

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:07-cv-02798-JW**

Mohamed et al v. Jeppesen Dataplan, Inc.
Assigned to: Hon. James Ware
Referred to: Hon. Richard Seeborg
Case in other court: 9th Circuit Court of Appeals, 08-15693
Supreme Court, 10-00778
Cause: 28:1331 Fed. Question

Date Filed: 05/30/2007
Date Terminated: 02/13/2008
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Federal Question

Plaintiff

Binyam Mohamed

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Date Filed	#	Docket Text
05/30/2007	<u>1</u>	COMPLAINT (Summons Issued); jury demand; against Jeppesen Dataplan, Inc. (Filing fee \$ 350, receipt number 3461006889). Filed by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). Additional attachment(s) added on 6/8/2007 (bw, COURT STAFF). (Entered: 05/30/2007)
05/30/2007	<u>2</u>	Certification of Interested Parties or Entities (bw, COURT STAFF) (Filed on 5/30/2007) Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). (Entered: 05/30/2007)

05/30/2007	<u>3</u>	Application for Admission of Attorney Steven Watt Pro Hac Vice (Filing fee \$ 210, receipt number 34611006811.) filed by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). (Entered: 05/30/2007)
05/30/2007	<u>4</u>	Application for Admission of Attorney Steven R. Shapiro Pro Hac Vice (Filing fee \$ 210, receipt number 3461186812) filed by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). (Entered: 05/30/2007)
05/30/2007	<u>5</u>	Application for Admission of Attorney Jameel Jaffer Pro Hac Vice (Filing fee \$ 210, receipt number 346110860) filed by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). (Entered: 05/30/2007)
05/30/2007	<u>6</u>	Application for Admission of Attorney Clive Stafford Smith Pro Hac Vice (Filing fee \$ 210, receipt number 34611006814) filed by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). (Entered: 05/30/2007)
05/30/2007	<u>7</u>	Application for Admission of Attorney Hope R. Metcalf Pro Hac Vice (Filing fee \$ 210, receipt number 34611006410) filed by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). (Entered: 05/30/2007)
05/30/2007		Received (Proposed) Order Granting Pro Hac Vice for Attorney Hope R. Metcalf re (<u>7</u>) (Filing fee \$ 210, receipt number 3461100641.) by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) (Entered: 05/30/2007)
05/30/2007		Received (Proposed) Order Granting Pro Hac Vice for Attorney Clive Stafford Smith re (<u>6</u>) (Filing fee \$ 210, receipt number 3461100681.) by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) (Entered: 05/30/2007)
05/30/2007		Received Proposed) Order Granting Pro Hac Vice for Attorney ameel Jaffer re <u>5</u> (Filing fee \$ 210, receipt number 346110860.) by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) (Entered: 05/30/2007)
05/30/2007		Received (Proposed) Order Granting Pro Hac Vice for Attorney Steven R. Shapiro re <u>4</u> (Filing fee \$ 210, receipt number 346118681.) by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) (Entered: 05/30/2007)
05/30/2007		Received (Proposed) Order Granting Pro Hac Vice for attorney Steven Watt re <u>3</u> (Filing fee \$ 210, receipt number 3461100681.) by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 5/30/2007) (Entered: 05/30/2007)
05/30/2007	<u>8</u>	ADR SCHEDULING ORDER: Case Management Statement due by 9/5/2007. Case Management Conference set for 9/12/2007 02:30 PM. (bw, COURT STAFF) (Filed on 5/30/2007) Additional attachment(s) added on 6/4/2007 (bw, COURT STAFF). (Entered: 05/30/2007)
05/30/2007		Summons Issued as to Jeppesen Dataplan, Inc.. (bw, COURT STAFF) (Filed on 5/30/2007) (Entered: 05/30/2007)
05/30/2007		CASE DESIGNATED for Electronic Filing. (bw, COURT STAFF) (Filed on 5/30/2007) (Entered: 05/30/2007)
06/07/2007	<u>9</u>	Summons Returned Unexecuted by Abou Elkassim (bw, COURT STAFF) (Filed on 6/7/2007) (Entered: 06/07/2007)

06/07/2007		Summons Issued as to Jeppesen Dataplan, Inc. (bw, COURT STAFF) (Filed on 6/7/2007) (Entered: 06/08/2007)
06/13/2007	<u>10</u>	ORDER by Judge Richard Seeborg granting <u>3</u> Motion for Pro Hac Vice. (rssec, COURT STAFF) (Filed on 6/13/2007) (Entered: 06/13/2007)
06/13/2007	<u>11</u>	ORDER by Judge Richard Seeborg granting <u>4</u> Motion for Pro Hac Vice. (rssec, COURT STAFF) (Filed on 6/13/2007) (Entered: 06/13/2007)
06/13/2007	<u>12</u>	ORDER by Judge Richard Seeborg granting <u>5</u> Motion for Pro Hac Vice (rssec, COURT STAFF) (Filed on 6/13/2007) (Entered: 06/13/2007)
06/13/2007	<u>13</u>	ORDER by Judge Richard Seeborg granting <u>6</u> Motion for Pro Hac Vice (rssec, COURT STAFF) (Filed on 6/13/2007) (Entered: 06/13/2007)
06/13/2007	<u>14</u>	ORDER by Judge Richard Seeborg granting <u>7</u> Motion for Pro Hac Vice (rssec, COURT STAFF) (Filed on 6/13/2007) (Entered: 06/13/2007)
06/18/2007	<u>15</u>	Application for Admission of Attorney Alexa Kolbi-Molinas in Pro Hac Vice (Filing fee \$ 210, receipt number 34611007478) filed by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 6/18/2007) Additional attachment(s) added on 6/20/2007 (bw, COURT STAFF). (Entered: 06/20/2007)
06/18/2007		Received (Proposed) Order Granting Application for Admission of Attorney Alexa Kolbi-Molinas Pro Hac Vice re <u>15</u> (Filing fee \$ 210, receipt number 34611007478.) by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (bw, COURT STAFF) (Filed on 6/18/2007) (Entered: 06/20/2007)
06/22/2007	<u>16</u>	ORDER by Judge Richard Seeborg granting <u>15</u> Motion for Pro Hac Vice. (rssec, COURT STAFF) (Filed on 6/22/2007) (Entered: 06/22/2007)
06/25/2007	<u>17</u>	SUMMONS Returned Executed by Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. Jeppesen Dataplan, Inc. served on 6/11/2007, answer due 7/2/2007. (Brick, Ann) (Filed on 6/25/2007) (Entered: 06/25/2007)
06/26/2007	<u>18</u>	NOTICE of Appearance by Daniel Paul Collins <i>for Defendant Jeppesen DataPlan, Inc.</i> (Collins, Daniel) (Filed on 6/26/2007) (Entered: 06/26/2007)
06/26/2007	<u>19</u>	Declination to Proceed Before a U.S. Magistrate Judge by Jeppesen Dataplan, Inc. <i>and Request for Reassignment to a United States District Judge.</i> (Collins, Daniel) (Filed on 6/26/2007) (Entered: 06/26/2007)
06/26/2007	<u>20</u>	*** FILED IN ERROR *** please see <u>22</u> amended Certification of Interested Entities or Persons (Collins, Daniel) (Filed on 6/26/2007) Text modified on 6/27/2007 to conform to document caption post by counsel (bw, COURT STAFF). Modified text on 6/27/2007 (cv, COURT STAFF). (Entered: 06/26/2007)
06/26/2007	<u>21</u>	STIPULATION <i>Under Local Rule 6-1(a) Extending the Time to Respond to the Complaint</i> by Jeppesen Dataplan, Inc.. (Collins, Daniel) (Filed on 6/26/2007) (Entered: 06/26/2007)
06/26/2007	<u>22</u>	AMENDED Interested Entities or Persons Pursuant to Local rule 3-16 Daniel Paul Collins (Collins, Daniel) (Filed on 6/26/2007) text modified on 6/27/2007 to conform to document caption post by counsel (bw, COURT STAFF). Modified text on 6/27/2007, amendment of <u>20</u> (cv, COURT STAFF). (Entered: 06/26/2007)
06/27/2007	<u>23</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (mpb, COURT STAFF) (Filed on 6/27/2007) Additional attachment(s) added on 6/27/2007 (mpb, COURT STAFF). (Entered: 06/27/2007)
06/27/2007	<u>24</u>	ORDER REASSIGNING CASE. Case reassigned to District Judge James Ware for all further proceedings and Magistrate Richard Seeborg remains the Referral Judge in this case. Signed by the Executive Committee on 6/27/07. (srm, COURT STAFF) (Filed on 6/27/2007) (Entered: 06/27/2007)
06/28/2007	<u>25</u>	CLERK'S NOTICE Case Management Statement due by 9/14/2007. Case Management Conference set for 9/24/2007 10:00 AM Courtroom 8, 4th floor, San Jose before Hon. James Ware. (ecg, COURT STAFF) (Filed on 6/28/2007) (Entered: 06/28/2007)

08/01/2007	<u>26</u>	*** FILED IN ERROR. PLEASE SEE DOCKET <u>27</u> First Amended Complaint . *** against Jeppesen Dataplan, Inc. Filed by Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Abou Elkassim Britel, Ahmed Agiza, Binyam Mohamed. (Wizner, Benjamin) (Filed on 8/1/2007) Modified on 8/1/2007 (ewn, COURT STAFF). Modified text on 8/8/2007 (cv, COURT STAFF). (Entered: 08/01/2007)
08/01/2007	<u>27</u>	FIRST AMENDED COMPLAINT <i>correction of docket 26</i> against Jeppesen Dataplan, Inc.. Filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Wizner, Benjamin) (Filed on 8/1/2007) Modified text on 8/8/2007 (cv, COURT STAFF). (Entered: 08/01/2007)
08/03/2007	29	MOTION for leave to appear in Pro Hac Vice Margaret L. Satterthwaite (Filing fee \$ 210.) filed by Mohamed Farag Ahmad Bashmilah. (cv, COURT STAFF) (Filed on 8/3/2007) (Entered: 08/11/2007)
08/07/2007	<u>28</u>	STIPULATION <i>and [Proposed] Order re: schedule</i> by Jeppesen Dataplan, Inc.. (Collins, Daniel) (Filed on 8/7/2007) Modified text on 8/8/2007 (cv, COURT STAFF). (Entered: 08/07/2007)
08/08/2007	30	ORDER by Judge James Ware granting 29 Motion for Pro Hac Vice Margaret L. Satterthwaite (cv, COURT STAFF) (Filed on 8/8/2007) (Entered: 08/11/2007)
08/14/2007	<u>31</u>	STIPULATION AND ORDER Granting Briefing Schedule on Anticipated Motion to Dismiss. The Court VACATES the 9/24/2007 Case Management Conference re <u>28</u> Stipulation filed by Jeppesen Dataplan, Inc. Please see Order for further specifics. Motion Hearing set for 12/10/2007 09:00 AM in Courtroom 8, 4th Floor, San Jose before Hon. James Ware. Signed by Judge James Ware on 8/13/2007. (ecg, COURT STAFF) (Filed on 8/14/2007) Modified text on 8/16/2007 (ecg, COURT STAFF). (Entered: 08/14/2007)
09/04/2007	<u>32</u>	Letter from ACLU. (Watt, Steven) (Filed on 9/4/2007) (Entered: 09/04/2007)
09/06/2007	<u>33</u>	NOTICE of Appearance by Michael Patrick Abate <i>on behalf of United States of America</i> (Abate, Michael) (Filed on 9/6/2007) (Entered: 09/06/2007)
09/06/2007	<u>34</u>	NOTICE by United States of America <i>of Statement of Interest</i> (Abate, Michael) (Filed on 9/6/2007) (Entered: 09/06/2007)
09/06/2007	<u>35</u>	MOTION for Extension of Time to File Answer re <u>27</u> Amended Complaint, <i>in Light of U.S. Statement of Interest</i> , filed by Jeppesen Dataplan, Inc.. (Collins, Daniel) (Filed on 9/6/2007) (Entered: 09/06/2007)
09/06/2007	<u>36</u>	Declaration in Support of <u>35</u> MOTION for Extension of Time to File Answer re <u>27</u> Amended Complaint, <i>in Light of U.S. Statement of Interest, Declaration of Daniel P. Collins</i> , filed by Jeppesen Dataplan, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Related document(s) <u>35</u>) (Collins, Daniel) (Filed on 9/6/2007) (Entered: 09/06/2007)
09/06/2007	<u>37</u>	Proposed Order re <u>35</u> MOTION for Extension of Time to File Answer re <u>27</u> Amended Complaint, <i>in Light of U.S. Statement of Interest</i> , by Jeppesen Dataplan, Inc.. (Collins, Daniel) (Filed on 9/6/2007) (Entered: 09/06/2007)
09/11/2007	<u>38</u>	Memorandum in Opposition to <i>United States' Request for a Stay and</i> <u>35</u> <i>Defendant's Motion to Change Time</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Wizner, Benjamin) (Filed on 9/11/2007) Modified on 9/20/2007,(counsel failed to properly link to motion). (cv, COURT STAFF). (Entered: 09/11/2007)
09/11/2007	<u>39</u>	Declaration of Ben Wizner in Support of <u>38</u> Memorandum in Opposition, <i>to United States' Request for a Stay and Defendant's Motion to Change Time</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Related document(s) <u>38</u>) (Wizner, Benjamin) (Filed on 9/11/2007) (Entered: 09/11/2007)
09/11/2007	<u>40</u>	Proposed Order <i>Denying United States' Request for a Stay and Defendant's</i> <u>35</u> <i>Motion to Change Time</i> by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Wizner, Benjamin)

		(Filed on 9/11/2007) Modified on 9/20/2007,(counsel failed to properly link to motion). (cv, COURT STAFF). (Entered: 09/11/2007)
09/11/2007	<u>41</u>	ORDER by Judge James Ware granting <u>35</u> Motion for Extension of Time to Answer re <u>35</u> MOTION for Extension of Time to File Answer re <u>27</u> Amended Complaint, <i>in Light of U.S. Statement of Interest</i> ,. (ecg, COURT STAFF) (Filed on 9/11/2007) (Entered: 09/11/2007)
10/19/2007	<u>42</u>	MOTION to Intervene filed by United States of America. Motion Hearing set for 2/4/2008 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Abate, Michael) (Filed on 10/19/2007) (Entered: 10/19/2007)
10/19/2007	<u>43</u>	MOTION to Dismiss <i>or, in the alternative</i> , MOTION for Summary Judgment filed by United States of America. Motion Hearing set for 2/4/2008 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Attachments: # <u>1</u> Formal Claim of State Secrets and Statutory Privileges# <u>2</u> Notice of Lodging of Classified In Camera, Ex Parte Declaration)(Abate, Michael) (Filed on 10/19/2007) (Entered: 10/19/2007)
10/22/2007	<u>44</u>	Proposed Order re <u>42</u> MOTION to Intervene by United States of America. (Abate, Michael) (Filed on 10/22/2007) (Entered: 10/22/2007)
10/22/2007	<u>45</u>	Proposed Order re <u>43</u> MOTION to Dismiss <i>or, in the alternative</i> MOTION for Summary Judgment by United States of America. (Abate, Michael) (Filed on 10/22/2007) (Entered: 10/22/2007)
11/01/2007	<u>46</u>	STIPULATION and [Proposed] Order Re: Briefing Schedule on Motion to Intervene and Motion to Dismiss by United States of America. (Abate, Michael) (Filed on 11/1/2007) (Entered: 11/01/2007)
11/02/2007	<u>47</u>	STIPULATION AND ORDER to Extend Briefing Schedule on Motion to Intervene and Motion to Dismiss re <u>46</u> Stipulation filed by United States of America. Signed by Judge James Ware on 11/2/2007. (ecg, COURT STAFF) (Filed on 11/2/2007) (Entered: 11/02/2007)
11/27/2007	<u>48</u>	Statement of Non-Opposition re <u>43</u> MOTION to Dismiss <i>or, in the alternative</i> MOTION for Summary Judgment, <u>42</u> MOTION to Intervene filed by Jeppesen Dataplan, Inc.. (Related document(s) <u>43</u> , <u>42</u>) (Collins, Daniel) (Filed on 11/27/2007) (Entered: 11/27/2007)
12/05/2007	<u>49</u>	MOTION for Leave to File Excess Pages filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Proposed Order Stipulation and proposed order)(Wizner, Benjamin) (Filed on 12/5/2007) (Entered: 12/05/2007)
12/14/2007	<u>50</u>	Memorandum in Opposition to the United States' Motion to Dismiss <i>or, in the Alternative, for Summary Judgment re <u>43</u> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Proposed Order)(Wizner, Benjamin) (Filed on 12/14/2007) Modified on 1/14/2008 (cfe, Court Staff). (Entered: 12/14/2007)</i>
12/14/2007	<u>51</u>	RESPONSE to United States' Motion to Intervene re <u>42</u> by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Wizner, Benjamin) (Filed on 12/14/2007) Modified on 1/14/2008 (cfe, Court Staff). (Entered: 12/14/2007)
12/14/2007	<u>52</u>	Declaration of Anna Wigenmark in Support of <u>50</u> Memorandum in Opposition, to the United States' Motion to Dismiss <i>or, in the Alternative, for Summary Judgment</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B Part 1, # <u>3</u> Exhibit Exhibit B part 2, # <u>4</u> Exhibit Exhibit B part 3, # <u>5</u> Exhibit Exhibit C, # <u>6</u> Exhibit Exhibit D part 1, # <u>7</u> Exhibit Exhibit D part 2, # <u>8</u> Exhibit Exhibit D part 3, # <u>9</u> Exhibit Exhibit D part 4, # <u>10</u> Exhibit Exhibit D part 5, # <u>11</u> Exhibit Exhibit D part 6, # <u>12</u> Exhibit Exhibit D part 7, # <u>13</u> Exhibit Exhibit E part 1, # <u>14</u> Exhibit Exhibit E part 2, # <u>15</u> Exhibit Exhibit E part 3, # <u>16</u> Exhibit Exhibit E part 4, # <u>17</u> Exhibit Exhibit E part 5, # <u>18</u> Exhibit Exhibit E part 6, # <u>19</u> Exhibit Exhibit F part 1, # <u>20</u> Exhibit Exhibit F part 2, # <u>21</u> Exhibit Exhibit G, # <u>22</u> Exhibit Exhibit H, # <u>23</u> Exhibit Exhibit I, # <u>24</u> Exhibit Exhibit J)(Related document(s) <u>50</u>) (Wizner, Benjamin) (Filed on 12/14/2007) (Entered: 12/14/2007)

		12/14/2007)
12/14/2007	<u>53</u>	Declaration of Mohamed Farag Ahmad Bashmilah in Support of <u>50</u> Memorandum in Opposition, <i>to the United States' Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X, # <u>25</u> Exhibit Y, # <u>26</u> Exhibit Z, # <u>27</u> Exhibit AA, # <u>28</u> Exhibit BB, # <u>29</u> Exhibit CC, # <u>30</u> Exhibit DD)(Related document(s) <u>50</u>) (Wizner, Benjamin) (Filed on 12/14/2007) (Entered: 12/14/2007)
12/14/2007	<u>54</u>	Declaration of Steven Watt in Support of <u>50</u> Memorandum in Opposition, <i>to United States' Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C part 1, # <u>4</u> Exhibit C part 2, # <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 part 1, # <u>14</u> Exhibit L part 2, # <u>15</u> Exhibit M part 1, # <u>16</u> Exhibit M part 2, # <u>17</u> Exhibit N, # <u>18</u> Exhibit O, # <u>19</u> Exhibit P, # <u>20</u> Exhibit Q part 1, # <u>21</u> Exhibit Q part 2, # <u>22</u> Exhibit R, # <u>23</u> Exhibit S part a i, # <u>24</u> Exhibit S part a ii, # <u>25</u> Exhibit S part a iii, # <u>26</u> Exhibit S part a2i, # <u>27</u> Exhibit a2ii, # <u>28</u> Exhibit S part b1i, # <u>29</u> Exhibit S part b1ii, # <u>30</u> Exhibit S part b1iii, # <u>31</u> Exhibit S part b2i, # <u>32</u> Exhibit S part b2ii, # <u>33</u> Exhibit S part b2iii, # <u>34</u> Exhibit S part b3i, # <u>35</u> Exhibit S part b3ii, # <u>36</u> Exhibit T part 1, # <u>37</u> Exhibit T part 2, # <u>38</u> Exhibit T part 3, # <u>39</u> Exhibit T part 4, # <u>40</u> Exhibit T part 5, # <u>41</u> Exhibit T part 6, # <u>42</u> Exhibit T part 7, # <u>43</u> Exhibit U, # <u>44</u> Exhibit V, # <u>45</u> Exhibit W part 1, # <u>46</u> Exhibit W part 2, # <u>47</u> Exhibit W part 3, # <u>48</u> Exhibit W part 4, # <u>49</u> Exhibit X, # <u>50</u> Exhibit Y, # <u>51</u> Exhibit Z, # <u>52</u> Exhibit AA, # <u>53</u> Exhibit BB, # <u>54</u> Exhibit CC, # <u>55</u> Exhibit DD, # <u>56</u> Exhibit EE part 1, # <u>57</u> Exhibit EE part 2, # <u>58</u> Exhibit EE part 3, # <u>59</u> Exhibit FF, # <u>60</u> Exhibit GG, # <u>61</u> Exhibit HH)(Related document(s) <u>50</u>) (Wizner, Benjamin) (Filed on 12/14/2007) (Entered: 12/14/2007)
12/14/2007	<u>55</u>	Declaration of Margaret Satterthwaite in Support of <u>50</u> Memorandum in Opposition, <i>to the United States' Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Exhibit A and B, # <u>2</u> Exhibit C and D, # <u>3</u> Exhibit E, # <u>4</u> Exhibit F and G, # <u>5</u> Exhibit H and I, # <u>6</u> Exhibit J – O, # <u>7</u> Exhibit P and Q, # <u>8</u> Exhibit R and S, # <u>9</u> Exhibit Table of Contents)(Related document(s) <u>50</u>) (Wizner, Benjamin) (Filed on 12/14/2007) (Entered: 12/14/2007)
12/14/2007	<u>56</u>	Declaration of Bisher Al-Rawi in Support of <u>50</u> Memorandum in Opposition, <i>to the United States' Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Exhibit A – K)(Related document(s) <u>50</u>) (Wizner, Benjamin) (Filed on 12/14/2007) (Entered: 12/14/2007)
12/14/2007	<u>57</u>	Declaration of Abou Elkassim Britel in Support of <u>50</u> Memorandum in Opposition, <i>to the United States' Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Exhibit A – C)(Related document(s) <u>50</u>) (Wizner, Benjamin) (Filed on 12/14/2007) (Entered: 12/14/2007)
12/14/2007	<u>58</u>	Declaration of Clive Stafford-Smith in Support of <u>50</u> Memorandum in Opposition, <i>to the United States' Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Attachments: # <u>1</u> Exhibit A – F)(Related document(s) <u>50</u>) (Wizner, Benjamin) (Filed on 12/14/2007) (Entered: 12/14/2007)

12/14/2007	<u>59</u>	Declaration of Sean Belcher in Support of <u>50</u> Memorandum in Opposition, <i>to the United States' Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Related document(s) <u>50</u>) (Wizner, Benjamin) (Filed on 12/14/2007) (Entered: 12/14/2007)
12/17/2007	<u>60</u>	MOTION to Withdraw as Attorney <i>for Plaintiffs</i> filed by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. (Kolbi-Molinas, Alexa) (Filed on 12/17/2007) (Entered: 12/17/2007)
12/20/2007	<u>61</u>	ORDER by Judge James Ware granting <u>60</u> Motion to Withdraw as Attorney. (jwlc1, COURT STAFF) (Filed on 12/20/2007) (Entered: 12/20/2007)
12/20/2007	<u>62</u>	ORDER granting <u>49</u> Motion for Leave to File Excess Pages; ORDER SETTING CASE MANAGEMENT CONFERENCE by Judge James Ware (jwlc1, COURT STAFF) (Filed on 12/20/2007) (Entered: 12/20/2007)
12/20/2007		Set Deadlines/Hearings: pursuant to <u>62</u> Order Granting Enlargment of Pages; Setting Case Management Conference. Case Management Conference set for 1/7/2008 10:00 AM Courtroom 8, 4th Floor, San Jose before Hon. James Ware. (ecg, COURT STAFF) (Filed on 12/20/2007) (Entered: 12/20/2007)
01/07/2008	<u>63</u>	Minute Entry: Initial Case Management Conference held on 1/7/2008 before James Ware (Date Filed: 1/7/2008). Motion Hearing re <u>42</u> , <u>43</u> set for 2/5/2008 01:00 PM in Courtroom 8, 4th Floor, San Jose. (Court Reporter Irene Rodriguez/Not Reported.) (ecg, COURT STAFF) (Date Filed: 1/7/2008) (Entered: 01/07/2008)
01/08/2008	<u>64</u>	ORDER Following Case Management Conference on 1/7/2008. Motion Hearing set for 2/5/2008 09:00 AM in Courtroom 8, 4th Floor, San Jose. Please see Order for further specifics. Signed by Judge James Ware on 1/7/2008. (ecg, COURT STAFF) (Filed on 1/8/2008) (Entered: 01/08/2008)
01/18/2008	<u>65</u>	Consent MOTION for Leave to File Excess Pages filed by United States of America. (Attachments: # <u>1</u> Stipulation)(Abate, Michael) (Filed on 1/18/2008) (Entered: 01/18/2008)
01/18/2008	<u>66</u>	Reply to Opposition re <u>43</u> MOTION to Dismiss <i>or, in the alternative</i> MOTION for Summary Judgment filed by United States of America. (Abate, Michael) (Filed on 1/18/2008) (Entered: 01/18/2008)
01/25/2008	<u>67</u>	ORDER Granting <u>65</u> Motion for Leave to File Excess Pages. Signed by Judge James Ware on 1/25/2008. (ecg, COURT STAFF) (Filed on 1/25/2008) (Entered: 01/25/2008)
02/06/2008	<u>68</u>	Minute Entry: Motion Hearing held on 2/5/2007 before Judge James Ware (Date Filed: 2/6/2008) re <u>43</u> MOTION to Dismiss <i>or, in the alternative</i> MOTION for Summary Judgment filed by United States of America, <u>42</u> MOTION to Intervene filed by United States of America. The Court took the matter under submission after oral argument. The Court to issue further order on motion. (Court Reporter Jana Ridenour.) (ecg, COURT STAFF) (Date Filed: 2/6/2008) (Entered: 02/06/2008)
02/13/2008	<u>69</u>	ORDER by Judge James Ware granting <u>42</u> Motion to Intervene; granting <u>43</u> Motion to Dismiss; finding as moot <u>43</u> Motion for Summary Judgment (jwlc2, COURT STAFF) (Filed on 2/13/2008) (Entered: 02/13/2008)
02/13/2008	<u>70</u>	JUDGMENT. Signed by Judge James Ware on 02/13/08. (jwlc2, COURT STAFF) (Filed on 2/13/2008) (Entered: 02/13/2008)
03/14/2008	<u>71</u>	NOTICE OF APPEAL as to <u>70</u> Judgment, <u>69</u> Order on Motion to Intervene, Order on Motion to Dismiss, Order on Motion for Summary Judgment by Abou Elkassim Britel, Bisher Al-Rawi, Mohamed Farag Ahmad Bashmilah, Ahmed Agiza, Binyam Mohamed. Filing fee \$ 455, receipt number 54611002788. (cv, COURT STAFF) (Filed on 3/14/2008) (cv, COURT STAFF). (Entered: 03/14/2008)
03/14/2008	<u>72</u>	Representation Statement (cv, COURT STAFF) (Filed on 3/14/2008) (cv, COURT STAFF). (Entered: 03/14/2008)

03/21/2008		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>71</u> Notice of Appeal, (cv, COURT STAFF) (Filed on 3/21/2008) (Entered: 03/21/2008)
03/26/2008	<u>74</u>	TRANSCRIPT of Proceedings held on 2/5/08 before Judge James Ware. Court Reporter: Jana L. Ridenour.. (srm, COURT STAFF) (Filed on 3/26/2008) (Entered: 03/28/2008)
03/27/2008	<u>73</u>	TRANSCRIPT DESIGNATION for proceedings held on 2/5/08 before Judge James Ware. (srm, COURT STAFF) (Filed on 3/27/2008) (Entered: 03/27/2008)
04/04/2008	<u>75</u>	USCA Case Number 08-15693 9th Circuit Court of Appeals for <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza. (cv, COURT STAFF) (Filed on 4/4/2008) (Entered: 04/04/2008)
07/21/2008	<u>76</u>	ORDER of USCA as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza (srm, COURT STAFF) (Filed on 7/21/2008) (Entered: 07/24/2008)
07/23/2008	<u>78</u>	ORDER of USCA as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza (srm, COURT STAFF) (Filed on 7/23/2008) (Entered: 07/24/2008)
07/24/2008	<u>77</u>	Certificate of Record Mailed to USCA re appeal <u>71</u> Notice of Appeal. (srm, COURT STAFF) (Filed on 7/24/2008) (Entered: 07/24/2008)
09/03/2008	<u>79</u>	ORDER of USCA as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza (cv, COURT STAFF) (Filed on 9/3/2008) (Entered: 09/04/2008)
01/13/2009	<u>80</u>	ORDER of USCA as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza (cv, COURT STAFF) (Filed on 1/13/2009) (Entered: 01/15/2009)
01/13/2009	<u>81</u>	*** DUPLICATE DOCKET ENTRY *** please see <u>80</u> ORDER of USCA as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza (cv, COURT STAFF) (Filed on 1/13/2009) Modified on 11/3/2010 (cv, COURT STAFF). (Entered: 01/15/2009)
04/28/2009	<u>82</u>	USCA OPINION as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza. REVERSED and REMANDED. (cv, COURT STAFF) (Filed on 4/28/2009) (Entered: 04/28/2009)
05/07/2009	<u>83</u>	ORDER SETTING CASE MANAGEMENT CONFERENCE IN LIGHT OF NINTH CIRCUIT REMAND. Joint Case Management Conference statement due 6/12/2009. Further Case Management Conference set for 6/22/2009 10:00 AM in Courtroom 8, 4th Floor, San Jose before Hon. James Ware. Signed by Judge James Ware on 5/7/2009. (ecg, COURT STAFF) (Filed on 5/7/2009) (Entered: 05/07/2009)
05/14/2009	<u>84</u>	NOTICE of Substitution of Counsel by W. Scott Simpson <i>for United States of America in place of Michael P. Abate in this Court. Mr Abate continues to represent the United States in the Court of Appeals.</i> (Simpson, W.) (Filed on 5/14/2009) Modified on 5/14/2009 (cv, COURT STAFF). (Entered: 05/14/2009)
05/22/2009	<u>85</u>	STIPULATION and [Proposed] order re <u>83</u> CASE MANAGEMENT CONFERENCE. related document <u>82</u> Order by United States of America. (Simpson, W.) (Filed on 5/22/2009) Modified on 5/22/2009 (cv, COURT STAFF). Modified text on 6/2/2009, to conform with document posted by counsel (cv, COURT STAFF). Modified text on 6/2/2009, request from court. (cv, COURT STAFF). (Entered: 05/22/2009)
06/12/2009	<u>86</u>	CASE MANAGEMENT STATEMENT (<i>JOINT</i>) filed by United States of America. (Attachments: # <u>1</u> United States Petition for Rehearing or Rehearing En Banc, # <u>2</u> Jeppesen Dataplan Petition for Rehearing and Rehearing En Banc)(Simpson, W.) (Filed on 6/12/2009) (Entered: 06/12/2009)

06/17/2009	<u>87</u>	ORDER VACATING CASE MANAGEMENT CONFERENCE re <u>86</u> Case Management Statement, <u>85</u> Stipulation. The case management conference set for 6/22/2009 is VACATED. The Court will set a new conference date once a final decision is issued by the Ninth Circuit. Signed by Judge James Ware on 6/16/2009. (ecg, COURT STAFF) (Filed on 6/17/2009) (Entered: 06/17/2009)
10/27/2009	<u>88</u>	Filed order (ALEX KOZINSKI) En banc oral argument will take place during the week of December 14, 2009, in San Francisco, California. The date and time will be determined by separate order. For further information or special requests regarding scheduling, please contact Deputy Clerk Paul Keller at paul_keller@ca9.uscourts.gov or (415) 355-8026. Within seven days from the date of this order, the parties shall forward to the Clerk of Court thirty additional paper copies of the original briefs and excerpts of record. re <u>71</u> Notice of Appeal, : (cv, COURT STAFF) (Filed on 10/27/2009) (Entered: 10/29/2009)
10/27/2009	<u>89</u>	ORDER of USCA for PUBLICATION (KOZINSKI, Chief Judge) Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit. Judges Reinhardt, McKeown, Gould, By bee, Milan D. Smith, Jr. and Ikuta did not participate in the deliberations or vote in this case. 7109126 (RP) Modified on 10/29/2009 (cv, COURT STAFF). (Entered: 10/29/2009)
11/05/2009	<u>90</u>	ORDER of USCA as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza The motion for leave to file a replacement en banc brief is granted. The United States must file it by November 13, 2009, and it may not exceed 14,000 words. If the United States files a replacement brief, appellants may file a replacement reply brief, which need not be limited to the arguments in their original reply. Any such brief must be filed by November 27, 2009, and may not exceed 10,000 words. (cv, COURT STAFF) (Filed on 11/5/2009) (Entered: 11/12/2009)
11/13/2009	<u>91</u>	Filed order (ALEX KOZINSKI) Oral argument in this en banc case will be held at 10:00 a.m. on Tuesday, December 15, 2009, in Courtroom One of the James R. re <u>71</u> Notice of Appeal, : (cv, COURT STAFF) (Filed on 11/13/2009) (Entered: 11/13/2009)
12/01/2009	<u>92</u>	Filed order (ALEX KOZINSKI) Electronic Frontier Foundation (EFF) motion for leave to file an amicus brief is granted and the Clerk is ordered to file the brief it submitted with its motion. EFF must submit an additional 30 paper copies of the brief within seven days. (cv, COURT STAFF) (Filed on 12/1/2009) (Entered: 12/03/2009)
09/08/2010	<u>93</u>	OPINION of USCA FILED (ALEX KOZINSKI, MARY M. SCHROEDER, WILLIAM C. CANBY, MICHAEL DALY HAWKINS, SIDNEY R. THOMAS, RAYMOND C. FISHER, RICHARD A. PAEZ, RICHARD C. TALLMAN, JOHNNIE B. RAWLINSON, CONSUELO M. CALLAHAN and CARLOS T. BEA) AFFIRMED . THE GOVERNMENT SHALL BEAR ALL PARTIES COSTS ON APPEAL. Judge: AK, Judge: MMS, Judge: WCC, Judge: MDH Dissenting, Judge: SRT, Judge: RCF Authoring, Judge: RAP, Judge: RCT, Judge: JBR, Judge: CMC, Judge: CTB Concurring . FILED AND ENTERED JUDGMENT as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza (cv, COURT STAFF) (Filed on 9/8/2010) (Entered: 09/15/2010)
11/02/2010	<u>94</u>	MANDATE of USCA The judgment of this Court, entered 9/8/10 <u>93</u> OPINION from USCA, takes effect this date. This Constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the FRAP. as to <u>71</u> Notice of Appeal, filed by Binyam Mohamed, Mohamed Farag Ahmad Bashmilah, Bisher Al-Rawi, Abou Elkassim Britel, Ahmed Agiza (cv, COURT STAFF) (Filed on 11/2/2010) (Entered: 11/02/2010)
11/02/2010	<u>95</u>	CLERKS Letter Spreading Mandate to Counsel (cv, COURT STAFF) (Filed on 11/2/2010) (Entered: 11/02/2010)

12/17/2010	<u>96</u>	Received notice from the Supreme Court: petition for certiorari filed on 12/07/2010. Supreme Court Number 10-778 (cv, COURT STAFF) (Filed on 12/17/2010) (Entered: 12/17/2010)
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