Elliott) (Entered: 01/07/2015)
01/08/2015		ORDER denying without prejudice <u>25</u> Plaintiff's Motion for Preliminary Injunction. Given the procedural history in this case, Plaintiff cannot establish sufficient imminent and irreparable harm to warrant the adjudication of a preliminary injunction request in advance of the pending Motion to Dismiss. See Dkt. in this case (including stipulated requests for long–extended briefing schedules and Plaintiff's repeated requests for leave to amend). Signed by Judge Cathy Bissoon on 1/8/15. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 01/08/2015)
01/12/2015	<u>27</u>	REPLY to Response to Motion re <u>20</u> Motion to Dismiss re: <u>19</u> Plaintiff's Second Amended Complaint filed by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Gilligan, James) Modified on 1/13/2015. (plh) (Entered: 01/12/2015)
09/30/2015	<u>28</u>	MEMORANDUM AND ORDER granting <u>20</u> Motion to Dismiss. Signed by Judge Cathy Bissoon on 9/30/15. (dcd) (Entered: 09/30/2015)
09/30/2015	<u>29</u>	JUDGMENT ORDER. Consistent with the Memorandum and Order entered today, FINAL JUDGMENT hereby is entered against Plaintiff under Rule 58 of the Federal Rules of Civil Procedure. This case has been marked closed. Signed by Judge Cathy Bissoon on 9/30/15. (dcd) (Entered: 09/30/2015)
10/14/2015	<u>30</u>	NOTICE OF APPEAL as to <u>28</u> Order on Motion to Dismiss, <u>29</u> Rule 58 Judgment, by ELLIOTT J. SCHUCHARDT. Filing fee \$505, receipt number 0315–3738041. Motion for IFP N/A. Certificate of Appealability N/A. Court Reporter(s): N/A. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Schuchardt, Elliott) (Entered: 10/14/2015)
10/26/2015	<u>32</u>	DESIGNATION of Record on Appeal by ELLIOTT J. SCHUCHARDT re <u>30</u> Notice of Appeal,, (Schuchardt, Elliott) (Entered: 10/26/2015)
10/27/2015		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>32</u> Designation of Record on Appeal. ERROR: Designation of Record. CORRECTION: as Attorney is unable to be reached by phone, he is advised that ALL APPEAL DOCUMENTS MUST BE FILED IN THE USCA – not on DC dockets. This message is for informational purposes only. (PLEASE FORWARD THIS DOCUMENT TO THE USCA) (plh)

		(Entered: 10/27/2015)
10/05/2016	<u>33</u>	JUDGMENT OF USCA as to <u>30</u> Notice of Appeal, filed by ELLIOTT J. SCHUCHARDT. The district court hereby VACATED and REMANDED. Mandate will follow. (pdb3) Modified on 10/6/2016. (plh) (Entered: 10/05/2016)
12/13/2016	<u>34</u>	MOTION to Intervene by JUSTIN CREDICO. (Attachments: # <u>1</u> Envelope) (plh) (Entered: 12/13/2016)
12/13/2016	<u>35</u>	BRIEF in Support re <u>34</u> Motion to Intervene filed by JUSTIN CREDICO. (Attachments: # <u>1</u> Envelope) (plh) (Entered: 12/13/2016)
12/13/2016	<u>36</u>	MOTION for Leave to File One Copy of All Documents by JUSTIN CREDICO. (Attachments: # <u>1</u> Envelope) (plh) (Entered: 12/13/2016)
12/21/2016	<u>37</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>34</u> MOTION to Intervene (<i>Joint Motion for Extension of Time To File Oppositions to Motion To Intervene</i>) by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Gilligan, James) (Entered: 12/21/2016)
12/23/2016	<u>38</u>	MANDATE of USCA as to <u>30</u> Notice of Appeal, filed by ELLIOTT J. SCHUCHARDT. The order of the United States District Court for the Western District of Pennsylvania entered on September 30, 2015, be and the same is hereby VACATED and REMANDED. (Attachments: # <u>1</u> Opinion) (sc3) (Entered: 12/23/2016)
12/27/2016	39	ORDER denying <u>34</u> Motion to Intervene by Justin Credico. Mr. Credico's Motion, in which he essentially claims and/or admits to engaging in criminal conduct, is legally frivolous. Furthermore, to the extent that Mr. Credico may have an interest in this case, Plaintiff has brought this lawsuit as a class action, and Mr. Credico has failed to demonstrate: (1) why his interest is any different from any other putative class member; or (2) why his presumed interest cannot properly be addressed through the class-action process and/or mechanisms. For all of these reasons, Mr. Credico's Motion to Intervene is DENIED. The other pending Motions affiliated with the intervention-request (Docs. <u>36</u> & <u>37</u>) are DENIED AS MOOT. Signed by Judge Cathy Bissoon on 12/27/16. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) Staff note: a copy of this text Order will be sent, via First-Class U.S. Mail, to Mr. Credico's address of record on 12/28/16. (Entered: 12/27/2016)
01/13/2017	<u>40</u>	MOTION for Reconsideration re 39 Order on Motion to Intervene, Order on Motion for Leave to File, Order on Motion for Extension of Time to File Response/Reply, by JUSTIN CREDICO (Attachments: # <u>1</u> Envelope) (plh) Modified on 1/13/2017. (plh) (Entered: 01/13/2017)
01/13/2017	41	ORDER denying <u>40</u> Justin Credico's Motion for Reconsideration. Signed by Judge Cathy Bissoon on 1/13/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) Staff note: a copy of this text Order will be sent, via First-Class U.S. Mail, to Mr. Credico's address of record on 1/17/17. (Entered: 01/13/2017)
01/27/2017	<u>42</u>	NOTICE OF APPEAL as to 39 Order on Motion to Intervene, Order on Motion for Leave to File, Order on Motion for Extension of Time to File Response/Reply, by JUSTIN CREDICO. Court Reporter(s): none. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Envelope) (plh) (Entered: 01/27/2017)
01/27/2017	<u>43</u>	LETTER from Clerk re <u>42</u> Notice of Appeal, Appellant Justin Credico to pay appeal filing fee or submit a motion for leave to appeal in forma pauperis. (plh) (Entered: 01/27/2017)
01/31/2017	44	ORDER. A Telephonic Status Conference is set for 2/3/17 at 11:30 a.m. before Judge Cathy Bissoon. All participants shall contact the undersigned's Chambers (412.208.7460) on a single telephone line, and counsel for the government is responsible for coordinating the call. The participants shall have their calendars

		available for scheduling purposes. Signed by Judge Cathy Bissoon on 1/31/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 01/31/2017)
02/03/2017	<u>46</u>	Minute Entry for proceedings held before Judge Cathy Bissoon: Telephone Status Conference held on 2/3/2017. (Court Reporter: None) (jhi) (Entered: 02/03/2017)
02/03/2017	47	ORDER. Consistent with the discussions at today's Telephonic Status Conference, by 2/10/17, Plaintiff shall notify Chambers whether or not this case will be dismissed based on the information provided to him by the government. In the event that the case will proceed, Defendants' deadline for filing its renewed motion to dismiss is 3/13/17, and Plaintiff's response is due by 7/11/17. Signed by Judge Cathy Bissoon on 2/3/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 02/03/2017)
02/03/2017	<u>48</u>	NOTICE of Appearance by Timothy A. Johnson on behalf of JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Johnson, Timothy) (Entered: 02/03/2017)
02/06/2017	<u>49</u>	NOTICE of Appearance by Julia A. Berman on behalf of JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Berman, Julia) (Entered: 02/06/2017)
02/07/2017	<u>50</u>	NOTICE of Appearance by Caroline J. Anderson on behalf of JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Anderson, Caroline) (Entered: 02/07/2017)
02/07/2017	<u>51</u>	NOTICE of Appearance by Rodney Patton on behalf of JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Patton, Rodney) (Entered: 02/07/2017)
02/23/2017	<u>52</u>	CERTIFIED ORDER of USCA in lieu of formal MANDATE dismissing the appeal for failure to pay the filing fee as to <u>42</u> Notice of Appeal, filed by JUSTIN CREDICO. (cjb3) (Entered: 02/23/2017)
03/07/2017	<u>53</u>	MOTION for Permissive Joinder and MOTION for Leave to File Complaint Complaint by JUSTIN CREDICO. (Attachments: # <u>1</u> Envelope) (jv) Modified on 3/8/2017. (jsp) (Entered: 03/07/2017)
03/08/2017	54	ORDER. Mr. Credico's Motion (Doc. <u>53</u>) for permissive joinder and/or to "amend" the complaint will be denied. This individual moved to intervene in the case (Doc. <u>34</u>); the motion was denied, once, and again on reconsideration (Docs. 39 & 41); he appealed (Doc. <u>42</u>); and the Court of Appeals for the Third Circuit dismissed his appeal (Doc. <u>52</u>). Putative class action— aspects notwithstanding, Mr. Credico is not a primary party to this case, and that issue has been resolved with finality. He does not have standing to invoke rules regarding permissive joinder and/or amendment of the pleadings. Accordingly, his Motion (Doc. <u>53</u>) is DENIED. Signed by Judge Cathy Bissoon on 3/8/17. Staff note: On 3/9/17, a copy of this text Order will be sent, via First-Class U.S. Mail, to the return address on Mr. Credico's most recent filing (Federal Detention Center Philadelphia, 700 Arch Street, P.O. Box 562, Philadelphia, PA 19106). Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 03/08/2017)
03/10/2017	<u>55</u>	Consent MOTION to Extend Time to File Their Renewed Motion to Dismiss by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachment: # <u>1</u> Proposed Order) (Patton, Rodney) Modified on 3/13/2017. (jsp) (Entered: 03/10/2017)
03/10/2017	56	ORDER granting <u>55</u> Motion to Extend Deadlines. Defendants' deadline for filing its renewed motion to dismiss is extended until 3/15/17, and Plaintiff's response is due by 7/13/17. Signed by Judge Cathy Bissoon on 14-705. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 03/10/2017)
03/15/2017	<u>57</u>	Renewed MOTION to Dismiss Plaintiff's Second Amended Complaint for Lack of Jurisdiction by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachment: # <u>1</u> Proposed Order) (Patton, Rodney) Modified on 3/16/2017. (jsp) (Entered: 03/15/2017)

03/15/2017	<u>58</u>	BRIEF in Support re <u>57</u> Defendants' Renewed Motion to Dismiss Plaintiff's Second Amended Complaint for Lack of Jurisdiction filed by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5) (Patton, Rodney) Modified on 3/16/2017. (jsp) (Entered: 03/15/2017)
03/16/2017	59	ORDER STATISTICALLY CLOSING CASE, FOR ADMINISTRATIVE PURPOSES ONLY. Given the lengthy period of time allowed for Plaintiff to respond to Defendants' Motion to Dismiss, as agreed upon by the parties and approved by the Court (see text Order at Doc. 56), this case will, in the interim, remain administratively closed. Administrative closings comprise a familiar way in which courts remove cases from their active files without final adjudication, and it does not prejudice the rights of the parties in any manner. The case will be reopened upon Plaintiff's next filing regarding the MTD (or before, should either party have reason to so move). Signed by Judge Cathy Bissoon on 3/16/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 03/16/2017)
03/21/2017	<u>60</u>	MOTION for Reconsideration re 54 Order by JUSTIN CREDICO. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Envelope) (plh) (Entered: 03/21/2017)
03/21/2017	61	ORDER denying Doc. <u>60</u> Mr. Credico's Motion for reconsideration of the Order (Doc. 54) denying his requests for permissive joinder and/or to "amend" the complaint. Recent activity in Mr. Credico's appeal of the intervention-issue notwithstanding, the rules regarding permissive joinder and/or amendment of the pleadings remain unavailable to him based on his present status in this litigation. See, e.g., Jackson v. Waterbury Police Dept', 2015 WL 5251533, *10 (D. Conn. Sept. 8, 2015) ("Intervention is used by a person who is outside the litigation who wishes to join it[,] whereas permissive joinder is initiated by a person who is already a party to the proceeding who wishes to bring in another party.") (citation to quoted source omitted). Although Mr. Credico obviously remains free to pursue relief before the Circuit regarding the intervention-issue, this Court's rulings regarding permissive joinder and amendment of the pleadings remain unaffected. Signed by Judge Cathy Bissoon on 3/21/17. Staff note: On 3/22/17, a copy of this text Order will be sent, via First-Class U.S. Mail, to the return address on Mr. Credico's most recent filing (Federal Detention Center Philadelphia, 700 Arch Street, P.O. Box 562, Philadelphia, PA 19106). (Entered: 03/21/2017)
07/05/2017	<u>62</u>	AFFIDAVIT in Opposition re <u>57</u> Renewed MOTION to Dismiss Plaintiff's Second Amended Complaint for Lack of Jurisdiction -- <i>Affidavit of William E. Binney</i> filed by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Exhibit 1 - Resume, # <u>2</u> Exhibit 2 - Fairview at a Glance, # <u>3</u> Exhibit 3 - Stormbrew, # <u>4</u> Exhibit 4 - Blarney Access, # <u>5</u> Exhibit 5 - DNI Discovery Options, # <u>6</u> Exhibit 6 - Treasuremap) (Schuchardt, Elliott) (Entered: 07/05/2017)
07/06/2017	63	ORDER REOPENING CASE. In light of Plaintiff's recent filing in Opposition to Defendants' Renewed Motion to Dismiss the Second Amended Complaint for Lack of Jurisdiction (Doc. <u>62</u>), this case is hereby REOPENED. Signed by Judge Cathy Bissoon on 7/6/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (kg) (Entered: 07/06/2017)
07/08/2017	<u>64</u>	AFFIDAVIT in Opposition re <u>57</u> Renewed MOTION to Dismiss Plaintiff's Second Amended Complaint for Lack of Jurisdiction - <i>Affidavit of J. Kirk Wiebe</i> filed by ELLIOTT J. SCHUCHARDT. (Schuchardt, Elliott) (Entered: 07/08/2017)
07/10/2017	<u>65</u>	USCA ORDER REINSTATING APPEAL granting Appellant's motion to reopen the appeal as to <u>42</u> Notice of Appeal, filed by JUSTIN CREDICO (cjb3) (Entered: 07/10/2017)
07/10/2017	<u>66</u>	AFFIDAVIT in Opposition re <u>57</u> Renewed MOTION to Dismiss Plaintiff's Second Amended Complaint for Lack of Jurisdiction - <i>Affidavit of Elliott J. Schuchardt</i> filed by ELLIOTT J. SCHUCHARDT. (Schuchardt, Elliott) (Entered: 07/10/2017)
07/10/2017	<u>67</u>	RESPONSE IN OPPOSITION to <u>57</u> Motion to Dismiss/Lack of Jurisdiction, filed by ELLIOTT J. SCHUCHARDT. (Schuchardt, Elliott) (Entered: 07/10/2017)

07/10/2017	<u>68</u>	BRIEF in Opposition to <u>57</u> Renewed MOTION to Dismiss Plaintiff's Second Amended Complaint for Lack of Jurisdiction, filed by ELLIOTT J. SCHUCHARDT. (Attachments: # <u>1</u> Exhibit A – Guardian Article – DNI calls on Snowden to "return" documents, # <u>2</u> Exhibit B – Executive Summary – Review of Unauthorized Disclosures of Former NSA Contractor Edward Snowden) (Schuchardt, Elliott) (Entered: 07/10/2017)
07/14/2017	<u>69</u>	Consent MOTION for Extension of Time to File Response/Reply <i>in Support of Renewed Motion to Dismiss</i> by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Patton, Rodney) (Entered: 07/14/2017)
07/14/2017	70	ORDER granting <u>69</u> Defendants' unopposed Motion for Extension of Time to File a Reply. Defendants' reply now is due by 8/16/17. Signed by Judge Cathy Bissoon on 7/14/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 07/14/2017)
08/15/2017	<u>71</u>	Consent MOTION for Leave to File Excess Pages <i>in Defendants' Reply in Support of their Renewed Motion to Dismiss</i> by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Attachments: # <u>1</u> Proposed Order) (Patton, Rodney) (Entered: 08/15/2017)
08/16/2017	72	ORDER granting <u>71</u> Defendants' consented Motion for Leave to File Excess Pages. The page limitation for Defendants' reply brief is enlarged from five to eight pages. Signed by Judge Cathy Bissoon on 8/16/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 08/16/2017)
08/16/2017	<u>73</u>	REPLY to Response to Motion re <u>57</u> Motion to Dismiss/Lack of Jurisdiction, filed by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Patton, Rodney) (Entered: 08/16/2017)
09/06/2017	<u>74</u>	CERTIFIED ORDER of USCA in lieu of formal MANDATE dismissing the appeal for failure to pay the filing fees as to <u>42</u> Notice of Appeal, filed by JUSTIN CREDICO. (cjg3) (Entered: 09/06/2017)
06/08/2018	<u>75</u>	Consent MOTION to Withdraw as Attorney (<i>Timothy A. Johnson</i>) by JAMES R. CLAPPER, JAMES B. COMEY, BARACK H. OBAMA, ADM. MICHAEL S. ROGERS. (Johnson, Timothy) (Entered: 06/08/2018)
06/08/2018	76	ORDER granting <u>75</u> Motion to Withdraw as Attorney. Attorney Timothy A. Johnson terminated. Signed by Judge Cathy Bissoon on 6/8/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dcd) (Entered: 06/08/2018)
02/04/2019	<u>77</u>	ORDER. Defendants' renewed Motion to Dismiss (Doc. <u>57</u>) is GRANTED. Signed by Judge Cathy Bissoon on 2/4/19. (dcd) (Entered: 02/04/2019)
02/04/2019	<u>78</u>	JUDGMENT ORDER. FINAL JUDGMENT hereby is entered pursuant to Rule 58 of the Federal Rules of Civil Procedure. This case has been marked closed. Signed by Judge Cathy Bissoon on 2/4/19. (dcd) (Entered: 02/04/2019)
02/12/2019	<u>79</u>	NOTICE OF APPEAL as to <u>78</u> Rule 58 Judgment, <u>77</u> Order by ELLIOTT J. SCHUCHARDT. Filing fee \$505, receipt number 0315-5026436. Motion for IFP N/A. Certificate of Appealability N/A. Court Reporter(s): N/A. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Schuchardt, Elliott) (Entered: 02/12/2019)
02/14/2019	<u>80</u>	USCA Case Number 19-1366 for <u>79</u> Notice of Appeal filed by ELLIOTT J. SCHUCHARDT. USCA Case Manager James (DOCUMENT IS RESTRICTED AND CAN ONLY BE VIEWED BY COURT STAFF) (jk3) (Entered: 02/14/2019)
04/25/2019	<u>81</u>	NOTICE of Change of Address by James J. Gilligan (Gilligan, James) (Entered: 04/25/2019)

03/02/2020	<u>82</u>	JUDGMENT OF USCA as to <u>79</u> Notice of Appeal filed by ELLIOTT J. SCHUCHARDT, affirming judgment/order of the district court. Mandate will follow. (jk3) Costs taxed against appellant. Modified text on 3/2/2020. (ept) Modified text on 3/4/2020. (ept) (Entered: 03/02/2020)
04/23/2020	<u>83</u>	MANDATE of USCA as to <u>79</u> Notice of Appeal, filed by ELLIOTT J. SCHUCHARDT affirming judgment of the District Court. Costs taxed against Appellant. (Attachments: # <u>1</u> Clerk's Letter to District Court, # <u>2</u> Opinion) (jk3) Modified text on 5/4/2020. (elt) Modified text on 5/4/2020. (elt) (Entered: 04/23/2020)