

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:97-cv-02188-TFH**

TRANS-PACIFIC POLIC, et al v. U.S. CUSTOMS  
SERVICE  
Assigned to: Judge Thomas F. Hogan  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/22/1997  
Date Terminated: 05/14/1998  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**TRANS-PACIFIC POLICING  
AGREEMENT**  
*c/o Robinson Start & Associates*

represented by **Cindy Galway Buys**  
SO. ILLINOIS UNIVERSITY- LAW  
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**Plaintiff**

**NIPPON YUSEN KAISHA, LTD**  
*c/o NYK LINE (NORTH AMERICA)*  
*INC.*

represented by **Cindy Galway Buys**  
(See above for address)  
*TERMINATED: 11/28/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Marie Spring**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul M. Tschirhart**  
(See above for address)  
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V.

**Defendant**

**US CUSTOMS SERVICE**  
*Department of the Treasury*

represented by **Charles Francis Flynn**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/22/1997	1	COMPLAINT filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA; Exhibits (5). (lkn) (Entered: 09/23/1997)
09/22/1997		SUMMONS (1) issued to federal party(s) federal defendant U.S. CUSTOMS SERVICE (lkn) (Entered: 09/23/1997)
10/24/1997	2	ANSWER TO COMPLAINT [1-1] by federal defendant U.S. CUSTOMS SERVICE . (lkn) (Entered: 10/27/1997)
10/24/1997	3	ATTORNEY APPEARANCE for federal defendant U.S. CUSTOMS SERVICE by Charles F. Flynn. (lkn) (Entered: 10/27/1997)
11/17/1997	4	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA, federal defendant U.S. CUSTOMS SERVICE . (lkn) (Entered: 11/18/1997)

12/12/1997	5	MOTION filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA for summary judgment ; Exhibits (9). (lkn) (Entered: 12/15/1997)
12/20/1997	6	ORDER by Judge Thomas F. Hogan : motion for summary judgment due 12/12/97 ; response to motion for summary judgment due 1/13/98 reply motion for summary judgment due 2/10/98 ; (N) (gew) (Entered: 12/29/1997)
01/13/1998	7	ATTORNEY APPEARANCE for federal defendant U.S. CUSTOMS SERVICE by Kimberly Brown (lkn) (Entered: 01/14/1998)
01/13/1998	8	MOTION filed by federal defendant U.S. CUSTOMS SERVICE to extend time to 1/14/98 to file its cross-motion for summary judgment (lkn) (Entered: 01/14/1998)
01/14/1998	9	CROSS MOTIONS by federal defendant U.S. CUSTOMS SERVICE for summary judgment ; Declaration (1), exhibits (6). (lkn) (Entered: 01/15/1998)
01/14/1998	10	RESPONSE by federal defendant U.S. CUSTOMS SERVICE in opposition to motion for summary judgment [5-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC; Declaration (1), exhibits (6) . (lkn) (Entered: 01/15/1998)
01/14/1998	11	RESPONSE by federal defendant U.S. CUSTOMS SERVICE to plaintiff's statement of material facts as to which there is no genuine dispute. (lkn) (Entered: 01/15/1998)
01/23/1998	12	MOTION (UNOPPOSED) filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA to extend time to 2/3/98 to file opposition to defendant's cross motion for summary judgment and that defendant's time for filing its reply be enlarged to February 17 1998. (lkn) (Entered: 01/27/1998)
01/27/1998	13	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 2/3/98 to file opposition to defendant's cross motion for summary judgment and that defendant's time for filing its reply be enlarged to February 17 1998. [12-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC (N) (jeb) (Entered: 01/30/1998)
02/03/1998	14	RESPONSE by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA in opposition to cross motion for summary judgment [9-1] by U.S. CUSTOMS SERVICE .; exhibits (1) (JMF) (Entered: 02/04/1998)
02/03/1998	15	MOTION filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA to exclude or strike declaration of Lee Kramer , and for oral argument ; exhibits (1) (JMF) (Entered: 02/04/1998)
02/04/1998	16	MOTION (UNOPPOSED) filed by federal defendant U.S. CUSTOMS SERVICE to extend time to 2/24/98 to file a reply to plaintiffs' opposition to defendant's cross motion for summary judgment (JMF) (Entered: 02/05/1998)
02/04/1998	17	NOTICE OF WITHDRAWAL of attorney Charles Francis Flynn for U.S. CUSTOMS SERVICE. (JMF) (Entered: 02/05/1998)

02/23/1998	18	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 2/24/98 to file a reply to plaintiffs' opposition to defendant's cross motion for summary judgment [16-1] by U.S. CUSTOMS SERVICE (N) (jeb) (Entered: 02/24/1998)
02/24/1998	19	MOTION (UNOPPOSED) filed by federal defendant U.S. CUSTOMS SERVICE to extend time to 2/27/98 to file its reply to plaintiffs' opposition to defendants' cross-motion for summary judgment (lkn) (Entered: 02/25/1998)
02/26/1998	20	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 2/27/98 to file its reply to plaintiffs' opposition to defendants' cross-motion for summary judgment [19-1] by U.S. CUSTOMS SERVICE (N) (gew) (Entered: 02/26/1998)
02/27/1998	21	REPLY by federal defendant U.S. CUSTOMS SERVICE to plaintiff's opposition to cross motion for summary judgment [9-1] by U.S. CUSTOMS SERVICE; Exhibits (2). (lkn) (Entered: 03/02/1998)
02/27/1998	22	RESPONSE by federal defendant U.S. CUSTOMS SERVICE in opposition to motion to exclude or strike declaration of Lee Kramer [15-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC, motion for oral argument [15-2] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC; Exhibits (2) . (lkn) (Entered: 03/02/1998)
05/14/1998	23	MEMORANDUM OPINION by Judge Thomas F. Hogan (N) (gew) (Entered: 05/15/1998)
05/15/1998	24	ORDER by Judge Thomas F. Hogan : granting cross motion for summary judgment [9-1] by U.S. CUSTOMS SERVICE, denying motion for summary judgment [5-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC (N) (gew) (Entered: 05/15/1998)
06/29/1998	25	NOTICE by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA of no transcripts existing. (lkn) (Entered: 07/01/1998)
06/29/1998	26	NOTICE OF APPEAL by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA from order [24-1] , entered on: 05/05/98; \$5.00 filing fee and \$100.00 docketing fee paid. Copies mailed to counsel. (lkn) (Entered: 07/01/1998)
07/01/1998		TRANSMITTED PRELIMINARY RECORD on appeal [26-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC to U.S. Court of Appeals (lkn) (Entered: 07/01/1998)
07/01/1998		USCA # 98-5253 assigned for appeal [26-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC (tw) (Entered: 07/02/1998)
07/23/1999	27	CERTIFIED COPY of judgment filed in USCA dated 6/1/99, on appeal [26-1] , reversing the judgment of USDC , and remanding for further proceedings. OPINION USCA # 98-5253 (cjp) Modified on 07/25/1999 (Entered: 07/25/1999)
09/27/1999	28	SUBSTITUTION OF COUNSEL for federal defendant U.S. CUSTOMS SERVICE , substituting Gordon Michael Harvey for attorney Kimberly Brown for U.S. CUSTOMS SERVICE (lkn) (Entered: 09/30/1999)

09/29/1999		STATUS HEARING before Judge Thomas F. Hogan : status hearing set for 9:30 12/6/99 ; Reporter: Frank Rangus (gew) (Entered: 09/29/1999)
12/06/1999		Tele-conference before Judge Thomas F. Hogan. Not Reported. (mlp) (Entered: 12/09/1999)
02/10/2000	29	MOTION (UNOPPOSED) filed by federal defendant US CUSTOMS SERVICE to extend time to 2/14/00 to file dispositive motion (bjsp) (Entered: 02/11/2000)
02/14/2000	30	MOTION filed by federal defendant US CUSTOMS SERVICE for summary judgment ; exhibits (5); declaration (1) (bjsp) (Entered: 02/15/2000)
02/14/2000	31	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 2/14/00 to file dispositive motion [29-1] by US CUSTOMS SERVICE (N) (gew) (Entered: 02/15/2000)
02/23/2000	32	STATEMENT filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA , regarding: discovery plans. (bjsp) (Entered: 02/24/2000)
03/01/2000	33	ERRATA (NOTICE OF FILING) by federal defendant US CUSTOMS SERVICE to the Court RE: the filing of an original signature page of the declaration of Lee H. Kramer, a copy of which was filed with defendant's motion for summary judgment on 2/14/00 (bjsp) (Entered: 03/02/2000)
03/01/2000		STATUS HEARING before Judge Thomas F. Hogan : Reporter: Patricia J. Yerkes (gew) (Entered: 03/02/2000)
03/14/2000	34	MOTION (UNOPPOSED) filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA to extend time to 3/21/00 to file affidavit in support of their discovery plan filed with the Court on 2/23/00 (bjsp) (Entered: 03/15/2000)
03/16/2000	36	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 3/21/00 to file affidavit in support of their discovery plan filed with the Court on 2/23/00 [34-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC (N) (gew) (Entered: 03/22/2000)
03/21/2000	35	MEMORANDUM by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA in support of motion to extend time to 3/21/00 to file affidavit in support of their discovery plan filed with the Court on 2/23/00 [34-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLICE; exhibits (3) (bjsp) (Entered: 03/22/2000)
03/28/2000	37	ERRATA by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA to the Court RE: the original signature page to be appended to the declaration of Mike Divirgilio which was filed in this case on 3/21/00; attachments (bjsp) (Entered: 03/29/2000)
03/30/2000	38	MOTION (UNOPPOSED) filed by federal defendant US CUSTOMS SERVICE to extend time to 4/10/00 to file a response to plaintiffs' memorandum in support of proposed discovery plan (jf) (Entered: 03/31/2000)

04/03/2000	39	ORDER by Judge Thomas F. Hogan: granting motion to extend time to 4/10/00 to file a response to plaintiffs' memorandum in support of proposed discovery plan [38-1] by US CUSTOMS SERVICE; response to plaintiffs' memorandum in support due by 4/10/00 ; (N) (kmk) (Entered: 04/03/2000)
04/10/2000	40	RESPONSE (OPPOSITIONS) by federal defendant US CUSTOMS SERVICE to request for discovery in a FOIA action [32-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC (jf) (Entered: 04/12/2000)
04/19/2000	41	MOTION filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA for leave to file reply memorandum in support of their proposed discovery plan EXHIBIT ( reply) (bjsp) (Entered: 04/20/2000)
05/03/2000	42	RESPONSE by federal defendant US CUSTOMS SERVICE in opposition to motion for leave to file reply memorandum in support of their proposed discovery plan [41-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC . (cjp) (Entered: 05/04/2000)
05/25/2000	<a href="#">43</a>	ORDER by Judge Thomas F. Hogan : granting motion for leave to file reply memorandum in support of their proposed discovery plan [41-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC (N) (gew) (Entered: 05/25/2000)
05/25/2000	44	REPLY MEMORANDUM by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA in support of their proposed discovery plan (bjsp) (Entered: 09/20/2000)
11/03/2000	<a href="#">45</a>	ORDER denying plaintiff's discovery plan and request for discovery; directing that opposition to defendant's motion for summary judgment due within 11 days by Judge Thomas F. Hogan : (N) (lin) (Entered: 11/07/2000)
02/09/2001	<a href="#">46</a>	ORDER by Judge Thomas F. Hogan : defendant's motion for summary judgment [#30] will be granted if no opposition is received by 02/15/01. (N) (jf) (Entered: 02/10/2001)
02/27/2001	<a href="#">47</a>	ORDER by Judge Thomas F. Hogan : granting motion for summary judgment [30-1] by US CUSTOMS SERVICE dismissing complaint [1-1] (N) (jf) (Entered: 02/28/2001)
10/12/2001	48	MOTION filed by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA to set aside judgment ; declarations (3) (nmr) (Entered: 10/15/2001)
10/24/2001	49	NOTICE OF FILING DECLARATION of Paul M. Tschirhart as an amendment to Plaintiffs' Motion to Set Aside Judgment by plaintiffs TRANS-PACIFIC POLIC, NIPPON YUSEN KAISHA (nmr) (Entered: 10/25/2001)
10/25/2001	50	MOTION filed by plaintiff TRANS-PACIFIC POLIC to extend time to 11/9/01 to file its opposition to plaintiff's Motion to Set Aside Judgment (nmr) (Entered: 10/26/2001)
10/29/2001	<a href="#">51</a>	ORDER by Chief Judge Thomas F. Hogan : granting motion to extend time to 11/9/01 to file its opposition to Motion to Set Aside Judgment [50-1] by TRANS-PACIFIC POLIC ;response to dispositive motions due by 11/9/01 ; (N) (jf) (Entered: 10/30/2001)

11/09/2001	52	RESPONSE by federal defendant US CUSTOMS SERVICE in opposition to motion to set aside judgment [48-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC. (nmr) (Entered: 11/13/2001)
11/20/2001	53	STATEMENT filed by federal defendant US CUSTOMS SERVICE, regarding: mail service at U.S. Attorney's office. (nmr) (Entered: 11/21/2001)
11/21/2001	54	REPLY by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA in support of motion to set aside judgment [48-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC; Declarations (1) (ag) (Entered: 11/23/2001)
11/28/2001	55	ATTORNEY APPEARANCE for plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA by Heather M. Spring (cas) (Entered: 11/29/2001)
11/28/2001	56	NOTICE OF WITHDRAWAL of attorney Cindy Galway Buys for NIPPON YUSEN KAISHA, attorney Cindy Galway Buys for TRANS-PACIFIC POLIC. (cas) (Entered: 11/29/2001)
03/06/2002	57	ATTORNEY APPEARANCE for plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA by Paul M. Tschirhart (td) (Entered: 03/11/2002)
04/24/2002	<a href="#">58</a>	MEMORANDUM OPINION by Chief Judge Thomas F. Hogan (N) (jf) (Entered: 04/24/2002)
04/24/2002	<a href="#">59</a>	ORDER by Chief Judge Thomas F. Hogan : held in abeyance motion to set aside judgment [48-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC; further order, directing plaintiff to file a copy of the 1998 letter written by Cindy Buys within eleven (11) days of the date of this order. (N) (jf) (Entered: 04/24/2002)
05/07/2002	60	RESPONSE by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA to court's order of 4/24/02 [59-1]; attachments (2) (td) (Entered: 05/09/2002)
05/09/2002	61	NOTICE OF FILING by plaintiff TRANS-PACIFIC POLIC, plaintiff NIPPON YUSEN KAISHA of original declaration of Paul M. Tschirhart. (td) (Entered: 05/13/2002)
05/13/2002	<a href="#">62</a>	MEMORANDUM OPINION by Chief Judge Thomas F. Hogan (N) (jf) (Entered: 05/13/2002)
05/13/2002	<a href="#">63</a>	ORDER by Chief Judge Thomas F. Hogan : denying motion to set aside judgment dated 02/26/01 [48-1] by NIPPON YUSEN KAISHA, TRANS-PACIFIC POLIC (N) (jf) (Entered: 05/13/2002)