

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:08-cv-02997-JSW**

Electronic Frontier Foundation v. Office of the Director of
National Intelligence et al
Assigned to: Hon. Jeffrey S. White
Relate Case Case: 3:08-cv-01023-JSW
Cause: 05:552 Freedom of Information Act

Date Filed: 06/17/2008
Date Terminated: 09/29/2010
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Electronic Frontier Foundation

represented by **Kurt Bradford Opsahl**
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
415-436-9333
Fax: 415-436-9993
Email: kurt@eff.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David L. Sobel
Electronic Frontier Foundation
1875 Connecticut Avenue, N.W.
Suite 650
Washington, DC 20009
415-436-9333x202
Fax: 415-436-9993
Email: sobel@eff.org
ATTORNEY TO BE NOTICED

Marcia Clare Hofmann
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
415-436-9333
Fax: 415-436-9993
Email: marcia@eff.org
ATTORNEY TO BE NOTICED

V.

Defendant

**Office of the Director of National
Intelligence**

represented by **Adam Kirschner**
20 Massachusetts Ave
Room 7126
Washington, DC 20530
202-249-0920
Email: adam.kirschner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marcia Berman
U.S. Dept. of Justice, Civil Division
20 Massachusetts Ave., N.W.
Room 7204
Washington, DC 20530
202-514-3330
Fax: 202-616-8470
Email: marcia.berman@usdoj.gov

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States Department of Justice

represented by **Adam Kirschner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Date Filed	#	Docket Text
06/17/2008	<u>1</u>	COMPLAINT; summons issued against Office of the Director of National Intelligence, Department of Justice (Filing fee \$ 350, receipt number 34611020333). Filed by Electronic Frontier Foundation. (slh, COURT STAFF) (Filed on 6/17/2008) (slh, COURT STAFF). (Entered: 06/18/2008)
06/17/2008	2	Certificate of Interested Entities by Electronic Frontier Foundation. (slh, COURT STAFF) (Filed on 6/17/2008) (Entered: 06/18/2008)
06/17/2008	<u>3</u>	ADR SCHEDULING ORDER: Case Management Statement due by 9/17/2008. Case Management Conference set for 9/24/2008 01:30 PM. (Attachments: # <u>1</u> EMC Standing Order, # <u>2</u> Case Management Standing Order)(slh, COURT STAFF) (Filed on 6/17/2008) (Entered: 06/18/2008)
06/17/2008		CASE DESIGNATED for Electronic Filing. (slh, COURT STAFF) (Filed on 6/17/2008) (Entered: 06/18/2008)
06/26/2008	4	MOTION of David L. Sobel for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611020631) filed by Electronic Frontier Foundation. (slh, COURT STAFF) (Filed on 6/26/2008) (Entered: 06/30/2008)
07/07/2008	<u>5</u>	ORDER by Judge Edward M. Chen granting <u>4</u> Motion for Pro Hac Vice (bpf, COURT STAFF) (Filed on 7/7/2008) (Entered: 07/07/2008)
07/08/2008	<u>6</u>	ORDER RELATING CASE.. Signed by Judge Jeffrey S. White on 7/8/08. (jjo, COURT STAFF) (Filed on 7/8/2008) (Entered: 07/08/2008)
07/08/2008	<u>7</u>	INITIAL SCHEDULING CONFERENCE ORDER: Case Management Conference set for 9/26/2008 01:30 PM. Case Management Statement due by 9/19/2008.. Signed by Judge Jeffrey S. White on 7/8/08. (jjo, COURT STAFF) (Filed on 7/8/2008) (Entered: 07/08/2008)
07/08/2008		Case Reassigned to Judge Hon. Jeffrey S. White. Judge Magistrate Judge Edward M. Chen no longer assigned to the case. (as, COURT STAFF) (Filed on 7/8/2008) (Entered: 07/08/2008)
07/08/2008	<u>8</u>	CERTIFICATE OF SERVICE by Electronic Frontier Foundation re <u>7</u> Initial Scheduling Scheduling Order (Hofmann, Marcia) (Filed on 7/8/2008) (Entered: 07/08/2008)
07/11/2008	<u>9</u>	AMENDED COMPLAINT <i>for Injunctive Relief</i> against Office of the Director of National Intelligence, Department of Justice. Filed by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 7/11/2008) (Entered: 07/11/2008)
07/24/2008	<u>10</u>	STIPULATION re <u>9</u> Amended Complaint <i>to Extend Time to Respond</i> by Office of the Director of National Intelligence, Department of Justice. (Kirschner, Adam) (Filed on 7/24/2008) (Entered: 07/24/2008)
08/15/2008	<u>11</u>	ANSWER to Amended Complaint by Office of the Director of National Intelligence, Department of Justice. (Kirschner, Adam) (Filed on 8/15/2008) (Entered: 08/15/2008)

09/11/2008	<u>12</u>	ADR Clerk's Notice Re: Non-Compliance with Court Order (ls7, COURT STAFF) (Filed on 9/11/2008) (Entered: 09/11/2008)
09/11/2008	<u>13</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Hofmann, Marcia) (Filed on 9/11/2008) (Entered: 09/11/2008)
09/16/2008	<u>14</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Kirschner, Adam) (Filed on 9/16/2008) (Entered: 09/16/2008)
09/16/2008	<u>15</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Kirschner, Adam) (Filed on 9/16/2008) (Entered: 09/16/2008)
09/16/2008	<u>16</u>	STIPULATION re <u>7</u> Initial Scheduling Scheduling Order to Vacate Case Management Conference by Office of the Director of National Intelligence, Department of Justice. (Kirschner, Adam) (Filed on 9/16/2008) (Entered: 09/16/2008)
09/17/2008	<u>17</u>	STIPULATION AND ORDER TO VACATE CASE MANAGEMENT CONFERENCE. Signed by Hon. Judge Jeffrey S. White on 9/17/2008. (ls, COURT STAFF) (Filed on 9/17/2008) (Entered: 09/17/2008)
09/24/2008	<u>18</u>	STIPULATION to Court Ordered Production Schedule by Electronic Frontier Foundation. (Opsahl, Kurt) (Filed on 9/24/2008) (Entered: 09/24/2008)
09/24/2008	<u>19</u>	ORDER GRANTING <u>18</u> Stipulation to Court Ordered Production Schedule. Signed by Judge Jeffrey S. White on 9/24/08. (jjo, COURT STAFF) (Filed on 9/24/2008) (Entered: 09/24/2008)
10/07/2008	<u>20</u>	STIPULATION re <u>19</u> Order by Office of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Affidavit)(Kirschner, Adam) (Filed on 10/7/2008) (Entered: 10/07/2008)
10/08/2008	<u>21</u>	ORDER GRANTING STIPULATION FOR COURT ORDER PRODUCTION SCHEDULE AND TO EXTEND TIME TO FILE MOTION FOR SUMMARY JUDGMENT. Signed by Judge Jeffrey S. White on 10/8/08. (jjo, COURT STAFF) (Filed on 10/8/2008) (Entered: 10/08/2008)
10/08/2008		Set/Reset Deadlines as to Motion Hearing set for 2/27/2009 09:00 AM. (hdj, COURT STAFF) (Filed on 10/8/2008) (Entered: 10/09/2008)
11/13/2008	<u>22</u>	NOTICE of Appearance by Marcia Berman (Berman, Marcia) (Filed on 11/13/2008) (Entered: 11/13/2008)
11/19/2008	<u>23</u>	STIPULATION to Extend Time to File Motion for Summary Judgment by Office of the Director of National Intelligence, Department of Justice. (Berman, Marcia) (Filed on 11/19/2008) (Entered: 11/19/2008)
11/24/2008	<u>24</u>	ORDER GRANTING (23 in 3:08-cv-02997-JSW) Stipulation to Extend Time to File Motion for Summary Judgment. Signed by Judge Jeffrey S. White on 11/24/08. (jjo, COURT STAFF) (Filed on 11/24/2008) (Entered: 11/24/2008)
12/04/2008	<u>25</u>	STIPULATION to Exceed Page Limitation for Motions for Summary Judgment by Office of the Director of National Intelligence, Department of Justice. (Berman, Marcia) (Filed on 12/4/2008) (Entered: 12/04/2008)
12/05/2008	<u>26</u>	ORDER DENYING IN PART Stipulation to Exceed Page Limitation. Signed by Judge Jeffrey S. White on December 5, 2008. (jswlc2, COURT STAFF) (Filed on 12/5/2008) (Entered: 12/05/2008)
12/08/2008	<u>27</u>	Consent MOTION for Extension of Time to File Motion for Summary Judgment (Administrative Motion) filed by Office of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Stipulation, # <u>2</u> Declaration)(Berman, Marcia) (Filed on 12/8/2008) (Entered: 12/08/2008)
12/08/2008		Set/Reset Deadlines as to Motion Hearing set for 3/13/2009 09:00 AM. (hdj, COURT STAFF) (Filed on 12/8/2008) (Entered: 12/09/2008)
12/09/2008	<u>28</u>	ORDER by Judge Jeffrey S. White GRANTING (27) Motion for Extension of Time to File Motion for Summary Judgment. (jswlc2, COURT STAFF) (Filed on 12/9/2008) (Entered: 12/09/2008)

12/10/2008	<u>29</u>	MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. Motion Hearing set for 3/13/2009 09:00 AM in Courtroom 2, 17th Floor, San Francisco. (Attachments: # <u>1</u> Proposed Order)(Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>30</u>	Declaration of Kathleen Turner in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>31</u>	Declaration of John F. Hackett in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) with Vaughn index attached filed by Office of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Exhibit)(Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>32</u>	Declaration of Paul P. Colborn in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Exhibit)(Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>33</u>	Declaration of Melanie Ann Pustay in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Exhibit Part I, # <u>2</u> Exhibit Part II)(Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>34</u>	Declaration of Kenneth L. Wainstein in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>35</u>	Declaration of Charles M. Steele in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E)(Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>36</u>	Declaration of Matthew G. Olsen in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>37</u>	Declaration of James M. Kovakas in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>38</u>	Declaration of Joseph J. Brand in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>39</u>	Declaration of Daniel Meyer in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Exhibit)(Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>40</u>	Declaration of Carl J. Nichols in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the Director of National Intelligence, Department of Justice. (Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>41</u>	Declaration of David M. Hardy in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed by Office of the

		Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Exhibit)(Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
12/10/2008	<u>42</u>	Declaration of J. Michael McConnell in Support of <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) filed byOffice of the Director of National Intelligence, Department of Justice. (Related document(s) <u>29</u>) (Berman, Marcia) (Filed on 12/10/2008) (Entered: 12/10/2008)
01/13/2009	<u>43</u>	MEMORANDUM in Opposition to <i>Defendants' Consolidated Motion for Summary Judgment and Notice of Cross Motion and Cross Motion for Summary Judgment; Memorandum of Points and Authorities in Support of Cross Motion for Summary Judgment</i> filed byElectronic Frontier Foundation. (Hofmann, Marcia) (Filed on 1/13/2009) (Entered: 01/13/2009)
01/13/2009	<u>44</u>	Declaration of Marcia Hofmann in Support of <u>43</u> Memorandum in Opposition, to <i>Defendant's Motion for Summary Judgment and In Support of Cross Motion for Summary Judgment</i> filed byElectronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit 1-5, # <u>2</u> Exhibit 6-10, # <u>3</u> Exhibit 11-15, # <u>4</u> Exhibit 16-18, # <u>5</u> Exhibit 19-22)(Related document(s) <u>43</u>) (Hofmann, Marcia) (Filed on 1/13/2009) (Entered: 01/13/2009)
01/13/2009	<u>45</u>	Proposed Order re <u>43</u> Memorandum in Opposition, by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 1/13/2009) (Entered: 01/13/2009)
02/03/2009	<u>46</u>	Memorandum in Opposition re <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) <i>Defs' Opposition to Plaintiff's Cross Motion for SJ and Reply in Support of Defs' Consol. Mtn for SJ</i> filed byOffice of the Director of National Intelligence, Department of Justice. (Berman, Marcia) (Filed on 2/3/2009) (Entered: 02/03/2009)
02/03/2009	<u>47</u>	Declaration of Paul P. Colborn in Support of <u>46</u> Memorandum in Opposition, to <i>Plaintiff's Cross Mtn for SJ and Reply in Support of Defs' Consol. Mtn for SJ</i> filed byOffice of the Director of National Intelligence, Department of Justice. (Related document(s) <u>46</u>) (Berman, Marcia) (Filed on 2/3/2009) (Entered: 02/03/2009)
02/03/2009	<u>48</u>	Declaration of John F. Hackett in Support of <u>46</u> Memorandum in Opposition, to <i>Plaintiff's Cross Mtn for SJ and Reply in Support of Defs' Consol. Mtn for SJ</i> filed byOffice of the Director of National Intelligence, Department of Justice. (Related document(s) <u>46</u>) (Berman, Marcia) (Filed on 2/3/2009) (Entered: 02/03/2009)
02/03/2009	<u>49</u>	Reply Memorandum re <u>29</u> MOTION for Summary Judgment (<i>consolidated</i>) MOTION for Summary Judgment (<i>consolidated</i>) <i>Defs' Opposition to Plaintiff's Cross Mtn for SJ and Reply in Support of Defs' Consol. Mtn for SJ</i> filed byOffice of the Director of National Intelligence, Department of Justice. (Berman, Marcia) (Filed on 2/3/2009) (Entered: 02/03/2009)
02/09/2009	<u>50</u>	MOTION to Stay <i>Proceedings</i> filed by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 2/9/2009) (Entered: 02/09/2009)
02/09/2009	<u>51</u>	Declaration of Marcia Hofmann in Support of <u>50</u> MOTION to Stay <i>Proceedings</i> filed byElectronic Frontier Foundation. (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)(Related document(s) <u>50</u>) (Hofmann, Marcia) (Filed on 2/9/2009) (Entered: 02/09/2009)
02/09/2009	<u>52</u>	Proposed Order <i>Granting Motion for Stay of Proceedings</i> by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 2/9/2009) (Entered: 02/09/2009)
02/10/2009	<u>53</u>	MOTION to Stay <i>Proceedings</i> filed by Electronic Frontier Foundation. Motion Hearing set for 4/3/2009 09:00 AM in Courtroom 2, 17th Floor, San Francisco. (Hofmann, Marcia) (Filed on 2/10/2009) (Entered: 02/10/2009)
02/10/2009	<u>54</u>	Declaration of Marcia Hofmann <u>53</u> >in Support of Motion to Stay Proceedings filed byElectronic Frontier Foundation. (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)(Hofmann, Marcia) (Filed on 2/10/2009) Modified on 2/11/2009 (hdj, COURT STAFF). (Entered: 02/10/2009)

02/10/2009	<u>55</u>	Proposed Order by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 2/10/2009) (Entered: 02/10/2009)
02/11/2009	<u>56</u>	ORDER RE MOTION TO STAY. Signed by Judge Jeffrey S. White on 2/11/09. (jjo, COURT STAFF) (Filed on 2/11/2009) (Entered: 02/11/2009)
02/24/2009	<u>57</u>	Memorandum in Opposition re <u>53</u> MOTION to Stay <i>Proceedings</i> filed byOffice of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> Proposed Order)(Berman, Marcia) (Filed on 2/24/2009) (Entered: 02/24/2009)
03/03/2009	<u>58</u>	RESPONSE in Support <u>53</u> of Motion for a Stay of Proceedings filed byElectronic Frontier Foundation. (Hofmann, Marcia) (Filed on 3/3/2009) Modified on 3/4/2009 (hdj, COURT STAFF). (Entered: 03/03/2009)
03/03/2009	<u>59</u>	Declaration of Marcia Hofmann in Support of <u>58</u> Response in Support of <i>Motion for a Stay of Proceedings</i> filed byElectronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit 1-4)(Related document(s) <u>58</u>) (Hofmann, Marcia) (Filed on 3/3/2009) (Entered: 03/03/2009)
03/23/2009	<u>60</u>	ORDER by Judge Jeffrey S. White dated March 23, 2009 GRANTING (70) Motion to Stay in case 3:08-cv-01023-JSW and GRANTING (53) Motion to Stay in case 3:08-cv-02997-JSW. (jswlc2, COURT STAFF) (Filed on 3/23/2009) (Entered: 03/23/2009)
04/24/2009	<u>61</u>	STATUS REPORT <i>Joint Status Report</i> by Office of the Director of National Intelligence, Department of Justice. (Berman, Marcia) (Filed on 4/24/2009) (Entered: 04/24/2009)
05/12/2009	<u>62</u>	NOTICE by Office of the Director of National Intelligence, Department of Justice <i>Notice of Filing</i> (Berman, Marcia) (Filed on 5/12/2009) (Entered: 05/12/2009)
05/12/2009	<u>63</u>	Declaration of John F. Hackett in Support of <u>62</u> Notice (Other) filed byOffice of the Director of National Intelligence, Department of Justice. (Related document(s) <u>62</u>) (Berman, Marcia) (Filed on 5/12/2009) (Entered: 05/12/2009)
05/12/2009	<u>64</u>	Declaration of Paul P. Colborn in Support of <u>62</u> Notice (Other) filed byOffice of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> revised Vaughn index)(Related document(s) <u>62</u>) (Berman, Marcia) (Filed on 5/12/2009) (Entered: 05/12/2009)
05/12/2009	<u>65</u>	Declaration of Melanie Ann Pustay in Support of <u>62</u> Notice (Other) filed byOffice of the Director of National Intelligence, Department of Justice. (Related document(s) <u>62</u>) (Berman, Marcia) (Filed on 5/12/2009) (Entered: 05/12/2009)
05/12/2009	<u>66</u>	Declaration of Susan Kim in Support of <u>62</u> Notice (Other) filed byOffice of the Director of National Intelligence, Department of Justice. (Attachments: # <u>1</u> revised Vaughn index)(Related document(s) <u>62</u>) (Berman, Marcia) (Filed on 5/12/2009) (Entered: 05/12/2009)
06/02/2009	<u>67</u>	Reply to Opposition to <i>Cross Motion for Summary Judgment</i> filed byElectronic Frontier Foundation. (Hofmann, Marcia) (Filed on 6/2/2009) (Entered: 06/02/2009)
06/02/2009	<u>68</u>	Declaration of Marcia Hofmann in Support of <u>67</u> Reply to Opposition to <i>Cross Motion for Summary Judgment</i> filed byElectronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D part 1, # <u>5</u> Exhibit D part 2, # <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)(Related document(s) <u>67</u>) (Hofmann, Marcia) (Filed on 6/2/2009) (Entered: 06/02/2009)
06/08/2009	<u>69</u>	CLERKS NOTICE Setting Hearing on Cross-Motions for Summary Judgment on 8/14/2009 at 09:00 AM in Courtroom 11, 19th Floor, San Francisco. (jjo, COURT STAFF) (Filed on 6/8/2009) (Entered: 06/08/2009)
08/10/2009	<u>70</u>	ORDER REFERRING Consolidated Cross-Motions for Summary Judgment to a randomly assigned Magistrate Judge for Report and Recommendation. Signed by Judge Jeffrey S. White on 8/10/09. (jjo, COURT STAFF) (Filed on 8/10/2009) (Entered: 08/10/2009)

08/17/2009	<u>71</u>	ORDER WITHDRAWING (70 in 3:08-cv-02997-JSW) Order Referring Case to Magistrate Judge for Report and Recommendation and SUGGESTION for Consent. Signed by Judge Jeffrey S. White on August 17, 2009. (jswlc2, COURT STAFF) (Filed on 8/17/2009) (Entered: 08/17/2009)
09/24/2009	<u>72</u>	ORDER by Judge Jeffrey S. White in case 3:08-cv-01023-JSW; DENYING (29) Defendants' Motion for Summary Judgment in case 3:08-cv-02997-JSW and GRANTING Plaintiff's Cross-Motion for Summary Judgment. (jswlc2, COURT STAFF) (Filed on 9/24/2009) (Entered: 09/24/2009)
09/30/2009	<u>73</u>	MOTION to Stay re <u>72</u> Order on Motion for Summary Judgment for 60 days pending appeal determination by Solicitor General filed by Department of Justice, Office of the Director of National Intelligence. Motion Hearing set for 10/7/2009 09:00 AM in Courtroom 2, 17th Floor, San Francisco. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Stipulation to Expedite Motion for 60-Day Stay Pending Appeal Determination)(Berman, Marcia) (Filed on 9/30/2009) (Entered: 09/30/2009)
10/02/2009	<u>74</u>	ORDER GRANTING Modified Stipulation re (91 in 3:08-cv-01023-JSW) MOTION to Stay re (90) Order on Motion for Summary Judgment for 60 Days Pending Appeal Determination by Solicitor General; MOTION to Stay re (90) Order on Motion for Summary Judgment, (73 in 3:08-cv-02997-JSW) MOTION to Stay re (72) Order on Motion for Summary Judgment for 60 days pending appeal determination by Solicitor General MOTION to Stay re (72) Order on Motion for Summary Judgment. Signed by Judge Jeffrey S. White on October 2, 2009. (jswlc2, COURT STAFF) (Filed on 10/2/2009) (Entered: 10/02/2009)
10/06/2009	<u>75</u>	MOTION for Leave to File <i>Motion for Reconsideration and Request that Reconsideration be Granted Without Further Briefing</i> filed by Department of Justice, Office of the Director of National Intelligence. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Proposed Order)(Berman, Marcia) (Filed on 10/6/2009) (Entered: 10/06/2009)
10/06/2009	<u>76</u>	Declaration of Susan L. Kim in Support of <u>75</u> MOTION for Leave to File <i>Motion for Reconsideration and Request that Reconsideration be Granted Without Further Briefing</i> filed by Department of Justice, Office of the Director of National Intelligence. (Attachments: # <u>1</u> NSD Second Revised Vaughn Index)(Related document(s) <u>75</u>) (Berman, Marcia) (Filed on 10/6/2009) (Entered: 10/06/2009)
10/06/2009	<u>77</u>	Memorandum in Opposition to <i>Motion for a 60 Day Stay Pending Appeal Determination by Solicitor General</i> filed by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 10/6/2009) (Entered: 10/06/2009)
10/07/2009	<u>78</u>	Reply Memorandum re <u>73</u> MOTION to Stay re <u>72</u> Order on Motion for Summary Judgment for 60 days pending appeal determination by Solicitor General MOTION to Stay re <u>72</u> Order on Motion for Summary Judgment for 60 days pending appeal determination by Solicitor General filed by Department of Justice, Office of the Director of National Intelligence. (Berman, Marcia) (Filed on 10/7/2009) (Entered: 10/07/2009)
10/07/2009	<u>79</u>	ORDER by Judge Jeffrey S. White DENYING (91) Motion to Stay; DENYING (93) Motion for Leave to File Motion for Reconsideration in case 3:08-cv-01023-JSW; DENYING (73) Motion to Stay; and DENYING (75) Motion for Leave to File Motion for Reconsideration in case 3:08-cv-02997-JSW. (jswlc2, COURT STAFF) (Filed on 10/7/2009) (Entered: 10/07/2009)
10/08/2009	<u>80</u>	NOTICE by Department of Justice, Office of the Director of National Intelligence <i>Notice of Appeal</i> (Berman, Marcia) (Filed on 10/8/2009) (Entered: 10/08/2009)
10/08/2009	<u>81</u>	NOTICE OF APPEAL as to (79 in 3:08-cv-02997-JSW, 79 in 3:08-cv-02997-JSW, 79 in 3:08-cv-02997-JSW, 97 in 3:08-cv-01023-JSW, 97 in 3:08-cv-01023-JSW, 97 in 3:08-cv-01023-JSW, 97 in 3:08-cv-01023-JSW) Order on Motion to Stay, Order on Motion for Leave to File by Department of Justice. Filing fee waived. (hdj, COURT STAFF) (Filed on 10/8/2009) (Entered: 10/09/2009)
10/09/2009	<u>82</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals by Department of Justice, Office of the Director of National Intelligence re <u>81</u> Notice of Appeal, (hdj, COURT STAFF) (Filed on 10/9/2009) (Entered: 10/09/2009)

10/09/2009	<u>83</u>	NOTICE by Department of Justice, Office of the Director of National Intelligence <i>Emergency Filing for Stay, Per Direction of Ninth Circuit</i> (Attachments: # <u>1</u> Ninth Circuit Stay Order, # <u>2</u> Emergency Stay Motion filed in Ninth Cir., # <u>3</u> Stay Reply filed in Ninth Cir., # <u>4</u> EFF Opposition to Stay Mtn filed in Ninth Cir., # <u>5</u> Notice of Appeal)(Berman, Marcia) (Filed on 10/9/2009) (Entered: 10/09/2009)
10/09/2009	<u>84</u>	Minute Entry: Telephone Conference (Date Filed: 10/9/2009). (Court Reporter Christine Triska.) (jjo, COURT STAFF) (Date Filed: 10/9/2009) (Entered: 10/09/2009)
10/09/2009	<u>85</u>	Memorandum in Opposition to <i>Emergency Filing for Temporary Stay Pending Decision by Solicitor General Regarding Appeal and Immediate Administrative Stay</i> filed by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 10/9/2009) (Entered: 10/09/2009)
10/13/2009	<u>86</u>	NOTICE by Department of Justice, Office of the Director of National Intelligence <i>Reply in Support of Emergency Filing for Stay Pending Appeal Determination</i> (Berman, Marcia) (Filed on 10/13/2009) (Entered: 10/13/2009)
10/13/2009	<u>87</u>	ORDER of USCA as to <u>81</u> Notice of Appeal, filed by Department of Justice (hdj, COURT STAFF) (Filed on 10/13/2009) (Entered: 10/13/2009)
10/13/2009	<u>88</u>	ORDER re Notice (83 in 3:08-cv-02997-JSW) and Notice (101 in 3:08-cv-01023-JSW) DENYING Emergency Motion for Temporary Stay. Signed by Judge Jeffrey S. White on October 13, 2009. (jswlc2, COURT STAFF) (Filed on 10/13/2009) (Entered: 10/13/2009)
10/19/2009	<u>89</u>	ORDER of USCA as to (81 in 3:08-cv-02997-JSW, 99 in 3:08-cv-01023-JSW) Notice of Appeal, filed by Department of Justice (hdj, COURT STAFF) (Filed on 10/19/2009) (Entered: 10/19/2009)
11/04/2009	<u>90</u>	ORDER of USCA as to (81 in 3:08-cv-02997-JSW, 99 in 3:08-cv-01023-JSW) Notice of Appeal, filed by Department of Justice (hdj, COURT STAFF) (Filed on 11/4/2009) (Entered: 11/04/2009)
02/19/2010	<u>91</u>	OPINION of USCA as to (81 in 3:08-cv-02997-JSW, 99 in 3:08-cv-01023-JSW) Notice of Appeal, filed by Department of Justice (hdj, COURT STAFF) (Filed on 2/19/2010) Modified on 2/19/2010 (hdj, COURT STAFF). (Entered: 02/19/2010)
04/20/2010	<u>92</u>	USCA ORDER AMENDING and AMENDED OPINION as to-AFFIRMED in part, REVERSED in part, and REMANDED in part (81 in 3:08-cv-02997-JSW, 99 in 3:08-cv-01023-JSW) Notice of Appeal, filed by Department of Justice. (hdj, COURT STAFF) (Filed on 4/20/2010) (Entered: 04/20/2010)
05/04/2010	<u>93</u>	CLERKS NOTICE SETTING A CASE MANAGEMENT CONFERENCE: Case Management Statement due by 6/25/2010. Case Management Conference set for 7/2/2010 01:30 PM in Courtroom 11, 19th Floor, San Francisco. (jjoS, COURT STAFF) (Filed on 5/4/2010) (Entered: 05/04/2010)
05/06/2010	<u>94</u>	MANDATE of USCA as to (81 in 3:08-cv-02997-JSW, 99 in 3:08-cv-01023-JSW) Notice of Appeal, filed by Department of Justice (hdj, COURT STAFF) (Filed on 5/6/2010) (Entered: 05/14/2010)
05/14/2010	<u>95</u>	CLERKS Letter Spreading Mandate to Counsel (hdj, COURT STAFF) (Filed on 5/14/2010) (Entered: 05/14/2010)
06/23/2010	<u>96</u>	STIPULATION to <i>Continue Case Management Conference</i> by Department of Justice, Office of the Director of National Intelligence. (Berman, Marcia) (Filed on 6/23/2010) (Entered: 06/23/2010)
06/24/2010	<u>97</u>	ORDER GRANTING (96 in 3:08-cv-02997-JSW) Stipulation to Continue Case Management Conference. Case Management Statement due by 7/16/2010. Case Management Conference set for 7/23/2010 01:30 PM in Courtroom 11, 19th Floor, San Francisco.. Signed by Judge JEFFREY S. WHITE on 6/23/10. (jjo, COURT STAFF) (Filed on 6/24/2010) (Entered: 06/24/2010)
07/14/2010	<u>98</u>	STIPULATION (<i>Second</i>) to <i>Continue Case Management Conference</i> by Department of Justice, Office of the Director of National Intelligence. (Berman, Marcia) (Filed on 7/14/2010) (Entered: 07/14/2010)

07/15/2010	<u>99</u>	ORDER GRANTING (98 in 3:08-cv-02997-JSW) Stipulation TO CONTINUE CMC (117 in 3:08-cv-01023-JSW) Stipulation TO CONTINUE CMC. Case Management Statement due by 9/3/2010. Case Management Conference set for 9/10/2010 01:30 PM in Courtroom 11, 19th Floor, San Francisco.. Signed by Judge Jeffrey S. White on 7/15/10. (jjoS, COURT STAFF) (Filed on 7/15/2010) (Entered: 07/15/2010)
09/03/2010	<u>100</u>	STIPULATION re <u>99</u> Order, Set Deadlines/Hearings,, <i>Stipulation to Vacate Case Management Conference</i> by Department of Justice, Office of the Director of National Intelligence. (Berman, Marcia) (Filed on 9/3/2010) (Entered: 09/03/2010)
09/03/2010	<u>101</u>	ORDER GRANTING <u>100</u> Stipulation to Vacate Case Management Conference. Signed by Judge Jeffrey S. White on 9/3/10. (jjoS, COURT STAFF) (Filed on 9/3/2010) (Entered: 09/03/2010)
09/29/2010	<u>102</u>	STIPULATION of <i>Dismissal</i> by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 9/29/2010) (Entered: 09/29/2010)
09/29/2010	<u>103</u>	ORDER GRANTING (121 in 3:08-cv-01023-JSW) AND (102 in 3:08-cv-02997-JSW) Stipulation of Dismissal. Signed by Judge JEFFREY S. WHITE on 9/29/10. (jjoS, COURT STAFF) (Filed on 9/29/2010) (Entered: 09/29/2010)