

US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:15-cv-00584-RJS

Valdez et al v. National Security Agency et al
Assigned to: Judge Robert J. Shelby
Cause: 05:0702 Administrative Procedure Act

Date Filed: 08/18/2015
Date Terminated: 09/27/2018
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Mary Josephine Valdez
*on behalf of herself and all others
similarly situated*

represented by **Ross C. Anderson**
LAW OFFICES OF ROCKY
ANDERSON
8 E BROADWAY STE 450
SALT LAKE CITY, UT 84111
(801)349-1690
Email: rocky@andersonlawoffices.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Howard Stephenson
*on behalf of himself and all others
similarly situated*

represented by **Ross C. Anderson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Deeda Seed
*on behalf of herself and all others
similarly situated*

represented by **Ross C. Anderson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Daniel Darger
*on behalf of himself and all others
similarly situated*

represented by **Ross C. Anderson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

William Grant Bagley
*on behalf of himself and all others
similarly situated*

represented by **Ross C. Anderson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Thomas Nelson Huckin
*on behalf of himself and all others
similarly situated*

represented by **Ross C. Anderson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

National Security Agency

represented by **Caroline J. Anderson**
US DEPARTMENT OF JUSTICE
20 MASSACHUSETTS AVE NW RM
7220

WASHINGTON, DC 20530
(202)305-8645
Email: caroline.j.anderson@usdoj.gov
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

James J. Gilligan
US DEPARTMENT OF JUSTICE
CIVIL DIVISION-FEDERAL
PROGRAMS BRANCH
1100 L ST NW RM 11200
WASHINGTON, DC 20005
(202)514-3358
Email: james.gilligan@usdoj.gov
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jared C. Bennett
US DISTRICT COURT - UTAH
351 SOUTH WEST TEMPLE
SALT LAKE CITY, UT 84101
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julia Alexandra Heiman
US DEPARTMENT OF JUSTICE
FEDERAL PROGRAMS BRANCH
CIVIL DIV
20 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001
(202)616-8480
Email: julia.heiman@usdoj.gov
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rodney Patton
US DEPARTMENT OF JUSTICE
FEDERAL PROGRAMS BRANCH
CIVIL DIVISION
20 MASSACHUSETTS AVE NW RM
7320
WASHINGTON, DC 20044
(202)305-7919
Email: rodney.patton@usdoj.gov
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Olivia Hussey Scott
US DEPT OF JUSTICE
CIVIL DIVISION
1100 L ST NW RM 11112
WASHINGTON, DC 20005
(202)616-8491
Email: olivia.hussey.scott@usdoj.gov
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Federal Bureau of Investigation

represented by **Caroline J. Anderson**
(See above for address)

*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

James J. Gilligan
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Jared C. Bennett
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Julia Alexandra Heiman
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Rodney Patton
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Olivia Hussey Scott
(See above for address)
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Defendant

George W. Bush
in his personal capacity

represented by **James R. Whitman**
US DEPARTMENT OF JUSTICE
PO BOX 7146
WASHINGTON, DC 20044
(202)616-4169
Email: james.whitman@usdoj.gov
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Jared C. Bennett
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Michael V. Hayden
in his personal capacity

represented by **James R. Whitman**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Jared C. Bennett
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Richard B. Cheney
in his personal capacity

represented by **James R. Whitman**
(See above for address)

LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jared C. Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

David Addington

represented by **James R. Whitman**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jared C. Bennett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/18/2015	<u>1</u>	COMPLAINT against David Addington, George W. Bush, Richard B. Cheney, Federal Bureau of Investigation, Michael V. Hayden, National Security Agency (Filing fee \$ 400, receipt number 4681068434) (Electronic document provided on disc.), filed by Thomas Nelson Huckin, Howard Stephenson, Daniel Darger, William Grant Bagley, Mary Josephine Valdez, Deeda Seed. (Attachments: # <u>1</u> Civil Cover Sheet) Assigned to Judge Robert J. Shelby (eat) (Entered: 08/18/2015)
08/21/2015	<u>2</u>	DOCKET TEXT ORDER The court orders the parties to follow the Short Form Discovery Motion procedure as outlined in the attached document in this case for all discovery disputes arising after this date. Signed by Judge Robert J. Shelby on 8/21/2015. (mjm) (Entered: 08/21/2015)
08/24/2015	<u>3</u>	ORDER REFERRING CASE to Magistrate Judge Dustin B. Pead under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. No attached document. Signed by Judge Robert J. Shelby on 8/24/2015. (jds) (Entered: 08/24/2015)
09/28/2015	<u>4</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to David Addington. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (eat) (Entered: 09/28/2015)
09/28/2015	<u>5</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to George W. Bush. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (eat) (Entered: 09/28/2015)
09/28/2015	<u>6</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Richard B. Cheney. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (eat) (Entered: 09/28/2015)
09/28/2015	<u>7</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Michael V. Hayden. Instructions to Counsel: 1. Click on the document number.

		2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (eat) (Entered: 09/28/2015)
09/28/2015	<u>8</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Federal Bureau of Investigation. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (eat) (Entered: 09/28/2015)
09/28/2015	<u>9</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to National Security Agency. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (eat) (Entered: 09/28/2015)
11/18/2015	<u>10</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, and Memorandum in Support filed by Defendants Federal Bureau of Investigation, National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead. Attorney Jared C. Bennett added to party Federal Bureau of Investigation(pty:dft), Attorney Jared C. Bennett added to party National Security Agency(pty:dft)(Bennett, Jared) (Entered: 11/18/2015)
11/18/2015	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time to Answer re <u>1</u> Complaint. Answer deadline updated for Federal Bureau of Investigation and National Security Agency, answers due 12/18/2015. Signed by Judge Robert J. Shelby on 11/18/2015. (jds) (Entered: 11/18/2015)
11/25/2015	<u>12</u>	MOTION for Admission Pro Hac Vice of Rodney Patton (no registration fee required) filed by Defendants Federal Bureau of Investigation, National Security Agency. (Attachments: # <u>1</u> Exhibit A&B)(Bennett, Jared) (Entered: 11/25/2015)
11/25/2015	<u>13</u>	MOTION for Admission Pro Hac Vice of James J. Gilligan (no registration fee required) filed by Defendants Federal Bureau of Investigation, National Security Agency. (Attachments: # <u>1</u> Exhibit A & B)(Bennett, Jared) (Entered: 11/25/2015)
11/25/2015	<u>14</u>	MOTION for Admission Pro Hac Vice of Caroline Anderson (no registration fee required) filed by Defendants Federal Bureau of Investigation, National Security Agency. (Attachments: # <u>1</u> Exhibit A & B)(Bennett, Jared) (Entered: 11/25/2015)
11/25/2015	<u>15</u>	MOTION for Admission Pro Hac Vice of Julia Berman (no registration fee required) filed by Defendants Federal Bureau of Investigation, National Security Agency. (Attachments: # <u>1</u> Exhibit A&B)(Bennett, Jared) (Entered: 11/25/2015)
11/30/2015	<u>16</u>	ORDER granting <u>12</u> , <u>13</u> , <u>14</u> , and <u>15</u> Motion for Admission Pro Hac Vice of Caroline J. Anderson,Julia Berman,James Jordan Gilligan,Rodney Patton for Federal Bureau of Investigation and National Security Agency. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov . Signed by Judge Robert J. Shelby on 11/30/2015. (jds) (Entered: 11/30/2015)
12/18/2015	<u>17</u>	MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support filed by Defendants Federal Bureau of Investigation, National Security Agency. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Patton, Rodney) (Entered: 12/18/2015)
12/28/2015	<u>18</u>	MOTION for Admission Pro Hac Vice of James R. Whitman (no registration fee required) filed by Defendants David Addington, George W. Bush, Richard B. Cheney, Michael V. Hayden. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit A&B) Attorney Jared C. Bennett added to party David Addington(pty:dft), Attorney Jared C. Bennett added to party George W. Bush(pty:dft), Attorney Jared C. Bennett added to party Richard B. Cheney(pty:dft), Attorney Jared C. Bennett added to party Michael V. Hayden(pty:dft)(Bennett, Jared) (Entered: 12/28/2015)
12/29/2015	<u>19</u>	ORDER granting <u>18</u> Motion for Admission Pro Hac Vice of James R. Whitman for David Addington,James R. Whitman for George W. Bush,James R. Whitman for Richard B. Cheney,James R. Whitman for Michael V. Hayden. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local

		<i>rules from the courts web site at http://www.utd.uscourts.gov. Signed by Judge Robert J. Shelby on 12/29/2015. (jds)</i> (Entered: 12/29/2015)
01/05/2016	<u>20</u>	MOTION for Extension of Time to File Response/Reply as to <u>17</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support filed by Plaintiffs William Grant Bagley, Daniel Darger, Thomas Nelson Huckin, Deeda Seed, Howard Stephenson, Mary Josephine Valdez. (Attachments: # <u>1</u> Text of Proposed Order ORDER) Motions referred to Dustin B. Pead.(Anderson, Ross) (Entered: 01/05/2016)
01/06/2016	<u>21</u>	STIPULATION re <u>20</u> MOTION for Extension of Time to File Response/Reply as to <u>17</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support by William Grant Bagley, Daniel Darger, Thomas Nelson Huckin, Deeda Seed, Howard Stephenson, Mary Josephine Valdez. (Anderson, Ross) (Entered: 01/06/2016)
01/06/2016	<u>22</u>	ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction; Responses due by 2/19/2016. Signed by Magistrate Judge Dustin B. Pead on 1/6/2016. (jds) (Entered: 01/06/2016)
01/07/2016	<u>23</u>	Stipulated MOTION <i>to stay individual-capacity claims</i> by David Addington, George W. Bush, Richard B. Cheney, Michael V. Hayden. (Attachments: # <u>1</u> Text of Proposed Order)(Whitman, James) Modified event type on 1/7/2016 (jds). (Entered: 01/07/2016)
01/11/2016	<u>24</u>	ORDER granting <u>23</u> Motion to Stay for sixty (60) days after the court resolves the pending motion to dismiss filed by the Government Defendants. Signed by Judge Robert J. Shelby on 1/11/2016. (jds) (Entered: 01/11/2016)
02/10/2016	<u>25</u>	Stipulated MOTION for Leave to File Excess Pages and Defendants' Consent to Plaintiffs' Amendment of the Complaint and Stipulation Regarding Defendants' Reply Memorandum in Support of Motion to Dismiss filed by Plaintiffs William Grant Bagley, Daniel Darger, Thomas Nelson Huckin, Deeda Seed, Howard Stephenson, Mary Josephine Valdez. (Attachments: # <u>1</u> Text of Proposed Order Regarding Plaintiffs' Amended Complaint and Defendants' Reply Memorandum in Support of Motion to Dismiss) Motions referred to Dustin B. Pead.(Anderson, Ross) (Entered: 02/10/2016)
02/10/2016	<u>26</u>	AMENDED COMPLAINT <i>for Constitutional, Common Law, and Statutory Violations, Seeking Damages, Declaratory, and Injunctive Relief</i> against All Defendants with Jury Demand., filed by Thomas Nelson Huckin, Howard Stephenson, Daniel Darger, William Grant Bagley, Mary Josephine Valdez, Deeda Seed. (Anderson, Ross) (Entered: 02/10/2016)
02/12/2016	<u>27</u>	ORDER re <u>26</u> AMENDED COMPLAINT and granting <u>25</u> Motion for Leave to File Excess Pages for its Reply Memorandum in Support of the Motion to Dismiss. Signed by Magistrate Judge Dustin B. Pead on 2/12/2016. (jds) (Entered: 02/12/2016)
02/18/2016	<u>28</u>	Plaintiff's MEMORANDUM in Opposition re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support filed by Plaintiffs William Grant Bagley, Daniel Darger, Thomas Nelson Huckin, Deeda Seed, Howard Stephenson, Mary Josephine Valdez. (Attachments: # <u>1</u> Supplement Memorandum for the Heads of Executive Departments and Agencies Re: Freedom of Information Act, # <u>2</u> Supplement Memorandum for Heads of Departments and Agencies Re: President's Memorandum on Transparency and Open Government – Interagency Collaboration)(Anderson, Ross) (Entered: 02/18/2016)
02/25/2016	<u>29</u>	NOTICE OF HEARING ON MOTION re: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction : (Notice generated by Mary Jane McNamee) Motion Hearing set for 5/5/2016 at 1:30 PM in Rm 7.300 before Judge Robert J. Shelby. (mjm) (Entered: 02/25/2016)
03/10/2016	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply <i>in Support of Motion to Dismiss</i> filed by Defendant National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Patton, Rodney) (Entered: 03/10/2016)
03/11/2016	<u>31</u>	DOCKET TEXT ORDER granting <u>30</u> Motion for Extension of Time to File Response/Reply re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support. Defendant's Reply is due by 3/15/2016. Signed by Magistrate Judge Dustin B. Pead on 3/11/2016. No attached document. (jag) (Entered: 03/11/2016)

03/15/2016	<u>32</u>	REPLY to Response to Motion re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support of <i>Motion to Dismiss</i> filed by Defendant National Security Agency. (Patton, Rodney) (Entered: 03/15/2016)
04/04/2016	33	AMENDED NOTICE OF HEARING ON MOTION re: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction : (Notice generated by Mary Jane McNamee) Motion Hearing RESET for 7/14/2016 at 1:30 PM in Rm 7.300 before Judge Robert J. Shelby. (mjm) (Entered: 04/04/2016)
07/14/2016	34	Minute Entry for proceedings held before Judge Robert J. Shelby: Motion Hearing held on 7/14/2016, re: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction filed by National Security Agency, Federal Bureau of Investigation. The court hears oral argument and takes the matter under advisement. An order will be issued by the court. Attorney for Plaintiff: Ross Anderson; Attorney for Defendant: James Gilligan, Caroline Anderson. Court Reporter: Ray Fenlon.(mjm) (Entered: 07/14/2016)
01/10/2017	<u>35</u>	MEMORANDUM DECISION AND ORDER denying <u>17</u> Motion to Dismiss for Lack of Jurisdiction. Signed by Judge Robert J. Shelby on 1/10/2017. (jds) (Entered: 01/10/2017)
01/20/2017	<u>36</u>	Consent MOTION for Extension of Time to File Answer re <u>26</u> Amended Complaint, and Memorandum in Support filed by Defendant National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Gilligan, James) (Entered: 01/20/2017)
01/23/2017	<u>37</u>	ORDER granting <u>36</u> Motion for Extension of Time to Answer re <u>26</u> Amended Complaint. Answer deadline updated for National Security Agency answer due 2/7/2017. Signed by Magistrate Judge Dustin B. Pead on 1/23/2017. (jds) (Entered: 01/23/2017)
02/03/2017	<u>38</u>	Consent MOTION for Extension of Time to File Answer re <u>26</u> Amended Complaint, and Memorandum in Support (<i>Defendant National Security Agency's Second Unopposed Motion for Extension of Time To File Answer</i>) filed by Defendant National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Gilligan, James) (Entered: 02/03/2017)
02/06/2017	<u>39</u>	ORDER granting <u>38</u> Motion for Extension of Time to Answer re <u>26</u> Amended Complaint. Answer deadline updated for National Security Agency answer due 2/21/2017. Signed by Magistrate Judge Dustin B. Pead on 2/6/2017. (jds) (Entered: 02/06/2017)
02/21/2017	<u>40</u>	ANSWER to <u>26</u> Amended Complaint, filed by National Security Agency.(Gilligan, James) (Entered: 02/21/2017)
02/22/2017	<u>41</u>	Joint MOTION for Scheduling Order and Memorandum in Support (<i>joint Motion for an Interim Scheduling Order</i>) filed by Defendant National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Gilligan, James) (Entered: 02/22/2017)
02/23/2017	<u>42</u>	ORDER granting <u>41</u> Joint Motion for Interim Scheduling Order. Signed by Magistrate Judge Dustin B. Pead on 2/23/2017. (jds) (Entered: 02/23/2017)
03/03/2017	<u>43</u>	MOTION for Judgment on the Pleadings and Memorandum in Support (<i>Defendant National Security Agency's Motion and Supporting Memorandum for Judgment on the Pleadings</i>) filed by Defendant National Security Agency. (Attachments: # <u>1</u> Affidavit Ex. A (Decl. of Wayne Murphy), # <u>2</u> Exhibit Ex. B, # <u>3</u> Text of Proposed Order)(Gilligan, James) (Entered: 03/03/2017)
03/13/2017	<u>44</u>	MOTION to Dismiss Party Bush, Cheney, Hayden, and Addington and Memorandum in Support and <i>Motion for Summary Judgment in favor of Bush, Cheney, Hayden, and Addington and Memorandum in Support</i> filed by Defendants David Addington, George W. Bush, Richard B. Cheney, Michael V. Hayden. (Attachments: # <u>1</u> Appendix)(Whitman, James) (Entered: 03/13/2017)
03/13/2017	<u>45</u>	NOTICE of Substitution of United States as defendant as to Count X and a portion of Count I of plaintiffs' amended complaint by David Addington, George W. Bush, Richard B. Cheney, Michael V. Hayden (Whitman, James) (Entered: 03/13/2017)

03/24/2017	<u>46</u>	Joint MOTION for Scheduling Order <i>For Further Proceedings</i> filed by Defendant National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Gilligan, James) (Entered: 03/24/2017)
03/27/2017	<u>47</u>	ORDER granting <u>46</u> Joint MOTION for Scheduling Order For Further Proceedings. Signed by Magistrate Judge Dustin B. Pead on 3/27/2017. (jds) (Entered: 03/27/2017)
06/26/2017	<u>48</u>	STATUS REPORT (<i>Joint</i>) by Federal Bureau of Investigation, National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Caroline) (Entered: 06/26/2017)
06/28/2017	<u>49</u>	SCHEDULING ORDER re <u>48</u> Joint Status Report: Discovery due by 3/23/2018. Plaintiff's memorandum in opposition to NSAs motion for judgment on the pleadings on or before 5/22/18. Defendants reply in support of its motion for judgment on the pleadings on or before 6/21/18. Signed by Magistrate Judge Dustin B. Pead on 6/28/2017. (jds) (Entered: 06/28/2017)
02/01/2018	<u>50</u>	Joint MOTION for Scheduling Order <i>Modification and to Set a Schedule for Resolving Discovery Disputes</i> filed by Defendant National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Patton, Rodney) (Entered: 02/01/2018)
02/02/2018	<u>51</u>	ORDER: This matter comes before the Court upon the parties' <u>50</u> Joint Motion to Modify the Court's Scheduling Order and to Set a Schedule for Resolving Discovery Disputes. Upon consideration of the parties motion and their submissions in support thereof, IT IS HEREBY ORDERED THAT, the Court's Scheduling Order, dated 6/28/2017, <u>49</u> is modified as set forth in the order. Signed by Magistrate Judge Dustin B. Pead on 2/1/18. (dla) (Entered: 02/02/2018)
03/07/2018	<u>52</u>	Joint MOTION for Extension of Time Jurisdictional Discovery filed by Defendant National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Patton, Rodney) (Entered: 03/07/2018)
03/08/2018	<u>53</u>	ORDER to Extend Time: This matter comes before the Court upon the parties' <u>52</u> Joint Motion for an Extension of Time. Upon consideration of the parties' motion and their submissions in support thereof, IT IS HEREBY ORDERED THAT, the Court's Order, dated 2/2/2018, <u>51</u> is modified as set forth in the Order. Signed by Magistrate Judge Dustin B. Pead on 3/8/18. (dla) (Entered: 03/08/2018)
03/22/2018	<u>54</u>	NOTICE of Appearance by Olivia Hussey Scott on behalf of National Security Agency (Scott, Olivia) (Entered: 03/22/2018)
04/25/2018	<u>55</u>	Stipulated MOTION for Extension of Time (1) End of conferral period regarding written discovery requests, draft Rule 30(b)(6) deposition notice, and draft third-party subpoenas. (2) Deadline for the filing of motions to compel and motions for protective order regarding written discovery requests, draft Rule 30(b)(6) deposition notice, and draft third-party subpoenas. filed by Plaintiffs William Grant Bagley, Daniel Darger, Thomas Nelson Huckin, Deeda Seed, Howard Stephenson, Mary Josephine Valdez. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Anderson, Ross) (Entered: 04/25/2018)
04/26/2018	<u>56</u>	ORDER granting <u>55</u> Stipulated Motion for Extension of Time. The <u>53</u> Court's Order, dated 3/8/2018, is modified as follows: 6/8/2018: End of conferral period regarding written discovery requests, draft Rule 30(b)(6) deposition notice, and draft third-party subpoenas; 7/6/2018: Deadline for the filing of motions to compel and motions for protective order regarding written discovery requests, draft Rule 30(b)(6) deposition notice, and draft third-party subpoenas. The parties remain required, within ten days of the resolution of all discovery disputes, whether by agreement or court order, to propose to the Court a new timetable for the completion of any remaining discovery and the remaining briefing on the Defendant NSA's motion for judgment on the pleadings. Signed by Magistrate Judge Dustin B. Pead on 4/26/18. (dla) (Entered: 04/26/2018)
05/01/2018	<u>57</u>	ORDER: In March 2017, Defendant National Security Agency filed a <u>43</u> Motion for Judgment on the Pleadings. Ten days later, the individual Defendants filed a <u>44</u> Motion to Dismiss and Motion for Summary Judgment. 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 week Judge Pead granted a

		stipulated motion extending deadlines for the discovery process the parties are utilizing. 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 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. Save for contemplating the refile of the Motions, this Order does not otherwise affect Judge Pead's recent scheduling order. This Order preserves all issues and defenses raised by the filing of the Motions in the first instance. Signed by Judge Robert J. Shelby on 5/1/18. (dla) (Entered: 05/01/2018)
06/04/2018	<u>58</u>	Stipulated MOTION for Protective Order filed by Defendants Federal Bureau of Investigation, National Security Agency. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead. Attorney Olivia Hussey Scott added to party Federal Bureau of Investigation(pty:dft)(Scott, Olivia) (Entered: 06/04/2018)
06/05/2018	<u>59</u>	PROTECTIVE ORDER. Signed by Magistrate Judge Dustin B. Pead on 6/5/18. (dla) (Entered: 06/05/2018)
06/25/2018	<u>60</u>	Joint MOTION for Extension of Time the remaining deadlines set forth in the scheduling order (ECF No. 56) governing jurisdictional discovery and Memorandum in Support , <i>and for an Enlargement of the page Limitations</i> filed by Defendant National Security Agency. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Scott, Olivia) (Entered: 06/25/2018)
06/27/2018	<u>61</u>	ORDER granting <u>60</u> Motion for Extending Time and Enlargement of Page Limits: the Court's Order, dated April 26, 2018 <u>56</u> is modified as set forth in the attached order. The page limitation shall be enlarged from 10 pages to 25 pages for both (1) the Plaintiffs' motion to compel regarding written discovery requests, draft Rule 30(b)(6) deposition notice, and draft third-party subpoenas, and (2) the Defendant NSA's response thereto and motion for protective order. Additionally, the page limitation shall be enlarged from 10 pages to 15 pages for both (1) the Plaintiffs' reply in support of their motion to compel and response to NSA's motion for protective order, and (2) the Defendant NSA's reply in support of any filed motion for a protective order. The parties remain required, within ten days of the resolution of all discovery disputes, whether by agreement or court order, to propose to the Court a new timetable for the completion of any remaining discovery and the briefing on the Defendant NSA's anticipated motion for judgment on the pleadings. Signed by Magistrate Judge Dustin B. Pead on 6/26/18. (dla) (Entered: 06/27/2018)
09/14/2018	<u>62</u>	Plaintiff's MOTION to Compel Discovery Responses and Deposition Testimony and Memorandum in Support filed by Plaintiffs William Grant Bagley, Daniel Darger, Thomas Nelson Huckin, Deeda Seed, Howard Stephenson, Mary Josephine Valdez. (Attachments: # <u>1</u> Appendix of Exhibits) Motions referred to Dustin B. Pead.(Anderson, Ross) (Entered: 09/14/2018)
09/27/2018	<u>63</u>	Plaintiff's MOTION to Dismiss and Memorandum in Support filed by Plaintiffs William Grant Bagley, Daniel Darger, Thomas Nelson Huckin, Deeda Seed, Howard Stephenson, Mary Josephine Valdez. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Ross) (Entered: 09/27/2018)
09/27/2018	<u>64</u>	ORDER DISMISSING CASE: Upon consideration of the Plaintiffs <u>63</u> Motion to Dismiss, and for good cause appearing, the court ORDERS that this matter be dismissed without prejudice, the parties to bear their own costs and attorneys' fees. The clerk of court is directed to close the case. Case Closed. Magistrate Judge Dustin B. Pead no longer assigned to case. Signed by Judge Robert J. Shelby on 9/27/18. (dla) (Entered: 09/27/2018)