

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:98-cv-00360-PLF**

LOONEY v. WALTERS-TUCKER, et al
Assigned to: Judge Paul L. Friedman
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 02/11/1998
Date Terminated: 03/29/2000
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff

GREGORY LEE LOONEY

represented by **GREGORY LEE LOONEY**
R04 14 1-030
PEKIN FEDERAL CORRECTIONAL
INSTITUTION
P.O. Box 5000
Pekin, IL 61555-5000
PRO SE

Arthur Francis Sampson , III
7373 Hidden Knolls Court
Springfield, VA 22153-1910
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TERMINATED: 04/28/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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V.

Defendant

JOSIE WALTERS-TUCKER
TERMINATED: 09/18/1998

represented by **Charles Gardner Neighbor**
FEDERAL DEPOSIT INSURANCE
CORPORATION
Legal Division
801 17th Street, NW
Suite H-11088
Washington, DC 20434-0001
(202) 736-0555
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Email: cneighbor@fdic.gov
TERMINATED: 09/18/1998
LEAD ATTORNEY
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Defendant

**FEDERAL DEPOSIT INSURANCE
CORPORATION**

represented by **Charles Gardner Neighbor**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/11/1998	1	COMPLAINT filed by plaintiff GREGORY LEE LOONEY; Attachments. (ks) (Entered: 02/17/1998)
02/11/1998		SUMMONS (1) issued for defendant JOSIE WALTERS-TUCKER (ks) (Entered: 02/17/1998)
02/11/1998		SUMMONS (3) issued to federal party(s) federal defendant FDIC , and non-parties: U.S. Attorney and U.S. Attorney General. (ks) (Entered: 02/17/1998)
02/11/1998	2	APPLICATION by plaintiff GREGORY LEE LOONEY to proceed in forma pauperis (ks) (Entered: 02/17/1998)
02/11/1998	3	TRUST FUND ACCOUNT filed by plaintiff GREGORY LEE LOONEY . (ks) (Entered: 02/17/1998)
02/11/1998	4	ORDER by Judge James Robertson : granting response order [3-1] by GREGORY LEE LOONEY, granting motion to proceed in forma pauperis [2-1] by GREGORY LEE LOONEY ; directing that monthly payments be made from the prisoner account of GREGORY LEE LOONEY . (N) (ks) (Entered: 02/17/1998)
03/03/1998	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 2/20/98 upon federal defendant FDIC (ks) (Entered: 03/04/1998)
03/03/1998	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 2/20/98 upon defendant JOSIE WALTERS-TUCKER (ks) (Entered: 03/04/1998)
03/03/1998	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 2/20/98 (ks) (Entered: 03/04/1998)
03/03/1998	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 2/26/98 (ks) (Entered: 03/04/1998)

03/13/1998	9	MOTION filed by defendant JOSIE WALTERS-TUCKER, federal defendant FDIC to extend time to 4/23/98 to answer complaint [1-1] (ks) (Entered: 03/16/1998)
03/19/1998	10	ORDER by Judge Paul L. Friedman : granting motion to extend time to 4/23/98 to answer complaint [1-1] [9-1] by FDIC, JOSIE WALTERS-TUCKER; with the undertaking that defendants will file a dispositive motion on that date (N) (bm) (Entered: 03/19/1998)
04/23/1998	11	MOTION filed by federal defendant FDIC to dismiss complaint [1-1] , or alternatively for summary judgment ; Exhibits. (ks) (Entered: 04/24/1998)
04/29/1998	12	ORDER by Judge Paul L. Friedman: plaintiff shall respond to defendants' motion to dismiss or, in the alternative, for summary judgment due 5/22/98 (N) (bm) (Entered: 04/29/1998)
05/08/1998	13	RESPONSE by plaintiff GREGORY LEE LOONEY in opposition to motion to dismiss complaint [1-1] [11-1] by FDIC, motion for summary judgment [11-2] by FDIC . (ks) (Entered: 05/11/1998)
05/08/1998	14	MOTION filed by plaintiff GREGORY LEE LOONEY to amend the original motion to compel disclosure of all information under POIA PA (5 USC Section 552(a)(l) and (3) of Administrative Procedure. (ks) (Entered: 05/11/1998)
05/12/1998	15	MOTION filed by plaintiff GREGORY LEE LOONEY to strike affidavit/declaration of defendant's motion for summary judgment [11-2] ; Declaration (1). (ks) Modified on 05/13/1998 (Entered: 05/13/1998)
05/13/1998	16	ERRATA by federal defendant FDIC of corrected Declaration (1); Exhibits. (ks) (Entered: 05/14/1998)
05/13/1998	17	REPLY by federal defendant FDIC to response to motion to strike affidavit/declaration of Valerie J. Best, of defendant's motion for summary judgment [11-2] [15-1] by GREGORY LEE LOONEY; Corrected Declaration (1); Exhibits. (ks) (Entered: 05/14/1998)
05/13/1998	18	REPLY by federal defendant FDIC to response to motion to dismiss complaint [1-1] [11-1] by FDIC, motion for summary judgment [11-2] by FDIC (ks) (Entered: 05/14/1998)
05/27/1998	19	REQUEST by plaintiff GREGORY LEE LOONEY for full admission from defendant's and some additional information ; Exhibits. (ks) (Entered: 05/28/1998)

09/18/1998	20	MEMORANDUM OPINION AND ORDER by Judge Paul L. Friedman: granting motion to amend to remove Josie Walters-Tucker as defendant; but denying to the extent the motion seeks to add the Office of Thrift Supervision [14-1]; dismissing as to defendant JOSIE WALTERS-TUCKER ; denying motion to dismiss complaint [1-1] [11-1] or, in the alternative for summary judgment [11-2] by FDIC; denying as moot motion to strike affidavit/declaration in support of defendant's motion [11-2] by GREGORY LEE LOONEY [15-1]; denying request for full admission from defendant's and some additional information [19-1] by GREGORY LEE LOONEY; the defendant shall file a renewed dispositive motion due 10/24/98 and affidavit or declaration in support thereof ; setting forth instructions to defendant regarding affidavit (N) (N) (bm) (Entered: 09/18/1998)
10/26/1998	21	MOTION (renewed) filed by federal defendant FDIC to dismiss complaint [1-1] for mootness and lack of subject matter jurisdiction , or in the alternatively for summary judgment ; Declaration (1); Exhibit (1). (ks) (Entered: 10/27/1998)
10/29/1998	22	ORDER by Judge Paul L. Friedman: plaintiff shall respond to defendant's motion to dismiss or, in the alternative, for summary judgment due 11/30/98 (N) (bm) (Entered: 10/29/1998)
10/30/1998	23	RESPONSE by federal defendant FDIC to plaintiff's request for sanctions. (ks) (Entered: 11/02/1998)
11/04/1998	24	MOTION (REQUEST) filed by plaintiff GREGORY LEE LOONEY for sanctions against defendant's for their failure to meet the Court's 9/18/98 order to comply by 10/24/98 (bjsp) (Entered: 11/05/1998)
11/30/1998	25	RESPONSE by plaintiff GREGORY LEE LOONEY to renewed motion of defendant FEDERAL DEPOSIT INSURANCE CORPORATION to dismiss complaint [1-1] for mootness and lack of subject matter jurisdiction [21-1], motion for summary judgment [21-2]; attachment (1); affidavits (2) (tw) (Entered: 12/01/1998)
12/23/1998	26	ORDER by Judge Paul L. Friedman: directing the Clerk to appoint counsel from the Pro Bono Panel (N) (bm) (Entered: 12/23/1998)
03/05/1999	27	ORDER by Judge Paul L. Friedman: directing appointed counsel has until 3/22/99 in which to enter an appearance or withdraw from the appointment in accordance with Local Rule 702.1 (N) (bm) (Entered: 03/05/1999)
03/22/1999	28	ATTORNEY APPEARANCE for plaintiff GREGORY LEE LOONEY by Arthur Francis Sampson III (bjsp) (Entered: 03/25/1999)
04/01/1999	29	MOTION filed by plaintiff GREGORY LEE LOONEY for the Court to give plaintiff status of case and his attorneys address (DOCKET CLERK BJSP) I sent updated docket sheet to plaintiff on 4/2/99 (bjsp) (Entered: 04/02/1999)
04/06/1999	30	ORDER by Judge Paul L. Friedman : granting motion for the Court to give plaintiff status of case and his attorneys address [29-1] by GREGORY LEE LOONEY; directing the Clerk to mail plaintiff a copy of the docket sheet which contains the requested information. (N) (bm) (Entered: 04/06/1999)

04/26/1999	31	MOTION (UNOPPOSED) filed by plaintiff GREGORY LEE LOONEY to withdraw Arthur Francis Sampson III as attorney for GREGORY LEE LOONEY (FILED UNDER SEAL IN ROOM 1800) (bjsp) (Entered: 04/28/1999)
04/28/1999	32	ORDER by Judge Paul L. Friedman : granting motion to withdraw attorney for GREGORY LEE LOONEY [31-1] by GREGORY LEE LOONEY; directing Clerk to promptly appoint new counsel for plaintiff from the Court's Civil Pro Bono Panel in accordance with Local Rule 702.1 (N) (bm) (Entered: 04/28/1999)
05/25/1999	33	MOTION filed by plaintiff GREGORY LEE LOONEY requesting that the Court provide status and information RE: new attorney (bjsp) (Entered: 05/26/1999)
06/10/1999	34	ATTORNEY APPEARANCE for plaintiff GREGORY LEE LOONEY by Elaine Joan Mittleman (bjsp) (Entered: 06/11/1999)
06/16/1999		SCHEDULING NOTICE: status conference set for 10:00 6/23/99 before Judge Paul L. Friedman Courtroom 17. (bm) (Entered: 06/16/1999)
06/21/1999	35	ORDER by Judge Paul L. Friedman : denying motion for sanctions against defendant's for their failure to meet the Court's 9/18/98 order to comply by 10/24/98 [24-1] by GREGORY LEE LOONEY; denying motion requesting that the Court provide status and information RE: new attorney [33-1] by GREGORY LEE LOONEY (N) (bm) (Entered: 06/21/1999)
06/23/1999		STATUS CONFERENCE before Judge Paul L. Friedman: counsel for plaintiff did not appear; status conference reset for 9:30 8/16/99 Reporter: Santa Zizzo (bm) (Entered: 06/23/1999)
06/24/1999	37	STIPULATED MOTION filed by federal defendant FDIC to continue status conference (bm) (Entered: 06/29/1999)
06/28/1999	36	ORDER by Judge Paul L. Friedman: status conference set for 9:15 8/12/99 (N) (bm) (Entered: 06/28/1999)
08/09/1999	38	SUPPLEMENT by federal defendant FDIC to the Court RE: the filing of a supplement to declaration of Fredrick L. Fisch; ; exhibit (1) (bjsp) (Entered: 08/10/1999)
08/12/1999		STATUS HEARING before Judge Paul L. Friedman: Status hearing set for 9:00 9/16/99 ; Reporter: Santa Zizzo (gdf) (Entered: 08/12/1999)
09/13/1999	39	NOTICE OF FILING by defendant JOSIE WALTERS-TUCKER, federal defendant FDIC of supplement to declaration of Fredrick L. Fisch. (tw) (Entered: 09/15/1999)
09/17/1999		STATUS CONFERENCE before Judge Paul L. Friedman: defendants' renewed motion to dismiss or for summary judgment will be withdrawn; plaintiff's motion for summary judgment due 11/1/99; defendants' response to motion for summary judgment and cross motions due 12/1/99; plaintiff's reply motion for summary judgment and response cross motions due 12/22/99; defendants' reply to cross motions due 1/17/00 Reporter: Santa Zizzo (bm) (Entered: 09/17/1999)

09/22/1999	40	ORDER by Judge Paul L. Friedman : denying without prejudice motion to dismiss complaint [1-1] [21-1] or for summary judgment [21-2] by FDIC; confirming dates set at the status conference; setting forth instructions to the parties. (N) (bm) (Entered: 09/22/1999)
11/01/1999	41	MOTION filed by plaintiff GREGORY LEE LOONEY for summary judgment pursuant to Federal Rule of Civil Procedure 56(a) ; exhibits (2) (tw) (Entered: 11/03/1999)
12/01/1999	42	MOTION (RENEWED) filed by federal defendant FDIC to dismiss complaint [1-1] for mootness and lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), or, alternatively, to grant summary judgment pursuant to Fed. R. Civ. P. 56 ; Declarations (5) (tth) (Entered: 12/02/1999)
12/21/1999	44	MOTION (CONSENT) filed by plaintiff GREGORY LEE LOONEY to extend time to 1/10/2000 to file a reply in support of plaintiff's motion for summary judgment (bjsp) (Entered: 12/29/1999)
12/27/1999	43	ORDER by Judge Paul L. Friedman: plaintiff's response to defendant's renewed motion to dismiss due 1/10/99; defendant's reply in support of its renewed motion to dismiss due 2/7/00 ;plaintiff's reply in support of his motion for summary judgment due 1/10/00 ; (N) (jeb) (Entered: 12/27/1999)
01/10/2000	45	RESPONSE by plaintiff GREGORY LEE LOONEY in opposition to motion to dismiss complaint [1-1] [42-1] by FDIC . (jf) (Entered: 01/11/2000)
02/04/2000	46	REPLY by defendant JOSIE WALTERS-TUCKER, federal defendant FDIC to plaintiff's opposition to motion to dismiss complaint [1-1] [42-1] or in the alternative to grant summary judgment pursuant Fed. R. Civ. P. 56 [42-2]. (tw) (Entered: 02/10/2000)
03/29/2000	47	MEMORANDUM OPINION by Judge Paul L. Friedman (N) (bm) (Entered: 03/29/2000)
03/29/2000	48	ORDER AND JUDGMENT by Judge Paul L. Friedman: denying motion for summary judgment [41-1] by GREGORY LEE LOONEY; granting motion to grant summary judgment by FDIC; denying as moot motion for extension to file a reply by plaintiff [43-1] [43-2]; entering judgment in favor of defendant; directing defendant shall pay plaintiff his litigation costs of \$150, as he substantially prevailed; plaintiff shall have sixty (60) days from the entry of this Order in which to file a motion for recovery of attorney's fees; the parties shall meet and confer to attempt to reach agreement on reasonable attorneys' fees before filing any such motion; denying as moot any remaining motions; this is a final appealable order. (N) (bm) (Entered: 03/29/2000)
05/06/2000	50	NOTICE OF APPEAL by plaintiff GREGORY LEE LOONEY from order [48-1], entered on: 3/29/00. IFP no fees; copies mailed to parties. (tw) (Entered: 06/07/2000)
05/30/2000	49	NOTICE by defendant JOSIE WALTERS-TUCKER, federal defendant FDIC of settlement and payment of attorney's fees. (tw) (Entered: 06/01/2000)

06/07/2000		TRANSMITTED PRELIMINARY RECORD on appeal [50-1] by GREGORY LEE LOONEY to U.S. Court of Appeals (tw) (Entered: 06/07/2000)
06/12/2000		USCA # 00-5210 assigned for appeal [50-1] by GREGORY LEE LOONEY (tw) (Entered: 06/13/2000)
08/16/2000	51	STATEMENT filed by plaintiff GREGORY LEE LOONEY , regarding: pursuant to LCvR 54.2; exhibits (6) (cjp) (Entered: 08/17/2000)
08/23/2000	52	RESPONSE by federal defendant FDIC to statement [51-1] by GREGORY LEE LOONEY (tb) (Entered: 08/28/2000)
09/12/2000	53	ORDER by Judge Paul L. Friedman : The Court finds no basis to ignore the settlement agreement which releases the FDIC from any further attorney fee claims by Ms. Mittleman; consequently, this case is closed. (N) (bm) (Entered: 09/12/2000)
02/14/2001	54	COPY of Order filed in USCA dated 2/14/01, referencing appeal [50-1] , directing initial partial filing fee. USCA # 00-5210 (cjp) (Entered: 02/22/2001)
03/16/2001		USDC appeal fee of \$5.00 and USCA docketing fee of \$100.00 received, for appeal [50-1] by GREGORY LEE LOONEY , by plaintiff GREGORY LEE LOONEY . USCA notified. (tb) (Entered: 03/23/2001)
03/23/2001		TRANSMITTED supplemental record on appeal [50-1] by GREGORY LEE LOONEY USCA No.: 00-5210. (tb) (Entered: 03/23/2001)
03/26/2001		USCA # 00-5210 assigned for appeal [50-1] by GREGORY LEE LOONEY (jf) (Entered: 03/27/2001)
04/24/2001	55	CERTIFIED COPY of judgment filed in USCA dated 04/24/01, on appeal [50-1] , affirming the judgment of USDC . USCA # 00-5210 (mmh) (Entered: 04/25/2001)