

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:94-cv-01598-JR**

COTTONE v. FBI
Assigned to: Judge James Robertson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 07/22/1994
Date Terminated: 07/22/1998
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

SALVATORE COTTONE

represented by **SALVATORE COTTONE**
R23593-083
ALLENWOOD UNITED STATES
PENITENTIARY
High Security
P.O. Box 3500
White Deer, PA 17887
PRO SE

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V.

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **David T. Smorodin**
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| Date Filed | # | Docket Text |
|------------|----|---|
| 07/22/1994 | 1 | COMPLAINT filed by plaintiff SALVATORE COTTONE (mlp) (Entered: 08/02/1994) |
| 07/22/1994 | | SUMMONS issued to federal party(s) defendant FBI , and non-parties: U.S. Attorney and U.S. Attorney General. (mlp) (Entered: 08/02/1994) |
| 07/22/1994 | 2 | APPLICATION by plaintiff(s) SALVATORE COTTONE to proceed in forma pauperis (mlp) (Entered: 08/02/1994) |
| 07/22/1994 | | ORDER by Judge John H. Pratt granting motion to proceed in forma pauperis [2-1] by SALVATORE COTTONE (fiat) (N) (mlp) (Entered: 08/02/1994) |
| 07/27/1994 | 3 | RETURN OF SERVICE/AFFIDAVIT executed on 7/26/94 upon defendant FBI . (mlp) (Entered: 08/02/1994) |
| 07/27/1994 | 4 | RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney on 7/26/94 (mlp) (Entered: 08/02/1994) |
| 07/27/1994 | 5 | RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney General on 7/26/94 (mlp) (Entered: 08/02/1994) |
| 08/25/1994 | 6 | ANSWER TO COMPLAINT [1-1] by defendant FBI . (dot) (Entered: 08/31/1994) |
| 10/14/1994 | 7 | REPLY by plaintiff(s) SALVATORE COTTONE to defendant's answer to the complaint[6-1] by FBI . (adc) (Entered: 10/18/1994) |
| 10/14/1994 | 9 | MOTION filed by plaintiff SALVATORE COTTONE to amend the caption of the case to indicate Janet Reno, Attorney General of the United States as proper defendant (mlp) (Entered: 11/30/1994) |
| 11/17/1994 | 8 | REASSIGNMENT OF CIVIL CASE from Judge Lamberth to Judge James Robertson by direction of the Calendar Committee. Emergency matters will continue to be handled by Judge Lamberth until Judge Robertson takes the oath of office. (N) (mlp) (Entered: 11/17/1994) |
| 11/30/1994 | 10 | ORDER by Judge Royce C. Lamberth : granting motion to amend the caption of the case to indicate Janet Reno, Attorney General of the United States as proper defendant [9-1] by SALVATORE COTTON. (N) (fle) (Entered: 11/30/1994) |
| 12/21/1994 | 11 | MOTION filed by defendant FBI to extend time to 1/5/94 within which to file its dispositive motion (dot) (Entered: 12/22/1994) |
| 12/29/1994 | 12 | ORDER by Judge James Robertson : granting motion to extend time to 1/5/94 within which to file its dispositive motion [11-1] by FBI dispositive motions due by 1/5/95 ; (N) (fle) (Entered: 12/29/1994) |

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| 01/05/1995 | 13 | MOTION filed by defendant FBI to extend time to 1/18/95 to file a motion for stay of proceedings (ja) Modified on 01/09/1995 (Entered: 01/09/1995) |
| 01/17/1995 | 14 | NOTICE OF CHANGE OF ADDRESS by SALVATORE COTTONE New address: Reg. No. 23593-083 FCI Allenwood, Box 2000, White Deer, Pa 17887 . (lpp) (Entered: 01/19/1995) |
| 01/18/1995 | 15 | MOTION filed by defendant FBI to stay proceedings until 7/1/95, . Appearance entered by attorney Keith V. Morgan Declaration: (1) (lpp) (Entered: 01/20/1995) |
| 02/14/1995 | 16 | ORDER by Judge James Robertson : granting motion to extend time to 1/18/95 to file a motion for stay of proceedings [13-1] by FBI (signed nunc pro tunc to 1/18/95 (N) (jeb) (Entered: 02/14/1995) |
| 03/10/1995 | 17 | NOTICE OF CHANGE OF ADDRESS by SALVATORE COTTONE representing plaintiff SALVATORE COTTONE . New address: F.C.I. Allenwood, P.O. Box 2000, White Deer PA 17887. (ted) (Entered: 03/13/1995) |
| 06/29/1995 | 18 | MOTION filed by defendant FBI to extend time to 7/14/95 to file a status report and/or a renewed motion for stay (ted) (Entered: 06/30/1995) |
| 06/30/1995 | 19 | ORDER by Judge James Robertson : granting motion to extend time to 7/14/95 to file a status report and/or a renewed motion for stay [18-1] by FBI (N) (jeb) (Entered: 06/30/1995) |
| 07/14/1995 | 20 | MOTION (RENEWED) filed by defendant FBI to stay case ; attachments (1). (JMF) (Entered: 07/18/1995) |
| 08/04/1995 | 21 | ORDER by Judge James Robertson : granting motion to stay case [20-1] by FBI until 8/31/96 (N) (jeb) (Entered: 08/04/1995) |
| 08/18/1995 | 22 | MOTION filed by plaintiff SALVATORE COTTONE for bail under denial of due process (JMF) (Entered: 08/31/1995) |
| 08/28/1995 | 23 | RESPONSE by defendant FBI in opposition to motion for bail under denial of due process [22-1] by SALVATORE COTTONE . (JMF) (Entered: 08/31/1995) |
| 09/01/1995 | 24 | ORDER by Judge James Robertson : denying motion for bail under denial of due process [22-1] by SALVATORE COTTONE (N) (jeb) (Entered: 09/05/1995) |
| 09/14/1995 | 25 | REPLY by plaintiff SALVATORE COTTONE to government's answer on plaintiff's motion for bail [23-1]. (JMF) (Entered: 09/15/1995) |
| 10/12/1995 | 26 | MOTION filed by plaintiff SALVATORE COTTONE for sanctions for contempt for failure to comply (JMF) (Entered: 10/17/1995) |
| 12/14/1995 | 27 | LETTER to Drema A. Hanshaw; In re: appeal from Salvatore Cottone; (fiat) ROBERTSON, J. (JMF) Modified on 01/03/1996 (Entered: 01/02/1996) |
| 06/20/1996 | 28 | MOTION filed by plaintiff SALVATORE COTTONE to compel to impose sanctions upon defendant for failing to comply with August 04, 1995 order advising defendant of said requested documents (JMF) (Entered: 06/24/1996) |
| 09/13/1996 | 29 | MOTION filed by plaintiff SALVATORE COTTONE to compel to revisit decision of August 04, 1995 (JMF) Modified on 07/30/1998 (Entered: 09/17/1996) |
| 09/20/1996 | 30 | ORDER by Judge James Robertson : denying motion to compel to impose sanctions upon defendant for failing to comply with August 04, 1995 order advising defendant of said requested documents [28-1] by SALVATORE COTTONE, denying motion to compel to revisit decision of August 04, 1995 [29-1] by SALVATORE COTTONE; directing within 30 days, defendant FBI to file a report setting forth the status of its compliance with plaintiff's FOIA request, together with any dispositive motion. (N) (jeb) Modified on 10/02/1996 (Entered: 09/20/1996) |
| 10/17/1996 | 31 | MOTION filed by plaintiff SALVATORE COTTONE for reconsideration of FOIA material (JMF) (Entered: 10/18/1996) |
| 10/21/1996 | 32 | SUBSTITUTION OF COUNSEL for defendant FBI , substituting June Marie Jeffries for Suzanne C. Nyland (st) (Entered: 10/22/1996) |

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| 10/21/1996 | 33 | MOTION filed by defendant FBI to extend time to 10/25/96 to respond to Court's Order 9/20/96 (st) (Entered: 10/22/1996) |
| 10/25/1996 | 34 | ORDER by Judge James Robertson : granting motion to extend time to 10/25/96 to respond to Court's Order 9/20/96 [33-1] by FBI (N) (jeb) (Entered: 10/25/1996) |
| 10/25/1996 | 35 | STATUS REPORT by defendant FBI (st) (Entered: 10/28/1996) |
| 11/19/1996 | 36 | MEMORANDUM OPINION by Judge James Robertson (N) (jeb) (Entered: 11/19/1996) |
| 11/19/1996 | 37 | ORDER by Judge James Robertson: appointing counsel from the Court's Pro Bono Panel to represent plaintiff pursuant to Local Rule 702.1; directing the defendant FBI to file a status report within 30 days. (N) (jeb) (Entered: 11/19/1996) |
| 11/26/1996 | 38 | NOTICE by defendant FBI re mailing of defendant's status report to Salvatore Cottone at the following address; 3A-R# 23593-083 FCI- Allenwood P.O. Box 2000 White Deer, PA 17887 (st) (Entered: 11/29/1996) |
| 11/26/1996 | 39 | STATUS REPORT (SECOND) by defendant FBI (st) (Entered: 11/29/1996) |
| 12/05/1996 | 40 | MOTION filed by plaintiff SALVATORE COTTONE to extend time in which he is to pay any additional fee for the release of FOIA materials until his "status-quo" is completely resolved. (adc) (Entered: 12/06/1996) |
| 12/19/1996 | 41 | MOTION filed by defendant FBI to dismiss complaint [1-1] (st) (Entered: 12/20/1996) |
| 01/23/1997 | 42 | ORDER by Judge James Robertson : staying motion to dismiss complaint [1-1] [41-1] pending the appearance of newly appointed counsel. (N) (jeb) (Entered: 01/23/1997) |
| 01/28/1997 | 43 | MOTION filed by defendant FBI to extend time to 1/29/97 to respond to the Court's Order of November 19, 1997 ; exhibits (6) (JMF) (Entered: 01/29/1997) |
| 01/29/1997 | 44 | ORDER by Judge James Robertson : granting motion to extend time to 1/29/97 to respond to the Court's Order of November 19, 1997 [43-1] by FBI (N) (jeb) (Entered: 01/29/1997) |
| 01/29/1997 | 45 | RESPONSE by defendant FBI to order appointing counsel from the Court's Pro Bono Panel to represent plaintiff pursuant to Local Rule 702.1; directing the defendant FBI to file a status report within 30 days. [37-1], order [37-2] (JMF) (Entered: 01/30/1997) |
| 01/29/1997 | 46 | LETTER to the Court by plaintiff SALVATORE COTTONE; (fiat) JUDGE JAMES ROBERTSON (JMF) (Entered: 01/31/1997) |
| 02/12/1997 | 47 | RESPONSE by plaintiff SALVATORE COTTONE in opposition to motion to dismiss complaint [1-1] [41-1] by FBI . (JMF) (Entered: 02/13/1997) |
| 02/20/1997 | 48 | MOTION filed by federal defendant FBI to extend time to 5/20/97 to respond to plaintiffs' opposition to defendant's motion to dismiss (JMF) (Entered: 02/21/1997) |
| 02/21/1997 | 49 | RESPONSE by plaintiff SALVATORE COTTONE in opposition to motion to extend time to 5/20/97 to respond to plaintiffs' opposition to defendant's motion to dismiss [48-1] by FBI . (JMF) (Entered: 02/24/1997) |
| 02/25/1997 | 50 | ORDER by Judge James Robertson: directing the Clerk of the Court to provide to copy of defendant's response to the Court's order of 11/19/96 to appointed counsel for the plaintiff; denying motion to extend time to 5/20/97 to respond to plaintiffs' opposition to defendant's motion to dismiss [48-1] by FBI; plaintiff to file any supplemental memorandum due 03/10/97; defendant to file any reply due 3/20/97. (N) (jeb) (Entered: 02/25/1997) |
| 03/10/1997 | 51 | SUPPLEMENTAL MEMORANDUM by plaintiff SALVATORE COTTONE to Court's order dated 02/25/97 [50-1] (JMF) (Entered: 03/11/1997) |
| 03/12/1997 | 52 | ORDER by Judge James Robertson: directing defendant to file a response to plaintiff's supplemental memorandum by 3/19/97 (N) (jeb) (Entered: 03/12/1997) |

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| 03/19/1997 | 53 | RESPONSE by federal defendant FBI to supplemental memorandum pursuant to Court's order of March 12, 1997 [51-1] by SALVATORE COTTONE (JMF) (Entered: 03/20/1997) |
| 03/21/1997 | 54 | REPLY MEMORANDUM by plaintiff SALVATORE COTTONE (JMF) (Entered: 03/24/1997) |
| 03/26/1997 | 55 | ORDER by Judge James Robertson: directing the FBI prepare a Vaughn statement for the withheld Title III conversations and file it by 4/25/97; directing plaintiff to file response to Vaughn index within 30 days after the filing of the Vaughn index; directing that the FBI shall have 15 days following the filing of any memorandum by plaintiff within which to reply; directing that the FBI proceed with the release of the two consensually monitored tapes referred to in its response dated 3/19/97; holding in abeyance the FBI's motion to dismiss pending the receipt of the Vaughn statement and memoranda. (N) (jeb) (Entered: 03/26/1997) |
| 04/25/1997 | 56 | RESPONSE by federal defendant FBI to Court's order dated March 26, 1997 [55-2]; declarations (1) (JMF) (Entered: 04/28/1997) |
| 05/23/1997 | 57 | MEMORANDUM by plaintiff SALVATORE COTTONE; exhibits (24) (JMF) (Entered: 05/27/1997) |
| 06/10/1997 | 58 | REPLY by federal defendant FBI to memorandum submitted by plaintiff pursuant to Court's order dated March 26, 1997 [57-1] by SALVATORE COTTONE . (JMF) (Entered: 06/11/1997) |
| 06/13/1997 | 59 | REPLY MEMORANDUM by plaintiff SALVATORE COTTONE (JMF) (Entered: 06/16/1997) |
| 02/04/1998 | 60 | MOTION filed by plaintiff SALVATORE COTTONE for summary judgment (JMF) (Entered: 02/05/1998) |
| 02/18/1998 | 61 | CROSS MOTIONS by federal defendant FBI for summary judgment ; exhibits (1) (JMF) (Entered: 02/19/1998) |
| 03/02/1998 | 62 | MOTION filed by plaintiff SALVATORE COTTONE to extend time to 3/4/98 to file an opposition to cross motion for summary judgment (JMF) (Entered: 03/04/1998) |
| 03/04/1998 | 63 | ORDER by Judge James Robertson : denying motion to dismiss complaint [1-1] [41-1] by FBI; denying motion for reconsideration of FOIA material [31-1] by SALVATORE COTTONE (N) (jeb) (Entered: 03/04/1998) |
| 03/04/1998 | 64 | ORDER by Judge James Robertson : granting motion to extend time to 04/06/98 to file a reply and an opposition to FBI's motion for summary judgment [62-1] by SALVATORE COTTONE (N) (jeb) (Entered: 03/04/1998) |
| 04/06/1998 | 65 | RESPONSE by plaintiff SALVATORE COTTONE to cross motion for summary judgment [61-1] by FBI (JMF) (Entered: 04/07/1998) |
| 04/06/1998 | 66 | MOTION filed by plaintiff SALVATORE COTTONE for Vaughn Index (JMF) (Entered: 04/07/1998) |
| 04/06/1998 | 67 | MOTION filed by plaintiff SALVATORE COTTONE for leave to file amended complaint ; EXHIBIT (amended complaint) (JMF) Modified on 04/07/1998 (Entered: 04/07/1998) |
| 04/06/1998 | 68 | MEMORANDUM by plaintiff SALVATORE COTTONE in opposition to cross motion for summary judgment [61-1] by FBI; exhibits (2) (JMF) (Entered: 04/07/1998) |
| 04/20/1998 | 69 | MOTION filed by federal defendant FBI to extend time to 4/24/98 to respond to plaintiff's motion for a Vaughn index and plaintiff's opposition to FBI's cross motion for summary judgment (lkn) (Entered: 04/21/1998) |
| 04/24/1998 | 70 | ORDER by Judge James Robertson : granting motion to extend time to 4/24/98 to respond to plaintiff's motion for a Vaughn index and plaintiff's opposition to FBI's cross motion for summary judgment [69-1] by FBI (N) (gew) (Entered: 04/24/1998) |
| 04/24/1998 | 71 | MOTION filed by federal defendant FBI to extend time to 4/27/98 to respond to plaintiff's motion for a vaughn index and plaintiff's opposition to FBI's cross motion |

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| | | for summary judgment (JMF) (Entered: 04/27/1998) |
| 04/27/1998 | 72 | ORDER by Judge James Robertson : granting motion to extend time to 4/27/98 to respond to plaintiff's motion for a vaughn index and plaintiff's opposition to FBI's cross motion for summary judgment [71-1] by FBI (N) (bm) (Entered: 04/27/1998) |
| 04/27/1998 | 73 | RESPONSE by federal defendant FBI in opposition to motion for Vaughn Index [66-1] by SALVATORE COTTONE . (JMF) (Entered: 04/28/1998) |
| 04/27/1998 | 74 | REPLY by federal defendant FBI to plaintiff's opposition to cross motion for summary judgment [61-1] by FBI (JMF) (Entered: 04/28/1998) |
| 05/18/1998 | 75 | (ENTERED IN ERROR) NOTICE OF FILING by federal defendant FBI of admissions by defendant; Attachments. (lkn) Modified on 06/09/1998 (Entered: 05/19/1998) |
| 05/18/1998 | 76 | NOTICE OF FILING by plaintiff SALVATORE COTTONE of admissions by defendant (JMF) (Entered: 06/09/1998) |
| 06/09/1998 | 77 | SUBSTITUTION OF COUNSEL for federal defendant FBI , substituting David T. Smorodin for attorney Stephen R. Martin III (JMF) (Entered: 06/10/1998) |
| 06/12/1998 | 78 | MEMORANDUM by plaintiff SALVATORE COTTONE of oral argument (JMF) (Entered: 06/15/1998) |
| 07/22/1998 | 79 | MEMORANDUM OPINION by Judge James Robertson (N) (jeb) (Entered: 07/22/1998) |
| 07/22/1998 | 80 | ORDER by Judge James Robertson : granting cross motion for summary judgment [61-1] by FBI; denying motion for summary judgment [60-1] by SALVATORE COTTONE dismissing complaint [1-1] (N) (jeb) (Entered: 07/22/1998) |
| 07/30/1998 | 81 | MOTION filed by plaintiff SALVATORE COTTONE for reconsideration of order dismissing complaint [1-1] [80-1], order [80-2] , and for new trial (lkn) (Entered: 07/31/1998) |
| 07/30/1998 | 82 | SUPPLEMENTAL MEMORANDUM by plaintiff SALVATORE COTTONE to motion for reconsideration of order dismissing complaint [1-1] [80-1], order [80-2] [81-1] by SALVATORE COTTONE (lkn) (Entered: 07/31/1998) |
| 08/04/1998 | 83 | MOTION (SECOND) filed by plaintiff SALVATORE COTTONE for summary judgment (JMF) (Entered: 08/05/1998) |
| 08/10/1998 | 84 | MOTION filed by federal defendant FBI to extend time in which to oppose plaintiff's motion for reconsideration and new trial and plaintiff's second motion for summary judgment. (tw) (Entered: 08/11/1998) |
| 08/12/1998 | 85 | ORDER by Judge Ricardo M. Urbina for Judge James Robertson : granting motion to extend time in which to oppose plaintiff's motion for reconsideration and new trial and plaintiff's second motion for summary judgment [84-1] by FBI; response due by 8/26/98. (N) (mlp) (Entered: 08/12/1998) |
| 08/26/1998 | 86 | MOTION filed by federal defendant FBI to extend time to in which to oppose plaintiff's motion for reconsideration and new trial and plaintiff's second motion for summary judgment. (tw) (Entered: 08/27/1998) |
| 08/28/1998 | 87 | ORDER by Judge James Robertson : granting motion to extend time to in which to oppose plaintiff's motion for reconsideration and new trial and plaintiff's second motion for summary judgment. [86-1] by FBI extending time to 8/28/98 for the filing of the response. (N) (jeb) (Entered: 08/28/1998) |
| 08/28/1998 | 88 | MOTION filed by federal defendant FBI to extend time to 9/4/98 to oppose plaintiff's motion for reconsideration and new trial and plaintiff's second motion for summary judgment (JMF) (Entered: 08/31/1998) |
| 09/01/1998 | 89 | ORDER by Judge James Robertson : granting motion to extend time to 9/4/98 to oppose plaintiff's motion for reconsideration and new trial and plaintiff's second motion for summary judgment [88-1] by FBI; directing that no further extensions will be granted. (N) (jeb) (Entered: 09/01/1998) |

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| 09/04/1998 | 90 | MEMORANDUM by federal defendant FBI in opposition to motion for summary judgment [83-1] by SALVATORE COTTONE, motion for reconsideration of order dismissing complaint [1-1] [80-1], order [80-2] [81-1] by SALVATORE COTTONE (lkn) (Entered: 09/08/1998) |
| 09/09/1998 | 91 | REPLY by plaintiff SALVATORE COTTONE in support of motion for reconsideration of order dismissing complaint [1-1] [80-1],[80-2] [81-1] (JMF) (Entered: 09/10/1998) |
| 10/07/1998 | 92 | MEMORANDUM OPINION by Judge James Robertson (N) (jeb) (Entered: 10/07/1998) |
| 10/07/1998 | 93 | ORDER by Judge James Robertson : denying motion for summary judgment [83-1] by SALVATORE COTTONE; denying motion for reconsideration of order dismissing complaint [1-1] [80-1], order [80-2] [81-1] by SALVATORE COTTONE; denying motion for new trial [81-2] by SALVATORE COTTONE (N) (jeb) (Entered: 10/07/1998) |
| 10/19/1998 | 94 | NOTICE OF APPEAL by plaintiff SALVATORE COTTONE from order [93-1] entered on 10/07/98, order dismissing complaint [1-1] [80-1] , entered on 07/22/98; fee not paid, IFP. Copies mailed to counsel. (lkn) (Entered: 10/19/1998) |
| 10/19/1998 | | TRANSMITTED PRELIMINARY RECORD on appeal [94-1] by SALVATORE COTTONE to U.S. Court of Appeals (lkn) (Entered: 10/19/1998) |
| 10/23/1998 | | USCA # 98-5497 assigned for appeal [94-1] by SALVATORE COTTONE (JMF) (Entered: 10/26/1998) |
| 12/14/1998 | | USDC appeal fee of \$5.00 and USCA docketing fee of \$100.00 received, for appeal [94-1] by SALVATORE COTTONE , by plaintiff SALVATORE COTTONE . USCA notified. (jf) (Entered: 01/27/1999) |
| 12/30/1998 | | USCA # 98-5497 assigned for appeal [94-1] by SALVATORE COTTONE (jf) (Entered: 12/30/1998) |
| 01/27/1999 | | TRANSMITTED PRELIMINARY RECORD on appeal [94-1] by SALVATORE COTTONE to U.S. Court of Appeals (jf) (Entered: 01/27/1999) |
| 01/28/1999 | | USDC appeal fee of \$5.00 and USCA docketing fee of \$100.00 received, for appeal [94-1] by SALVATORE COTTONE , by plaintiff SALVATORE COTTONE . USCA notified. (lkn) (Entered: 01/29/1999) |
| 12/22/1999 | 95 | CERTIFIED COPY of judgment filed in USCA dated 10/26/99, on appeal [94-1] , remanding for further proceedings. OPINION USCA 98-5497 (cjp) (Entered: 12/23/1999) |
| 12/23/1999 | 96 | MOTION filed by plaintiff SALVATORE COTTONE for summary judgment after remand from the Court of appeals ; exhibits (10) (bjsp) (Entered: 12/27/1999) |
| 01/07/2000 | 97 | MOTION filed by federal defendant FBI to extend time to 2/14/00 to oppose plaintiff's motion for summary judgment (bjsp) (Entered: 01/10/2000) |
| 01/10/2000 | 98 | RESPONSE by plaintiff SALVATORE COTTONE in opposition to motion to extend time to 2/14/00 to oppose plaintiff's motion for summary judgment [97-1] by FBI . ; attachments (bjsp) (Entered: 01/11/2000) |
| 01/10/2000 | 99 | MOTION filed by plaintiff SALVATORE COTTONE for preliminary injunction , and for order enjoining GVT from destroying the records at issue in this FOIA suit (bjsp) (Entered: 01/11/2000) |
| 01/18/2000 | 102 | MEMORANDUM by federal defendant FBI in opposition to motion for preliminary injunction [99-1] by SALVATORE COTTONE (bjsp) (Entered: 01/20/2000) |
| 01/19/2000 | <u>100</u> | ORDER by Judge James Robertson : granting motion for order enjoining GVT from destroying the records at issue in this FOIA suit [99-2] by SALVATORE COTTONE (N) (jeb) (Entered: 01/19/2000) |
| 01/19/2000 | <u>101</u> | ORDER by Judge James Robertson : granting motion to extend time to 2/14/00 to oppose plaintiff's motion for summary judgment [97-1] by FBI (N) (jeb) (Entered: 01/19/2000) |

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| 02/14/2000 | 103 | MOTION (PARTIALLY) (CONSENTED) filed by federal defendant FBI to extend time to 8/14/00 to oppose plaintiff's motion for summary judgment after remand from the Court of Appeals ; declaration (1) (bjsp) Modified on 02/15/2000 (Entered: 02/15/2000) |
| 02/17/2000 | 104 | RESPONSE by plaintiff SALVATORE COTTONE in opposition to motion to extend time to 8/14/00 to oppose plaintiff's motion for summary judgment after remand from the Court of Appeals [103-1] by FBI . (bjsp) (Entered: 02/22/2000) |
| 02/25/2000 | <u>105</u> | ORDER by Judge James Robertson: extending time to 4/14/00 for deft. to respond to motion for summary judgment; the Court anticipates that the response will be to the effect that the tapes have been turned over, mootng the motion. (N) (mlp) (Entered: 02/25/2000) |
| 04/14/2000 | 106 | RESPONSE by federal defendant FBI to motion for summary judgment after remand from the Court of appeals [96-1] by SALVATORE COTTONE; declarations (1) (jf) (Entered: 04/18/2000) |
| 04/18/2000 | 107 | MOTION (CONSENTED) filed by plaintiff SALVATORE COTTONE to extend time to 5/15/00 to file a reply to Plaintiff's Motion for Summary Judgment and to file a Motion for Attorney's Fees (tth) (Entered: 04/20/2000) |
| 04/19/2000 | <u>108</u> | ORDER by Judge James Robertson : granting motion to extend time to 5/15/00 to file a reply to Plaintiff's Motion for Summary Judgment and to file a Motion for Attorney's Fees [107-1] by SALVATORE COTTONE. (N) (mlp) (Entered: 04/21/2000) |
| 05/15/2000 | 109 | MOTION filed by plaintiff SALVATORE COTTONE to extend time to 6/14/00 to submit a reply brief responding to the government's suggestion that it has now FOIA produced all the requested FBI records that still exist (tth) (Entered: 05/16/2000) |
| 05/15/2000 | 110 | MOTION filed by plaintiff SALVATORE COTTONE for attorney's fees ; Attachments. (tth) (Entered: 05/16/2000) |
| 05/17/2000 | <u>111</u> | ORDER by Judge James Robertson: granting motion to extend time to 6/14/00 to submit a reply brief responding to the government's suggestion that it has now FOIA produced all the requested FBI records that still exist [109-1] by SALVATORE COTTONE reply to brief due by 6/14/00 ; (N) (kmk) (Entered: 05/17/2000) |
| 06/09/2000 | 112 | STATEMENT (NOTICE OF FILING) filed by plaintiff SALVATORE COTTONE , regarding: issues with this case. (bjsp) (Entered: 06/12/2000) |
| 06/14/2000 | 113 | MOTION filed by plaintiff SALVATORE COTTONE to extend time to 6/28/00 to submit reply brief responding to the Government's suggestion that the case is "moot" because the FBI has now FOIA-produced all the requested FBI records that still exist (tth) (Entered: 06/16/2000) |
| 06/15/2000 | 114 | MOTION filed by federal defendant FBI to extend time to 6/20/00 to oppose Plaintiff's Motion for Attorney's Fees (tth) (Entered: 06/16/2000) |
| 06/16/2000 | <u>115</u> | ORDER by Judge Thomas P. Jackson : granting motion to extend time to 6/20/00 to oppose Plaintiff's Motion for Attorney's Fees [114-1] by FBI response to motion(s) due by 6/20/00 ; (N) (rew) (Entered: 06/19/2000) |
| 06/20/2000 | <u>116</u> | ORDER by Judge James Robertson: granting motion to extend time to 6/28/00 to submit reply brief responding to the Government's suggestion that the case is "moot" because the FBI has now FOIA-produced all the requested FBI records that still exist [113-1] by SALVATORE COTTONE. (N) (mlp) (Entered: 06/20/2000) |
| 06/20/2000 | 117 | MOTION (CONSENT) filed by federal defendant FBI to extend time to 7/11/00 to oppose Plaintiff's Motion for Attorney's Fees (tth) (Entered: 06/21/2000) |
| 06/22/2000 | <u>118</u> | ORDER by Judge James Robertson : granting motion to extend time to 7/11/00 to oppose Plaintiff's Motion for Attorney's Fees [117-1] by FBI; response to motion due by 7/11/00; reply to response due by 7/28/00. (N) (mlp) (Entered: 06/22/2000) |
| 06/23/2000 | 119 | MOTION (CONSENT) filed by plaintiff SALVATORE COTTONE to extend time to 7/28/00 within which to submit reply brief on issue of mootness (ab) (Entered: 06/26/2000) |

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| 06/26/2000 | <u>120</u> | ORDER by Judge James Robertson : granting motion to extend time to 7/28/00 within which to submit reply brief on issue of mootness [119-1] by SALVATORE COTTONE; the govt.'s 7/11/00 filing should address both (a) the issue of "mootness" and pltf.'s inquiries about specific additional tape recordings that have not yet been FOIA-produced, and (b) pltf.'s pending motion for attorney's fees. (N) (mlp) (Entered: 06/28/2000) |
| 07/19/2000 | 121 | MOTION filed by federal defendant FBI for additional time in which to oppose Plaintiff's Petition for Attorney's Fees and Costs ; EXHIBIT (MEMORANDUM IN OPPOSITION) (tth) (Entered: 07/20/2000) |
| 07/21/2000 | 123 | ORDER by Judge Thomas F. Hogan : granting motion for additional time in which to oppose Plaintiff's Petition for Attorney's Fees and Costs [121-1] by FBI; defendant's opposition is due by 7/19/00 ; plaintiff's reply, if any, due by 8/21/00 ; (N) (gew) Modified on 07/25/2000 (Entered: 07/25/2000) |
| 07/21/2000 | 157 | MEMORANDUM by federal defendant FBI in opposition to motion for attorney's fees [110-1] by SALVATORE COTTONE (jf) (Entered: 06/27/2001) |
| 07/24/2000 | 122 | RESPONSE by plaintiff SALVATORE COTTONE in opposition to motion for additional time in which to oppose Plaintiff's Petition for Attorney's Fees and Costs [121-1] by FBI; attachment (1) (ab) (Entered: 07/24/2000) |
| 08/14/2000 | 124 | REPLY BRIEF by plaintiff SALVATORE COTTONE responding to the FBI's claims; Attachment (1) (tth) (Entered: 08/17/2000) |
| 08/18/2000 | <u>125</u> | ORDER by Judge James Robertson : granting motion for summary judgment after remand from the court of appeals [96-1] by SALVATORE COTTONE; within 10 days deft. is directed to FOIA-produce copies of the original tape recordings that pltf. requested in this FOIA suit, as well as all five tape recordings that are labeled "T-309" and all consensual tape recordings from FBI Agent Moretti, labeled "T-303" and "T-309" that were earlier provided in blank form by the FBI in response to the Court's Order of 3/28/97, or else file with the Court an explanation of the search undertaken for these records and why they have not been FOIA-produced. (N) (mlp) (Entered: 08/18/2000) |
| 08/29/2000 | 126 | STATUS REPORT to the Court by plaintiff SALVATORE COTTONE; Attachment (1) (tth) (Entered: 08/30/2000) |
| 08/31/2000 | 127 | RESPONSE by federal defendant FBI to order [125-1] dated 08/18/00. (jf) (Entered: 09/01/2000) |
| 09/01/2000 | 128 | BILL OF COSTS by plaintiff SALVATORE COTTONE ; attachments (bjsp) (Entered: 09/06/2000) |
| 10/02/2000 | <u>129</u> | ORDER by Judge James Robertson: within 10 days, deft. is directed to search FBI files in its Norfolk and Philadelphia Field Office, as well as any central files and its Washington Field Office files, and to FOIA-produce copies of the original tape recordings that pltf. requested in this FOIA suit, and that the FBI destroyed in 1991, or else file with the Court and the parties an explanation of the search undertaken for these specifically-identified records and why they have not been FOIA-produced. (N) (mlp) (Entered: 10/03/2000) |
| 10/17/2000 | 130 | MOTION (PARTIALLY CONSENTED) filed by federal defendant FBI to extend time to 10/26/00 to respond to 10/02/00 court order (ag) (Entered: 10/18/2000) |
| 10/19/2000 | 131 | MOTION (CONSENT) filed by plaintiff SALVATORE COTTONE to extend time to 10/31/00 to respond to the Court's Order of October 2, 2000 ; Attachment (1) (tth) Modified on 10/20/2000 (Entered: 10/20/2000) |
| 10/23/2000 | <u>132</u> | ORDER by Judge James Robertson : granting motion to extend time to respond to 10/02/00 court order [130-1] by FBI; response due by 10/31/00. (N) (mlp) (Entered: 10/24/2000) |
| 10/31/2000 | 133 | RESPONSE by federal defendant FBI to order [129-1], order [129-2] submitting the Fourth Declaration of Scott A. Hodes. (tth) (Entered: 11/01/2000) |
| 01/05/2001 | 134 | MOTION filed by plaintiff SALVATORE COTTONE to unseal , and FOIA production of records ; exhibits (3) (cas) (Entered: 01/08/2001) |

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| 01/11/2001 | | SCHEDULING NOTICE: hearing on motion for attys.' fees and motion to unseal and produce wiretape tapes set for 4:30 1/26/01 before Judge James Robertson in Courtroom 16. (N) (mlp) (Entered: 01/11/2001) |
| 01/18/2001 | 135 | ATTORNEY APPEARANCE for federal defendant FBI by Fred E. Haynes (cas) (Entered: 01/19/2001) |
| 01/19/2001 | 136 | MOTION (CONSENT) filed by federal defendant FBI to extend time to 1/24/01 within which to respond to plaintiff's motion for unsealing and FOIA production of records. (cas) (Entered: 01/23/2001) |
| 01/23/2001 | <u>137</u> | ORDER by Judge James Robertson: granting motion to extend time to 1/24/01 within which to respond to plaintiff's motion for unsealing and FOIA production of records [136-1] by FBI. (N) (mlp) (Entered: 01/24/2001) |
| 01/24/2001 | 138 | MOTION filed by federal defendant FBI to extend time to 1/25/01 within which to respond to plaintiff motion for unsealing and FOIA production of records (cas) (Entered: 01/25/2001) |
| 01/25/2001 | <u>139</u> | ORDER by Judge James Robertson: granting motion to extend time to 1/25/01 within which to respond to plaintiff motion for unsealing and FOIA production of records [138-1] by FBI. (N) (mlp) (Entered: 01/25/2001) |
| 01/25/2001 | 140 | MEMORANDUM by federal defendant FBI in opposition to motion to unsealing and FOIA production of records [134-1] by SALVATORE COTTONE; exhibits (3) (cas) (Entered: 01/26/2001) |
| 01/25/2001 | 141 | REPLY BRIEF by plaintiff SALVATORE COTTONE on motion for unsealing and FOIA production of records [134-1] by SALVATORE COTTONE; attachments and exhibits (2). (cas) (Entered: 01/26/2001) |
| 01/26/2001 | | MOTIONS HEARING before Judge James Robertson finding motion FOIA production of records by SALVATORE COTTONE [134-2] moot, if record can be augmented by a declaration of F.B.I. agent, then declaration shall be filed; taken under advisement by SALVATORE COTTONE motion for attorney's fees [110-1]. Reporter: Tristan-Joseph, Miller Reporting Co. (mlp) (Entered: 01/27/2001) |
| 01/31/2001 | 146 | TRANSCRIPT filed for date(s) of 1/26/01. Reporter: Tristan Joseph (bjsp) (Entered: 02/28/2001) |
| 02/05/2001 | 142 | NOTICE OF FILING by federal defendant FBI (cas) (Entered: 02/06/2001) |
| 02/05/2001 | 145 | TRANSCRIPT filed for date(s) of 1/26/01. Reporter: Tristan Joseph (bjsp) (Entered: 02/28/2001) |
| 02/07/2001 | 143 | SUPPLEMENTAL MEMORANDUM by plaintiff SALVATORE COTTONE (cas) (Entered: 02/09/2001) |
| 02/17/2001 | 144 | TRANSCRIPT filed for date(s) of 1/26/01. Reporter: Joseph Tristan (bjsp) (Entered: 02/28/2001) |
| 03/16/2001 | <u>147</u> | MEMORANDUM AND ORDER by Judge James Robertson: granting motion for attorney's fees [110-1] by SALVATORE COTTONE, directing counsel to submit an order providing for payment of the fee for which he applied, plus a reasonable fee for making and defending the application; pltf.'s motion to unseal records is denied as moot. (N) (mlp) (Entered: 03/16/2001) |
| 03/21/2001 | 149 | SUPPLEMENTAL MEMORANDUM by plaintiff SALVATORE COTTONE in support of motion for attorney's fees [110-1] (jf) (Entered: 03/28/2001) |
| 03/23/2001 | <u>148</u> | ORDER granting plaintiff's motion for award of costs and fees by Judge James Robertson : (N) (lin) (Entered: 03/23/2001) |
| 05/14/2001 | 150 | MOTION filed by plaintiff SALVATORE COTTONE to close out case ; exhibit's (2); iSupplemental Declaration of Edwin Huddleson III (cas) (Entered: 05/15/2001) |
| 05/14/2001 | 151 | NOTICE OF APPEAL by federal defendant FBI from order [147-1], entered on: 3/16/01; order [148-1] entered on: 3/23/01. NO FEES PAID; GOVERNMENT. Copies mailed to all parties. (tth) (Entered: 05/17/2001) |

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| 05/14/2001 | 152 | MOTION filed by plaintiff SALVATORE COTTONE for a published opinion (jf) (Entered: 05/21/2001) |
| 05/17/2001 | | TRANSMITTED PRELIMINARY RECORD on appeal [151-1] by FBI to U.S. Court of Appeals (tth) (Entered: 05/17/2001) |
| 05/18/2001 | <u>153</u> | ORDER by Judge James Robertson : granting in part, denying in part motion to close out case [150-1], denying motion for a published opinion [152-1] by SALVATORE COTTONE; directing deft. to comply forthwith with the requirements of this Court's orders of 8/18/00 and 3/26/97, requiring production of certain tape recordings, or else file explanations, supported by affidavit or declaration, explaining the search undertaken for them and why they have not been FOIA produced; further ordered, the govt. having noticed its appeal from this Court's award of attorneys' fees, that any further consideration of the fee issue be held in abeyance pending the outcome of that appeal. (N) (mlp) (Entered: 05/22/2001) |
| 05/21/2001 | | USCA # 01-5159 assigned for appeal [151-1] by FBI (jf) (Entered: 05/22/2001) |
| 05/25/2001 | 154 | NOTICE by federal defendant FBI that defendant has received the Court's order filed 5/18/01, directing compliance with the Court's 8/18/00 order (ag) (Entered: 05/29/2001) |
| 05/31/2001 | 155 | SECOND NOTICE TO COURT by federal defendant FBI (cas) (Entered: 06/01/2001) |
| 06/05/2001 | 156 | RESPONSE by federal defendant FBI to order [153-2] dated 05/18/01. (jf) (Entered: 06/10/2001) |
| 06/28/2001 | 158 | MOTION filed by plaintiff SALVATORE COTTONE for entry of final judgment (tb) (Entered: 06/30/2001) |
| 07/12/2001 | 159 | RESPONSE by plaintiff SALVATORE COTTONE in opposition to motion for entry of final judgment [158-1] by SALVATORE COTTONE . (cjp) (Entered: 07/13/2001) |
| 07/16/2001 | 162 | REPLY BRIEF by plaintiff SALVATORE COTTONE supporting entry of final judgment [161-1] (cas) (Entered: 07/17/2001) |
| 07/17/2001 | <u>160</u> | ORDER by Judge James Robertson: granting motion for entry of final judgment [158-1] by SALVATORE COTTONE (N) (mlp) (Entered: 07/17/2001) |
| 07/17/2001 | <u>161</u> | FINAL JUDGMENT by Clerk of the Court for SALVATORE COTTONE against FBI; pltf. to recover costs. (N) (mlp) Modified on 07/17/2001 (Entered: 07/17/2001) |
| 07/26/2001 | 163 | BILL OF COSTS by plaintiff SALVATORE COTTONE ;declaration (1) ; attachments (bjsp) (Entered: 07/27/2001) |
| 07/26/2001 | 164 | CERTIFIED COPY of order filed in USCA dated 7/26/01, on appeal [151-1] , dismissing appeal . USCA # 01-5159 (bcs) (Entered: 07/30/2001) |
| 07/28/2001 | 165 | MOTION filed by plaintiff SALVATORE COTTONE for payment and award of costs and fees ; Third Declaration of EDWIN HUDDLESON III (cas) (Entered: 08/02/2001) |
| 08/02/2001 | | SCHEDULING NOTICE: status conference set for 4:30 8/2/01 before Judge James Robertson in chambers. (mlp) (Entered: 08/02/2001) |
| 08/10/2001 | 167 | MOTION filed by federal defendant FBI to extend time to 8/23/01 time to respond to plaintiff's motion , and for payment and award of costs and fees (cas) (Entered: 08/13/2001) |
| 08/13/2001 | <u>166</u> | ORDER by Judge James Robertson: granting motion by deft. to extend time to 8/23/01 to respond to motion for payment and award of costs and fees. (N) (mlp) (Entered: 08/13/2001) |
| 08/17/2001 | 168 | NOTICE filed by plaintiff SALVATORE COTTONE NOTICE. (cas) (Entered: 08/20/2001) |
| 08/23/2001 | 169 | MOTION (CONSENT) filed by federal defendant FBI to extend time to 8/28/01 to respond to motion , and for payment and award of costs and fees (cas) (Entered: 08/24/2001) |

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| 08/24/2001 | <u>170</u> | ORDER by Judge Gladys Kessler for James Robertson: granting consent motion to extend time to 8/28/01 to respond to motion for payment and award of costs and fees [169-1] by FBI. (N) (mlp) (Entered: 08/27/2001) |
| 08/27/2001 | 171 | MEMORANDUM by federal defendant FBI in partial opposition to motion for payment and award of costs and fees [165-1] by SALVATORE COTTONE (cas) (Entered: 08/28/2001) |
| 08/31/2001 | 172 | REPLY by plaintiff SALVATORE COTTONE to response in opposition to motion for payment and award of costs and fees [165-1] by SALVATORE COTTONE; attachment (1) (cjp) (Entered: 09/04/2001) |
| 09/14/2001 | | Tele-conference held in chambers before Judge James Robertson. Not reported. (mlp) (Entered: 09/14/2001) |
| 09/17/2001 | <u>173</u> | ORDER by Judge James Robertson : granting motion for payment of supplemental attorney's fees and costs; further ordered, that defendant pay to plaintiff's counsel in the amount of \$3,625.00 in attorney's fees for time spent on case after the entry of the initial award of attorney's fees; further ordered, that defendant pay to plaintiff the amount of \$16.46 for costs incurred after the entry of the initial award of attorney's fees. (N) (xx) (Entered: 09/17/2001) |
| 03/25/2002 | | BILL OF COSTS as taxed by the Clerk in favor of plaintiff SALVATORE COTTONE against defendant FBI in the amount of: \$143.64 (jwb) (Entered: 03/25/2002) |
| 05/13/2002 | 174 | MOTION filed by plaintiff SALVATORE COTTONE for order to comply with production of a vaughn index as ordered by the circuit (bcs) (Entered: 05/15/2002) |
| 06/24/2002 | 175 | MOTION filed by federal defendant FBI to extend time to respond to the motion for an order for an vaughn index ; EXHIBIT (OPPOSITION TO PLAINTIFFS MOTION FOR AN ORDER TO PRODUCE A VAUGHN INDEX) (bcs) Modified on 06/25/2002 (Entered: 06/25/2002) |
| 06/28/2002 | <u>176</u> | ORDER by Judge James Robertson : granting motion to extend time to respond to the motion for an order for an vaughn index [175-1] by FBI (N) (dam) (Entered: 06/30/2002) |
| 06/28/2002 | <u>177</u> | ORDER by Judge James Robertson : denying motion for order to comply with production of a vaughn index as ordered by the circuit [174-1] by SALVATORE COTTONE (N) (dam) (Entered: 06/30/2002) |
| 06/28/2002 | 178 | RESPONSE by federal defendant FBI in opposition to plaintiffs motion for an order to produce a vaughn index. (bcs) (Entered: 07/03/2002) |
| 07/05/2002 | 179 | NOTICE by plaintiff SALVATORE COTTONE to court that court appointed counsels duties in this case have been successfully completed, counsels representation of plaintiff was strictly limited to this case, and this prisoner FOIA suit is long over. The court will please correct its records accordingly. The only item that still remains open involves \$143.64 in court costs, which the government has not yet paid. (bcs) (Entered: 07/09/2002) |