

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:97-cv-02622-CKK**

DUCHOW v. DOS
Assigned to: Judge Colleen Kollar-Kotelly
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 11/06/1997
Date Terminated: 09/28/2000
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**DAVID M. DUCHOW**

represented by **Bruce Zagaris**
BERLINER, CORCORAN & ROWE,
L.L.P.
1101 Seventeenth Street, N.W.
Suite 1100
Washington, DC 20036-4798
(202) 293-2371
Fax: (202) 293-9035
Email: bzagaris@bcr-dc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**DEPARTMENT OF STATE**

represented by **Charles Francis Flynn**
U.S. ATTORNEY'S OFFICE
Judiciary Center Building
555 Fourth Street, NW
Room 4118
Washington, DC 20530
(202) 514-7188
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/06/1997	1	COMPLAINT filed by plaintiff DAVID M. DUCHOW; exhibits (2). (adc) (Entered: 11/07/1997)
11/06/1997		SUMMONS (3) issued to federal party(s) defendant DOS , and non-parties: U.S. Attorney and U.S. Attorney General. (adc) (Entered: 11/07/1997)
11/07/1997	3	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 11/7/97 (lkn) (Entered: 11/17/1997)

11/14/1997	2	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 11/10/97 upon defendant DOS (lkn) (Entered: 11/17/1997)
11/14/1997	4	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 11/7/97 (lkn) (Entered: 11/17/1997)
12/08/1997	5	ANSWER TO COMPLAINT [1-1] by defendant DOS . (lpp) (Entered: 12/09/1997)
12/18/1997	6	ORDER by Judge Colleen Kollar-Kotelly : Meet and Confer hearing set for 9:00 1/23/98 . (N) (adc) (Entered: 12/19/1997)
12/31/1997	7	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff DAVID M. DUCHOW . (dam) (Entered: 01/06/1998)
12/31/1997	8	MOTION filed by plaintiff DAVID M. DUCHOW for a Vaughn Index (dam) (Entered: 01/06/1998)
12/31/1997	9	MOTION filed by plaintiff DAVID M. DUCHOW to extend time for scheduling conference (dam) (Entered: 01/06/1998)
12/31/1997	10	STATUS REPORT by federal defendant DOS (dam) (Entered: 01/06/1998)
01/12/1998	11	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time for scheduling conference [9-1] by DAVID M. DUCHOW; the initial scheuduling conference is set for 1/28/98 at 9:00 a.m. The date of 1/23/98 for the initial scheduling conference is vacated. (N) (adc) (Entered: 01/12/1998)
01/14/1998	12	MEMORANDUM by plaintiff DAVID M. DUCHOW to the Court RE: plaitiff's statement of case and statutory basis for all causes of action and defenses (bjsp) (Entered: 01/15/1998)
01/14/1998	13	MOTION filed by federal defendant DOS to extend time within which to file a response to the plaintiff's 12/31/97 motion for Vaughn Index (bjsp) (Entered: 01/15/1998)
01/20/1998	14	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time within which to file a response to the plaintiff's 12/31/97 motion for Vaughn Index [13-1] by DOS; defendant shall respond to the pending motion on or before 1/26/98. Note the initial scheduling conference is set for 1/28/98. (N) (adc) (Entered: 01/20/1998)
01/26/1998	15	RESPONSE by federal defendant DOS to motion for a Vaughn Index [8-1] by DAVID M. DUCHOW (tlh) (Entered: 01/27/1998)
01/28/1998		MEET AND CONFER STATUS HEARING before Judge Colleen Kollar-Kotelly : Motion for summary judgment due by 4/30/98 . Response to motion for summary judgment due 5/12/98 . Reply to motion for summary judgment due by 5/26/98 . Reporter: Edward Hawkins (adc) (Entered: 01/29/1998)
02/05/1998	16	ORDER by Judge Colleen Kollar-Kotelly : directing that vaughn index due 3/30/98; motions for summary judgment/cross-motions due to be filed 4/30/98; responses/oppositions due no later than 5/12/98; and replies due no later than 5/26/98 (N) (adc) (Entered: 02/05/1998)

03/30/1998	17	MOTION filed by federal defendant DOS to extend time to 3/31/98 to file its Vaughn index (tlh) (Entered: 03/31/1998)
03/31/1998	18	NOTICE OF FILING by federal defendant DOS of a declaration of Margaret P. Grafeld; exhibits (21) (tlh) (Entered: 04/01/1998)
03/31/1998	19	NOTICE OF FILING by federal defendant DOS of a declaration by Gladis C. Griffith (tlh) (Entered: 04/01/1998)
04/01/1998	20	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time to 3/31/98 to file its Vaughn index [17-1] by DOS (N) (adc) (Entered: 04/02/1998)
04/30/1998	21	NOTICE OF FILING by federal defendant DOS of the declartion of Mark Bialek, in support of defendat's motion for enlargement of time; attachment (1) (tlh) (Entered: 05/01/1998)
04/30/1998	22	MOTION filed by federal defendant DOS to extend time to 5/14/98 to file its motion for summary judgment (tlh) (Entered: 05/01/1998)
04/30/1998	23	MOTION filed by plaintiff DAVID M. DUCHOW for summary judgment ; exhibits (15); declaration (1) (tlh) (Entered: 05/01/1998)
05/04/1998	24	RESPONSE by plaintiff DAVID M. DUCHOW in opposition to motion to extend time to 5/14/98 to file its motion for summary judgment [22-1] by DOS . (tlh) (Entered: 05/05/1998)
05/06/1998	25	REPLY by federal defendant DOS in support of motion to extend time to 5/14/98 to file its motion for summary judgment [22-1] (tlh) (Entered: 05/07/1998)
05/06/1998	26	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time to 5/14/98 to file its new vaughn index and motion for summary judgment [22-1] by DOS; opposition due 6/11/98 and reply due no later than 6/18/98 (N) (adc) (Entered: 05/07/1998)
05/13/1998	27	NOTICE OF FILING by federal defendant DOS regarding the original of the declaration of Mark Bialek; attachment (tlh) (Entered: 05/14/1998)
05/14/1998	28	NOTICE OF FILING by federal defendant DOS of the second declaration of Margaret P. Grafeld pursuant to the Court's 5/6/98 order; attachment (tlh) (Entered: 05/18/1998)
05/14/1998	29	MOTION filed by federal defendant DOS for summary judgment (tlh) (Entered: 05/18/1998)
05/14/1998	30	NOTICE OF FILING by federal defendant DOS of the second declaration of Gladis C. Griffith pursuant to Courts order on 5/6/98 (tlh) (Entered: 05/18/1998)
05/28/1998	31	NOTICE OF FILING by plaintiff DAVID M. DUCHOW of the declaration of David M. Duchow in support of plaintiff's motion for summary judgment that was filed 4/30/98; attachment (tlh) (Entered: 05/29/1998)
06/11/1998	32	MEMORANDUM by plaintiff DAVID M. DUCHOW in opposition to motion for summary judgment [29-1] by DOS; exhibit (1) (tlh) (Entered: 06/12/1998)

06/11/1998	33	MEMORANDUM by plaintiff DAVID M. DUCHOW in support of motion for summary judgment [23-1] by DAVID M. DUCHOW (tlh) (Entered: 06/12/1998)
06/18/1998	34	REPLY by federal defendant DOS to response to motion for summary judgment [29-1] by DOS (tlh) (Entered: 06/19/1998)
01/13/1999	35	NOTICE OF CHANGE OF ADDRESS by Bruce Zagaris representing plaintiff DAVID M. DUCHOW . New address: Berliner Corcoran & Rowe 1101 Seventeenth St. NW Suite 1100 Washington DC 20036 (202) 293-5555. (tlh) (Entered: 01/14/1999)
09/22/1999	36	MEMORANDUM OPINION by Judge Colleen Kollar-Kotelly (N) (adc) (Entered: 09/23/1999)
09/22/1999	37	ORDER by Judge Colleen Kollar-Kotelly : denying motion for summary judgment [29-1] by DOS, denying motion for summary judgment [23-1] by DAVID M. DUCHOW defendant shall submit its revised vaughn index, agency affidavits and amended motion for summary judgment by 10/15/99; plaintiff shall submit amended cross motion for summary judgment/opposition to defendant's motion for summary judgment by 10/29/99; defendant shall submit its reply/opposition to plaintiff's motion for summary judgment by 11/12/99; plaintiff shall submit his reply by 11/26/99 (N) (adc) (Entered: 09/23/1999)
10/14/1999	38	MOTION (UNOPPOSED) filed by federal defendant DOS to extend time to 11/9/99 to file revised Vaughn index, agency affidavits and amended motion for summary judgment (lkn) (Entered: 10/15/1999)
10/18/1999	39	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time to 11/9/99 to file revised Vaughn index, agency affidavits and amended motion for summary judgment [38-1] by DOS and cross motions due by 11/23/99 ; motion for summary judgment due by 11/9/99 ; response to motion for summary judgment due 11/23/99 ; reply to motion for summary judgment due by 12/7/99 (N) (adc) (Entered: 10/18/1999)
11/09/1999	40	MOTION (UNOPPOSED) filed by federal defendant DOS to extend time to 11/17/99 to file Vaughn Index, accompanying affidavits, and disposition motion (tb) (Entered: 11/10/1999)
11/15/1999	41	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time to 11/17/99 to file Vaughn Index, accompanying affidavits, and disposition motion [40-1] by DOS; amended motion for summary judgment due 11/17/99; plaintiff's amended cross motion for summary judgment/opposition to defendant's motion for summary judgment due 11/30/99; defendant's reply is due 12/14/99 (N) (adc) (Entered: 11/16/1999)
11/17/1999	42	MOTION (UNOPPOSED) filed by federal defendant DOS to extend time to 11/19/99 to file revised Vaughn index (lkn) (Entered: 11/18/1999)
11/19/1999	43	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time to 11/19/99 to file revised Vaughn index [42-1] by DOS; plaintiff's amended cross motions due by 12/2/99 ; defendant's amended motion for summary judgment due by 11/19/99 ; plaintiff's response to motion for summary judgment due 12/2/99 ; defendant's reply to motion for summary judgment due by 12/14/99 (N) (adc) (Entered: 11/19/1999)

11/19/1999	46	MOTION filed by defendant DOS for summary judgment after remand ; exhibits (2) (tb) Modified on 12/09/1999 (Entered: 12/08/1999)
11/29/1999	44	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time to 11/19/99 to file revised Vaughn index [42-1] by DOS; plaintiff's amended cross motions due by 12/6/99 ; defendant's amended motion for summary judgment due by 11/19/99 ; plaintiff's response to motion for summary judgment due 12/6/99 ; defendant's reply to motion for summary judgment due by 12/14/99 (N) (adc) (Entered: 11/30/1999)
12/06/1999	45	CROSS MOTIONS by plaintiff DAVID M. DUCHOW for summary judgment (tth) (Entered: 12/07/1999)
12/06/1999	47	RESPONSE by plaintiff DAVID M. DUCHOW in opposition to motion for summary judgment after remand [46-1] . (tth) (Entered: 12/09/1999)
12/16/1999	48	REPLY by federal defendant DOS to response to motion for summary judgment after remand [46-1]; Attachment (1) (tth) (Entered: 12/17/1999)
12/21/1999	49	MOTION filed by federal defendant DOS to extend time, nunc pro tunc to 12/16/99 to file defendant's reply to plaintiff's opposition and cross motion in this case (tth) (Entered: 12/22/1999)
01/06/2000	50	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time, nunc pro tunc to 12/16/99 to file defendant's reply to plaintiff's opposition and cross motion in this case [49-1] by DOS (N) (adc) (Entered: 01/06/2000)
09/28/2000	51	MEMORANDUM OPINION by Judge Colleen Kollar-Kotelly (N) (dot) (Entered: 09/28/2000)
09/28/2000	52	ORDER by Judge Colleen Kollar-Kotelly : granting motion for summary judgment after remand [46-1] by federal defendant; denying cross motion for summary judgment [45-1] by DAVID M. DUCHOW. That judgment is hereby entered for defendant, dismissing complaint [1-1] (N) (dot) (Entered: 09/28/2000)
10/04/2000	54	MOTION filed by plaintiff DAVID M. DUCHOW for order holding in abeyance proceeding regarding attorneys' fees and costs (tb) (Entered: 10/07/2000)
10/06/2000	53	ORDER by Judge Colleen Kollar-Kotelly : granting motion for an order holding in abeyance proceedings regarding attorneys' fee and costs. That the time for which the plaintiff's motion for an order on claims for attorneys' fees and related nontaxable expenses is extended an additional thirty (30) days. (N) (dot) (Entered: 10/06/2000)
11/09/2000	55	MOTION filed by plaintiff DAVID M. DUCHOW for attorney fee against DOS ; declarations (2), exhibits (9) (cdw) (Entered: 11/13/2000)
11/28/2000	56	MOTION (UNOPPOSED) filed by federal defendant DOS to extend time to 12/15/00 to file a response to plaintiff's motion for allowance of attorney's fees (cdw) (Entered: 11/29/2000)

12/07/2000	57	ORDER by Judge Colleen Kollar-Kotelly: granting motion to extend time to 12/15/00 to file a response to plaintiff's motion for allowance of attorney's fees [56-1] by DOS response to plaintiff's motion for allowance of attorney's fees due by 12/15/00 ; (N) (dam) (Entered: 12/07/2000)
12/15/2000	58	RESPONSE by federal defendant DOS in opposition to motion for attorney fee against DOS [55-1] by DAVID M. DUCHOW; exhibits (3) (cdw) (Entered: 12/18/2000)
12/22/2000	59	REPLY by plaintiff DAVID M. DUCHOW to response in opposition to motion for attorney fee against DOS [55-1] by DAVID M. DUCHOW (cdw) (Entered: 12/27/2000)
01/05/2001	60	ORDER by Judge Colleen Kollar-Kotelly : referring case to Magistrate Judge Deborah Robinson for Report and Recommendation for the disposition of plaintiff's counsel's motion for allowance of attorneys fees [55-1] (N) (dot) (Entered: 01/05/2001)
01/05/2001		CASE REFERRED to Mag. Judge Deborah A. Robinson (MJ) for report and recommendation (bcs) (Entered: 01/29/2001)
09/18/2001		Tele-conference conducted by Mag. Judge Deborah A. Robinson (MJ) (bh) (Entered: 09/21/2001)
09/19/2001	61	ORDER by Mag. Judge Deborah A. Robinson (MJ) : allowing parties until 10/25/01 to file supplemental memorandum in which the applicability of Buckhannon to the issues presented is addressed; allowing parties until 11/22/01 o file a response o supplemental memorandum filed by the opposing party; saying through 11/22/01 further consideration of plaintiff's Motion for Allowance of Attorney's Fees (N) (bh) (Entered: 09/21/2001)
10/25/2001	62	SUPPLEMENTAL MEMORANDUM by federal defendant DOS in response to motion for attorney fee against DOS [55-1] by DAVID M. DUCHOW; exhibits (1) (cdw) (Entered: 10/26/2001)
10/25/2001	63	SUPPLEMENTAL MEMORANDUM by plaintiff DAVID M. DUCHOW in support of motion for order holding in abeyance proceeding regarding attorneys' fees and costs [54-1] by DAVID M. DUCHOW (cdw) (Entered: 10/30/2001)
11/15/2001	64	NOTICE by federal defendant DOS to Court concerninh mail service at US Attorney's Office (cdw) (Entered: 11/19/2001)
11/21/2001	65	MOTION filed by federal defendant DOS to extend time to 12/3/01 for response to plaintiff's supplemental memorandum (cdw) (Entered: 11/27/2001)
11/21/2001	66	RESPONSE by plaintiff DAVID M. DUCHOW to supplemental memorandum in response to plaintiff's motin for attorney's fees [62-1] by DOS (cdw) (Entered: 11/27/2001)
11/26/2001	67	ORDER by Mag. Judge Deborah A. Robinson (MJ) : granting defendant's motion to extend time to 12/3/01 to respond to plaintiff's supplemental memorandum [65-1] ; staying plaintiff's motion for allowance of attorney's fees through 12/3/01 [55-1] (N) (bh) (Entered: 11/28/2001)

11/27/2001	68	RESPONSE (OPPOSITIONS) by plaintiff DAVID M. DUCHOW to motion to extend time to 12/3/01 for response to plaintiff's supplemental memorandum [65-1] by DOS (cdw) (Entered: 11/29/2001)
12/03/2001	69	REPLY by federal defendant DOS to plaintiff's supplemental memorandum in response to plaintiff's motin for attorney's fees in this FOIA case [63-1] by DAVID M. DUCHOW (cdw) (Entered: 12/04/2001)
05/23/2002	70	NOTICE OF NEW CASE AUTHORITY by federal defendant DOS; attachments (1) (cdw) (Entered: 05/29/2002)
05/31/2002	71	RESPONSE by plaintiff DAVID M. DUCHOW to notice of authority [70-1] by DOS (aet) (Entered: 06/05/2002)
08/22/2003	72	REPORT AND RECOMMENDATION of Mag. Judge Deborah A. Robinson (MJ) recommending that the pltf.'s motion for allowance of attorney's fees be denied. (N) (mlp) (Entered: 08/25/2003)
09/22/2003	73	ORDER by Judge Colleen Kollar-Kotelly : adopting report & recommendation [72-1]. Denying motion for attorney fee against DOS [55-1] by DAVID M. DUCHOW (N) (dot) (Entered: 09/22/2003)