

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-04419-RJS**

American Civil Liberties Union et al v. Office of the Director of National Intelligence et al
Assigned to: Judge Richard J. Sullivan
Cause: 05:552(a) Complaint in the Nature of Mandamus

Date Filed: 06/03/2010
Date Terminated: 03/30/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

American Civil Liberties Union

represented by **Melissa Goodman**
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V.

Defendant

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Defendant

**National Security Agency/Central
Security Service**

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Defendant

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*ATTORNEY TO BE NOTICED***Louis Anthony Pellegrino**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
06/03/2010	<u>1</u>	COMPLAINT against Office of the Director of National Intelligence, Department of Justice, National Security Agency/Central Security Service, Department of Defense. (Filing Fee \$ 350.00, Receipt Number 905701)Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(rdz) (Entered: 06/04/2010)
06/03/2010		SUMMONS ISSUED as to Office of the Director of National Intelligence, Department of Justice, National Security Agency/Central Security Service, Department of Defense. (rdz) (Entered: 06/04/2010)
06/03/2010		Magistrate Judge Kevin Nathaniel Fox is so designated. (rdz) (Entered: 06/04/2010)
06/03/2010		Case Designated ECF. (rdz) (Entered: 06/04/2010)
06/03/2010	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(rdz) (Entered: 06/04/2010)
06/07/2010	<u>3</u>	NOTICE OF APPEARANCE by Melissa Goodman on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Goodman, Melissa) (Entered: 06/07/2010)
07/02/2010	<u>4</u>	ORDER: IT IS HEREBY ORDERED THAT Defendants shall answer or otherwise respond to the complaint by August 5, 2010. IT IS FURTHER ORDERED THAT the parties shall appear for a status conference on August 19, 2010 at 11:00 a.m. in Courtroom 21C of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York. IT IS FURTHER ORDERED THAT, by August 11, 2010 at 4:00 p.m., the parties shall jointly submit a letter, not to exceed five (5) pages, providing the following information set forth within this Order in separate paragraphs. IT IS FURTHER ORDERED THAT, by August 11, 2010 at 4:00 p.m., the parties shall submit to the Court a proposed case management plan and scheduling order. (Signed by Judge Richard J. Sullivan on 7/2/2010) (jfe) (Entered: 07/06/2010)
07/14/2010	<u>5</u>	AFFIDAVIT OF SERVICE of Summons served on Department of Defense on June 11, 2010. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Goodman, Melissa) (Entered: 07/14/2010)
07/14/2010	<u>6</u>	AFFIDAVIT OF SERVICE of Summons served on Department of Justice on June 15, 2010. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Goodman, Melissa) (Entered: 07/14/2010)
07/14/2010	<u>7</u>	AFFIDAVIT OF SERVICE of Summons served on National Security Agency/Central Security Service on June 9, 2010. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Goodman, Melissa) (Entered: 07/14/2010)
07/14/2010	<u>8</u>	AFFIDAVIT OF SERVICE of Summons served on Office of the Director of National Intelligence on June 14, 2010. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Goodman, Melissa) (Entered: 07/14/2010)
08/05/2010	<u>9</u>	ANSWER to Complaint. Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence.(Fornos, Carolina) (Entered: 08/05/2010)

08/11/2010	<u>10</u>	NOTICE OF APPEARANCE by Benjamin H. Torrance on behalf of Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence (Torrance, Benjamin) (Entered: 08/11/2010)
08/11/2010	<u>11</u>	NOTICE OF APPEARANCE by Carolina A. Fornos on behalf of Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence (Fornos, Carolina) (Entered: 08/11/2010)
08/13/2010	<u>12</u>	STIPULATION AND ORDER Regarding FOIA Request as set forth in this order. (Signed by Judge Richard J. Sullivan on 8/13/2010) (jmi) (Entered: 08/13/2010)
08/20/2010	<u>13</u>	ORDER THAT, by December 17,2010, the parties shall submit a joint letter apprising the Court of the status of the parties' negotiations and their views concerning potential motions. SO ORDERED. (Status Report due by 12/17/2010.) (Signed by Judge Richard J. Sullivan on 8/19/2010) (jmi) Modified on 8/20/2010 (jmi). (Entered: 08/20/2010)
11/10/2010	<u>14</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Benjamin H. Torrance dated 11/9/10 re: With the consent of plaintiffs' counsel, the government respectfully requests an extension of time to December 17, 2010 to provide the Court with a joint letter regarding the status of the case. ENDORSEMENT: SO ORDERED. (Signed by Judge Richard J. Sullivan on 11/10/10) (djc) (Entered: 11/10/2010)
11/29/2010	<u>15</u>	NOTICE OF APPEARANCE by Alexander Abraham Abdo on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Abdo, Alexander) (Entered: 11/29/2010)
12/20/2010	<u>16</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Alexander A. Abdo and Jameel Jaffer, dated 12/17/2010, re: On November 29, 2010, Defendants completed their processing and production of responsive documents. Since that time, Plaintiffs have reviewed the production and conferred with Defendants regarding future proceedings. Plaintiffs will likely raise several challenges to Defendants' withholding of records; however, the parties continue to discuss the scope of those challenges, if any, in the hope of narrowing them. To allow those discussions to continue, the parties respectfully request until January 21, 2011 to submit a joint status report apprising the Court of the status of the parties' negotiations and the need for further litigation if any. Should further litigation be necessary, it will consist of cross-motions for summary judgment as to the propriety of Defendants' withholding of responsive records pursuant to the various exemptions of FOIA. See 5 U.S.C. § 552(b). ENDORSEMENT: SO ORDERED. (Signed by Judge Richard J. Sullivan on 12/17/2010) (lnl) (Entered: 12/20/2010)
12/22/2010	<u>17</u>	MOTION for Melissa Goodman to Withdraw as Attorney. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Goodman, Melissa) (Entered: 12/22/2010)
12/23/2010	<u>18</u>	ORDER: Before the Court is Plaintiffs' counsel Melissa Goodman's motion to withdraw as counsel, as she is no longer working for the American Civil Liberties Union Foundation, which represents Plaintiffs in this case. Plaintiffs continue to be represented by the Foundation and another attorney from the Foundation has filed a notice of appearance. Accordingly, IT IS HEREBY ORDERED THAT the motion is granted. The Clerk of Court is respectfully directed to remove Ms. Goodman's appearance from the docket sheet and terminate the motion listed as Docket Number <u>17</u> . Attorney Melissa Goodman terminated. (Signed by Judge Richard J. Sullivan on 12/23/2010) (lnl) (Entered: 12/23/2010)
01/21/2011	<u>19</u>	ENDORSED LETTER: addressed to Judge Richard J. Sullivan from Benjamin H. Torrance dated 1/21/2011 re: Counsel for defendant request that the Court permit the parties to file an additional status report by February 11, 2011, in which the parties will either indicate their agreement to dismiss this action or propose a schedule for submission of cross-motions for summary judgment. ENDORSEMENT: So Ordered. (Signed by Judge Richard J. Sullivan on 1/21/11) (js) (Entered: 01/24/2011)

01/25/2011	<u>20</u>	NOTICE OF APPEARANCE by Louis Anthony Pellegrino on behalf of Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence (Pellegrino, Louis) (Entered: 01/25/2011)
02/14/2011	<u>21</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Alexander A. Abdo dated 2/11/2011 re: The parties respectfully request until 2/23/2011 to submit to the Court a proposed schedule to address Defendants' withholdings. ENDORSEMENT: SO ORDERED. (Signed by Judge Richard J. Sullivan on 2/14/2011) (ae) (Entered: 02/14/2011)
02/23/2011	<u>22</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Louis A. Pellegrino dated 2/23/2011 re: The parties hereby propose the following schedule: Government's draft Vaughn indexes and/or declarations to be submitted to Plaintiff by 4/25/2011; ACLU will move for summary judgment on outstanding issues due May 20, 2011; Government's opposition to ACLU's motion and cross-motion for summary judgment due June 17, 2011; ACLU's reply brief due July 1, 2011. ENDORSEMENT: So Ordered. (Signed by Judge Richard J. Sullivan on 2/23/2011) (jpo) (Entered: 02/23/2011)
04/19/2011	<u>23</u>	NOTICE OF APPEARANCE by Robert D. Balin on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Balin, Robert) (Entered: 04/19/2011)
04/19/2011	<u>24</u>	NOTICE OF APPEARANCE by Samuel Bayard on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Bayard, Samuel) (Entered: 04/19/2011)
04/27/2011	<u>25</u>	MOTION for Bruce Johnson to Appear Pro Hac Vice. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(mbe) (Entered: 05/02/2011)
04/27/2011	<u>26</u>	MOTION for Jennifer Arterburn to Appear Pro Hac Vice. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(mbe) (Entered: 05/02/2011)
05/02/2011		CASHIERS OFFICE REMARK on <u>25</u> Motion to Appear Pro Hac Vice, <u>26</u> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 04/27/2011, Receipt Number 5192. (jd) (Entered: 05/02/2011)
05/03/2011	<u>27</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION, granting <u>25</u> Motion for Bruce Johnson to Appear Pro Hac Vice as counsel for Plaintiffs. (Signed by Judge Richard J. Sullivan on 5/3/2011) (lnl) (Entered: 05/03/2011)
05/03/2011	<u>28</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION, granting <u>26</u> Motion for Jennifer Arterburn to Appear Pro Hac Vice as counsel for Plaintiffs. (Signed by Judge Richard J. Sullivan on 5/3/2011) (lnl) (Entered: 05/03/2011)
05/11/2011	<u>29</u>	NOTICE OF APPEARANCE by Ronald Gary London on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (London, Ronald) (Entered: 05/11/2011)
05/16/2011	<u>30</u>	STIPULATION AND ORDER ADJOURNING BRIEFING SCHEDULE: The date for Plaintiffs to file and serve their motion for summary judgment on outstanding issues, currently scheduled for May 20, 2011, shall be adjourned and extended to June 3, 2011. the date for Defendants to file and serve their papers in opposition to the Summary Judgment Motion and in support of any cross-motion for summary judgment, currently scheduled for June 17, 2011, shall be adjourned and extended to July 1, 2011. The date for Plaintiffs to file and serve their reply papers in further support of the Summary Judgment Motion and in opposition to any cross-motion for summary judgment currently scheduled for July 1, 2011, shall be adjourned to July 18, 2011. So Ordered (Signed by Judge Richard J. Sullivan on 5/16/2011) (js) (Entered: 05/17/2011)
06/03/2011	<u>31</u>	MOTION for Summary Judgment. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Balin, Robert) (Entered: 06/03/2011)

06/03/2011	<u>32</u>	MEMORANDUM OF LAW in Support re: <u>31</u> MOTION for Summary Judgment.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Balin, Robert) (Entered: 06/03/2011)
06/03/2011	<u>33</u>	RULE 56.1 STATEMENT. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Balin, Robert) (Entered: 06/03/2011)
06/03/2011	<u>34</u>	DECLARATION of Robert D. Balin in Support re: <u>31</u> MOTION for Summary Judgment.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit)(Balin, Robert) (Entered: 06/03/2011)
07/01/2011	<u>35</u>	CROSS MOTION for Summary Judgment. Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. Responses due by 7/18/2011(Torrance, Benjamin) (Entered: 07/01/2011)
07/01/2011	<u>36</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>35</u> CROSS MOTION for Summary Judgment. <i>and in opposition to <u>31</u> plaintiffs' motion for summary judgment.</i> Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. (Torrance, Benjamin) Modified on 7/5/2011 (ldi). (Entered: 07/01/2011)
07/01/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Benjamin H. Torrance to RE-FILE Document <u>36</u> Memorandum of Law in Support of Motion. ERROR(S): No signature or s/. (ldi) (Entered: 07/05/2011)
07/05/2011	<u>37</u>	MEMORANDUM OF LAW in Support re: <u>35</u> CROSS MOTION for Summary Judgment. <i>and in opposition to <u>31</u> plaintiffs' motion for summary judgment.</i> Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. (Torrance, Benjamin) (Entered: 07/05/2011)
07/18/2011	<u>38</u>	MOTION to Strike <i>or, In the Alternative, For Complete In Camera Review.</i> Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(London, Ronald) (Entered: 07/18/2011)
07/18/2011	<u>39</u>	MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Strike <i>or, In the Alternative, For Complete In Camera Review.</i> .. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (London, Ronald) (Entered: 07/18/2011)
07/18/2011	<u>40</u>	REPLY to Response to Motion re: <u>31</u> MOTION for Summary Judgment. <i>and in opposition to 35, defendants' cross motion for summary judgment.</i> Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (London, Ronald) (Entered: 07/18/2011)
08/01/2011	<u>41</u>	ORDER, Set Deadline as to <u>38</u> MOTION to Strike <i>or, In the Alternative, For Complete In Camera Review.</i> Response due by 8/8/2011, Reply due by 8/17/2011. (Signed by Judge Richard J. Sullivan on 8/1/11) (cd) (Entered: 08/01/2011)
08/08/2011	<u>42</u>	MEMORANDUM OF LAW in Opposition re: <u>38</u> MOTION to Strike <i>or, In the Alternative, For Complete In Camera Review.</i> .. Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. (Torrance, Benjamin) (Entered: 08/08/2011)
08/08/2011	<u>43</u>	DECLARATION of Diane M. Janosek in Opposition re: <u>38</u> MOTION to Strike <i>or, In the Alternative, For Complete In Camera Review.</i> ., <u>31</u> MOTION for Summary Judgment.. Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. (Torrance, Benjamin) (Entered: 08/08/2011)

08/17/2011	<u>44</u>	REPLY to Response to Motion re: <u>38</u> MOTION to Strike <i>or, In the Alternative, For Complete In Camera Review</i> .. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (London, Ronald) (Entered: 08/17/2011)
11/15/2011	<u>45</u>	OPINION AND ORDER:#101028 For the reasons stated above, Plaintiffs' motion to strike is HEREBY DENIED; their motion in the alternative for in camera review is Granted in Part and Denied in Part. The Clerk of the Court is respectfully directed to terminate the motion located at Doc. No. 38. The cross motions for summary judgment, located at Doc. Nos. 31 and 35, will remain open pending the additional submissions set forth above. (Signed by Judge Richard J. Sullivan on 11/15/2011) (js) Modified on 11/21/2011 (jab). (Entered: 11/15/2011)
11/28/2011	<u>46</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Benjamin H. Torrance and Louis A. Pellegrino dated 11/23/2011 re: Counsel for the defendants requests until 1/18/2012, to provide their in camera responses. ENDORSEMENT: SO ORDERED. (Signed by Judge Richard J. Sullivan on 11/28/2011) (ft) (Entered: 11/28/2011)
01/17/2012	<u>47</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Benjamin H. Torrance and Louis A. Pellegrino dated 1/16/2012 re: Counsel for the Defendant writes to request that the in camera review due on 1/18/2012 be extended until 1/25/2012. ENDORSEMENT: SO ORDERED. (Signed by Judge Richard J. Sullivan on 1/17/2012) (ab) (Entered: 01/17/2012)
01/25/2012	<u>48</u>	DECLARATION of John F. Hackett in Support re: <u>35</u> CROSS MOTION for Summary Judgment.. Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. (Torrance, Benjamin) (Entered: 01/25/2012)
01/25/2012	<u>49</u>	NOTICE of Classified Filing re: <u>35</u> CROSS MOTION for Summary Judgment.. Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. (Torrance, Benjamin) (Entered: 01/25/2012)
01/25/2012	<u>50</u>	DECLARATION of David M. Hardy in Support re: <u>35</u> CROSS MOTION for Summary Judgment.. Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. (Torrance, Benjamin) (Entered: 01/25/2012)
01/25/2012	<u>51</u>	DECLARATION of David M. Hardy (corrected declaration) in Support re: <u>35</u> CROSS MOTION for Summary Judgment.. Document filed by Department of Defense, Department of Justice, National Security Agency/Central Security Service, Office of the Director of National Intelligence. (Torrance, Benjamin) (Entered: 01/25/2012)
03/30/2012	<u>52</u>	MEMORANDUM AND ORDER denying <u>31</u> Motion for Summary Judgment filed by American Civil Liberties Union, American Civil Liberties Union Foundation; granting <u>35</u> Motion for Summary Judgment filed by Defendants: Plaintiffs' motion for summary judgment is HEREBY DENIED, and Defendants' motion for summary judgment is HEREBY GRANTED. The Clerk of the Court is respectfully directed to terminate the motions located at Doc. Nos. 31 and 35 and close this case. (Signed by Judge Richard J. Sullivan on 3/30/2012) (ab) (Entered: 03/30/2012)
03/30/2012		Transmission to Judgments and Orders Clerk. Transmitted re: <u>52</u> Order on Motion for Summary Judgment to the Judgments and Orders Clerk. (ab) (Entered: 03/30/2012)
03/30/2012	<u>53</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum and Order dated March 30, 2012, Plaintiffs' motion for summary judgment is denied, and Defendants' motion for summary judgment is granted; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 3/30/12) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 03/30/2012)