

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:94-cv-01105-CRR**

KAY, et al v. FCC
Assigned to: Judge Charles R. Richey
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 05/19/1994
Date Terminated: 11/09/1994
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JAMES A. KAY, JR.
doing business as
SOUTHLAND COMMUNICATIONS

represented by **Dennis Curtis Brown**
126/B North Bedford Street
Arlington, VA 22201
(703) 525-9630
Fax: 703-526-0017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

DENNIS C. BROWN
doing business as
BROWN AND SCHWANINGER

represented by **Dennis Curtis Brown**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

ROBERT H. SCHWANINGER, JR.
doing business as
BROWN AND SCHWANINGER

represented by **Dennis Curtis Brown**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**FEDERAL COMMUNICATIONS
COMMISSION**

represented by **Thomas Joseph McIntyre, Jr.**
U.S. DEPARTMENT OF JUSTICE
1301 New York Avenue, NW
Suite 1127
Washington, DC 20530-0001
(202) 514-4412
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/19/1994	1	COMPLAINT filed by plaintiffs JAMES A. KAY JR., DENNIS C. BROWN, and ROBERT H. SCHWANINGER JR. (bm) (Entered: 05/20/1994)
05/19/1994		SUMMONS (3) issued to federal party defendant FCC, and non-parties: U.S. Attorney and U.S. Attorney General. (bm) (Entered: 05/20/1994)
05/20/1994		MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiffs JAMES A. KAY JR., DENNIS C. BROWN, and ROBERT H. SCHWANINGER JR.. (bm) (Entered: 05/20/1994)
06/17/1994		STATUS HEARING before Judge Charles R. Richey : Reporter: Lorraine Strobel, Miller Reporting (jeb) (Entered: 06/17/1994)

06/20/1994	2	ORDER by Judge Charles R. Richey : directing the defendant to file an answer due by 6/22/94; directing the defendant to file its Vaughn index due 7/29/94 by 4:00 p.m.; directing that plaintiffs may respond due by 8/12/94 by 4:00 p.m. (N) (jeb) (Entered: 06/20/1994)
06/22/1994	3	ANSWER TO COMPLAINT [1-1] by defendant FCC . (adc) (Entered: 06/23/1994)
06/23/1994	4	REQUEST by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. for injunction pendente lite ; exhibits (2) (adc) (Entered: 06/24/1994)
06/28/1994	5	MOTION filed by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. for temporary restraining order Exhibits (3) (dcn) (Entered: 06/29/1994)
06/30/1994	6	ORDER by Judge Stanley Sporkin : denying motion for temporary restraining order [5-1] by ROBERT H. SCHWANINGER JR., DENNIS C. BROWN, JAMES A. KAY JR. (N) (lin) (Entered: 07/01/1994)
06/30/1994		MOTION HEARING before Judge Stanley Sporkin; temporary restraining order denied Reporter: B. Byrne (lin) (Entered: 07/05/1994)
07/05/1994	7	MOTION filed by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. to dismiss motion for injunction pendente lite [4-1] (jeb) (Entered: 07/06/1994)
07/11/1994	8	ORDER by Judge Charles R. Richey : dismissing without prejudice motion to dismiss motion for injunction pendente lite [4-1] by H. SCHWANINGER JR., DENNIS C. BROWN, JAMES A. KAY JR. [7-1] as to plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. (N) (jeb) (Entered: 07/11/1994)
07/28/1994		STATUS HEARING before Judge Charles R. Richey : Reporter: Frank Rangus (jeb) (Entered: 07/28/1994)
07/29/1994	9	ORDER by Judge Charles R. Richey :denying the motion to take depositions by plaintiff JAMES A. KAY; directing counsel to continue to adhere to the scheduling order previously set in this matter.(N) (jeb) (Entered: 07/29/1994)
07/29/1994	10	MOTION filed by defendant FCC for summary judgment, Declarations (3), Attachment (3), bulky pleading (lpp) (Entered: 08/01/1994)
08/01/1994		Case Reopened (jeb) (Entered: 08/01/1994)
08/11/1994	11	MOTION filed by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. for partial summary judgment on the grounds that not genuine issue of material fact exists, Declaration (1) . (lpp) (Entered: 08/16/1994)
08/11/1994	12	RESPONSE by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. in opposition to motion for summary judgment, [10-1] by FCC . (lpp) (Entered: 08/16/1994)
08/18/1994	13	RESPONSE by defendant FCC in opposition to motion for partial summary judgment on the grounds that not genuine issue of material fact exists, Declaration (1) . [11-1] by ROBERT H. SCHWANINGER JR., DENNIS C. BROWN, JAMES A. KAY JR. Attachment (1), Exhibits (3). (lpp) (Entered: 08/19/1994)
08/25/1994	14	REPLY by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. to opposition [13-1] by FCC to plaintiffs' motion for summary judgment. (jeb) (Entered: 08/26/1994)
08/26/1994	15	MEMORANDUM by defendant FCC in support of motion for summary judgment, [10-1] by FCC; exhibit (1) (mlp) (Entered: 08/30/1994)
08/26/1994	16	RESPONSE by defendant FCC in opposition to motion for partial summary judgment on the grounds that not genuine issue of material fact exists, Declaration (1) . [11-1] by ROBERT H. SCHWANINGER JR., DENNIS C. BROWN, JAMES A. KAY JR.; exhibit (1) . (mlp) (Entered: 08/30/1994)

08/30/1994	17	RESPONSE by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. in opposition to motion for summary judgment, [10-1] by FCC . (lpp) (Entered: 09/08/1994)
08/30/1994	18	REPLY by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. to response to motion for partial summary judgment on the grounds that not genuine issue of material fact exists, Declaration (1) [11-1] by ROBERT H. SCHWANINGER JR., DENNIS C. BROWN, JAMES A. KAY JR. (lpp) (Entered: 09/08/1994)
10/19/1994	19	MOTION filed by plaintiff(s) JAMES A. KAY JR., plaintiff(s) DENNIS C. BROWN, plaintiff(s) ROBERT H. SCHWANINGER JR. to accept unauthorized pleading , Exhibit (1) (lpp) (Entered: 10/20/1994)
10/19/1994	20	SUPPLEMENTAL MEMORANDUM in opposition to response [17-1] by ROBERT H. SCHWANINGER JR., DENNIS C. BROWN, JAMES A. KAY JR.(lpp) (Entered: 10/20/1994)
10/25/1994	21	ORDER by Judge Charles R. Richey : granting motion to accept unauthorized pleading [19-1] by ROBERT H. SCHWANINGER JR., DENNIS C. BROWN, JAMES A. KAY JR. defendant's response to motion due 4:00 10/28/94 ; plaintiffs' reply to motion due 4:00 11/1/94 ; (N) (jeb) (Entered: 10/25/1994)
10/25/1994	22	RESPONSE (OPPOSITIONS) by defendant FCC to supplemental memorandum [20-1], Exhibits (3), Declaration (1) (lpp) (Entered: 10/26/1994)
10/28/1994	23	REPLY by plaintiff JAMES A. KAY JR., plaintiff DENNIS C. BROWN, plaintiff ROBERT H. SCHWANINGER JR. to response to response [22-1] by FCC . (lpp) (Entered: 10/31/1994)
11/08/1994	24	MEMORANDUM OPINION by Judge Charles R. Richey (N) (jeb) (Entered: 11/09/1994)
11/08/1994	25	ORDER by Judge Charles R. Richey : denying motion for partial summary judgment on the grounds that not genuine issue of material fact exists, Declaration (1) . [11-1] by ROBERT H. SCHWANINGER JR., DENNIS C. BROWN, JAMES A. KAY JR., granting motion for summary judgment, [10-1] by FCC (N) (jeb) (Entered: 11/09/1994)