

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:96-cv-00660-RMU**

KAY v. FCC
Assigned to: Judge Ricardo M. Urbina
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 04/04/1996
Date Terminated: 08/21/1997
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**JAMES A. KAY, JR.**

represented by **Barry Allen Friedman**
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V.

Defendant**FEDERAL COMMUNICATIONS
COMMISSION**

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Date Filed	#	Docket Text
04/04/1996	1	COMPLAINT filed by plaintiff JAMES A. KAY JR. ; exhibits (1) (bjsp) (Entered: 04/08/1996)
04/04/1996		SUMMONS (3) issued to federal party(s) federal defendant FCC , and non-parties: U.S. Attorney and U.S. Attorney General. (bjsp) (Entered: 04/08/1996)
04/04/1996		MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff JAMES A. KAY JR.. (bjsp) (Entered: 04/08/1996)
04/09/1996	2	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/5/96 upon federal defendant FCC (bjsp) (Entered: 04/10/1996)
04/09/1996	3	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 4/5/96 (bjsp) (Entered: 04/10/1996)
04/09/1996	4	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 4/5/96 (bjsp) (Entered: 04/10/1996)
05/08/1996	5	ATTORNEY APPEARANCE for federal defendant FCC by Charles Francis Flynn (tw) (Entered: 05/09/1996)
05/08/1996	6	ANSWER TO COMPLAINT [1-1] by federal defendant FCC . (tw) (Entered: 05/09/1996)

05/09/1996		SCHEDULING NOTICE: status hearing set for 9:00 8/7/96` ; before Judge Ricardo M. Urbina . (jwd) Modified on 05/13/1996 (Entered: 05/09/1996)
06/03/1996	7	JOINT MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff JAMES A. KAY JR., federal defendant FCC . (bjsp) (Entered: 06/04/1996)
06/10/1996	8	SCHEDULING ORDER by Judge Ricardo M. Urbina : defendant will make a Vaughn index submission by 7/1/96;parties will then confer as to whether plaintiff will abandon his claim to any and all of the records that remain withheld; defendant's motion for summary judgment as to any records remaining in dispute due 7/8/96; plaintiff's response to motion for summary judgment due 7/15/96; defendant's reply due 7/21/96 ; (N) (jwd) Modified on 06/11/1996 (Entered: 06/11/1996)
07/01/1996	9	NOTICE OF FILING by federal defendant FCC to the Court RE: the filing of the declaration of Anne Marie Wypijewski ; exhibits (13) (bjsp) (Entered: 07/02/1996)
07/01/1996	10	NOTICE OF FILING by federal defendant FCC to the Court RE: the filing of the declaration of Lawrence C. Clance ; exhibits (1) (bjsp) (Entered: 07/02/1996)
07/03/1996	11	ERRATA by federal defendant FCC to the Court RE: the filing of the original declaration of Lawrence C. Clance which should be replaced with this original declaration because the declaration whih was filed on 7/1/96 was a facimile copy. ; exhibits (2) ; declarations (1) (bjsp) (Entered: 07/05/1996)
07/08/1996	12	MOTION filed by federal defendant FCC for summary judgment (bjsp) (Entered: 07/09/1996)
07/08/1996	13	MOTION filed by federal defendant FCC for leave to file declaration under seal EXHIBIT(Declaration LOGDED UNDER SEAL) (bjsp) (Entered: 07/09/1996)
07/12/1996	14	MOTION filed by plaintiff JAMES A. KAY JR., federal defendant FCC to modify scheduling order and to continue the status hearing to a later date (bjsp) (Entered: 07/12/1996)
07/15/1996	15	CONSENT ORDER by Judge Ricardo M. Urbina : granting motion to modify scheduling order and to continue the status hearing to a later date [14-1] by FCC, JAMES A. KAY JR.; response motion for summary judgment due 7/23/96; and reply motion for summary judgment due 8/6/96 (N) (jaw) (Entered: 07/16/1996)
07/23/1996	16	RESPONSE by plaintiff JAMES A. KAY JR. in opposition to motion for summary judgment [12-1] by FCC . ; exhibits (7) (bjsp) (Entered: 07/25/1996)
07/25/1996	17	ERRATA by plaintiff JAMES A. KAY JR. to the Court RE: the filing of a faxed copy of a declaration of Jeffrey L. Cohen on 7/23/96. Filed today is an original declaration of Jeffrey L. Cohen which should be submitted in place of the faxed declaration which was filed on 7/23/96 with their opposition to defendant's motion for summary judgment (bjsp) (Entered: 07/26/1996)
07/30/1996	18	MOTION (UNOPPOSED) filed by federal defendant FCC to reset status hearing to a later date (bjsp) (Entered: 07/31/1996)
07/30/1996	19	REPLY MEMORANDUM by federal defendant FCC to plaintiff's opposition to motion for summary judgment [12-1] by FCC (bjsp) (Entered: 07/31/1996)
10/15/1996	20	MOTION filed by plaintiff JAMES A. KAY JR. for in camera inspection of the documents claimed by the defendant, FCC as being exempt from production under the FOIA act ; exhibits (5) (bjsp) (Entered: 10/16/1996)
10/29/1996	21	NOTICE OF FILING by federal defendant FCC to the Court RE: the filing of their third declaration of Anne Marie Wypijewski which is filed in conjunction with defendant's motion for in camera inspection ; attachments ; declarations (1) (copy) (bjsp) (Entered: 10/30/1996)
10/29/1996	22	MEMORANDUM by federal defendant FCC in opposition to motion for in camera inspection of the documents claimed by the defendant, FCC as being exempt from production under the FOIA act [20-1] by JAMES A. KAY JR. (bjsp) (Entered: 10/30/1996)

11/01/1996	23	NOTICE OF FILING by federal defendant FCC to the Court RE: the filing on an original third declaration of Anne Marie Wypijewski, sworn 10/29/96 with its attached exhibit. ; declarations (1) (bjsp) (Entered: 11/04/1996)
11/07/1996	24	MOTION filed by plaintiff JAMES A. KAY JR. to strike third declaration of Anne Marie Wypijewski [23-1] (bjsp) (Entered: 11/08/1996)
11/07/1996	25	REPLY MEMORANDUM by federal defendant FCC in opposition to plaintiff's motion for in camera inspection of the documents claimed by the defendant, FCC as being exempt from production under the FOIA act [20-1] and motion to strike third declaration of Anne Marie Wypijewski [23-1] [24-1] by JAMES A. KAY JR. ; exhibits (7) (bjsp) (Entered: 11/13/1996)
11/20/1996	26	MEMORANDUM by federal defendant FCC in opposition to motion to strike third declaration of Anne Marie Wypijewski [23-1] [24-1] by JAMES A. KAY JR. ; exhibits (1) (bjsp) Modified on 11/21/1996 (Entered: 11/21/1996)
11/26/1996	27	MOTION filed by plaintiff JAMES A. KAY JR. to extend time to 12/6/96 within which to file reply memorandum (bjsp) (Entered: 11/27/1996)
12/04/1996	28	ORDER by Judge Ricardo M. Urbina : granting motion to extend time to 12/6/96 within which to file reply memorandum [27-1] by JAMES A. KAY JR. (N) (jwd) (Entered: 12/04/1996)
12/06/1996	29	REPLY by plaintiff JAMES A. KAY JR. to defendant's oppositon to motion to strike third declaration of Anne Marie Wypijewski [23-1] [24-1] by JAMES A. KAY JR. ; exhibits (2) (bjsp) (Entered: 12/09/1996)
12/13/1996	30	MOTION filed by federal defendant FCC to quash subpoenas for Robert G. Andary and Sheila Parker , and for protective order ; exhibits (3) (tw) (Entered: 12/16/1996)
12/27/1996	31	RESPONSE by plaintiff JAMES A. KAY JR. in opposition to motion to quash subpoenas for Robert G. Andary and Sheila Parker [30-1] and motion for protective order [30-2] by FCC . (bjsp) (Entered: 12/30/1996)
08/21/1997	32	MEMORANDUM OPINION AND ORDER by Judge Ricardo M. Urbina denying plaintiff's motin for incamera review; denying plaintiff's motion to strike, granting defendant's motin to quash, granting defendant's motin for leave to file under seal; and granting defenant's motin for summary judgment; a separate Order for Entry of Judge accompanies this Memorandum Opinion and Order (N) (jwd) (Entered: 08/21/1997)
08/21/1997	33	ORDER by Judge Ricardo M. Urbina : denying motion to quash subpoenas for Robert G. Andary and Sheila Parker [30-1] by FCC, denying motion to strike third declaration of Anne Marie Wypijewski [23-1] [24-1] by JAMES A. KAY JR., denying motion for in camera inspection of the documents claimed by the defendant, FCC as being exempt from production under the FOIA act [20-1] by JAMES A. KAY JR., granting motion for leave to file second declaration under seal [13-1] by FCC, granting motion for summary judgment [12-1] by FCC; that judgment is hereby entered in favor of defendant FCC; dismissing case (N) (jwd) (Entered: 08/21/1997)
08/21/1997	34	NOTICE OF FILING by federal defendant FCC to the Court of a declaration being filed under seal (FILED UNDER SEAL IN ROOM 1800) ; attachments (bjsp) (Entered: 08/25/1997)
10/14/1997	35	NOTICE OF APPEAL by plaintiff JAMES A. KAY JR. from order [33-1] , entered on: 8/21/97. Docketing Fee \$100.00 paid. Filing fee \$5.00 paid. Copies were sent out to Barry Friedman and Charles Flynn. (bjsp) (Entered: 10/16/1997)
10/16/1997		TRANSMITTED RECORD ON appeal [35-1] by JAMES A. KAY JR. to U.S. Court of Appeals USCA# (bjsp) (Entered: 10/16/1997)
10/24/1997		USCA # 97 5296 assigned for appeal [35-1] by JAMES A. KAY JR. (bjsp) (Entered: 10/24/1997)
09/23/1998	36	CERTIFIED COPY of judgment filed in USCA dated 7/29/98, on appeal [35-1] , affirming the judgment of USDC . USCA # 97-5296 (cjp) (Entered: 09/23/1998)