

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:97-cv-03043-SS**

MALONE v. FREEH, et al
Assigned to: Stanley Sporkin
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 12/19/1997
Date Terminated: 03/30/1999
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff

KENNETH MALONE

represented by **KENNETH MALONE**
1410 North Roosevelt
Amarillo, TX 79107-7050
(806) 383-0762
Fax: AREA CODE (806)
PRO SE

V.

Defendant

LOUIS FREEH
*Director, Federal Bureau of
Investigation*

represented by **Benjamin R. Barnett**
U.S. ATTORNEY'S OFFICE
Judiciary Center Building
555 Fourth Street, NW
Room 9816
Washington, DC 20530
(202) 307-0372
TERMINATED: 09/15/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kimberly Brown
CAPLIN & DRYSDALE
One Thomas Circle, NW
Suite 1100
Washington, DC 20005
(202) 862-5046
Fax: 202-429-3301
Email: knb@capdale.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

J. KEVIN O'BRIEN
Chief, Freedom of Information-
Privacy Acts, Section Information
Resources Division for the Federal
Bureau of Investigation

represented by **Benjamin R. Barnett**
(See above for address)
TERMINATED: 09/15/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kimberly Brown
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lisa Barsoomian
**See Ms. Barsoomian file
Email: Lisa.Barsoomian@nih.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth Leonard Wainstein
CADWALADER, WICKERSHAM &
TAFT, LLP
700 Sixth Street, NW
Washington, DC 20001
(202) 862-2474
Fax: (202) 862-2400
Email: ken.wainstein@cwt.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/19/1997	1	COMPLAINT filed by plaintiff KENNETH MALONE; jury demand (pt) (Entered: 12/19/1997)
12/19/1997		SUMMONS issued to federal party(s) federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN , and non-parties: U.S. Attorney and U.S. Attorney General. (pt) (Entered: 12/19/1997)
12/19/1997	2	APPLICATION by plaintiff KENNETH MALONE to proceed in forma pauperis (pt) (Entered: 12/19/1997)
12/19/1997	3	TRUST FUND ACCOUNT filed by plaintiff KENNETH MALONE . (pt) (Entered: 12/19/1997)
12/19/1997	4	ORDER by Judge Aubrey E. Robinson : granting motion to proceed in forma pauperis [2-1] by KENNETH MALONE directing that monthly payments be made from the prisoner account of KENNETH MALONE . (N) (pt) (Entered: 12/19/1997)
01/06/1998	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 1/5/98 (st) (Entered: 01/21/1998)
01/08/1998	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 1/5/98 (st) (Entered: 01/21/1998)

01/21/1998	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 1/12/98 upon federal defendant J. KEVIN O'BRIEN (st) (Entered: 01/22/1998)
01/21/1998	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 1/12/98 upon federal defendant LOUIS FREEH (st) (Entered: 01/22/1998)
01/21/1998	9	MOTION filed by plaintiff KENNETH MALONE for service by U.S. Marshal (st) (Entered: 01/22/1998)
01/21/1998	10	MOTION filed by plaintiff KENNETH MALONE to refer case to mediation (st) (Entered: 01/22/1998)
01/21/1998	11	OBJECTIONS by plaintiff KENNETH MALONE to payment of costs per the PLRA, and the constitutionality of the PLRA (st) (Entered: 01/22/1998)
02/04/1998	12	ATTORNEY APPEARANCE for federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN by Benjamin R. Barnett (st) (Entered: 02/10/1998)
02/04/1998	13	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to extend time to 3/6/98 to answer complaint [1-1] (st) (Entered: 02/10/1998)
02/13/1998	14	ORDER by Judge Stanley Sporkin : granting motion to extend time to 3/6/98 to answer complaint [1-1] [13-1] by J. KEVIN O'BRIEN, LOUIS FREEH (N) (lin) (Entered: 02/17/1998)
03/06/1998	15	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to extend time to 4/21/98 to answer complaint [1-1] (st) (Entered: 03/09/1998)
03/24/1998	16	ORDER by Judge Stanley Sporkin : granting motion to extend time to 4/21/98 to answer complaint [1-1] [15-1] by J. KEVIN O'BRIEN, LOUIS FREEH ; Answer extended to 4/21/98 for J. KEVIN O'BRIEN, for LOUIS FREEH (N) (bh) (Entered: 03/25/1998)
04/21/1998	17	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to extend time to 5/21/98 to answer complaint [1-1] (st) (Entered: 04/22/1998)
04/29/1998	18	ORDER by Judge Stanley Sporkin : granting motion to extend time to 5/21/98 to answer complaint [1-1] [17-1] by J. KEVIN O'BRIEN, LOUIS FREEH (N) (lin) (Entered: 04/29/1998)
05/04/1998	19	OBJECTIONS by plaintiff KENNETH MALONE to motion to extend time to 5/21/98 to answer complaint [1-1] [17-1] by J. KEVIN O'BRIEN, LOUIS FREEH (st) (Entered: 05/05/1998)
05/21/1998	20	MOTION filed by federal defendants LOUIS FREEH, J. KEVIN O'BRIEN to extend time to 6/22/98 to answer complaint [1-1] (bm) (Entered: 05/22/1998)
06/03/1998	21	ORDER by Judge Stanley Sporkin : granting motion to extend time to 6/5/98 to answer complaint [1-1] [20-1] by J. KEVIN O'BRIEN, LOUIS FREEH (N) (lin) (Entered: 06/03/1998)

06/16/1998	22	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to extend time to 6/18/98 to answer complaint [1-1] (bjsp) (Entered: 06/17/1998)
06/19/1998	23	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN for leave to file out of time motion to dismiss or, in the alternative, for summary judgment ; EXHIBIT (motion for summary judgment) (JMF) (Entered: 06/22/1998)
07/09/1998	24	ORDER by Judge Stanley Sporkin : granting motion for leave to file out of time motion to dismiss or, in the alternative, for summary judgment [23-1] by J. KEVIN O'BRIEN, LOUIS FREEH (N) (lin) (Entered: 07/09/1998)
07/09/1998	25	ORDER by Judge Stanley Sporkin : response to dispositive motions due 7/24/98 ; (N) (lin) (Entered: 07/09/1998)
07/09/1998	26	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to dismiss complaint [1-1] , or in the alternative for summary judgment (st) (Entered: 07/13/1998)
07/10/1998	27	OBJECTIONS by plaintiff KENNETH MALONE to motion for leave to file out of time motion to dismiss or, in the alternative, for summary judgment [23-1] by J. KEVIN O'BRIEN, LOUIS FREEH (st) (Entered: 07/16/1998)
07/10/1998	28	MEMORANDUM by plaintiff KENNETH MALONE in opposition to motion for summary judgment [26-2] by J. KEVIN O'BRIEN, LOUIS FREEH (st) (Entered: 07/16/1998)
07/10/1998	29	MOTION filed by plaintiff KENNETH MALONE to extend time to 8/7/98 to file an objection to defendant's motion for summary judgment (st) (Entered: 07/16/1998)
07/23/1998	30	ORDER by Judge Stanley Sporkin : granting motion to extend time to 8/7/98 to file an objection to defendant's motion for summary judgment [29-1] by KENNETH MALONE response to motion for summary judgment due 8/7/98 ; (N) (lin) (Entered: 07/23/1998)
08/13/1998	31	MOTION filed by plaintiff KENNETH MALONE to extend time to thirty days to answer defendants' motion to dismiss (st) (Entered: 08/17/1998)
08/26/1998	32	MOTION filed by plaintiff KENNETH MALONE for leave to file an amended complaint adding two parties to his suit. (tw) (Entered: 08/27/1998)
08/26/1998	33	RESPONSE by plaintiff KENNETH MALONE to defendants' motion to dismiss complaint [1-1] [26-1] by J. KEVIN O'BRIEN, LOUIS FREEH (tw) (Entered: 08/27/1998)
08/26/1998	34	RESPONSE by plaintiff KENNETH MALONE to motion to dismiss complaint [1-1] [26-1] by J. KEVIN O'BRIEN, LOUIS FREEH (st) (Entered: 08/27/1998)
09/15/1998	35	SUBSTITUTION OF COUNSEL for federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN , substituting Lisa Barsoomian for attorney Benjamin R. Barnett for J. KEVIN O'BRIEN, attorney Benjamin R. Barnett for LOUIS FREEH (st) (Entered: 09/17/1998)

09/15/1998	36	REPLY by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to response to motion to dismiss complaint [1-1] [26-1] by J. KEVIN O'BRIEN, LOUIS FREEH, motion for summary judgment [26-2] by J. KEVIN O'BRIEN, LOUIS FREEH (st) (Entered: 09/17/1998)
12/17/1998	37	ORDER by Judge Stanley Sporkin : defendants shall have until 1/29/99, to file a supplement to their reply, supported by affidavit or declaration, regarding the nine records or categories of records listed in the Affidavit of KENNETH MALONE, filed 8/26/98. The supplement should, at a minimum, detail all attempts made to locate these records or categories of records, explain why each could not be located or, if subsequently located, why each had not been located previously, and if located, produce the records or explain why the records or any segregable portion are being withheld for J. KEVIN O'BRIEN, LOUIS FREEH ; plaintiff shall have ten days from the date he receives a copy of defendant's supplemental reply to file any response. (N) (blj) (Entered: 12/18/1998)
01/06/1999	38	NOTICE OF CHANGE OF ADDRESS by KENNETH MALONE . New address: P.O. Box 16 662533 Lovelady TX 75851. (st) (Entered: 01/08/1999)
01/14/1999	39	NOTICE OF CHANGE OF ADDRESS by KENNETH MALONE representing plaintiff KENNETH MALONE . New address: 9601 Spur 591 662533, Amarillo, Texas 79107-9606. (tw) (Entered: 01/19/1999)
01/29/1999	40	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to extend time to 2/1/99 to respond to court's order of 12/17/98 (tb) (Entered: 02/01/1999)
02/01/1999	41	RESPONSE by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to order [37-3] submitting supplemental reply to plaintiff's opposition to defendants' motion to dismiss or in the alternative for summary judgment (st) Modified on 02/02/1999 (Entered: 02/02/1999)
02/02/1999	42	ORDER by Judge Stanley Sporkin : granting motion to extend time to 2/1/99 to respond to court's order of 12/17/98 [40-1] by J. KEVIN O'BRIEN, LOUIS FREEH response to Court's Order due by 2/1/99 ; (N) (blj) (Entered: 02/03/1999)
02/17/1999	43	MOTION filed by plaintiff KENNETH MALONE to extend time to sixty days to answer or reply to defendants' response to court order 12/17/98 (st) (Entered: 02/22/1999)
02/23/1999	44	ORDER by Judge Stanley Sporkin : granting motion to extend time to sixty days to answer or reply to defendants' response to court order 12/17/98 [43-1] by KENNETH MALONE response due by 3/19/99 ; (N) (lin) (Entered: 02/24/1999)
03/11/1999	45	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN for protective order staying all discovery until further order of this Court , and to extend time to respond to plaintiff's discovery request until ruling on this motion (st) (Entered: 03/12/1999)
03/30/1999	46	MEMORANDUM OPINION by Judge Stanley Sporkin (N) (blj) (Entered: 03/30/1999)

03/30/1999	47	ORDER by Judge Stanley Sporkin : granting motion to dismiss complaint [1-1] [26-1] by J. KEVIN O'BRIEN, LOUIS FREEH, granting motion for summary judgment [26-2] by J. KEVIN O'BRIEN, LOUIS FREEH denying motion for protective order staying all discovery until further order of this Court [45-1] by J. KEVIN O'BRIEN, LOUIS FREEH, denying as moot motion to extend time to respond to plaintiff's discovery request until ruling on this motion [45-2] by J. KEVIN O'BRIEN, LOUIS FREEH, denying motion for leave to file an amended complaint adding two parties to his suit. [32-1] by KENNETH MALONE; defendants shall pay plaintiff his litigation costs of \$150, as he substantially prevailed; dismissing with prejudice [1-1] (N) (blj) (Entered: 03/30/1999)
04/06/1999	48	MOTION filed by plaintiff KENNETH MALONE to extend time to respond to defendants' motion for a protective order (bjsp) (Entered: 04/07/1999)
04/06/1999	49	MOTION (SECOND) filed by plaintiff KENNETH MALONE to extend time to respond to the Court's 12/17/98 order (bjsp) (Entered: 04/07/1999)
04/19/1999	50	MOTION filed by plaintiff KENNETH MALONE for reimbursement for his out of pocket expenses incurred in the above case (tw) (Entered: 04/20/1999)
04/22/1999	51	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to extend time to 5/27/99 to respond to request for litigation costs if it is deemed properly before the court (st) (Entered: 04/26/1999)
05/27/1999	52	ORDER by Judge Stanley Sporkin : granting motion to extend time to 5/27/99 to respond to request for litigation costs if it is deemed properly before the court [51-1] by J. KEVIN O'BRIEN, LOUIS FREEH defendants' comprehensive response to plaintiff's request for cost is due by 6/7/99. (N) (blj) (Entered: 05/28/1999)
06/04/1999	53	ATTORNEY APPEARANCE for federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN by Kimberly Brown (st) (Entered: 06/07/1999)
06/04/1999	54	MOTION filed by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN for reconsideration of order [52-1] (st) (Entered: 06/07/1999)
07/13/1999	55	ORDER by Judge Stanley Sporkin : denying motion for reconsideration of order [52-1] [54-1] by J. KEVIN O'BRIEN, LOUIS FREEH, granting motion for reimbursement for his out of pocket expenses incurred in the above case [50-1] by KENNETH MALONE, denying motion to extend time to respond to the Court's 12/17/98 order [49-1] by KENNETH MALONE, denying motion to extend time to respond to defendants' motion for a protective order [48-1] by KENNETH MALONE (N) (lin) (Entered: 07/14/1999)
11/17/1999	56	NOTICE by federal defendant LOUIS FREEH, federal defendant J. KEVIN O'BRIEN to the Court re: Compliance with July 13, 1999 Order; Attachment (1) (tth) (Entered: 11/18/1999)
11/29/1999	57	MOTION filed by plaintiff KENNETH MALONE to dismiss writ of execution. (tw) (Entered: 11/30/1999)

08/24/2000	58	ORDER by Judge Paul L. Friedman : granting motion to dismiss writ of execution. [57-1] by KENNETH MALONE; dismissing the writ of execution; dismissing case with prejudice. (N) (bm) (Entered: 08/24/2000)
09/04/2001	62	MOTION filed by plaintiff KENNETH MALONE to show cause why defendants should not be held in civil and/or criminal contempt (cdw) (Entered: 10/30/2001)
10/19/2001	60	MOTION filed by plaintiff KENNETH MALONE to reopen suit ; exhibits (1) (cdw) (Entered: 10/23/2001)
10/19/2001	61	MOTION filed by plaintiff KENNETH MALONE to show cause why defendants should not be held in civil and/or criminal contempt. ; exhibits (1) (cdw) Modified on 10/23/2001 (Entered: 10/23/2001)
10/22/2001	59	ORDER by Judge Colleen Kollar-Kotelly : denying plaintiff's motion to reopen suit and plaintiff's show cause motion. (N) (dot) (Entered: 10/22/2001)