

---

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

MARY JOSEPHINE (JOSIE) VALDEZ,  
HOWARD STEPHENSON, DEEDA SEED,  
DANIEL DARGER, WILLIAM GRANT  
BAGLEY, and THOMAS NELSON HUCKIN,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY; GEORGE  
W. BUSH, in his individual capacity;  
MICHAEL V. HAYDEN, in his individual  
capacity; RICHARD B. CHENEY, in his  
individual capacity; DAVID ADDINGTON, in  
his individual capacity; and DOES #1-50,  
inclusive,

Defendants.

**ORDER**

Case No.: 2:15-cv-00584-RJS-DBP

Judge Robert J. Shelby  
Magistrate Judge Dustin B. Pead

---

This case involves allegations of sweeping unlawful government surveillance during the 2002 Salt Lake Winter Olympic Games. Plaintiffs filed their Complaint in August 2015. The nature of the allegations and the identities of the defendants have caused the case to proceed in stages. In March 2017, Defendant National Security Agency filed a Motion for Judgment on the Pleadings.<sup>1</sup> Ten days later, the individual Defendants filed a Motion to Dismiss and Motion for Summary Judgment.<sup>2</sup> Because the parties have been and remain engaged in jurisdictional discovery, responses to those motions have not yet been filed over a year later. As recently as last

---

<sup>1</sup> Dkt. 43.

<sup>2</sup> Dkt. 44.

week Judge Pead granted a stipulated motion extending deadlines for the discovery process the parties are utilizing.<sup>3</sup>

Given the length of time that has passed since the pending Motions were filed, and the present state of the ongoing discovery, the court DENIES the pending Motions<sup>4</sup> without prejudice to refile the Motions, as written or amended, no later than 30 days after completion of jurisdictional discovery. In the meantime, the individual Defendants need not answer or otherwise respond to the Amended Complaint.<sup>5</sup> Save for contemplating the refiling of the Motions, this Order does not otherwise affect Judge Pead's recent scheduling order.<sup>6</sup> This Order preserves all issues and defenses raised by the filing of the Motions in the first instance.

SO ORDERED this 1st day of May, 2018.

BY THE COURT:



---

ROBERT SHELBY  
United States District Judge

---

<sup>3</sup> Dkt. 56.

<sup>4</sup> Dkt. 43; Dkt. 44.

<sup>5</sup> Dkt. 26.

<sup>6</sup> Dkt. 56.