

U.S. District Court
District of Idaho (LIVE Database)Version 6.2.2 (CDA – Northern)
CIVIL DOCKET FOR CASE #: 2:13-cv-00257-BLW

Smith v. Obama et al
Assigned to: Judge B. Lynn Winmill
Case in other court: Ninth Circuit Court of Appeals, 14-35555
Cause: 28:1331 Fed. Question

Date Filed: 06/12/2013
Date Terminated: 06/03/2014
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Anna Jo Smith
a Married Woman

represented by **Lucas Todd Malek**
Smith and Malek, PLLC
1250 W. Ironwood, Ste. 316
Couer d'Alene, ID 83814
(208) 215-2411
Email: luke@smithmalek.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter J Smith , IV
Smith + Malek, PLLC
601 E. Front Avenue
Suite 304
Coeur d'Alene, Id 83814
208-215-2411
Fax: 208-215-2416
Email: peter@smithmalek.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Barack H. Obama
*in his official capacity as President of the
United States of America*

represented by **Bryan Dearinger**
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., Room 7334
Washington, DC 20001
(202) 514-3489
Fax: (202) 616-8470
Email: bryan.dearinger@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Jordan Gilligan
United States Department of Justice
1100 L Street, N.W.
Room 11200
Washington, DC 20005
202-514-3358
Fax: (202) 616-8470
Email: james.gilligan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marcia Berman
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. , N.W., Room 7132
Washington, DC 20001

(202) 514-2205
Fax: (202) 616-8470
Email: marcia.berman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rodney Patton
U.S. Department of Justice
20 Massachusetts Ave. N.W.
Washington, DC 20001
202-305-7919
Email: rodney.patton@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Syrena Case Hargrove
U.S. Attorney's Office
800 E. Park Blvd., Suite 600 Plaza 4
Boise, ID 83712
208 334 9122
Email: Syrena.Hargrove@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James R. Clapper
*in his official capacity as Director of the
National Intelligence*

represented by **Bryan Dearing**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Jordan Gilligan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marcia Berman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Syrena Case Hargrove
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Keith B. Alexander
*in his official capacity as Director of the
National Security Agency and Chief of the
Central Security Service*

represented by **Bryan Dearing**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Jordan Gilligan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marcia Berman
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Rodney Patton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Syrena Case Hargrove

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Charles T. Hagel

*in his official capacity as Secretary of
Defense*

represented by **Bryan Dearing**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

James Jordan Gilligan

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Marcia Berman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Rodney Patton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Syrena Case Hargrove

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Eric H. Holder

*in his official capacity as Attorney
General of the United States*

represented by **Bryan Dearing**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

James Jordan Gilligan

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Marcia Berman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Rodney Patton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Syrena Case Hargrove

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Robert S. Mueller, III
*in his official capacity as Director of the
 Federal Bureau of Investigation*
 TERMINATED: 11/07/2013

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

Defendant

James B. Comey
*in his official capacity as Director of the
 Federal Bureau of Investigation*

represented by **Bryan Dearing**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

James Jordan Gilligan
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Marcia Berman
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

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

Syrena Case Hargrove
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/12/2013	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0976-1027809.), filed by All Plaintiffs. (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Summons All Summonses Combined)(Smith, Peter)
06/17/2013	<u>2</u>	Summons Issued as to All Defendants (Print attached Summons for service.) (Attachments: # <u>1</u> Summons 2, # <u>2</u> Summons 3, # <u>3</u> Summons 4, # <u>4</u> Summons 5, # <u>5</u> Summons 6)(krb)
11/07/2013	<u>3</u>	AMENDED COMPLAINT against Keith B. Alexander, James R. Clapper, Charles T. Hagel, Eric H. Holder, Barack H. Obama, James B. Comey, filed by All Plaintiffs.(Smith, Peter)
11/07/2013	<u>4</u>	Civil Cover Sheet re <u>3</u> Amended Complaint filed by Anna Jo Smith. (Attachments: # <u>1</u> Summons Def Comey Summons)(Smith, Peter)
11/08/2013	<u>5</u>	Summons Issued as to James B. Comey, (Print attached Summons for service.) (jp)
12/02/2013	<u>6</u>	NOTICE of Appearance by James Jordan Gilligan on behalf of All Defendants (Gilligan, James)
12/03/2013	<u>7</u>	NOTICE of Assignment to Magistrate Judge and Requirement for Consent sent to counsel for Keith B. Alexander, James R. Clapper, James B. Comey, Charles T. Hagel, Eric H. Holder, Barack H. Obama, Anna Jo Smith re <u>1</u> Complaint, <u>6</u> Notice of Appearance. Consent/Objection to Magistrate due by 2/6/2014. (jp)
12/20/2013	<u>8</u>	MOTION for Preliminary Injunction Peter J Smith, IV appearing for Plaintiff Anna Jo Smith. Responses due by 1/13/2014 (Attachments: # <u>1</u> Memorandum in Support of Motion for a Preliminary Injunction, # <u>2</u> Affidavit of Anna J. Smith in Support of Motion for a Preliminary Injunction, # <u>3</u> Affidavit of Peter J. Smith in Support of Motion for a Preliminary Injunction, # <u>4</u> Exhibit 1 of Affidavit of Peter J. Smith IV, #

		<u>5</u> Exhibit 2 of Affidavit of Peter J. Smith IV, # <u>6</u> Exhibit 3 of Affidavit of Peter J. Smith IV, # <u>7</u> Exhibit 4 of Affidavit of Peter J. Smith IV, # <u>8</u> Exhibit 5 of Affidavit of Peter J. Smith IV)(Smith, Peter)
12/23/2013	<u>9</u>	ORDER OF REASSIGNMENT the Clerk of the Court shall reassign this matter to a United States District Judge for all further proceedings. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (jp)
12/23/2013		DOCKET ENTRY NOTICE of Case Number Change, Case reassigned to Judge B. Lynn Winmill for all further proceedings. Judge Ronald E. Bush no longer assigned to case. Please use this case number on all future pleadings, 2:13-cv-257-BLW (jp)
01/02/2014	<u>11</u>	RETURN MAIL undelivered as to Rodney Patton re: <u>7</u> Notice of Assignment (jp) (Entered: 01/07/2014)
01/07/2014	<u>10</u>	Joint MOTION for entry of briefing schedule and enlargement of page limits re <u>3</u> Amended Complaint, <u>8</u> MOTION for Preliminary Injunction James Jordan Gilligan appearing for Defendants Keith B. Alexander, James R. Clapper, James B. Comey, Charles T. Hagel, Eric H. Holder, Barack H. Obama, Plaintiff Anna Jo Smith. Responses due by 1/31/2014 (Gilligan, James)
01/15/2014	<u>12</u>	SCHEDULING ORDER granting <u>10</u> Joint Motion for a Briefing Schedule and Enlargement of Page Limitations. Up to 45 pages for Defendants' Combined Brief in Opposition to Plaintiff's Motion for a Preliminary Injunction and in Support of Defendants' Motion to Dismiss, to be filed not later than 1/24/14; Up to 45 pages for Plaintiff's Combined Reply in Support of Plaintiff's Motion for a Preliminary Injunction and Opposition to Defendants' Motion to Dismiss, to be filed not later than 2/21/14014; and Up to 25 pages for Defendants' Reply Brief in Support of Defendants' Motion to Dismiss, to be filed not later than 3/14/14. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (jp) (Entered: 01/16/2014)
01/15/2014		Set/Reset Deadlines as to <u>8</u> MOTION for Preliminary Injunction . Per dkt 12 Responses due by 1/24/2014 Replies due by 2/21/2014. (jp) (Entered: 01/16/2014)
01/17/2014	<u>13</u>	DOCKET ENTRY NOTICE OF HEARING regarding <u>8</u> Motion for Preliminary Injunction: A Motion Hearing is set for 4/16/2014 at 2:00 PM in Boise – Courtroom 3 before Judge B. Lynn Winmill. (jlg)
01/24/2014	<u>14</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss for Lack of Jurisdiction (Responses due by 2/18/2014)James Jordan Gilligan appearing for Defendants Keith B. Alexander, James R. Clapper, James B. Comey, Charles T. Hagel, Eric H. Holder, Barack H. Obama. (Attachments: # <u>1</u> Memorandum in Support (Memorandum in Support of Defendants' Motion to Dismiss and in Opposition to Plaintiff's Motion for a Preliminary Injunction))(Gilligan, James)
01/24/2014	<u>15</u>	MEMORANDUM in Opposition re <u>8</u> MOTION for Preliminary Injunction filed by Keith B. Alexander, James R. Clapper, James B. Comey, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III, Barack H. Obama. Replies due by 2/10/2014. (Attachments: # <u>1</u> Affidavit (Declaration of James J. Gilligan), # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Exhibit Q, # <u>19</u> Exhibit R)(Gilligan, James) Modified on 2/21/2014 to link to dkt <u>14</u> (jp).
01/24/2014		Set/Reset Deadlines as to <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction . Per Order dkt 12, Responses due by 2/21/2014 Replies due by 3/14/2014. (jp) (Entered: 01/27/2014)
01/27/2014	<u>16</u>	NOTICE of Availability of Magistrate Judge and Requirement for Consent sent to counsel for Plaintiff & Defendants. Consent/Objection to Magistrate due by 3/31/2014. (jp)
02/21/2014	<u>17</u>	MEMORANDUM in Opposition re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction , <u>8</u> MOTION for Preliminary Injunction <i>Reply Brief</i> filed by Anna Jo Smith. Replies due by 3/10/2014.(Smith, Peter)

03/03/2014	<u>18</u>	RETURN MAIL undelivered as to Rodney Patton re: <u>16</u> Notice of Availability Setting Deadline filed by Anna Jo Smith, James B. Comey, Keith B. Alexander, Charles T. Hagel, James R. Clapper, Barack H. Obama, Eric H. Holder. (st)
03/07/2014	<u>19</u>	NOTICE by Keith B. Alexander, James R. Clapper, James B. Comey, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III, Barack H. Obama (<i>Notice Regarding Order of the Foreign Intelligence Surveillance Court</i>) (Gilligan, James)
03/08/2014	<u>20</u>	NOTICE by Keith B. Alexander, James R. Clapper, James B. Comey, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III, Barack H. Obama (<i>Defendants Corrected Notice Regarding Order of the Foreign Intelligence Surveillance Court</i>) (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Gilligan, James)
03/14/2014	<u>21</u>	REPLY to Response to Motion re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction filed by Keith B. Alexander, James R. Clapper, James B. Comey, Charles T. Hagel, Eric H. Holder, Robert S. Mueller, III, Barack H. Obama.(Gilligan, James)
04/01/2014		The 60 day deadline has expired. Case will remain with District Judge. No more notice of availability or assignment will be sent out. Consent deadline(s) termed. (jp)
04/02/2014	<u>22</u>	DOCKET ENTRY NOTICE OF HEARING ON MOTIONS – The Court will hear oral argument regarding the following motions on 4/16/2014 at 2:00 PM in Boise – Courtroom 3 before Judge B. Lynn Winmill: <u>8</u> Motion for Preliminary Injunction and <u>14</u> Motion to Dismiss. (jlg)
04/04/2014	<u>23</u>	Joint MOTION To Reschedule and Relocate Motions Hearing James Jordan Gilligan appearing for Defendants Keith B. Alexander, James R. Clapper, James B. Comey, Charles T. Hagel, Eric H. Holder, Barack H. Obama, Plaintiff Anna Jo Smith. Responses due by 4/28/2014 (Gilligan, James)
04/10/2014	<u>24</u>	DOCKET ENTRY ORDER granting <u>23</u> Joint Motion to Vacate Hearing Date. The new hearing date shall be May 15, 2014, at 9:00 a.m. in the Federal Courthouse in Coeur d'Alene, Idaho. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (dm)
04/14/2014		Reset Hearing as to <u>14</u> Motion to Dismiss and <u>8</u> Motion for Preliminary Injunction pursuant to Order <u>24</u> . Motion Hearing reset for 5/15/2014 at 9:00 AM in Coeur d Alene – District Courtroom before Judge B. Lynn Winmill. (jlg)
05/05/2014	<u>25</u>	NOTICE by Keith B. Alexander, James R. Clapper, James B. Comey, Eric H. Holder, Barack H. Obama of <i>Recent Authority</i> (Attachments: # <u>1</u> Exhibit (March 20, 2014 FISC Opinion & Order))(Gilligan, James)
05/15/2014	<u>26</u>	Minute Entry for proceedings held before Judge B. Lynn Winmill: Motion Hearing held on 5/15/2014 re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction filed by James B. Comey, Keith B. Alexander, Charles T. Hagel, James R. Clapper, Barack H. Obama, Eric H. Holder, <u>8</u> MOTION for Preliminary Injunction filed by Anna Jo Smith. MOTIONS TAKEN UNDER ADVISEMENT. (Court Reporter/ESR Annie Williams.) (lp)
06/03/2014	<u>27</u>	MEMORANDUM DECISION. The Court will grant the defendants' motion to dismiss and deny Smith's motion for injunctive relief. The Court will issue a separate Judgment as required by Rule 58(a). Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)
06/03/2014	<u>28</u>	JUDGMENT. In accordance with the Memorandum Decision filed with this Judgment, NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the motion for injunction <u>8</u> is DENIED. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the motion to dismiss <u>14</u> is GRANTED, and the Clerk is directed to close this case. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)
07/01/2014	<u>29</u>	NOTICE OF APPEAL as to <u>28</u> Judgment, by Anna Jo Smith. Filing fee \$ 505, receipt number 0976-1177889. (Notice sent to Court Reporter & 9th Cir) (Smith,

		Peter)(14-35555)
07/01/2014	<u>30</u>	TRANSCRIPT REQUEST by Anna Jo Smith for proceedings held on 5/15/2014 before Judge Winmill, re <u>29</u> Notice of Appeal (Notice sent by e-mail to Court Reporter) Transcript due by 9/2/2014. (Smith, Peter)
07/01/2014	<u>31</u>	USCA Case Number 14-35555 for <u>29</u> Notice of Appeal filed by Anna Jo Smith. (cjm)
07/01/2014	<u>32</u>	USCA Scheduling Order as to <u>29</u> Notice of Appeal filed by Anna Jo Smith. (Notice sent by e-mail to Court Reporter) (cjm)
07/14/2014	<u>33</u>	ORDER of USCA as to <u>29</u> Notice of Appeal filed by Anna Jo Smith (jp) (Entered: 07/15/2014)
05/01/2015	<u>34</u>	NOTICE of Change of Address by Peter J Smith, IV (Smith, Peter)
06/03/2015	<u>35</u>	ORDER of USCA as to <u>29</u> Notice of Appeal filed by Anna Jo Smith (jp) (Entered: 06/04/2015)
06/11/2015	<u>36</u>	ORDER of USCA as to <u>29</u> Notice of Appeal filed by Anna Jo Smith. Anna Smith's motion to amend the schedule for supplemental briefing is DENIED. (jp)
07/27/2015	<u>37</u>	ORDER of USCA (14-35555) as to <u>29</u> Notice of Appeal filed by Anna Jo Smith. (st) (Entered: 07/28/2015)
08/04/2015	<u>38</u>	ORDER of USCA as to <u>29</u> Notice of Appeal filed by Anna Jo Smith. The motion to become amicus filed on 7/22/15 is denied. (jp)
03/22/2016	<u>39</u>	ORDER of USCA as to <u>29</u> Notice of Appeal filed by Anna Jo Smith. this case is resubmitted effective March 15, 2016 (jp) (Entered: 03/23/2016)
03/22/2016	<u>40</u>	ORDER of USCA as to <u>29</u> Notice of Appeal filed by Anna Jo Smith. Appellant Smith's motion for judicial notice of the fact that Verizon Wireless has participated in the National Security Agency's phone records program is denied as moot. (jp) (Entered: 03/23/2016)
03/22/2016	<u>41</u>	ORDER of USCA as to <u>29</u> Notice of Appeal filed by Anna Jo Smith. VACATED AND REMANDED. (jp) (cc: LC1) (Entered: 03/23/2016)
03/29/2016	42	DOCKET ENTRY NOTICE OF HEARING: A Telephonic Status Conference is set for 4/14/2016 at 10:00 AM (MDT) with Judge B. Lynn Winmill's Law Clerk, Dave Metcalf. Plaintiff is directed to initiate the conference call. The Court can be reached at 208-334-9145. (jlb)
04/14/2016	43	DOCKET ENTRY ORDER The Courts staff held a telephone conference with all counsel this day. It was agreed that plaintiff shall notify opposing counsel and the Court (by email to dave_metcalf@id.uscourts.gov) within 14 days as to whether the plaintiff intends to continue to pursue this case. If the plaintiff decides to continue pursuing this case, the Court will hold a conference with counsel to determine the next step in the litigation. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (dm)
05/17/2016	<u>44</u>	MANDATE of USCA as to <u>29</u> Notice of Appeal filed by Anna Jo Smith (jp)
04/25/2019	<u>45</u>	NOTICE of Change of Address by James Jordan Gilligan (Gilligan, James)