

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:16-cv-08936-RMB**

American Civil Liberties Union et al v. National Security
Agency et al
Assigned to: Judge Richard M. Berman
Cause: 05:552 Freedom of Information Act

Date Filed: 11/17/2016
Date Terminated: 12/11/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

American Civil Liberties Union

represented by **Anna Natalia Diakun**
American Civil Liberties Union
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ATTORNEY TO BE NOTICED

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Plaintiff

**American Civil Liberties Union
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represented by **Anna Natalia Diakun**
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ATTORNEY TO BE NOTICED

Ashley Marie Gorski
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Christopher Toomey
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ATTORNEY TO BE NOTICED

V.

Defendant

National Security Agency

represented by

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Defendant

**Office of the Director of National
Intelligence**

represented by **David Stuart Jones**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tomoko Onozawa
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Department Of Justice

represented by **David Stuart Jones**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tomoko Onozawa
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Central Intelligence Agency

represented by **David Stuart Jones**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tomoko Onozawa
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/17/2016	<u>1</u>	COMPLAINT against Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence. (Filing Fee \$ 400.00, Receipt Number 0208-12998133)Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Toomey, Patrick) (Entered: 11/17/2016)
11/17/2016	<u>2</u>	CIVIL COVER SHEET filed. (Toomey, Patrick) (Entered: 11/17/2016)
11/17/2016	<u>3</u>	FILING ERROR – DEFICIENT PLEADING – PARTY ERROR REQUEST FOR ISSUANCE OF SUMMONS as to United States Attorney for the Southern District of New York, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union,

		American Civil Liberties Union Foundation. (Toomey, Patrick) Modified on 11/18/2016 (rch). (Entered: 11/17/2016)
11/17/2016	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Office of the Director of National Intelligence, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 11/17/2016)
11/17/2016	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to National Security Agency, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 11/17/2016)
11/17/2016	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 11/17/2016)
11/17/2016	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Central Intelligence Agency, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 11/17/2016)
11/17/2016	<u>8</u>	FILING ERROR – DEFICIENT PLEADING – PARTY ERROR REQUEST FOR ISSUANCE OF SUMMONS as to Attorney General Loretta Lynch, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) Modified on 11/18/2016 (rch). (Entered: 11/17/2016)
11/17/2016	<u>9</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Toomey, Patrick) (Entered: 11/17/2016)
11/18/2016	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Office of the Director of National Intelligence. (rch) (Entered: 11/18/2016)
11/18/2016	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to National Security Agency. (rch) (Entered: 11/18/2016)
11/18/2016	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to Department Of Justice. (rch) (Entered: 11/18/2016)
11/18/2016	<u>13</u>	ELECTRONIC SUMMONS ISSUED as to Central Intelligence Agency. (rch) (Entered: 11/18/2016)
11/18/2016		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney to RE–FILE Document No. <u>3</u> Request for Issuance of Summons, <u>8</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): defendant listed on summons is not a party on the complaint. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (rch) (Entered: 11/18/2016)
11/18/2016		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Richard M. Berman. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (rch) (Entered: 11/18/2016)
11/18/2016		Magistrate Judge Andrew J. Peck is so designated. (rch) (Entered: 11/18/2016)
11/18/2016		Case Designated ECF. (rch) (Entered: 11/18/2016)
11/23/2016	<u>14</u>	INITIAL PRETRIAL CONFERENCE ORDER: Initial Conference set for 12/8/2016 at 09:30 AM in Courtroom 17B, 500 Pearl Street, New York, NY 10007 before Judge Richard M. Berman. (As further set forth in this Order.) (Signed by Judge Richard M. Berman on 11/23/2016) (cf) (Entered: 11/23/2016)
11/28/2016	<u>15</u>	LETTER addressed to Judge Richard M. Berman from Patrick Toomey dated November 28, 2016 re: Initial Pretrial Conference Order. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Toomey, Patrick)

		(Entered: 11/28/2016)
11/29/2016	<u>16</u>	MEMO ENDORSEMENT on re: <u>15</u> Letter filed by American Civil Liberties Union, American Civil Liberties Union Foundation. ENDORSEMENT: Motion granted; initial pretrial conference adjourned to Wed., 12/14/16 at 11 am. (Initial Conference set for 12/14/2016 at 11:00 AM before Judge Richard M. Berman.) (Signed by Judge Richard M. Berman on 11/29/2016) (mro) (Entered: 11/30/2016)
12/09/2016	<u>17</u>	ORDER: The conference currently scheduled for Wednesday, December 14, 2016, at 11:00 a.m. is hereby rescheduled to Wednesday, December 21, 2016, at 11:00 a.m. in Courtroom 17B of the Daniel Patrick Moynihan Courthouse at 500 Pearl Street, New York, New York 10007. Initial Conference set for 12/21/2016 at 11:00 AM in Courtroom 17B, 500 Pearl Street, New York, NY 10007 before Judge Richard M. Berman. (Signed by Judge Richard M. Berman on 12/9/2016) (cf) (Entered: 12/09/2016)
12/15/2016	<u>18</u>	AFFIDAVIT OF SERVICE. Central Intelligence Agency served on 11/21/2016, answer due 1/20/2017. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/15/2016)
12/15/2016	<u>19</u>	AFFIDAVIT OF SERVICE. Department Of Justice served on 11/21/2016, answer due 1/20/2017. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/15/2016)
12/15/2016	<u>20</u>	AFFIDAVIT OF SERVICE. Office of the Director of National Intelligence served on 11/21/2016, answer due 1/20/2017. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/15/2016)
12/15/2016	<u>21</u>	AFFIDAVIT OF SERVICE. National Security Agency served on 11/21/2016, answer due 1/20/2017. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/15/2016)
12/15/2016	<u>22</u>	AFFIDAVIT OF SERVICE of Summons served on Loretta Lynch, Attorney General of the United States on 11/21/2016. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/15/2016)
12/15/2016	<u>23</u>	AFFIDAVIT OF SERVICE of Summons served on United States Attorney for the Southern District of New York on 11/22/2016. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/15/2016)
12/19/2016	<u>24</u>	NOTICE OF APPEARANCE by David Stuart Jones on behalf of Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence. (Jones, David) (Entered: 12/19/2016)
12/20/2016	<u>25</u>	JOINT LETTER MOTION for Extension of Time to File Answer <i>and providing background for conference set for December 21, 2016, at 11:00 a.m.</i> addressed to Judge Richard M. Berman from David S. Jones and Patrick Toomey dated 12/20/2016. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Jones, David) (Entered: 12/20/2016)
12/21/2016	<u>26</u>	NOTICE OF APPEARANCE by Tomoko Onozawa on behalf of Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence. (Onozawa, Tomoko) (Entered: 12/21/2016)
12/21/2016	<u>27</u>	CASE MANAGEMENT PLAN: Amend the pleadings by February 3, 2017. Consent to Proceed before Magistrate Judge: No. Status of settlement discussions: 1/11/17 @ 9:00 AM. Other: Jan. 11, 2017 for serious case management plan to amend this incomplete plan. (as further set forth in this Order.) Amended Pleadings due by 2/3/2017. Settlement Conference set for 1/11/2017 at 09:00 AM before Judge Richard M. Berman. (Signed by Judge Richard M. Berman on 12/21/2016) (cf) (Entered: 12/21/2016)

12/21/2016		Minute Entry for proceedings held before Judge Richard M. Berman: Initial Pretrial Conference held on 12/21/2016. Court directs counsel to submit a more definitive case management plan. Preliminary case management plan entered. Next conference is 1/11/17 at 9:00 am. See transcript of proceedings held for a complete record. (Court Reporter Andrew Walker) (CM) (Entered: 12/21/2016)
12/23/2016	<u>28</u>	LETTER MOTION for Extension of Time to File Answer addressed to Judge Richard M. Berman from AUSA Tomoko Onozawa dated 12/23/2016. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Onozawa, Tomoko) (Entered: 12/23/2016)
12/28/2016	<u>29</u>	ORDER granting <u>28</u> Letter Motion for Extension of Time to Answer. Application granted. Central Intelligence Agency answer due 1/13/2017; Department Of Justice answer due 1/13/2017; National Security Agency answer due 1/13/2017; Office of the Director of National Intelligence answer due 1/13/2017 (Signed by Judge Richard M. Berman on 12/28/2016) (cf) (Entered: 12/28/2016)
01/09/2017	<u>30</u>	NOTICE OF APPEARANCE by Ashley Marie Gorski on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation. (Gorski, Ashley) (Entered: 01/09/2017)
01/11/2017		Minute Entry for proceedings held before Judge Richard M. Berman: Interim Pretrial Conference held on 1/11/2017. Court signs proposed stipulation and order with slight modifications. See transcript of proceedings held for a complete record. (Court Reporter Vincent Bologna) (CM) (Entered: 01/11/2017)
01/11/2017	<u>31</u>	STIPULATION AND ORDER SETTING FORTH CASE MANAGEMENT PLAN AND RELATED AGREEMENTS: The parties believe there will be no joinder of additional parties. Amendments to the pleadings are due on or before February 3, 2017. Subject to adherence to Court's rules re: pre-motion letters + conference, if Plaintiffs intend to file a partial motion for summary judgment concerning the Priority Records, the parties shall confer and propose a briefing schedule to the Court on or before May 1, 2017. Oral Argument: Court's preference is for single SJ motion. (As further set forth in this Order.) As Amended, SO ORDERED. (Amended Pleadings due by 2/3/2017., Motions due by 5/1/2017.) (Signed by Judge Richard M. Berman on 1/11/2017) (cf) (Entered: 01/11/2017)
01/13/2017	<u>32</u>	ANSWER to <u>1</u> Complaint,. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Onozawa, Tomoko) (Entered: 01/13/2017)
01/24/2017	<u>33</u>	NOTICE OF APPEARANCE by Anna Natalia Diakun on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 01/24/2017)
02/03/2017	<u>34</u>	LETTER addressed to Judge Richard M. Berman from Anna Diakun dated February 3, 2017 re: Case Management Schedule. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Diakun, Anna) (Entered: 02/03/2017)
02/08/2017	<u>35</u>	STIPULATION AND ORDER SETTING FORTH ADDITIONAL PROVISIONS REGARDING THE SCOPE OF REQUIRED SEARCHES AND DEADLINES FOR COMPLETION OF CERTAIN SEARCHES FOR AND PROCESSING OF RESPONSIVE RECORDS: IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT: The January 11 Order shall remain in force except to the extent modified herein. Defendants shall search for, process, and release non-exempt portions, if any, of documents referenced in the "Summary of Notable Section 702 Requirements" that is referenced in paragraph 8 and Exhibit A of the January 11 Order. (As further set forth in this Order.) Paragraph 11 of the January 11 Order is modified by extending to October 13, 2017, from September 22, 2017, the date by which the parties are to propose a briefing schedule to the Court in connection with any contemplated consolidated motion for summary judgment subject to adherence to Court's rules re: pre-motion letters and conference. (Signed by Judge Richard M. Berman on 2/8/2017) (cf) (Entered: 02/08/2017)
02/14/2017	<u>36</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 1/11/2017 before Judge Richard M. Berman. Court Reporter/Transcriber: Vincent Bologna, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court

		Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/7/2017. Redacted Transcript Deadline set for 3/17/2017. Release of Transcript Restriction set for 5/15/2017.(McGuirk, Kelly) (Entered: 02/14/2017)
02/14/2017	<u>37</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 1/11/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 02/14/2017)
02/14/2017	<u>38</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 12/21/2016 before Judge Richard M. Berman. Court Reporter/Transcriber: Andrew Walker, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/7/2017. Redacted Transcript Deadline set for 3/17/2017. Release of Transcript Restriction set for 5/15/2017.(McGuirk, Kelly) (Entered: 02/14/2017)
02/14/2017	<u>39</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 12/21/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 02/14/2017)
04/06/2017	<u>40</u>	CONSENT LETTER MOTION for Extension of Time <i>for release of two of thirteen categories of documents now required to be released by April 11, 2017</i> , addressed to Judge Richard M. Berman from David S. Jones dated April 6, 2017. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Jones, David) (Entered: 04/06/2017)
04/06/2017	<u>41</u>	ORDER granting <u>40</u> Letter Motion for Extension of Time. Application Granted On Consent. (Signed by Judge Richard M. Berman on 4/6/2017) (cf) (Entered: 04/06/2017)
06/01/2017	<u>42</u>	CONSENT LETTER MOTION for Extension of Time <i>of one week for one of a series of court-ordered document releases</i> addressed to Judge Richard M. Berman from David S. Jones dated June 1, 2017. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Jones, David) (Entered: 06/01/2017)
06/05/2017	<u>43</u>	ORDER granting <u>42</u> Letter Motion for Extension of Time. Final extension to 6/13/17 granted. (Signed by Judge Richard M. Berman on 6/5/2017) (cf) (Entered: 06/05/2017)
10/13/2017	<u>44</u>	STATUS REPORT. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Onozawa, Tomoko) (Entered: 10/13/2017)
10/18/2017	<u>45</u>	MEMO ENDORSEMENT on re: <u>44</u> Status Report filed by Department Of Justice, Office of the Director of National Intelligence, Central Intelligence Agency, National Security Agency. ENDORSEMENT: Application granted. (Signed by Judge Richard M. Berman on 10/18/2017) (clt) (Entered: 10/18/2017)
11/21/2017	<u>46</u>	STATUS REPORT. <i>Joint Status Report re Fee Settlement Negotiations</i> Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Onozawa, Tomoko) (Entered: 11/21/2017)
11/28/2017	<u>47</u>	MEMO ENDORSEMENT on re: <u>46</u> Status Report filed by Department Of Justice, Office of the Director of National Intelligence, Central Intelligence Agency, National Security Agency. ENDORSEMENT: Application granted. (Signed by Judge Richard M. Berman on 11/28/2017) (clt) (Entered: 11/28/2017)

11/28/2017		***DELETED DOCUMENT. Deleted document number 48 Memo Endorsed. The document was incorrectly filed in this case. (js) Modified on 12/4/2017 (js). (Entered: 12/04/2017)
12/04/2017	<u>48</u>	STATUS REPORT. <i>Joint Status Report re Fee Settlement Negotiations</i> Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Onozawa, Tomoko) (Entered: 12/04/2017)
12/05/2017	<u>49</u>	MEMO ENDORSEMENT on re: <u>48</u> Status Report filed by Department Of Justice, Office of the Director of National Intelligence, Central Intelligence Agency, National Security Agency. ENDORSEMENT: Application granted. (Signed by Judge Richard M. Berman on 12/5/2017) (cf) (Entered: 12/05/2017)
12/08/2017	<u>50</u>	STATUS REPORT. <i>Joint Status Report re Fee Settlement Negotiations</i> Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Onozawa, Tomoko) (Entered: 12/08/2017)
12/11/2017	<u>51</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL. IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows: Pursuant to 5 U.S.C. § 552(a) (4)(E), as soon as reasonably practicable after the Court has endorsed and docketed this Stipulation and Order, NSA shall pay to Plaintiffs the sum of \$11,000, CIA shall pay to Plaintiffs the sum of \$6500, NSD shall pay to Plaintiffs the sum of \$6500, FBI shall pay to Plaintiffs the sum of \$6500, and ODNI shall pay to Plaintiffs the sum of \$4500 (collectively, the "Settlement Amounts"). This action is hereby dismissed with prejudice, provided that the Court may retain jurisdiction over any issues that may arise relating to this Stipulation and Order. Clerk to close the case. (Signed by Judge Richard M. Berman on 12/11/2017) (clt) (Entered: 12/12/2017)