

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:97-cv-00501-EGS**

PICCONE v. KANTOR, et al
Assigned to: Judge Emmet G. Sullivan
Demand: \$0
Lead case: [1:99-cv-00225-EGS](#)
Member case: ([View Member Case](#))
Cause: 05:552 Freedom of Information Act

Date Filed: 03/11/1997
Date Terminated: 03/23/1999
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff

LOUIS A. PICCONE

represented by **LOUIS A. PICCONE**
245 North Gannon Avenue
Staten Island, NY 10314
Fax: (718) 982-1103
PRO SE

V.

Defendant

MICKEY KANTOR
*Secretary of the United States
Department of Commerce*

represented by **Diane M. Sullivan**
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Defendant

BRUCE LEHMAN
*Assistant Secretary and
Commissioner of United States
Patent and Trademark Office,
Department of Commerce*

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Defendant

ALBIN DROST
*Deputy Solicitor and Freedom of
Information Act Officer, United States
Patent and Trademark Office*

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Defendant

DEPARTMENT OF COMMERCE

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Defendant

UNITED STATES OF AMERICA

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Date Filed	#	Docket Text
03/11/1997	1	COMPLAINT filed by plaintiff LOUIS A. PICCONE; exhibits (37); jury demand (tth) (Entered: 03/12/1997)
03/11/1997		SUMMONS (6) issued to federal party(s) federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST, federal defendant DOC, federal defendant USA, and non-party: U.S. Attorney General. (tth) (Entered: 03/12/1997)

03/11/1997	2	MOTION filed by plaintiff LOUIS A. PICCONE to Docket Case to Honorable Charles R. Richey as related to previously filed case (tth) (Entered: 03/12/1997)
04/23/1997	3	ATTORNEY APPEARANCE for federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST, federal defendant DOC, federal defendant USA by Fred E. Haynes (tw) (Entered: 04/24/1997)
04/23/1997	4	MOTION filed by federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST, federal defendant DOC, federal defendant USA to extend time to 05/12/97 to answer complaint [1-1] (tw) (Entered: 04/24/1997)
04/30/1997	5	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 05/12/97 to answer complaint [1-1] [4-1] by USA, DOC, ALBIN DROST, BRUCE LEHMAN, MICKEY KANTOR ; Answer extended to 5/12/97 for USA, for DOC, for ALBIN DROST, for BRUCE LEHMAN, for MICKEY KANTOR Initial Status Conference set for 9:30 5/13/97 . Meet Confer Statement due 5/12/97 . (N) (clv) (Entered: 04/30/1997)
05/12/1997	6	MOTION filed by federal defendants to extend time to 06/11/97 to answer complaint [1-1] (tw) Modified on 05/13/1997 (Entered: 05/13/1997)
05/12/1997	7	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff LOUIS A. PICCONE; (copy) (tw) Modified on 05/13/1997 (Entered: 05/13/1997)
05/13/1997		INITIAL STATUS CONFERENCE before Judge Emmet G. Sullivan : Joint status report to be filed with the court by 9/22/97 if case not settled by 9/15/97; Reporter: Frank Rangus (clv) (Entered: 05/13/1997)
05/20/1997	8	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 06/11/97 to answer complaint [1-1] [6-1] by federal defendantssss ; Answer extended to 6/11/97 for USA, for DOC, for ALBIN DROST, for BRUCE LEHMAN, for MICKEY KANTOR (N) (clv) (Entered: 05/21/1997)
06/10/1997	9	NOTICE OF FILING by federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST, federal defendant DOC, federal defendant USA of proposed order (tw) (Entered: 06/11/1997)
06/13/1997	10	ORDER by Judge Emmet G. Sullivan : staying case until 9/15/97 ; joint status report due by 9/27/97; response to ocmplaint due by 9/27/97; (N) (clv) (Entered: 06/13/1997)
09/29/1997	11	STATUS REPORT by federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST, federal defendant DOC, federal defendant USA pursuant to Court's order of June 13, 1997. (tw) (Entered: 09/30/1997)
09/29/1997	12	MOTION filed by federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST, federal defendant DOC, federal defendant USA to extend time to 10/17/97 to answer complaint [1-1] (tw) (Entered: 09/30/1997)

10/02/1997	13	ORDER by Judge Emmet G. Sullivan : directing that defendants response to plaintiff's complaint due on or prior to 10/17/97; (N) (clv) (Entered: 10/02/1997)
10/17/1997	14	MOTION filed by federal defendant to dismiss count I for failure to state a claim upon which a relief may be granted [1-1] ; exhibits (3) (tw) (Entered: 10/20/1997)
10/21/1997		Text not available. (Entered: 10/22/1997)
11/14/1997	16	MOTION filed by plaintiff LOUIS A. PICCONE to extend time to 12/17/97 to file a reply to defendants' motion to dismiss. (tw) (Entered: 11/18/1997)
11/18/1997	15	ORDER by Judge Emmet G. Sullivan : plaintiff's response to the motion to dismiss due by 11/30/97; (N) (clv) (Entered: 11/18/1997)
11/19/1997		ORDER BY Emmet G. Sullivan granting plaintiff's motion for extension of time to December 12, 1997 to file reply to defendant's motion to dismiss; (N) (clv) Modified on 11/21/1997 (Entered: 11/20/1997)
12/17/1997	17	REPLY by plaintiff LOUIS A. PICCONE to defendant's opposition to motion to dismiss count I for failure to state a claim upon which a relief may be granted [1-1] [14-1] by USA, DOC, ALBIN DROST , BRUCE LEHMAN, MICKEY KANTOR ; exhibits 2 (bjsp) (Entered: 12/18/1997)
12/18/1997	18	MOTION filed by plaintiff LOUIS A. PICCONE to amend complaint [1-1] by LOUIS A. PICCONE EXHIBIT amended complaint (bjsp) (Entered: 12/19/1997)
12/18/1997	19	REPLY by plaintiff LOUIS A. PICCONE to defendant's motion to dismiss count I for failure to state a claim upon which a relief may be granted [1-1] [14-1] by USA, DOC, ALBIN DROST , BRUCE LEHMAN, MICKEY KANTOR ; affidavits 1 ; attachment (bjsp) (Entered: 12/19/1997)
12/22/1997	20	MOTION filed by federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST , federal defendant DOC, federal defendant USA to extend time to 1/20/98 to reply to motion of plaintiff to amend the complaint and opposition to defendant's motion to dismiss (jaw) (Entered: 12/23/1997)
12/29/1997	21	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 1/20/98 to reply to motion of plaintiff to amend the complaint and opposition to defendant's motion to dismiss [20-1] by USA, DOC, ALBIN DROST , BRUCE LEHMAN, MICKEY KANTOR (N) (clv) (Entered: 12/29/1997)
01/20/1998	22	MOTION filed by federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST , federal defendant DOC, federal defendant USA to extend time to 1/21/98 to file a reply. (tw) (Entered: 01/21/1998)
01/21/1998	24	REPLY by federal defendant MICKEY KANTOR, federal defendant BRUCE LEHMAN, federal defendant ALBIN DROST , federal defendant DOC, federal defendant USA to plaintiff's opposition to defendants' motion to dismiss [14-1]. (tw) (Entered: 01/22/1998)

01/22/1998	23	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 1/21/98 to file a reply. [22-1] by USA, DOC, ALBIN DROST , BRUCE LEHMAN, MICKEY KANTOR (N) (clv) (Entered: 01/22/1998)
03/23/1999		ALL DOCKET ENTRIES AS OF THIS DATE WILL BE FOUND IN THE LEAD CASE. (clv) (Entered: 03/23/1999)
03/23/1999	25	ORDER by Judge Emmet G. Sullivan : denying motion to amend complaint [1-1] by LOUIS A. PICCONE [18-1] by LOUIS A. PICCONE in 1:97-cv-00501, denying motion to dismiss count I for failure to state a claim upon which a relief may be granted [1-1] [14-1] by USA, DOC, ALBIN DROST , BRUCE LEHMAN, MICKEY KANTOR in 1:97-cv-00501, denying motion to dismiss complaint [1-1] [20-1] by federal defendant, defendant, federal defendant in 1:98-cv-00889, denying motion for summary judgment [20-2] by federal defendant, defendant, federal defendant in 1:98-cv-00889, denying motion to dismiss complaint [1-1] [10-1] by federal defendant in 1:98-cv-00889, denying motion for summary judgment [10-2] by federal defendant in 1:98-cv-00889 denying motion for leave to file amended complaint [30-1] by LOUIS A. PICCONE in 1:98-cv-00889, denying motion to consolidate this case with civil ation number 97cv501 and 99cv225. [29-1] by LOUIS A. PICCONE in 1:98-cv-00889, denying motion to extend time to in which to file his reply to the defendants' December 28, 1999 motion to dismiss. [28-1] by LOUIS A. PICCONE in 1:98-cv-00889, denying motion to extend time in which to fiel his reply to the defendants' Motion to Dismiss [22-1] by HARRY I. MOATZ in 1:98-cv-00889, denying motion for leave to file amended complaint [15-1] by LOUIS A. PICCONE in 1:98-cv-00889; plaintiff's motion to consolidate is granted; the cases are consolidated and shall proceed under CA 99-225; CA 97-501 and CA 98-889 are dismissed; allegations in CA 97-501 shall be set forth in Couont 1 of an amended complaint is CA 99-225, allegaions in CA 98-889 shall be set forth in Count II in CA 99-225; allegations in CA 99-225 shall be set forth in Count III of the amended complaint in CA 99-225 by 4/22/99; dispositive motions due by 5/22/99; responses due by 6/14/99; replies due by 6/21/99; (N) (clv) (Entered: 03/23/1999)
05/24/1999		MOTION filed by federal defendant in 1:99-cv-00225 to dismiss complaint [1-1] , or, in the alternative for summary judgment on the ground that there is no genuine issue as to material fact, and defendants are entitled to judgment as a matter of law ; attachments (7) (tw) (Entered: 05/25/1999)
06/11/1999	26	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 3/24/99 (st) (Entered: 06/14/1999)
06/11/1999	27	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 3/24/99 (st) (Entered: 06/14/1999)
06/11/1999	28	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/3/97 upon federal defendant DOC in 1:97-cv-00501 (st) (Entered: 06/14/1999)
06/11/1999	29	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/3/97 upon federal defendant ALBIN DROST in 1:97-cv-00501 (st) (Entered: 06/14/1999)

06/11/1999	30	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/3/97 upon federal defendant MICKEY KANTOR in 1:97-cv-00501 (st) (Entered: 06/14/1999)
06/11/1999		WAIVER OF SERVICE returned executed by federal defendant BRUCE LEHMAN in 1:99-cv-00225 . Date waiver signed: 3/8/99 (st) (Entered: 06/14/1999)
06/11/1999		WAIVER OF SERVICE returned executed by federal defendant HARRY I. MOATZ in 1:99-cv-00225 . Date waiver signed: 2/23/99 (st) (Entered: 06/14/1999)
06/11/1999	31	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 3/24/97 upon federal defendant BRUCE LEHMAN in 1:97-cv-00501 (tw) (Entered: 06/14/1999)
06/17/1999		MOTION (final) filed by plaintiff LOUIS A. PICCONE in 1:99-cv-00225 to extend time to 6/24/99 in which to reply to the defendants' May 24, 1999 motion to dismiss ; EXHIBIT (opposition) (tw) Modified on 06/22/1999 (Entered: 06/22/1999)
06/17/1999		RESPONSE by plaintiff LOUIS A. PICCONE in 1:99-cv-00225 in opposition to motion to dismiss [1-1] [3-1],[3-2]; exhibits (volumes 1-9); attachments (4 from U.S. Department of Commerce) (tw) Modified on 06/23/1999 (Entered: 06/22/1999)
06/17/1999		EXHIBITS of plaintiff LOUIS A. PICCONE in 1:98-cv-00889 to amended complaint (2 volumes filed; volumes 4 and 5) (tw) (Entered: 06/23/1999)
06/22/1999		MOTION filed by federal defendants' in 1:99-cv-00225, to extend time to file their reply to plaintiff's opposition (bjsp) (Entered: 06/23/1999)
06/25/1999		MOTION filed by plaintiff LOUIS A. PICCONE in 1:98-cv-00889 to extend time to five days to file reply to motion to dismiss (st) (Entered: 06/28/1999)
06/29/1999		ADMINISTRATIVE RECORD by plaintiff LOUIS A. PICCONE in 1:99-cv-00225; (4 volumes) (tw) (Entered: 06/30/1999)
06/29/1999		MEMORANDUM by plaintiff LOUIS A. PICCONE in 1:99-cv-00225 to the Court RE: defendant's personal liability and avoid sanctions (bjsp) (Entered: 06/30/1999)
06/30/1999		ORDER by Judge Emmet G. Sullivan: granting motion for enlargement of time until 6/29/99 for plaintiff to respond to defendants' motion to dismiss (N) (jwd) (Entered: 07/01/1999)
07/26/1999		MOTION filed by plaintiff LOUIS A. PICCONE in 1:99-cv-00225 for entry of default as to HARRY I. MOATZ in 1:99-cv-00225, BRUCE LEHMAN in 1:99-cv-00225 , and for default judgment against HARRY I. MOATZ in 1:99-cv-00225, BRUCE LEHMAN in 1:99-cv-00225 ; attachments (3) (tw) (Entered: 07/28/1999)
07/30/1999		RESPONSE by federal defendant in 1:99-cv-00225, defendant in 1:99-cv-00225, federal defendant in 1:99-cv-00225 in opposition to motion for entry of default as to HARRY I. MOATZ in 1:99-cv-00225, BRUCE LEHMAN in 1:99-cv-00225 [18-1] by LOUIS A. PICCONE . (st) (Entered: 08/02/1999)

08/02/1999	MOTION filed by plaintiff LOUIS A. PICCONE in 1:99-cv-00225 for summary judgment with regard to defendants personal liability and claims IX b and XB for declaratory relief ; attachment (1) (tw) (Entered: 08/04/1999)
08/11/1999	RESPONSE by federal defendant in 1:99-cv-00225, defendant in 1:99-cv-00225, federal defendant in 1:99-cv-00225 to motion for summary judgment with regard to defendants personal liability and claims IX b and XB for declaratory relief [20-1] by LOUIS A. PICCONE (clv) (Entered: 08/12/1999)
09/08/1999	MOTION filed by plaintiff LOUIS A. PICCONE in 1:98-cv-00889 to disqualify the United States Attorney's Office from jointly representing the United States and the individual defendants (tth) (Entered: 09/09/1999)
09/13/1999	MOTION filed by plaintiff in 1:99-cv-00225, federal defendant in 1:99-cv-00225 to extend time to respond to plaintiff's motion to disqualify the United States Attorney's Office from Jointly Representing the United States and the Individual defendants. (tw) (Entered: 09/15/1999)
09/27/1999	RESPONSE by federal defendants in 1:99-cv-00225 and in 1:98-cv-00889 in opposition to motion to disqualify the United States Attorney's Office from jointly representing the United States and the individual defendants [41-1] in 1:98-cv-00889. (tw) (Entered: 09/28/1999)
12/13/1999	MOTION filed by defendants HARRY I. MOATZ , KAREN BOVARD, CAMERON K. WEIFFENBACH, STEVEN MORRISON, USA for protective order , or in the alternative to extend time ; Exhibit (1). (ks) (Entered: 12/16/1999)
12/27/1999	MOTION filed by plaintiff in 1:99-cv-00225 to extend time to 1/10/2000 to file an oppositon to defendants' 12/13/99 motion for a protective order (bjsp) (Entered: 12/28/1999)
01/21/2000	MOTION (COPY) filed by plaintiff LOUIS A. PICCONE in 1:99-cv-00225 to extend time to file opposition to the defendants' 12/13/99 motion for protective order (cjp) (Entered: 01/24/2000)
02/07/2000	MOTION (CONSENT) filed by federal defendants and defendants in 1:99-cv-00225 to extend time to 2/14/00 to file their reply to plaintiff's opposition to defendants' motion for a protective order ; exhibit (1) (cjp) Modified on 02/08/2000 (Entered: 02/08/2000)
02/11/2000	RESPONSE (COPY) by plaintiff LOUIS A. PICCONE in 1:99-cv-00225 in opposition to motion for protective order [27-1] by USA, STEVEN MORRISON, CAMERON K. WEIFFENBACH, KAREN BOVARD, HARRY I. MOATZ (fiat) SULLIVAN, J. (cjp) (Entered: 02/14/2000)

02/23/2000	<p>MOTION HEARING before Judge Emmet G. Sullivan taken under advisement by USA, STEVEN MORRISON, CAMERON K. WEIFFENBACH, KAREN BOVARD, HARRY I. MOATZ motion for protective order [27-1] in 1:99-cv-00225, taken under advisement by USA, STEVEN MORRISON, CAMERON K. WEIFFENBACH, KAREN BOVARD, HARRY I. MOATZ motion to extend time [27-2] in 1:99-cv-00225, taken under advisement by LOUIS A. PICCONE motion for summary judgment with regard to defendants personal liability and claims IX b and XB for declaratory relief [20-1] in 1:99-cv-00225, taken under advisement by LOUIS A. PICCONE motion for entry of default as to HARRY I. MOATZ in 1:99-cv-00225, BRUCE LEHMAN in 1:99-cv-00225 [18-1] in 1:99-cv-00225, taken under advisement by LOUIS A. PICCONE motion for default judgment against HARRY I. MOATZ in 1:99-cv-00225, BRUCE LEHMAN in 1:99-cv-00225 [18-2] in 1:99-cv-00225, taken under advisement by federal defendantssssssssssssssssss motion to dismiss complaint [1-1] [3-1] in 1:99-cv-00225, taken under advisement by federal defendantssssssssssssssssss motion for summary judgment on the ground that there is no genuine issue as to material fact, and defendants are entitled to judgment as a matter of law [3-2] in 1:99-cv-00225 Reporter: Frank Rangus (clv) (Entered: 02/23/2000)</p>
03/03/2000	<p>TRANSCRIPT filed of motions hearing for date(s) of 2/23/00. Reporter: Frank J. Rangus (cjp) (Entered: 03/06/2000)</p>
04/04/2000	<p>MOTION filed by federal defendant in 1:99-cv-00225 for reconsideration of Court's 3/22/00 order [37-1] (cjp) (Entered: 04/05/2000)</p>
04/18/2000	<p>RESPONSE by plaintiff LOUIS A. PICCONE in 1:98-cv-00889 in opposition to defendants' motion for reconsideration of Court's 3/22/00 order [37-1] [38-1] by federal defendants in 1:99-cv-00225. (tw) (Entered: 04/19/2000)</p>
04/27/2000	<p>REPLY by defendants in 1:99-cv-00225 to plaintiff's opposition to defendants' motion for reconsideration [37-1] [38-1]. (tw) (Entered: 04/28/2000)</p>
11/21/2000	<p>RECEIPT and acknowledgment of transfer documents by USDC for Alexandria, Virginia at 401 Courthouse Square on 11/17/00. Other Court Case No.:00-cv-1920-A . (td) (Entered: 11/24/2000)</p>
11/28/2000	<p>RECEIPT and acknowledgment of transfer documents by USDC for Eastern Virginia at Alexandria, VA on (not given on green card). Other Court Case No.: . (td) (Entered: 12/08/2000)</p>