

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:96-cv-01590-JR**

CENTER TO PREVENT v. DEPT. OF TREASURY, et al
Assigned to: Judge James Robertson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 07/03/1996
Date Terminated: 10/20/1997
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER TO PREVENT HANDGUN
VIOLENCE**

represented by **Ivan Kenneth Fong**
3135 Easton Turnpike -W3E
Fairfield, CT 06431
(203) 373-3943
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Bergman
FEDERAL TRADE COMMISSION
Office of General Counsel
600 Pennsylvania Avenue, NW
Washington, DC 20580-0001
(202) 326-3184
Fax: (202) 326-2477
Email: mbergman@ftc.gov
TERMINATED: 07/02/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Samuel Williamson , Jr.
COVINGTON & BURLING LLP
850 Tenth Street, NW
One CityCenter
Washington, DC 20001
(202) 662-5438
Fax: (202) 778-5438
Email: twilliamson@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher N. Sipes
COVINGTON & BURLING LLP
850 Tenth Street, NW
One CityCenter
Washington, DC 20001
(202) 662-5525
Fax: (202) 778-5525
Email: csipes@cov.com
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF TREASURY

represented by **David T. Smorodin**
AMERICAN CHEMICAL SOCIETY
Office of the Secretary & General Counsel
1155 16th Street, NW
Washington, DC 20036
(202) 872-4510

Fax: (202) 872-6338
Email: d_smorodin@acs.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julian Abele Cook , III
U.S. ATTORNEY'S OFFICE
Judiciary Center Building
555 Fourth Street, NW
Room 10-120
Washington, DC 20530
TERMINATED: 03/12/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Ann Nellor
U.S. ATTORNEY'S OFFICE
Judiciary Center Building
555 Fourth Street, NW
Room 10-845
Washington, DC 20530
(202) 514-0065
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ROBERT E. RUBIN
*Secretary of the United States Department
of the Treasury*

represented by **David T. Smorodin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julian Abele Cook , III
(See above for address)
TERMINATED: 03/12/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Ann Nellor
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES**

represented by **David T. Smorodin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julian Abele Cook , III
(See above for address)
TERMINATED: 03/12/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Ann Nellor
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOHN W. MAGAW
*Director of the Bureau of Alcohol,
Tobacco and Firearms*

represented by **David T. Smorodin**
(See above for address)
LEAD ATTORNEY

*ATTORNEY TO BE NOTICED***Julian Abele Cook , III**

(See above for address)

*TERMINATED: 03/12/1997**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Susan Ann Nellor**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/03/1996	1	COMPLAINT filed by plaintiff CENTER TO PREVENT; exhibits (11) (JMF) (Entered: 07/08/1996)
07/03/1996		SUMMONS (6) issued to federal party(s) federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BUREAU OF ALCOHOL, federal defendant JOHN W. MAGAW , and non-parties: U.S. Attorney and U.S. Attorney General. (JMF) (Entered: 07/08/1996)
07/03/1996		MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff CENTER TO PREVENT . (JMF) (Entered: 07/08/1996)
08/09/1996	2	ANSWER TO COMPLAINT [1-1] by federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW . (JMF) (Entered: 08/12/1996)
08/26/1996	3	JOINT MOTION by plaintiff CENTER TO PREVENT, federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW to extend time to 9/09/96 for meeting of parties (JMF) (Entered: 08/27/1996)
08/29/1996	4	ORDER by Judge James Robertson : granting joint motion of the parties, to extend time to 9/09/96 for meeting of parties pursuant to Rule 206(a). [3-1] (N) (bjl) (Entered: 08/29/1996)
09/09/1996	5	MOTION filed by federal defendant to extend time to 9/23/96 to file a joint Meet and Confer Statement pursuant to Local Rule 206. (bjl) (Entered: 09/10/1996)
09/10/1996	6	ORDER by Judge James Robertson : granting motion to extend time to 9/23/96 to file a joint Meet and Confer Statement pursuant to Local Rule 206. [5-1] by DEPT. OF TREASURY (N) (bjl) (Entered: 09/10/1996)
09/23/1996	7	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by federal defendants DEPT. OF TREASURY, ROBERT E. RUBIN, BATF, JOHN W. MAGAW . (bjl) (Entered: 09/24/1996)
10/02/1996	8	SCHEDULING ORDER by Judge James Robertson defendant shall file a Vaughn Index and dispositive motions by 11/15/96 ; response to dispositive motions due 12/4/96 ; reply to dispositive motions due 12/13/96 ; (N) (bjl) (Entered: 10/02/1996)
11/15/1996	9	MOTION (UNOPPOSED) filed by federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW to extend time to 12/13/96 to file and serve a Vaughn Index and any dispositive motion (JMF) (Entered: 11/18/1996)
11/18/1996	10	ORDER by Judge James Robertson : granting motion to extend time to 12/13/96 to file and serve a Vaughn Index and any dispositive motion [9-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT. OF TREASURY; dispositive motions due by 12/13/96 ; response to dispositive motions due by 12/4/96 ; reply to dispositive motions due by 1/27/97 ; (N) (jeb) (Entered: 11/18/1996)
12/13/1996	11	MOTION filed by federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW

		to extend time to 12/23/96 to file and serve Vaughn Index and any dispositive motion (JMF) (Entered: 12/16/1996)
12/16/1996	12	ORDER by Judge James Robertson : granting motion to extend time to 12/23/96 to file and serve Vaughn Index and any dispositive motion [11-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT. OF TREASURY; Vaughn index and dispositive motions due by 12/23/96; response to dispositive motions due by 1/21/97; reply to dispositive motions due by 1/27/97; no further extensions will be granted (N) (dbw) (Entered: 12/16/1996)
12/20/1996	13	ATTORNEY APPEARANCE for plaintiff CENTER TO PREVENT by Michael Daniel Bergman (JMF) (Entered: 12/23/1996)
12/23/1996	14	MOTION filed by federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW for summary judgment ; exhibits (7) (JMF) (Entered: 12/24/1996)
01/17/1997	15	MOTION filed by plaintiff CENTER TO PREVENT to extend time to within which to file its opposition to federal defendants' motion for summary judgment , and to amend scheduling order. (tw) (Entered: 01/21/1997)
01/17/1997	16	MOTION (UNOPPOSED) filed by plaintiff CENTER TO PREVENT to extend time to 2/14/97 within which to file its opposition to federal defendants' motion for summary judgment , and to amend scheduling order. (tw) (Entered: 01/21/1997)
01/22/1997	17	ORDER by Judge James Robertson : granting motion to extend time to 2/14/97 within which to file its opposition to federal defendants' motion for summary judgment [16-1] by CENTER TO PREVENT; plaintiff to file its opposition to federal defendants' motion for summary judgment due by 2/14/97 ;federal defendants' reply to plaintiff's response to federal defendants' motion for summary judgment due by 3/14/97;plaintiff's cross motions due by 2/14/97 ;federal defendants' response to plaintiff's cross motion due 3/14/97 ; plaintiff's reply to response of defendant to plaintiff's cross motion due by 3/28/97 ;, granting motion to amend scheduling order. [16-2] by CENTER TO PREVENT (N) (jeb) (Entered: 01/22/1997)
02/14/1997	18	CROSS MOTIONS by plaintiff CENTER TO PREVENT for summary judgment (JMF) (Entered: 02/19/1997)
02/14/1997	19	MEMORANDUM by plaintiff CENTER TO PREVENT in opposition to motion for summary judgment [14-1] by federal defendants'; exhibits (6) (JMF) (Entered: 02/19/1997)
02/14/1997	20	SUPPLEMENTAL MEMORANDUM by plaintiff CENTER TO PREVENT in support of cross motion for summary judgment [18-1] by CENTER TO PREVENT (JMF) (Entered: 02/19/1997)
03/12/1997	21	SUBSTITUTION OF COUNSEL for federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW , substituting David T. Smorodin for attorney Julian Abele Cook III (JMF) (Entered: 03/13/1997)
03/12/1997	22	MOTION filed by federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW to extend time to 4/2/97 to file and serve their memorandum in opposition to plaintiff's cross motion for summary judgment/reply in support of their motion for summary judgment (JMF) (Entered: 03/13/1997)
03/14/1997	23	ORDER by Judge James Robertson : granting motion to extend time [22-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT. OF TREASURY; directing the defendants to file their responsive memorandum due 3/19/97; plaintiff to file its reply due 4/2/97 (N) (jeb) Modified on 03/25/1997 (Entered: 03/14/1997)
03/19/1997	24	REPLY by federal defendants' in support of their motion for summary judgment [14-1] ; declarations (2) (JMF) (Entered: 03/20/1997)
03/19/1997	25	RESPONSE by federal defendant in opposition to cross motion for summary judgment [18-1] by CENTER TO PREVENT . (JMF) (Entered: 03/20/1997)

03/19/1997	26	SUPPLEMENTAL MEMORANDUM by federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW in support of motion for summary judgment [14-1] by federal defendantsss (JMF) (Entered: 03/20/1997)
04/02/1997	27	REPLY by plaintiff CENTER TO PREVENT in support of cross motion for summary judgment [18-1] (JMF) (Entered: 04/04/1997)
04/07/1997	28	NOTICE OF FILING by federal defendants' of declarations of John C. Killorin and Joseph J. Vince submitted in support of motion for summary judgment filed on March 09, 1997 (JMF) (Entered: 04/08/1997)
08/11/1997		SCHEDULING NOTICE: motion hearing set for 10:00 9/2/97 ; before Judge James Robertson Courtroom 16, 6th Floor. (jeb) (Entered: 08/11/1997)
09/23/1997	29	ATTORNEY APPEARANCE for plaintiff CENTER TO PREVENT by ng (JMF) (Entered: 09/24/1997)
09/29/1997		SCHEDULING NOTICE: motion hearing set for 4:00 10/20/97 ; before Judge James Robertson Courtroom 16, 6th Floor. (jeb) (Entered: 09/29/1997)
10/01/1997		MOTION HEARING before Judge James Robertson: CENTER TO PREVENT's cross motion for summary judgment [18-1] heard and taken under advisement; DEPT OF TREASURY's cross motion for summary judgment heard and taken under advisement[14-1] Reporter: Dennis Dinkel (jeb) (Entered: 10/01/1997)
10/20/1997	30	MEMORANDUM OPINION by Judge James Robertson (N) (jeb) (Entered: 10/20/1997)
10/20/1997	31	ORDER by Judge James Robertson : granting in part, denying in part cross motion for summary judgment [18-1] by plaintiff CENTER TO PREVENT; granting in part, denying in part motion for summary judgment [14-1] by defendant DEPT. OF TREASURY. (N) (jeb) (Entered: 10/20/1997)
11/10/1997	33	MOTION filed by plaintiff CENTER TO PREVENT for attorney fee against DEPT. OF TREASURY, ROBERT E. RUBIN, BATF, JOHN W. MAGAW (JMF) (Entered: 11/12/1997)
12/17/1997	34	TRANSCRIPT filed for motions hearing held on date(s) of October 01, 1997. Reporter: Dennis A. Dinkel (JMF) (Entered: 12/18/1997)
12/22/1997	35	NOTICE OF APPEAL by federal defendant DEPT. OF TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW from order [31-1] , entered on: 10/20/97 granting in part denying in part, motion for summary judgment. Copies mailed (st) (Entered: 12/23/1997)
12/23/1997		TRANSMITTED PRELIMINARY RECORD on appeal [35-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT. OF TREASURY to U.S. Court of Appeals (st) (Entered: 12/23/1997)
12/29/1997		USCA # 97-5357 assigned for appeal [35-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT. OF TREASURY (st) (Entered: 12/30/1997)
01/06/1998	61	TRANSCRIPT filed for date(s) of 09/28/98. Reporter: Dennis Dinkel (lkn) (Entered: 01/07/1999)
02/13/1998	36	MOTION filed by plaintiff CENTER TO PREVENT for order granting its motion to enforce court's judgment concerning administrative exhaustion relating to plaintiff's preferred fee request ; exhibits (4) (JMF) (Entered: 02/17/1998)
02/25/1998	37	CERTIFIED COPY of order filed in USCA dated 2/25/98, on appeal [35-1] , dismissing appeal . USCA # 97-5357 (cjp) (Entered: 02/26/1998)
05/08/1998	38	MOTION filed by plaintiff CENTER TO PREVENT for disposition under local rule 108(b) (JMF) (Entered: 05/11/1998)
05/14/1998	39	ORDER by Judge James Robertson : to show cause why motion for disposition under local rule 108(b) [38-1] by CENTER TO PREVENT should not be granted; , and defendant's response to show cause why plaintiff's motion should not be granted due 5/28/98 ; (N) (jeb) (Entered: 05/14/1998)

05/28/1998	40	MOTION filed by federal defendant to extend time to 6/12/98 to respond to the Court's order of May 14, 1998 (JMF) (Entered: 05/29/1998)
06/01/1998	41	ORDER by Judge James Robertson : granting motion to extend time to 6/12/98 to respond to the Court's order of May 14, 1998 [40-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT. OF TREASURY (N) (gew) (Entered: 06/04/1998)
06/12/1998	42	RESPONSE by federal defendant to order dated May 14, 1998 [39-2] (JMF) (Entered: 06/15/1998)
06/18/1998	43	ORDER by Judge James Robertson : the defendants shall rule on the Center's preferred fee request within thirty days. No extension will be granted. (N) (lpp) (Entered: 06/19/1998)
07/02/1998	44	SUBSTITUTION OF COUNSEL for plaintiff CENTER TO PREVENT , substituting Thomas Samuel Williamson Jr. for attorney Michael Daniel Bergman (JMF) (Entered: 07/06/1998)
07/17/1998	45	RESPONSE by federal defendant in opposition to motion for order granting its motion to enforce court's judgment concerning administrative exhaustion relating to plaintiff's preferred fee request [36-1] by CENTER TO PREVENT . (JMF) (Entered: 07/20/1998)
07/29/1998	46	REPLY by plaintiff CENTER TO PREVENT to response to motion for order granting its motion to enforce court's judgment concerning administrative exhaustion relating to plaintiff's preferred fee request [36-1] by CENTER TO PREVENT (st) (Entered: 07/30/1998)
09/28/1998		MOTION HEARING before Judge James Robertson defendants have to close of business due by 4:00 9/28/98 to respond to plaintiff's preferred fee request. Reporter: Dennis Dinkel (jeb) (Entered: 09/28/1998)
09/28/1998	47	NOTICE OF FILING by federal defendant of BAT decision; Attachment. (lkn) (Entered: 09/29/1998)
09/30/1998	48	ORDER by Judge James Robertson : denying as moot motion for order granting its motion to enforce court's judgment concerning administrative exhaustion relating to plaintiff's preferred fee request [36-1] by CENTER TO PREVENT (N) (jeb) (Entered: 09/30/1998)
10/14/1998	49	MOTION filed by plaintiff CENTER TO PREVENT for attorney fees (JMF) (Entered: 10/15/1998)
10/28/1998	50	MOTION (CONSENT) filed by federal defendant to extend time to 11/27/98 to respond to the plaintiff's attorneys' fees request (JMF) (Entered: 10/29/1998)
11/02/1998	51	ORDER by Judge James Robertson : granting motion to extend time to 11/27/98 to respond to the plaintiff's attorneys' fees request [50-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT. OF TREASURY (N) (jeb) (Entered: 11/02/1998)
11/19/1998	52	NOTICE OF FILING DECLARATION of Kurt G. Calia by plaintiff CENTER TO PREVENT (lkn) (Entered: 11/20/1998)
11/25/1998	53	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW to extend time to 12/8/98 to respond to plaintiff's attorneys' fees request (lkn) (Entered: 11/27/1998)
11/30/1998	54	ORDER by Judge James Robertson : granting motion to extend time to 12/8/98 to respond to plaintiff's attorneys' fees request [53-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT OF THE TREASURY (N) (jeb) Modified on 12/01/1998 (Entered: 12/01/1998)
12/08/1998	55	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW to extend time within which to respond to plaintiff's attorney's fees request (bjsp) (Entered: 12/09/1998)

12/10/1998	56	ORDER by Judge James Robertson : granting motion to extend time within which to respond to plaintiff's attorney's fees request [55-1] by JOHN W. MAGAW, BATF, ROBERT E. RUBIN, DEPT OF THE TREASURY extending time to 12/10/98 (N) (jeb) (Entered: 12/10/1998)
12/10/1998	57	RESPONSE by federal defendant DEPT OF THE TREASURY, federal defendant ROBERT E. RUBIN, federal defendant BATF, federal defendant JOHN W. MAGAW in opposition to motion for attorney fees [49-1] by CENTER TO PREVENT . (lkn) (Entered: 12/11/1998)
12/22/1998	59	MOTION (STIPULATED) filed by plaintiff CENTER TO PREVENT to extend time to 1/11/99 to reply to defendants' opposition to plaintiff's attorneys' fees motion (jf) (Entered: 12/29/1998)
12/24/1998	58	ERRATA by federal defendants of exhibit 1, an excerpt from the transcript of motions hearing held on 10/01/97. (jf) (Entered: 12/28/1998)
01/05/1999	60	ORDER by Judge James Robertson : granting motion to extend time to 1/11/99 to reply to defendants' opposition to plaintiff's attorneys' fees motion [59-1] by CENTER TO PREVENT; reply to dispositive motions due by 1/11/99 ; (N) (jaw) (Entered: 01/05/1999)
01/06/1999	62	MOTION filed by plaintiff CENTER TO PREVENT for leave to file corrected pretrial statement :EXHIBIT (Pretrial statement). (lkn) (Entered: 01/07/1999)
01/11/1999	63	REPLY by plaintiff CENTER TO PREVENT to defendants' opposition to plaintiff's motion for attorney fees [49-1]; exhibits (9) (tw) (Entered: 01/12/1999)
03/19/1999	64	ORDER by Judge James Robertson: denying motion for disposition under local rule 108(b) by CENTER TO PREVENT [38-1] as moot (N) (jeb) (Entered: 03/19/1999)
04/29/1999	65	MEMORANDUM OPINION by Judge James Robertson (N) (jeb) (Entered: 04/29/1999)
04/29/1999	66	ORDER by Judge James Robertson : granting motion for attorney fees [49-1] by CENTER TO PREVENT; approving the plaintiff's request for attorneys' fees in the amount of \$180,266.63. (N) (jeb) (Entered: 04/29/1999)
06/28/1999	67	NOTICE OF APPEAL by federal defendant DEPT OF THE TREASURY from order [66-1] , entered on: 04/29/99; fee not paid, appeal by govt. Copies mailed to counsel. (lkn) (Entered: 06/29/1999)
06/29/1999		TRANSMITTED PRELIMINARY RECORD on appeal [67-1] by DEPT OF THE TREASURY to U.S. Court of Appeals (lkn) (Entered: 06/29/1999)
07/02/1999		USCA # 99-5236 assigned for appeal [67-1] by DEPT OF THE TREASURY (lkn) (Entered: 07/02/1999)
09/15/1999	68	CERTIFIED COPY of order filed in USCA dated 9/14/99, on appeal [67-1] , dismissing appeal . USCA # 99-5236 (cjp) (Entered: 09/15/1999)