

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:96-cv-01153-PLF**

BROTHERHOOD OF LOCO., et al v. SURFACE TRANS.  
BOARD  
Assigned to: Judge Paul L. Friedman  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/23/1996  
Date Terminated: 07/31/1997  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**BROTHERHOOD OF LOCOMOTIVE  
ENGINEERS**

represented by **William Grattan Mahoney**  
HIGSAW, MAHONEY & CLARKE  
1050 17th Street, N.W.  
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Washington, DC 20036  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**UNITED TRANSPORTATION  
UNION**

represented by **William Grattan Mahoney**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**SURFACE TRANSPORTATION  
BOARD**

represented by **Claire M. Whitaker**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
Criminal Division --- Felony Major  
Crimes  
555 Fourth Street, NW  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

| Date Filed | # | Docket Text   |
|------------|---|---|
| 05/23/1996 | 1 | COMPLAINT filed by plaintiff BROTHERHOOD OF LOCO., plaintiff UNITED TRANS UNION; exhibits (6). (tth) (Entered: 05/30/1996)  |
| 05/23/1996 |   | SUMMONS (3) issued to federal party(s) federal defendant SURFACE TRANS. BOARD, and non-parties: U.S. Attorney and U.S. Attorney General. (tth) Modified on 05/30/1996 (Entered: 05/30/1996) |
| 05/30/1996 |   | MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff BROTHERHOOD OF LOCO., plaintiff UNITED TRANS UNION. (tth) (Entered: 05/30/1996)                     |
| 06/06/1996 | 2 | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 5/23/96 by personal service. (tth) (Entered: 06/07/1996)  |

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| 06/06/1996 | 3  | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 5/23/96 by personal service. (tth) (Entered: 06/07/1996)  |
| 06/06/1996 | 4  | RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 5/23/96 upon federal defendant SURFACE TRANS. BOARD by personal service. (tth) (Entered: 06/07/1996)   |
| 06/10/1996 |    | CASE REASSIGNED from Judge Gladys Kessler to Judge Paul L. Friedman (tth) (Entered: 06/11/1996)   |
| 06/24/1996 | 5  | MOTION (UNOPPOSED) filed by federal defendant SURFACE TRANS. BOARD to extend time to 7/9/96 to answer complaint [1-1] (tth) (Entered: 06/25/1996)   |
| 06/26/1996 | 6  | ORDER by Judge Paul L. Friedman : granting motion to extend time to 7/9/96 to answer complaint [1-1] [5-1] by SURFACE TRANS. BOARD ; Answer extended to 7/9/96 for SURFACE TRANS. BOARD (N) (ks) (Entered: 06/26/1996)  |
| 07/09/1996 | 7  | ANSWER TO COMPLAINT [1-1] by federal defendant SURFACE TRANS. BOARD. (tth) (Entered: 07/10/1996)  |
| 08/01/1996 | 8  | MOTION filed by plaintiff BROTHERHOOD OF LOCO., plaintiff UNITED TRANS UNION for summary judgment ; Attachments (1) (ks) (Entered: 08/02/1996)  |
| 08/09/1996 | 9  | MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff BROTHERHOOD OF LOCO., plaintiff UNITED TRANS UNION, federal defendant SURFACE TRANS. BOARD . (ks) (Entered: 08/12/1996)   |
| 08/19/1996 | 10 | ORDER by Judge Paul L. Friedman : Case assigned to the Standard track (track two). , cross motions due 8/30/96 ; response to cross motions due 9/23/96 ; reply to cross motions due 10/10/96 ; instructions to counsel. (N) (ks) (Entered: 08/22/1996)  |
| 08/30/1996 | 11 | MOTION filed by federal defendant SURFACE TRANS. BOARD for summary judgment ; Attachments (4) (ks) (Entered: 09/03/1996)  |
| 08/30/1996 | 12 | RESPONSE by federal defendant SURFACE TRANS. BOARD in opposition to motion for summary judgment [8-1] by UNITED TRANS UNION, BROTHERHOOD OF LOCO.; Attachments (4) (ks) (Entered: 09/03/1996)   |
| 09/05/1996 | 13 | MOTION filed by plaintiff BROTHERHOOD OF LOCO., plaintiff UNITED TRANS UNION to extend time to 9/24/96 to file opposition to defendant's motion for summary judgment (ks) (Entered: 09/06/1996)   |
| 09/09/1996 | 14 | ORDER by Judge Paul L. Friedman: granting motion to extend time to 9/24/96 to file opposition to defendant's motion for summary judgment [13-1] by UNITED TRANS UNION, BROTHERHOOD OF LOCO. (N) (bm) (Entered: 09/09/1996)  |
| 09/16/1996 | 15 | MOTION filed by plaintiff to extend time to 10/1/96 to file opposition to defendant's motion for summary judgment and reply to defendant's opposition to plaintiff's motion for summary judgment. (ks) (Entered: 09/17/1996)  |
| 09/18/1996 | 16 | ORDER by Judge Paul L. Friedman : granting motion to extend time to 10/1/96 to file opposition to defendant's motion summary judgment and reply to defendant's opposition to plaintiff's motion for summary judgment. [15-1] by UNITED TRANS UNION, BROTHERHOOD OF LOCO. (N) (bm) (Entered: 09/18/1996) |
| 10/01/1996 | 17 | MOTION filed by plaintiffs to extend time to 10/3/96 to file an opposition to defendant's motion for summary judgment and reply to defendant's opposition to plaintiff's motion for summary judgment (ks) (Entered: 10/02/1996)   |
| 10/03/1996 | 18 | ORDER by Judge Paul L. Friedman : granting motion to extend time to 10/3/96 to file an opposition to defendant's motion for summary judgment and reply to plaintiff's motion for summary judgment [17-1] by UNITED TRANS UNION, BROTHERHOOD OF LOCO. (N) (bm) (Entered: 10/03/1996)                     |
| 10/03/1996 | 19 | MEMORANDUM by plaintiff in opposition to motion for summary judgment [11-1] by SURFACE TRANS. BOARD (ks) (Entered: 10/04/1996)  |
| 10/03/1996 | 20 | REPLY by plaintiffs to response to motion for summary judgment [8-1] by UNITED TRANS UNION, BROTHERHOOD OF LOCO. (ks) (Entered: 10/04/1996)   |

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| 10/10/1996 | 21 | MOTION (UNOPPOSED) filed by federal defendant SURFACE TRANS. BOARD to extend time to 10/17/96 to file a reply to plaintiffs' opposition to defendant's motion for summary judgment (blj) (Entered: 10/11/1996)   |
| 10/16/1996 | 22 | ORDER by Judge Paul L. Friedman : granting motion to extend time to 10/17/96 to file a reply to plaintiffs' opposition to defendant's motion for summary judgment by SURFACE TRANS. BOARD (N) (bm) (Entered: 10/16/1996)   |
| 10/17/1996 | 23 | REPLY by federal defendant SURFACE TRANS. BOARD to response to motion for summary judgment [11-1] by SURFACE TRANS. BOARD; Attachment (1). (ks) (Entered: 10/18/1996)  |
| 02/13/1997 | 24 | ORDER by Judge Paul L. Friedman: directing within ten (10) days of the date of this order the defendant shall submit a copy of the withheld document for the Court's in camera review; it shall provide plaintiffs only with a notice of filing but not with the relevant document itself. (N) (bm) (Entered: 02/13/1997)  |
| 02/24/1997 | 26 | NOTICE OF FILING by federal defendant SURFACE TRANS. BOARD of response to court's Order of 2/13/97 for in camera inspection. (ks) (Entered: 03/26/1997)  |
| 03/25/1997 | 25 | MEMORANDUM by federal defendant SURFACE TRANS. BOARD of a copy of the March 21, 1997, decision of the United States Court of Appeals for the District of Columbia Circuit in Appeal No. 95-1621, United Transportation Union, et al v. Surface Transportation Board; attachment (1). (tth) (Entered: 03/26/1997)   |
| 07/31/1997 | 27 | OPINION by Judge Paul L. Friedman (N) (bm) (Entered: 07/31/1997)   |
| 07/31/1997 | 28 | ORDER AND JUDGMENT by Judge Paul L. Friedman: granting in part, denying in part motion for summary judgment [8-1] by plaintiffs; entering judgment for plaintiffs with respect to their FOIA claim regarding page one up to the Conclusion on page eight of the McCarthy Memorandum ; granting in part, denying in part motion for summary judgment [11-1] by defendant; entering judgment for defendant with respect to the Conclusion of the McCarthy Memorandum as it is exempt from disclosure under the attorney work product privilege of Exemption 5 of the FOIA ; ordering defendant to disclose a redacted version of McCarthy Memorandum; the only portion of the memorandum that may be redacted is the Conclusion, which begins on page eight of the memorandum and continues onto page nine and includes footnote number four. (N) (bm) (Entered: 07/31/1997) |
| 08/14/1997 | 29 | MOTION filed by plaintiff BROTHERHOOD OF LOCO., plaintiff UNITED TRANS UNION for attorney's fees ; Exhibits (3). (ks) (Entered: 08/14/1997)  |
| 08/14/1997 | 30 | BILL OF COSTS by plaintiff BROTHERHOOD OF LOCO., plaintiff UNITED TRANS UNION (ks) (Entered: 08/14/1997)   |
| 08/28/1997 | 31 | MEMORANDUM by federal defendant SURFACE TRANS. BOARD in opposition to motion for attorney's fees [29-1] by UNITED TRANS UNION, BROTHERHOOD OF LOCO. (ks) (Entered: 08/29/1997)   |
| 09/05/1997 | 32 | REPLY by plaintiffs BROTHERHOOD OF LOCO., UNITED TRANS UNION to response to motion for attorney's fees [29-1] by UNITED TRANS UNION, BROTHERHOOD OF LOCO. (ks) (Entered: 09/08/1997)   |
| 10/15/1997 | 33 | SUPPLEMENTAL MEMORANDUM by plaintiffs in support of motion for attorney's fees [29-1] by UNITED TRANS UNION, BROTHERHOOD OF LOCO.; Exhibits (4). (ks) (Entered: 10/16/1997)  |
| 03/11/1998 | 34 | ORDER by Judge Paul L. Friedman : granting motion for attorney's fees [29-1] by UNITED TRANS UNION, BROTHERHOOD LOCO.; defendants pay plaintiffs' attorneys' fees and costs in the amount of \$29,161.20. (N) (bm) (Entered: 03/11/1998)   |
| 07/15/1998 |    | BILL OF COSTS as taxed by the Clerk in favor of plaintiff BROTHERHOOD OF LOCO. & plaintiff UNITED TRANS. UNION against defendant SURFACE TRANS. BOARD in the amount of: \$120.00 (jwb) (Entered: 07/15/1998)   |