

CLOSED

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:04-cv-00763-TSZ**

Green et al v. Transportation Security Administration et al  
Assigned to: Judge Thomas S. Zilly  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 04/06/2004  
Date Terminated: 01/12/2005  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Michelle D Green**

represented by **Aaron H Caplan**  
LOYOLA LAW SCHOOL LOS  
ANGELES  
919 ALBANY STREET  
LOS ANGELES, CA 90015  
213-736-1074  
Email: [aaron.caplan@lls.edu](mailto:aaron.caplan@lls.edu)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Catherine Yonsoo Kim**  
AMERICAN CIVIL LIBERTIES UNION  
(NY)  
IMMIGRANTS' RIGHTS PROJECT  
125 BROAD ST  
18TH FLOOR  
NEW YORK, NY 10004-2400  
212-549-2500  
Email: [ckim@aclu.org](mailto:ckim@aclu.org)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael E Kipling**  
KIPLING LAW GROUP PLLC  
3601 FREMONT AVENUE N  
STE 414  
SEATTLE, WA 98103  
206-545-0345  
Fax: 206-545-0350  
Email: [kipling@kiplinglawgroup.com](mailto:kipling@kiplinglawgroup.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Reginald T Shuford**  
AMERICAN CIVIL LIBERTIES UNION  
(NY)  
IMMIGRANTS' RIGHTS PROJECT  
125 BROAD ST  
18TH FLOOR  
NEW YORK, NY 10004-2400  
212-549-2500  
Email: [rshuford@aclu.org](mailto:rshuford@aclu.org)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**John F Shaw**

represented by **Aaron H Caplan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Catherine Yonsoo Kim**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael E Kipling**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Reginald T Shuford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**David C Fathi**

represented by **Aaron H Caplan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Catherine Yonsoo Kim**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael E Kipling**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Reginald T Shuford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Sarosh Syed**

represented by **Aaron H Caplan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Catherine Yonsoo Kim**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael E Kipling**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Reginald T Shuford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mohamed Ibrahim**

represented by **Aaron H Caplan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Catherine Yonsoo Kim**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael E Kipling**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Reginald T Shuford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**David Nelson**

represented by **Aaron H Caplan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Catherine Yonsoo Kim**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael E Kipling**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Reginald T Shuford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Alexander Hay**  
*on behalf of themselves and all others*  
*siilarly situated*

represented by **Aaron H Caplan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Catherine Yonsoo Kim**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael E Kipling**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Reginald T Shuford**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Transportation Security  
Administration**

represented by **Brian C Kipnis**  
US ATTORNEY'S OFFICE (SEA)

700 STEWART ST  
STE 5220  
SEATTLE, WA 98101-1271  
206-553-7970  
Email: [Brian.Kipnis@usdoj.gov](mailto:Brian.Kipnis@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Diane Kelleher**  
US DEPARTMENT OF JUSTICE (CIVIL  
- BOX 883)  
PO BOX 883  
WASHINGTON, DC 20044  
202-514-4775  
Email: [diane.kelleher@usdoj.gov](mailto:diane.kelleher@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Joseph William LoBue**  
US DEPARTMENT OF JUSTICE (CIVIL  
- 20 MASS)  
CIVIL DIVISION FEDERAL  
PROGRAMS  
20 MASSACHUSETTS AVE NW  
STE 7300  
WASHINGTON, DC 20530  
202-514-4640  
Fax: 202-616-8470  
Email: [joseph.lobue@usdoj.gov](mailto:joseph.lobue@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**David M Stone**

represented by **Brian C Kipnis**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Diane Kelleher**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Joseph William LoBue**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Department of Homeland Security**

represented by **Diane Kelleher**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Joseph William LoBue**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Tom Ridge**

represented by **Brian C Kipnis**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Diane Kelleher**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Joseph William LoBue**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/06/2004	<u>1</u>	COMPLAINT against defendant(s) Department of Homeland Security, Tom Ridge, David M Stone, Transportation Security Administration (Summons(es) issued) (Receipt # 408680) , filed by David C Fathi, Michelle D Green, Alexander Hay, Mohamed Ibrahim, David Nelson, John F Shaw, Sarosh Syed. (Attachments: # <u>1</u> Civil Cover Sheet)(PM, ) (Entered: 04/07/2004)
04/13/2004	<u>2</u>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT Joint Status Report due by 5/25/2004. by Judge Thomas S. Zilly. (CC, ) (Entered: 04/13/2004)
04/16/2004	<u>3</u>	SERVICE OF SUMMONS and Complaint returned executed upon defendant Transportation Security Administration on 4/6/2004. (Kipling, Michael) (Entered: 04/16/2004)
04/16/2004	<u>4</u>	SERVICE OF SUMMONS and Complaint returned executed upon defendant David M Stone on 4/6/2004. (Kipling, Michael) (Entered: 04/16/2004)
04/16/2004	<u>5</u>	SERVICE OF SUMMONS and Complaint returned executed upon defendant Department of Homeland Security on 4/6/2004. (Kipling, Michael) (Entered: 04/16/2004)
04/16/2004	<u>6</u>	SERVICE OF SUMMONS and Complaint returned executed upon defendant Tom Ridge on 4/6/2004. (Kipling, Michael) (Entered: 04/16/2004)
04/16/2004	<u>7</u>	ACKNOWLEDGEMENT OF SERVICE of summons and complaint <i>via Certified Mail on All Defendants</i> by Plaintiffs David C Fathi, Michelle D Green, Alexander Hay, Mohamed Ibrahim, David Nelson, John F Shaw, Sarosh Syed on 04/06/2004 (Kipling, Michael) (Entered: 04/16/2004)
04/20/2004	<u>8</u>	APPLICATION by Plaintiffs David C Fathi, Michelle D Green, Alexander Hay, Mohamed Ibrahim, David Nelson, John F Shaw, Sarosh Syed AND ORDER admitting Catherine Yonsoo Kim for Alexander Hay; Mohamed Ibrahim; David Nelson; John F Shaw; Sarosh Syed; David C Fathi and Michelle D Green pro hac vice. Receipt # 315676. (CL, ) (Entered: 04/21/2004)
04/20/2004	<u>9</u>	APPLICATION by Plaintiffs David C Fathi, Michelle D Green, Alexander Hay, Mohamed Ibrahim, David Nelson, John F Shaw, Sarosh Syed AND ORDER admitting Reginald T Shuford for Alexander Hay; Mohamed Ibrahim; David Nelson; John F Shaw; Sarosh Syed; David C Fathi and Michelle D Green pro hac vice. Receipt # 315677. (CL, ) (Entered: 04/21/2004)
05/06/2004	<u>10</u>	MOTION to Withdraw as Attorney by Plaintiffs David C Fathi, Michelle D Green, Alexander Hay, Mohamed Ibrahim, David Nelson, John F Shaw, Sarosh Syed. Noting Date 5/17/2004. (Kipling, Michael) (Entered: 05/06/2004)
05/06/2004	<u>11</u>	NOTICE of Appearance by attorney Joseph William LoBue on behalf of Defendants Department of Homeland Security, Tom Ridge, David M Stone, Transportation Security Administration (LoBue, Joseph) (Entered: 05/06/2004)
05/10/2004		Set/Reset Deadlines: The deadline for filing the Joint Status Report is extended to June 30, 2004.(CC) (Entered: 05/10/2004)
05/11/2004	<u>12</u>	STIPULATION of parties <i>AND PROPOSED ORDER</i> . (Kipling, Michael) (Entered: 05/11/2004)
05/18/2004	<u>13</u>	STIPULATION AND ORDER re <u>12</u> Stipulation: Defendants to file Motion to dismiss by 6/7/04; Plaintiff's shall file opposition by 6/30/04; Defendants to file their reply by 7/15/04; Motion to Dismiss shall be noted for 7/16/04 by Judge Thomas S. Zilly. (LS, ) (Entered: 05/20/2004)
05/21/2004	<u>14</u>	ORDER granting <u>10</u> Motion to Withdraw Jayashri Srikantiah as Attorney for pltfs by Judge Thomas S. Zilly.(CL, ) (Entered: 05/24/2004)

06/07/2004	<u>15</u>	MOTION to Dismiss by Defendants Department of Homeland Security, Tom Ridge, David M Stone, Transportation Security Administration. Noting Date 7/16/2004. (Attachments: # <u>1</u> Proposed Order)(Kelleher, Diane) (Entered: 06/07/2004)
06/07/2004	<u>16</u>	Exhibit A – DECLARATION of Lee S. Longmire filed by Defendants Department of Homeland Security, Tom Ridge, David M Stone, Transportation Security Administration re <u>15</u> MOTION to Dismiss (Kelleher, Diane) Modified text on 6/8/2004 (AF, ). (Entered: 06/07/2004)
06/07/2004	<u>17</u>	EXHIBIT B ( <i>Chowdhury v. Northwest opinion</i> ) filed in support of <u>15</u> MOTION to Dismiss by Defendants Department of Homeland Security, Tom Ridge, David M Stone, Transportation Security Administration. (Kelleher, Diane) (Entered: 06/07/2004)
06/30/2004	<u>18</u>	RESPONSE, by Plaintiffs David C Fathi, Michelle D Green, Alexander Hay, Mohamed Ibrahim, David Nelson, John F Shaw, Sarosh Syed, to <u>15</u> MOTION to Dismiss , Oral Argument Requested (Kipling, Michael) Modified on 7/1/2004 to edit docket text (ECS, ). (Entered: 06/30/2004)
06/30/2004	<u>19</u>	DECLARATION of Reginald T. Shuford re <u>18</u> Response to Motion to Dismiss by Plaintiffs David C Fathi, Michelle D Green, Alexander Hay, Mohamed Ibrahim, David Nelson, John F Shaw, Sarosh Syed. (Kipling, Michael) (Entered: 06/30/2004)
07/07/2004	<u>20</u>	STIPULATION of parties and Proposed Order Modifying Briefing Schedule. (LoBue, Joseph) (Entered: 07/07/2004)
07/07/2004	<u>21</u>	STIPULATION AND ORDER by Judge Thomas S. Zilly. Dfts' MOTION to Dismiss (Dkt. #15) is re-noted for 7/23/04. Dfts' reply due 7/22/04. (CL, ) (Entered: 07/08/2004)
07/22/2004	<u>22</u>	REPLY, filed by Defendants Department of Homeland Security, Tom Ridge, David M Stone, Transportation Security Administration, TO RESPONSE to <u>15</u> MOTION to Dismiss (LoBue, Joseph) (Entered: 07/22/2004)
07/27/2004	<u>23</u>	The following MINUTE ORDER is made by direction of the Court, the Honorable Thomas S. Zilly, U.S. District Judge: It is ORDERED that counsel show cause by AUGUST 20, 2004 why this action should not be dismissed for failing to comply with Order requiring Status Report signed April 13, 2004 and due May 25, 2004. The parties did request and were granted one extension. The filing date was extended to June 30, 2004. Absent a timely response to this Order, the action SHALL BE DISMISSED without prejudice. (CC, ) (Entered: 07/27/2004)
07/27/2004	<u>24</u>	MINUTE ORDER – The Court vacates the minute order, docket no. 23, signed July 27, 2004. Pursuant to the stipulation and order signed May 18, 2004, the Court directs counsel to provide a Joint Status Report within thirty days after the Court's decision on the defendnats' motion to dismiss. (CC, ) (Entered: 07/27/2004)
10/08/2004		Set/Reset Motion and RRDeadlines/Hearings re <u>15</u> MOTION to Dismiss: Motion Hearing set for 11/4/2004 09:00 AM before Hon. Thomas S. Zilly. (CC, ) (Entered: 10/08/2004)
10/29/2004	<u>25</u>	MINUTE ORDER – See attached minute order re oral argument/in camera/ex parte review.(CH) (Entered: 10/29/2004)
11/02/2004	<u>26</u>	NOTICE by Defendants Transportation Security Administration, David M Stone, Department of Homeland Security, Tom Ridge of <i>Filing Expedited No Fly List and Selectee List Clearance Procedures</i> (Attachments: # <u>1</u> Exhibit A-F)(LoBue, Joseph) (Entered: 11/02/2004)
11/02/2004	<u>27</u>	NOTICE by Defendants Transportation Security Administration, David M Stone, Department of Homeland Security, Tom Ridge of <i>Submission of Documents for In Camera and Ex Parte Review</i> (LoBue, Joseph) (Entered: 11/02/2004)
11/04/2004	<u>28</u>	MINUTE ENTRY for proceedings held before Judge Thomas S. Zilly – Dep Clerk: KC; Pla Counsel: <i>Reginald Shuford</i> ; Def Counsel: <i>Joseph LoBue</i> ; CR: <i>Susan Zielie</i> ; <b>In Court Hearing</b> held on 11/4/2004. The Court hears argument from counsel on the motion to dismiss, docket no. 15. The Court takes the matter under

		advisement.(CC) (Entered: 11/05/2004)
12/02/2004	<u>29</u>	TRANSCRIPT of Proceedings held on 11/4/04 Motion Hearing before Judge Thomas S Zilly. Court Reporter: Susan Zielie. (SA, ) (Entered: 12/10/2004)
01/07/2005	<u>30</u>	ORDER granting <u>15</u> Dfts' Motion to Dismiss by Judge Thomas S. Zilly.(CL, ) (Entered: 01/10/2005)
01/12/2005	<u>31</u>	JUDGMENT BY COURT – Plaintiffs' complaint is dismissed, without prejudice, for the reasons set forth in the Order (MD ) (Entered: 01/13/2005)