

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:97-cv-01555-CKK**

ALLNUTT v. IRS, et al  
Assigned to: Judge Colleen Kollar-Kotelly  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/08/1997  
Date Terminated: 02/29/2000  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**FRED W. ALLNUTT**  
Sr.

represented by **FRED W. ALLNUTT**  
D-130, Suite 650  
10370 Baltimore National Pike  
Ellicott City, MD 21042  
(410) 988-9015  
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PRO SE

V.

**Defendant**

**INTERNAL REVENUE SERVICE**  
*United States of America*

represented by **Gerald Alan Role**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Scott Sutherland Harris**  
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1 First Street, NE  
Washington, DC 20540  
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**LEAD ATTORNEY**  
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**Defendant**

**UNITED STATES ATTORNEY FOR  
BALTIMORE MD**  
*United States of America*

represented by **Scott Sutherland Harris**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/08/1997	1	COMPLAINT filed by plaintiff FRED W. ALLNUTT; exhibits (4) (blj) (Entered: 07/10/1997)
07/08/1997		SUMMONS (4) issued to federal party(s) federal defendants IRS, US ATTY. FOR BALT/MD , and non-parties: U.S. Attorney and U.S. Attorney General. (blj) (Entered: 07/10/1997)
07/11/1997	2	ATTORNEY APPEARANCE for federal defendant IRS, federal defendant US ATTY. FOR BALT/MD by Scott Sutherland Harris (ks) (Entered: 07/14/1997)
08/06/1997	3	ANSWER TO COMPLAINT [1-1] by federal defendant US ATTY. FOR BALT/MD . (blj) (Entered: 08/07/1997)
08/07/1997	4	ANSWER TO COMPLAINT [1-1] by federal defendant IRS . (blj) (Entered: 08/08/1997)
08/12/1997	5	SCHEDULING ORDER by Judge Colleen Kollar-Kotelly initial scheduling conference set for 2:00 9/10/97 ; Attachments (2) (N) [see order for details] (dbw) Modified on 08/12/1997 (Entered: 08/12/1997)
08/27/1997	6	MOTION filed by plaintiff FRED W. ALLNUTT for summary judgment , and request for attorney's fees ; Exhibit (1); Affidavit (1). (ks) (Entered: 08/28/1997)
09/03/1997	7	ORDER by Judge Colleen Kollar-Kotelly : meet and confer conference to be held and report filed by 9/8/97 (N) (dbw) (Entered: 09/03/1997)
09/08/1997	8	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff FRED W. ALLNUTT , federal defendant IRS, federal defendant US ATTY. FOR BALT/MD . (ks) (Entered: 09/09/1997)
09/09/1997	9	SUPPLEMENTAL STATEMENT filed by federal defendant IRS of Report under Order of 8/12/97. (ks) (Entered: 09/10/1997)
09/10/1997		SCHEDULING CONFERENCE before Judge Colleen Kollar-Kotelly : hearing held; order to be entered Reporter: Edward Hawkins (dbw) (Entered: 09/10/1997)
09/10/1997	10	MOTION filed by federal defendant IRS for leave to file an amended answer ; Declarations (2); EXHIBIT (AMENDED ANSWER) (ks) (Entered: 09/11/1997)
09/16/1997	11	ORDER by Judge Colleen Kollar-Kotelly : granting motion for leave to file an amended answer [10-1] by IRS; proposed amended answer shall be deemed filed and served as of the date of entry of this order (N) (dbw) (Entered: 09/16/1997)
09/16/1997	12	AMENDED ANSWER [1-1] filed by federal defendant IRS (ks) (Entered: 09/18/1997)

09/17/1997	13	SCHEDULING ORDER by Judge Colleen Kollar-Kotelly finding motion for summary judgment by FRED W. ALLNUTT [6-1] moot at this time; IRS responsive documents due by 9/19/97; affidavits due by 10/3/97 Vaughn index due by 10/24/97; limited discovery 10/31/97 - 11/7/97; dispositive motions due 10/10/97; response to dispositive motions due 10/24/97; reply to dispositive motions due 10/31/97; US Attorney's Office of Maryland responsive documents due 10/1/97; affidavits due 10/15/97; Vaughn index due 11/5/97; limited discovery 11/12/97 - 11/26/97; motions due 11/19/97; response to motion due 12/3/97; reply to motion due 12/10/97 ; Attachments (2) (N) [see order for details] (dbw) (Entered: 09/18/1997)
10/03/1997	14	NOTICE OF FILING by federal defendant IRS of Declarations in support of Mandatory FOIA exemptions; Declarations (2). (ks) (Entered: 10/06/1997)
10/15/1997	15	MOTION filed by federal defendants to extend time to 10/17/97 to file a declaration concerning the documents withheld from plaintiff under mandatory Freedom of Information Act exemptions. (ks) (Entered: 10/16/1997)
10/17/1997	16	NOTICE OF FILING by federal defendants of Declaration of Sarah J. Donaldson, filed pursuant to Court's 9/17/97 scheduling Order; Declaration (1). (ks) (Entered: 10/20/1997)
10/23/1997	17	ORDER by Judge Colleen Kollar-Kotelly : granting, nunc pro tunc, motion to extend time to 10/17/97 to file a declaration concerning the documents withheld from plaintiff under mandatory Freedom of Information Act exemptions. [15-1] by US ATTY. FOR BALT/MD, IRS (N) (adc) (Entered: 10/23/1997)
10/24/1997	18	MOTION filed by federal defendant IRS for modification of scheduling order (adc) (Entered: 10/27/1997)
10/24/1997	19	RESPONSE by federal defendant IRS in opposition to plaintiff's emergency motion for enlargement of time; exhibits (A-B). (adc) Modified on 10/27/1997 (Entered: 10/27/1997)
10/24/1997	20	MOTION filed by plaintiff FRED W. ALLNUTT to extend time to 12/8/97 to conduct discovery on the IRS exhibits (3) (dcn) (Entered: 10/27/1997)
10/24/1997	22	MEMORANDUM by federal defendant IRS filing their VAUGHN INDEX in support of discretionary FOIA exemptions. (dam) (Entered: 10/29/1997)
10/28/1997	21	ORDER by Judge Colleen Kollar-Kotelly : denying motion to extend time to 12/8/97 to conduct discovery on the IRS [20-1] by FRED W. ALLNUTT (N) (adc) (Entered: 10/28/1997)
10/31/1997	23	MOTION filed by federal defendant IRS to quash subpoenas; exhibits (A-D). (adc) (Entered: 11/04/1997)
11/05/1997	24	MOTION filed by federal defendant US ATTY. FOR BALT/MD to extend time to 11/11/97 in which to file a vaughn index (adc) (Entered: 11/06/1997)

11/05/1997	25	ORDER by Judge Colleen Kollar-Kotelly : granting motion to quash subpoenas on the grounds that the subpoenas were not issued in accordance with FRCP 45(a)(2); exhibits (A-D). [23-1] by IRS (N) (adc) (Entered: 11/06/1997)
11/12/1997	26	ORDER by Judge Colleen Kollar-Kotelly : granting motion for modification of scheduling order [18-1] by IRS dispositive motions due 11/19/97 ; response to dispositive motions due 12/3/97 ; reply to dispositive motions due 12/10/97 (N) (adc) (Entered: 11/12/1997)
11/12/1997	27	NOTICE OF FILING by federal defendant US ATTY. FOR BALT/MD of Vaughn Index addressing documents (JMF) (Entered: 11/13/1997)
11/17/1997	28	RESPONSE by plaintiff FRED W. ALLNUTT in opposition to motion to extend time to 11/11/97 in which to file a vaughn index [24-1] by US ATTY. FOR BALT/MD . (lkn) (Entered: 11/18/1997)
11/17/1997	29	(SECOND)MOTION filed by plaintiff FRED W. ALLNUTT to extend time for filing discovery ; Exhibits (4). (lkn) (Entered: 11/18/1997)
11/17/1997	30	RESPONSE by federal defendant US ATTY. FOR BALT/MD to second motion to extend time for filing discovery [29-1] by FRED W. ALLNUTT (JMF) (Entered: 11/19/1997)
11/19/1997	31	MOTION (UNOPPOSED) filed by federal defendant US ATTY. FOR BALT/MD to modify scheduling order dated 09/17/97 (JMF) (Entered: 11/20/1997)
11/20/1997	32	ORDER by Judge Colleen Kollar-Kotelly : granting motion to modify scheduling order dated 09/17/97 [31-1] by US ATTY. FOR BALT/MD motion for summary judgment due 12/15/97 ; response to motion for summary judgment due 12/29/97; reply motion for summary judgment due 1/5/98 (N) (adc) (Entered: 11/21/1997)
11/24/1997	33	RESPONSE (OPPOSITIONS) by plaintiff FRED W. ALLNUTT to motion to modify scheduling order dated 09/17/97 [31-1] by US ATTY. FOR BALT/MD (bjsp) (Entered: 11/25/1997)
11/26/1997	34	RESPONSE by federal defendant IRS in opposition to motion to extend time for filing discovery [29-1] by FRED W. ALLNUTT . (JMF) (Entered: 12/01/1997)
12/03/1997	35	RESPONSE by plaintiff FRED W. ALLNUTT in opposition to defendant IRS's motion to require leave of court for issuance of subpoenas to plaintiff. (adc) (Entered: 12/04/1997)
12/08/1997	36	RESPONSE by federal defendant IRS, federal defendant US ATTY. FOR BALT/MD in opposition to motion to extend time for filing discovery [29-1] by FRED W. ALLNUTT . (lpp) (Entered: 12/09/1997)
12/09/1997	37	ORDER by Judge Colleen Kollar-Kotelly : denying motion to extend time for filing discovery [29-1] by FRED W. ALLNUTT (see order for details). (N) (adc) (Entered: 12/09/1997)
12/12/1997	38	REQUEST by plaintiff FRED W. ALLNUTT for hearing (ks) (Entered: 12/15/1997)
12/15/1997	40	NOTICE OF FILING by federal defendant IRS a supplemental declaration from Sarah J. Donaldson. (adc) (Entered: 12/17/1997)

12/16/1997	39	MOTION filed by federal defendant US ATTY. FOR BALT/MD for summary judgment (adc) (Entered: 12/17/1997)
12/31/1997	41	ORDER by Judge Colleen Kollar-Kotelly : that plaintiff must respond to defendant's previously filed moton no later than 2/2/98. If the plaintiff does not respond, the Court will treat the motion as conceded and dismiss the complaint. (N) (adc) (Entered: 12/31/1997)
12/31/1997	42	MEMORANDUM by plaintiff FRED W. ALLNUTT in opposition to motion for summary judgment [39-1] by US ATTY. FOR BALT/MD (dam) (Entered: 12/31/1997)
12/31/1997	43	RESPONSE by plaintiff FRED W. ALLNUTT in opposition to motion for summary judgment [39-1] by US ATTY. FOR BALT/MD.; exhibits (11) (dam) Modified on 12/31/1997 (Entered: 12/31/1997)
12/31/1997	44	MOTION filed by plaintiff FRED W. ALLNUTT for in camera inspection of withheld records (dam) Modified on 12/31/1997 (Entered: 12/31/1997)
12/31/1997	45	MOTION filed by plaintiff FRED W. ALLNUTT to strike Declarations of Sarah J. Donaldson & uncertified Vaughn Index (dam) (Entered: 12/31/1997)
01/09/1998	46	MOTION filed by federal defendant US ATTY. FOR BALT/MD to extend time to 1/23/98 within which to file a reply brief in support of the USAO's motion for summary judgment (adc) (Entered: 01/12/1998)
01/16/1998	47	RESPONSE by plaintiff FRED W. ALLNUTT in opposition to motion to extend time to 1/23/98 within which to file a reply brief in support of the USAO's motion for summary judgment [46-1] by US ATTY. FOR BALT/MD . (adc) (Entered: 01/20/1998)
01/22/1998	48	ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time to 1/23/98 within which the UNITED STATES ATTORNEY FOR DISTRICT OF MARYLAND to file a reply brief in support of the USAO's motion for summary judgment [46-1] by US ATTY. FOR BALT/MD (N) (adc) (Entered: 01/23/1998)
01/23/1998	49	RESPONSE by federal defendant IRS, federal defendant US ATTY. FOR BALT/MD in opposition to motion to strike Declarations of Sarah J. Donaldson & uncertified Vaughn Index [45-1] by FRED W. ALLNUTT; declaration (1) (tlh) Modified on 01/27/1998 (Entered: 01/27/1998)
01/23/1998	50	REPLY by federal defendant IRS, federal defendant US ATTY. FOR BALT/MD in support of their motion for summary judgment [39-1] by US ATTY. FOR BALT/MD (cjp) (Entered: 01/27/1998)
05/11/1998	51	SUPPLEMENTAL MEMORANDUM by plaintiff FRED W. ALLNUTT in opposition to motion for summary judgment [39-1] by US ATTY. FOR BALT/MD (tlh) (Entered: 05/12/1998)
05/11/1998	52	MOTION filed by plaintiff FRED W. ALLNUTT for request to set discovery schedules , and motion for sanctions ; exhibit (1) (tlh) (Entered: 05/12/1998)
08/17/1998	53	MOTION filed by plaintiff FRED W. ALLNUTT for ruling , or in the alternative for a hearing (tlh) (Entered: 08/18/1998)

08/17/1998	54	SUPPLEMENTAL by plaintiff FRED W. ALLNUTT in opposition to motions for summary judgment, request to set discovery schedules and motion for sanctions (tlh) (Entered: 08/19/1998)
09/08/1998	55	MEMORANDUM OPINION by Judge Colleen Kollar-Kotelly (N) (adc) (Entered: 09/09/1998)
09/08/1998	56	ORDER by Judge Colleen Kollar-Kotelly : denying as moot motion for ruling [53-1] by FRED W. ALLNUTT, denying motion for a hearing [53-2] by FRED W. ALLNUTT, denying motion for request to set discovery schedules [52-1] by FRED W. ALLNUTT, denying motion motion for sanctions [52-2] by FRED W. ALLNUTT, denying motion to strike Declarations of Sarah J. Donaldson & uncertified Vaughn Index [45-1] by FRED W. ALLNUTT, granting in part, denying in part motion for summary judgment [39-1]; judgment shall be entered in favor of defendants on the applicability of exemptions 3,5 and 7(C) (N) (adc) (Entered: 09/09/1998)
10/15/1998	57	RESPONSE by federal defendant IRS, federal defendant US ATTY. FOR BALT/MD to Courts 9/9/98 order [56-1]; exhibits (4) (tlh) (Entered: 10/16/1998)
02/05/1999	58	NOTICE OF CHANGE OF ADDRESS by FRED W. ALLNUTT representing plaintiff FRED W. ALLNUTT. New address: 10370 Baltimore National Pike, D-130, Suite 605, Ellicott City, Maryland 21042. (dam) (Entered: 02/08/1999)
02/29/2000	<a href="#">59</a>	MEMORANDUM OPINION by Judge Colleen Kollar-Kotelly (N) (dot) (Entered: 02/29/2000)
02/29/2000	<a href="#">60</a>	ORDER by Judge Colleen Kollar-Kotelly : granting defendants' motion for summary judgment in full. This case is dismissed. (N) (dot) (Entered: 02/29/2000)