

CLOSED,MEDIATION,TYPE-I

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:94-cv-00628-GK**

DONG v. SMITHSONIAN INST., et al  
Assigned to: Judge Gladys Kessler  
Demand: \$100,000  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/24/1994  
Date Terminated: 09/05/1996  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**MARGARET DONG**

represented by **John Patrick Mahoney**  
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V.

**Defendant**

**SMITHSONIAN INSTITUTION**  
*Smithsonian Institution, Hirshhorn  
Museum & Sculpture Garden*

represented by **Nancy R. Doyle**  
COMMODITY FUTURES TRADING  
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Date Filed	#	Docket Text
03/24/1994	1	COMPLAINT filed by plaintiff(s) MARGARET DONG (cjp) (Entered: 03/25/1994)
03/24/1994		SUMMONS issued to federal party(s) defendant SMITHSONIAN INST., and non-parties: U.S. Attorney and U.S. Attorney General. (3) (cjp) (Entered: 03/25/1994)
03/29/1994	4	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney on 3/24/94; attachment (1) (dmb) (Entered: 04/08/1994)
04/07/1994	2	RETURN OF SERVICE/AFFIDAVIT executed upon defendant SMITHSONIAN INST. on 3/28/94 via certified mail; attachment (1) (dmb) Modified on 04/08/1994 (Entered: 04/08/1994)
04/07/1994	3	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney General on 3/28/94 via certified mail; attachment (1) (dmb) Modified on 04/08/1994 (Entered: 04/08/1994)
05/20/1994	5	ATTORNEY APPEARANCE for defendant SMITHSONIAN INST. by Robert Lawrence Shapiro (bm) (Entered: 05/23/1994)
05/20/1994	6	MOTION filed by defendant SMITHSONIAN INST. to dismiss complaint [1-1] (bm) (Entered: 05/23/1994)
05/27/1994	7	MOTION filed by plaintiff MARGARET DONG to extend time to 6/13/94 to file reply memorandum to defendant's motion to dismiss for failure to state a claim (bm) (Entered: 05/31/1994)
06/13/1994	8	RESPONSE by plaintiff(s) MARGARET DONG in opposition to motion to dismiss complaint [1-1] [6-1] by SMITHSONIAN INST.; affidavit of Andrea E. Mertz with attachment; (jeb) (Entered: 06/14/1994)
06/13/1994	9	REQUEST by plaintiff(s) MARGARET DONG for oral argument on motion to dismiss (jeb) (Entered: 06/14/1994)
06/23/1994	10	REPLY by defendant SMITHSONIAN INST. in support of its motion to dismiss complaint [1-1] [6-1] by SMITHSONIAN INST. (adc) (Entered: 06/24/1994)
07/01/1994	11	REASSIGNMENT OF CIVIL CASE from Judge Greene to Judge Gladys Kessler by direction of the Calendar Committee. Emergency matters will continue to be handled by Judge Greene until Judge Kessler takes the oath of office. (N) (gt) (Entered: 07/05/1994)
07/21/1994	12	ORDER by Judge Harold H. Greene : granting motion to extend time to 6/3/94 to file reply memorandum to defendant's motion to dismiss for failure to state a claim [7-1] by MARGARET DONG reply to dispositive motions due by 6/3/94 ; (N) (dcn) (Entered: 07/22/1994)
08/18/1994	13	ORDER by Judge Gladys Kessler : status hearing set for 10:00 9/13/94 (N) (pob) (Entered: 08/18/1994)
09/09/1994	14	STATUS REPORT by plaintiff(s) MARGARET DONG, defendant SMITHSONIAN INST. pursuant to the Court's 8/18/94 order (clv) (Entered: 09/12/1994)
09/13/1994		STATUS HEARING before Judge Gladys Kessler: oral motion by Joseph Kaplan for John Mahoney, to appear pro hac vice as co-counsel for plaintiff heard and granted. Reporter: Marilyn Young (pob) (Entered: 09/13/1994)
09/13/1994	15	ATTORNEY APPEARANCE pro hac vice as co-counsel for plaintiff(s) MARGARET DONG by John P. Mahoney (kmk) (Entered: 09/13/1994)
09/20/1994	16	SUPPLEMENTAL MEMORANDUM to motion to dismiss complaint [1-1] [6-1] by SMITHSONIAN INST.; attachment. (pob) Modified on 09/21/1994 (Entered: 09/21/1994)
09/28/1994	17	RESPONSE (OPPOSITIONS) by plaintiff(s) MARGARET DONG to defendant's supplemental memorandum on its motion to dismiss [16-1] (kmk) (Entered: 09/29/1994)

02/28/1995	18	MEMORANDUM OPINION by Judge Gladys Kessler denying motion to dismiss by defendant. (N) (pob) (Entered: 02/28/1995)
02/28/1995	19	ORDER by Judge Gladys Kessler: denying motion to dismiss complaint [1-1] [6-1] by SMITHSONIAN INST. (N) (pob) (Entered: 02/28/1995)
03/01/1995	20	ORDER by Judge Gladys Kessler : status hearing set for 9:45 3/17/95 (N) (pob) (Entered: 03/01/1995)
03/10/1995	21	ANSWER TO COMPLAINT [1-1] by defendant SMITHSONIAN INST. . (dam) (Entered: 03/13/1995)
03/13/1995	22	(JOINT) MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff MARGARET DONG, defendant SMITHSONIAN INST. . (tth) (Entered: 03/14/1995)
03/17/1995		STATUS HEARING before Judge Gladys Kessler: oral motion by parties to stay case heard and granted; case stayed until 5/2/95; response to motion for protective order due 4/17/95; reply due 4/24/95; joint conference call set for 5/2/95 at 9:30 a.m. Reporter: Marilyn Young (pob) (Entered: 03/17/1995)
04/17/1995	23	RESPONSE by defendant SMITHSONIAN INST. in opposition to plaintiff's motion for a protective Order, which was discussed at the status conference of March 17, 1995. (dam) (Entered: 04/18/1995)
05/03/1995	24	ORDER by Judge Gladys Kessler: status hearing set for 9:30 6/30/95 ; reply to government's motion for protective order due 5/9/95. (N) (pob) (Entered: 05/03/1995)
05/09/1995	25	REPLY by plaintiff MARGARET DONG to response to plaintiff's motion for protective order. (pob) (Entered: 05/10/1995)
05/11/1995	26	ORDER by Judge Gladys Kessler denying plaintiff's motion for a protective order. (N) (rew) (Entered: 05/12/1995)
06/30/1995		STATUS HEARING before Judge Gladys Kessler: Reporter: Laura Beasley (pob) (Entered: 06/30/1995)
07/24/1995	27	SCHEDULING ORDER by Judge Gladys Kessler: discovery due 11/30/95; dispositive motions due 12/15/95; pretrial conference set for 4:00 1/16/96; trial set for 9:30 1/23/96 Case assigned to the Standard track (track two) (N) (pob) (Entered: 07/24/1995)
07/24/1995	28	CONSENT TO MEDIATION by Judge Gladys Kessler: referring case for mediation; Mediation to be concluded by 12/21/95 (N) (pob) (Entered: 07/24/1995)
11/22/1995	29	MOTION (UNOPPOSED) filed by plaintiff MARGARET DONG to extend time for filing discovery to 12/8/95 (dam) (Entered: 11/24/1995)
11/28/1995	30	ORDER by Judge Gladys Kessler: granting motion to extend time for filing discovery to 12/8/95 [29-1] by MARGARET DONG Discovery now closes 12/8/95 (N) (pob) (Entered: 11/29/1995)
12/15/1995	31	MOTION (UNOPPOSED) filed by defendant SMITHSONIAN INST. to extend time to 12/15/95 to file a dispositive motion (dam) (Entered: 12/18/1995)
12/19/1995	32	MOTION filed by defendant SMITHSONIAN INST. to dismiss complaint [1-1] , or, in the alternative, for summary judgment ; exhibits (2) (dam) (Entered: 12/20/1995)
12/19/1995	33	MOTION filed by plaintiff MARGARET DONG for summary judgment ; exhibits (13) (dam) (Entered: 12/20/1995)
12/20/1995	34	ORDER by Judge Gladys Kessler: granting motion to extend time to 12/15/95 to file a dispositive motion [31-1] by SMITHSONIAN INST.; dispositive motions due by 12/19/95 (N) (pob) (Entered: 12/22/1995)
01/02/1996	35	RESPONSE by defendant SMITHSONIAN INST. in opposition to plaintiff's motion for summary judgment [33-1] by MARGARET DONG . (kmk) (Entered: 01/03/1996)
01/02/1996	36	RESPONSE by plaintiff MARGARET DONG in opposition to defendnat's motion to dismiss complaint [1-1] [32-1] by SMITHSONIAN INST., motion for summary

		judgment [32-2] by SMITHSONIAN INST.; exhibits (1) (dam) (Entered: 01/04/1996)
01/11/1996	37	PRETRIAL STATEMENT (JOINT) by plaintiff MARGARET DONG, defendant SMITHSONIAN INST. (dam) (Entered: 01/11/1996)
01/11/1996	38	JOINT MOTION by plaintiff MARGARET DONG, defendant SMITHSONIAN INST. to continue, postpone the trial (dam) (Entered: 01/11/1996)
01/11/1996	39	REPLY by plaintiff MARGARET DONG to defendant's opposition to plaintiff's motion for summary judgment [33-1] by MARGARET DONG (dam) (Entered: 01/17/1996)
01/11/1996	40	MOTION (UNOPPOSED) filed by defendant SMITHSONIAN INST. to extend time to 1/12/96 to file a reply on its dispositive motion (dam) (Entered: 01/17/1996)
01/16/1996	42	REPLY by defendant SMITHSONIAN INST. in support of motion to dismiss complaint [1-1] [32-1] by SMITHSONIAN INST., motion for summary judgment [32-2] by SMITHSONIAN INST. (dam) (Entered: 01/18/1996)
01/17/1996	41	ORDER by Judge Gladys Kessler: granting defendant's motion to extend time to 1/12/96 to file a reply on its dispositive motion [40-1] by SMITHSONIAN INST.; NUNC PRO TUNC; reply to dispositive motions due by 1/12/96 ; (N) (kmk) (Entered: 01/17/1996)
01/22/1996	43	ORDER by Judge Gladys Kessler: granting joint motion to continue, postpone the trial [38-1] by SMITHSONIAN INST., MARGARET DONG trial set for 4/15/96 or 9/3/96 (N) (pob) (Entered: 01/22/1996)
01/24/1996	44	ORDER by Judge Gladys Kessler: denying motion for summary judgment [33-1] by MARGARET DONG, denying motion to dismiss complaint [1-1] [32-1] or in the alternative for summary judgment [32-2] by SMITHSONIAN INST. (pob) (Entered: 01/24/1996)
03/29/1996	45	MEMORANDUM by plaintiff MARGARET DONG of cross-designations of deposition transcripts. (dam) (Entered: 04/01/1996)
08/07/1996	46	PRETRIAL STATEMENT (AMENDED) by plaintiff MARGARET DONG (dam) (Entered: 08/08/1996)
08/23/1996	47	PRETRIAL STATEMENT (AMENDED JOINT) by plaintiff MARGARET DONG (dam) (Entered: 08/26/1996)
08/26/1996	48	MOTION filed by defendant SMITHSONIAN INST. in limine to prevent testimony from James D. Douglas (dam) (Entered: 08/27/1996)
08/28/1996	50	RESPONSE IN OPPOSITION by plaintiff MARGARET DONG to motion in limine to prevent testimony from James D. Douglas [48-1] by SMITHSONIAN INST. (dam) (Entered: 08/29/1996)
08/28/1996	51	MOTION filed by plaintiff MARGARET DONG to amend pre-trial statement [47-1] by MARGARET DONG, pre-trial statement [46-1] by MARGARET DONG and plaintiff's witness list (dam) (Entered: 08/29/1996)
08/29/1996	49	ORDER by Judge Gladys Kessler: granting motion in limine to prevent testimony from James D. Douglas, and that James D. Douglas may not be called as a witness at trial [48-1] by SMITHSONIAN INST. (N) (kmk) (Entered: 08/29/1996)
09/03/1996		NON-JURY TRIAL before Judge Gladys Kessler begun, concluded and taken under advisement until 9/5/96 at 2:00 p.m. Court Reporter: Gordon Slodysko (pob) Modified on 09/04/1996 (Entered: 09/04/1996)
09/05/1996		NON-JURY TRIAL before Judge Gladys Kessler: judgment in favor of plaintiff MARGARET DONG and against defendant SMITHSONIAN, INSTITUTION in the amount of Two Thousand Five Hundred Dollars (\$2,500.00); plaintiff to submit within 15 days motion for attorney fees. reporter: Anneliese Thomson (pob) (Entered: 09/05/1996)
09/18/1996	52	ORDER by Judge Gladys Kessler : that defendant is liable for its unlawful collection of employment information about plaintiff under the Privacy Act; defendant is liable to

		plaintiff for \$2,500 in compensatory damages (N) (pob) (Entered: 09/19/1996)
09/26/1996	53	ATTORNEY APPEARANCE for defendant SMITHSONIAN INST. by Nancy R. Page (pob) (Entered: 09/27/1996)
09/26/1996	54	TRANSCRIPT (Bench Ruling) filed for date of 9/5/96. Reporter: Anneliese J. Thomson (pob) (Entered: 09/27/1996)
10/01/1996	55	STIPULATION filed and fiated by Judge Gladys Kessler regarding attorney fees. (N) (dam) (Entered: 10/02/1996)
10/01/1996	56	ORDER by Judge Gladys Kessler: that the United States is liable for the reimbursement of Pliantiff's attorney fees and costs in the sum of \$89,500.00 for fees and costs incurred in this action through 9/20/96; such payment shall be issued within 30 days of this Order. (N) (pob) (Entered: 10/02/1996)
10/16/1996	57	MOTION filed by defendant SMITHSONIAN INST. to stay payments (dam) (Entered: 10/17/1996)
10/16/1996	58	NOTICE OF APPEAL by defendant SMITHSONIAN INST. from order that defendant is liable for its unlawful collection of employment information about plaintiff under the Privacy Act; defendant is liable to plaintiff for \$2,500 in compensatory damages [52-1], order [52-2], entered on: 09/18/96. as well as the Court's oral ruling of 9/5/96 and the Court's memorandum opinion of 2/28/96 NO FEES. Government defendant. Those to receive copies of the appeal are Nancy Page, Robert Shapiro, John Mahoney and Joseph Kaplan. (dam) (Entered: 10/17/1996)
10/17/1996		TRANSMITTED PRELIMINARY RECORD on appeal [58-1] by SMITHSONIAN INST. to U.S. Court of Appeals (dam) (Entered: 10/17/1996)
10/17/1996	59	MOTION (UNOPPOSED) filed by defendant SMITHSONIAN INST. to extend time to 10/31/96 to comply with this Court's order of 10/1/96. (tth) (Entered: 10/18/1996)
10/18/1996	60	TRANSCRIPT filed for date(s) of 09/03/96. Reporter: Gordon A. Slodysko (dam) (Entered: 10/21/1996)
10/22/1996	61	ORDER by Judge Gladys Kessler: granting motion to extend time to 10/31/96 to comply with this Court's order of 10/1/96 [59-1] by SMITHSONIAN INST.; it is FURTHER ORDERED that defendant shall have until 12/2/96 in which to comply this Court's order of 10/1/96, requiring defendant to pay (\$89,500.00) Eighty-Nine Thousand Five Hundred Dollars in attorney fees. (N) (kmk) (Entered: 10/24/1996)
10/31/1996	62	FINDINGS OF FACT and Conclusions of Law. (pob) (Entered: 10/31/1996)
11/05/1996	63	ORDER by Judge Gladys Kessler: granting motion to stay payments [57-1] by SMITHSONIAN INST. (N) (pob) (Entered: 11/05/1996)
11/12/1996		USCA # 96-5303 assigned for appeal [58-1] by SMITHSONIAN INST. (dam) (Entered: 11/15/1996)
12/18/1997	64	CERTIFIED COPY of judgment filed in USCA dated 10/17/97, on appeal [58-1], reversing the judgment of USDC OPINION USCA # 96-5303 (cjp) (Entered: 12/18/1997)