

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:95-cv-00946-CRR**

PUBLIC EDUC. CENTER v. DOD
Assigned to: Judge Charles R. Richey
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 05/19/1995
Date Terminated: 11/20/1995
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**PUBLIC EDUCATION CENTER,
INC.**

represented by **Charles Leonard Egan**
1900 L Street, NW
Suite 611
Washington, DC 20036
(202) 467-4047
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF DEFENSE

represented by **Charles Francis Flynn**
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555 Fourth Street, NW
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(202) 514-7188
TERMINATED: 07/25/1995
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TERMINATED: 08/25/1995
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Date Filed	#	Docket Text
05/19/1995	1	COMPLAINT filed by plaintiff PUBLIC EDUC. CENTER (jeb) (Entered: 05/22/1995)

05/19/1995		SUMMONS (3) issued to federal party(s) defendant DOD , and non-parties: U.S. Attorney and U.S. Attorney General. (jeb) (Entered: 05/22/1995)
05/19/1995	2	RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff PUBLIC EDUC. CENTER (jeb) (Entered: 05/22/1995)
05/22/1995		MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff PUBLIC EDUC. CENTER . (lpp) (Entered: 05/22/1995)
05/25/1995	3	ORDER by Judge Charles R. Richey : directing the office of the U.S. Attorney and the plaintiff to appear for a Rule 16 Scheduling Conference at 10:00 6/14/95, at which time they shall be prepared to discuss any and all aspects of the captioned case (N) (dbw) (Entered: 05/25/1995)
06/14/1995		STATUS HEARING before Judge Charles R. Richey : answer due 6/19/95; Vaughn v. Rosen Index or declarations due by 4:00 7/19/95; response due 7/26/95 Reporter: Susan Tyner (dbw) (Entered: 06/16/1995)
06/14/1995	4	ORDER by Judge Charles R. Richey : directing defendant to file declaration or, alternatively, a Vaughn Index by 7/19/95 4:00; response due 7/26/95 4:00 (N) (dbw) (Entered: 06/19/1995)
06/19/1995	5	ANSWER TO COMPLAINT [1-1] by defendant DOD . (lpp) (Entered: 06/20/1995)
07/25/1995	6	MOTION (UNOPPOSED) filed by defendant DOD to extend time to 8/11/95 to respond to Court's Order dated June 14, 1995 (JMF) (Entered: 07/26/1995)
07/25/1995	7	SUBSTITUTION OF COUNSEL for defendant DOD , substituting Sam W. McCahon for attorney Charles Francis Flynn for DOD (ted) (Entered: 07/27/1995)
07/27/1995	8	ORDER by Judge Charles R. Richey : granting motion to extend time to 8/11/95 to respond to Court's Order dated June 14, 1995 [6-1] by DOD; defendants declarations or, alternatively, a Vaughn Index in support of its decision to withhold the materials at issue due by 4:00 8/11/95 ; plaintiffs response due by 4:00 8/24/95 (N) (dbw) (Entered: 07/28/1995)
08/11/1995	9	MOTION filed by defendant DOD for summary judgment ; declarations (2); exhibits (2). (JMF) (Entered: 08/14/1995)
08/24/1995	10	RESPONSE by plaintiff PUBLIC EDUC. CENTER to motion for summary judgment [9-1] by DOD; attachment (1). (JMF) Modified on 08/25/1995 (Entered: 08/25/1995)
08/25/1995	11	ATTORNEY APPEARANCE for defendant DOD by Marina Utgoff Braswell (JMF) (Entered: 08/28/1995)
08/25/1995	12	NOTICE OF WITHDRAWAL of attorney Sam W. McCahon for DOD. (JMF) (Entered: 08/28/1995)
09/05/1995	13	MOTION (UNOPPOSED) filed by defendant DOD to extend time to 9/20/95 to file defendant's reply to plaintiff's opposition to defendant's motion for summary judgment (JMF) Modified on 09/06/1995 (Entered: 09/06/1995)
09/06/1995	14	ORDER by Judge Charles R. Richey : defendant's supplemental declaration and Vaughn index due by 4:00 9/15/95 ; plaintiff's response and continuing opposition to summary judgment due 4:00 9/22/95; provided that if such submission satisfies this Circuit's standard for filing materials under seal, it may be filed as such along with a memorandum in support of sealing; suggested procedures for reviewing supplemental declaration in camera, along with memorandum in support of in camera review due by 4:00 9/11/95; plaintiff's opposition to in camera review due by 4:00 9/15/95; plaintiff's affidavit substantiating its position that "the release of (the tapes could not) reveal anything useful to a hostile nation about the technology used to make it," due by 4:00 9/15/95; directing Clerk of Court to telephone contents of order to counsel for the parties (N) [see order for details] (dbw) (Entered: 09/06/1995)
09/06/1995	15	ORDER by Judge Charles R. Richey : denying motion to extend time to 9/20/95 to file defendant's reply to plaintiff's opposition to defendant's motion for summary judgment [13-1] by DOD; "see order of 9/6/95" Richey, J. (N) (dbw) (Entered: 09/06/1995)

09/11/1995	16	MOTION filed by defendant DOD for leave to submit a classified in camera declaration ; declarations (1); attachments (1) (JMF) (Entered: 09/12/1995)
09/18/1995	17	MOTION (UNOPPOSED) filed by plaintiff PUBLIC EDUC. CENTER to extend time to 9/20/95 to respond to defendants memorandum in support of in camera review (JMF) (Entered: 09/19/1995)
09/20/1995	18	ORDER by Judge Charles R. Richey : granting motion to extend time to 9/20/95 to respond to defendants memorandum in support of in camera review [17-1] by PUBLIC EDUC. CENTER; plaintiff's opposition to in camera review and supplemental affidavit, if any, due by 4:00 9/20/95 ; directing Clerk of Court to telephone contents of this order to parties. (N) (dbw) (Entered: 09/20/1995)
09/20/1995	19	RESPONSE by plaintiff PUBLIC EDUC. CENTER to motion for leave to submit a classified in camera declaration [16-1] by DOD (JMF) (Entered: 09/21/1995)
09/21/1995	20	NOTICE OF FILING by defendant DOD of intent to file reply brief addressing plaintiff's contentions (JMF) (Entered: 09/22/1995)
09/29/1995	21	REPLY by defendant DOD to plaintiff's response to defendant's motion for leave to submit a classified in camera declaration [16-1] (JMF) (Entered: 10/02/1995)
10/02/1995	22	ORDER by Judge Charles R. Richey : defendant's supplemental declaration from individual with personal knowledge that sets forth whether a statement of the type of rationale for nondisclosure is itself immune from public disclosure due by 4:00 10/10/95 ; defendant's supplemental declaration by either an individual with personal knowledge or an individual who has personally consulted with someone with personal knowledge, to effect that "tapes cannot be modified in any other fashion to release additional information" due by 4:00 10/10/95; plaintiff's response to supplemental declarations due by 4:00 10/16/95 (N) [see order for details] (dbw) (Entered: 10/03/1995)
10/13/1995	23	RESPONSE by plaintiff PUBLIC EDUC. CENTER to motion for leave to submit a classified in camera declaration [16-1] by DOD (JMF) (Entered: 10/18/1995)
11/06/1995	24	ORDER by Judge Charles R. Richey : defendant shall submit for in camera review a supplemental declaration from an individual with personal knowledge that sets forth explicitly, and in non-conclusory terms, the exact rationale for nondisclosure of each tape segment withheld and identified in the original Vaughn index by 4:00 11/20/95 (N) (dbw) (Entered: 11/06/1995)
11/17/1995	25	ORDER by Judge Charles R. Richey : directing that the tapes have been properly classified and that there was a rational basis for classifying them as secret and nondisclosable; directing that the Supplemental Declaration itself should remain classified and nondisclosable on the basis of the facts contained in the Supplemental Declaration, and the notes attached thereto; directing that Defendant shall not be required to file the Supplemental Declaration under seal, but shall maintain the Declaration and the notes attached thereto, disclosed to the Court today, in a separately sealed envelope in Defendant's usual place for maintaining classified information, so if necessary this information may be made available to an appellate court exercising its review or supervisory responsibilities; directing the Court Reporter to maintain the tapes of the reasons articulated by the Court at the conclusion of its examination of the Supplemental Declaration and the notes attached thereto, UNDER SEAL. (N) (bjl) (Entered: 11/20/1995)
11/20/1995	26	MEMORANDUM OPINION by Judge Charles R. Richey (N) (jeb) (Entered: 11/20/1995)
11/20/1995	27	ORDER by Judge Charles R. Richey : granting motion for summary judgment [9-1] by DOD (N) (jeb) (Entered: 11/20/1995)