

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:93-cv-01869-SSH**

MITTLEMAN v. KING, et al
Assigned to: Stanley S. Harris
Demand: \$10,000,000
Cause: 05:552 Freedom of Information Act

Date Filed: 09/08/1993
Date Terminated: 02/09/1998
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ELAINE MITTLEMAN

represented by **ELAINE MITTLEMAN**
2040 Arch Drive
Falls Church, VA 22043
(703) 734-0482
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PRO SE

V.

Defendant

JAMES B. KING
*in his official capacity as Director, United
States Office of Personnel Management*

represented by **Nancy R. Doyle**
COMMODITY FUTURES TRADING
COMMISSION
Office of General Counsel
1155 21st Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Lawrence Shapiro
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TERMINATED: 05/08/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF PERSONNEL
MANAGEMENT**

represented by **Nancy R. Doyle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Lawrence Shapiro
(See above for address)
TERMINATED: 05/08/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

represented by

RONALD H. BROWN
in his official capacity as Secretary,
United States Department of Commerce
 TERMINATED: 04/11/1996

Robert Lawrence Shapiro
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF COMMERCE

represented by **Nancy R. Doyle**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Robert Lawrence Shapiro
 (See above for address)
 TERMINATED: 05/08/1997
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

MARY GOOD
Acting Secretary of Commerce

represented by **Nancy R. Doyle**
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Robert Lawrence Shapiro
 (See above for address)
 TERMINATED: 05/08/1997
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/08/1993	1	COMPLAINT filed (tth) (Entered: 09/10/1993)
09/08/1993		SUMMONS (6) issued to federal party(s) defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC , and non-parties: U.S. Attorney and U.S. Attorney General. (tth) (Entered: 09/10/1993)
10/08/1993	2	ATTORNEY APPEARANCE for defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC by Robert Lawrence Shapiro (mlp) (Entered: 10/12/1993)
10/08/1993	3	MOTION filed by defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC to dismiss as to defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC, or, in the alternative, for summary judgment ; declaration (1), exhibits (7) (mlp) (Entered: 10/12/1993)
10/22/1993	4	MOTION filed by plaintiff(s) ELAINE MITTLEMAN to extend time to 11/23/93 to respond to motion to dismiss, or alternatively, for summary judgment. (mlp) (Entered: 10/25/1993)
11/16/1993	5	ORDER by Judge Stanley S. Harris : granting motion to extend time to 11/23/93 to respond to motion to dismiss, or alternatively, for summary judgment. [4-1] by ELAINE MITTLEMAN response to motion(s) due by 11/23/93 (N) (dot) (Entered: 11/17/1993)
11/18/1993	6	MOTION filed by plaintiff ELAINE MITTLEMAN to extend time to 1/7/94 to respond to the motion to dismiss, or alternatively, for summary judgment (mlp) (Entered: 11/18/1993)
12/02/1993	7	ORDER by Judge Stanley S. Harris : granting motion of plaintiff for enlargement of time until January 7, 1994, which to respond to the motion to dismiss or for summary judgment. (N) (emh) (Entered: 12/02/1993)
01/07/1994	8	MOTION filed by plaintiff ELAINE MITTLEMAN to extend time to 2/28/94 to respond to motion to dismiss, or alternatively, for summary judgment (mlp) (Entered: 01/07/1994)

		01/10/1994)
01/24/1994	9	ORDER by Judge Stanley S. Harris : granting motion to extend time to 2/28/94 to respond to motion to dismiss, or alternatively, for summary judgment [8-1] by ELAINE MITTLEMAN (N) (emh) (Entered: 01/27/1994)
02/28/1994	10	MOTION filed by plaintiff ELAINE MITTLEMAN to extend time to 5/2/94 to respond to motion to dismiss, or alternatively, for summary judgment. (mlp) (Entered: 03/01/1994)
03/17/1994	11	ORDER by Judge Stanley S. Harris : granting motion to extend time to 5/2/94 to respond to motion to dismiss, or alternatively, for summary judgment. [10-1] by ELAINE MITTLEMAN (N) (emh) (Entered: 03/21/1994)
05/02/1994	12	MOTION filed by plaintiff(s) ELAINE MITTLEMAN to extend time to 6/20/94 to respond to Motion to Dismiss (mal) (Entered: 05/05/1994)
05/19/1994	13	ORDER by Judge Stanley S. Harris : granting motion to extend time to 6/20/94 to respond to Motion to Dismiss [12-1] by ELAINE MITTLEMAN (N) (mal) (Entered: 05/19/1994)
06/20/1994	14	MOTION filed by plaintiff(s) ELAINE MITTLEMAN for enlargement of time to 8/24/94 within which to respond to motion to dismiss, or alternatively, for summary judgment ; Exhibits (2) (dbw) (Entered: 06/21/1994)
07/06/1994	15	ORDER by Judge Stanley S. Harris : granting motion for enlargement of time to 8/24/94 within which to respond to motion to dismiss, or alternatively, for summary judgment [14-1] by ELAINE MITTLEMAN (N) (emh) (Entered: 07/07/1994)
08/24/1994	16	MOTION filed by plaintiff(s) ELAINE MITTLEMAN to extend time to 10/24/94 to respond to motion to dismiss or alternatively, for summary judgment ; exhibits (3) (mlp) (Entered: 08/25/1994)
09/12/1994	17	ORDER by Judge Stanley S. Harris : granting motion to extend time to 10/24/94 to respond to motion to dismiss or alternatively, for summary judgment [16-1] by ELAINE MITTLEMAN; response to dispositive motions due by 10/24/94 (N) (dot) (Entered: 09/12/1994)
10/24/1994	18	MOTION filed by plaintiff(s) ELAINE MITTLEMAN to extend time to 12/14/94 to respond to motion to dismiss, or alternatively, for summary judgment ; exhibits (3) (mlp) (Entered: 10/25/1994)
11/01/1994		STATUS HEARING before Judge Stanley S. Harris : parties to submit briefing schedule regarding the filing of responses to motions; Reporter: R.Weber (emh) (Entered: 02/01/1995)
11/16/1994	19	STIPULATION AND ORDER by Judge Stanley S. Harris : setting forth schedule, subject to the approval of the Court. (copy) (N) (dot) (Entered: 11/18/1994)
11/22/1994	20	ORDER by Judge Stanley S. Harris : denying as moot motion of plaintiff for enlargement of time which to respond to defendants' motion to dismiss. (N) (emh) (Entered: 11/25/1994)
02/28/1995	21	RESPONSE by plaintiff ELAINE MITTLEMAN to order dated 11/16/94 [19-1] (mlp) (Entered: 03/01/1995)
03/10/1995	22	RESPONSE (OPPOSITIONS) by defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC to memorandum about discovery [21-1] by ELAINE MITTLEMAN (mlp) (Entered: 03/13/1995)
03/16/1995	23	ORDER by Judge Stanley S. Harris : directing that discovery, if any, shall not be taken until the resolution of defendants' dispositive motion; plaintiff to file her opposition to the pending motion to dismiss no later than 5/8/95. Failure to file a timely opposition will result in dismissal for failure to prosecute. (N) (fle) (Entered: 03/20/1995)
05/08/1995	24	MEMORANDUM by plaintiff ELAINE MITTLEMAN in opposition to motion to dismiss as to defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC, [3-1] by defendants, motion for summary judgment [3-2] by defendants; exhibits (29) (mlp) (Entered: 05/09/1995)

05/18/1995	25	MOTION (UNOPPOSED) filed by defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC to extend time to 5/23/95 to file a reply on their motion to dismiss, or, in the alternative, for summary judgment (ja) (Entered: 05/19/1995)
05/22/1995	26	ORDER by Judge Stanley S. Harris : granting motion to extend time to 5/23/95 to file a reply on their motion to dismiss, or, in the alternative, for summary judgment [25-1] by DOC, RONALD H. BROWN, OPM, JAMES B. KING (N) (bh) (Entered: 05/23/1995)
05/23/1995	28	MOTION (unopposed) filed by defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC to extend time to 5/26/95 to file a reply on their motion to dismiss, or alternatively, for summary judgment (mlp) (Entered: 05/25/1995)
05/25/1995	27	ORDER by Judge Stanley S. Harris : granting motion of defendant to file a reply on their motion to dismiss to and including 5/26/95. (N) (emh) (Entered: 05/25/1995)
05/26/1995	29	REPLY by defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC to response to motion for summary judgment [3-2] by defendants (mlp) (Entered: 05/30/1995)
09/11/1995	30	SUPPLEMENTAL MEMORANDUM by plaintiff ELAINE MITTLEMAN in support of memorandum in opposition to defendants' motion to dismiss, or alternatively, for summary judgment [24-1] by ELAINE MITTLEMAN; exhibits (3) (mlp) (Entered: 09/12/1995)
04/11/1996	32	MOTION filed by plaintiff ELAINE MITTLEMAN to substitute Mary Good as the Acting Scretary of Commerce (mlp) (Entered: 04/17/1996)
04/15/1996	31	NOTICE OF FILING by plaintiff ELAINE MITTLEMAN of Washington Post article about the privaization of the background investigation function of OPM; exhibit (1). (bm) (Entered: 04/16/1996)
04/22/1996	33	ORDER by Judge Stanley S. Harris : allowing the parties to file supplemental pleadings regarding the remaining nine claims in plaintiff's complaint; that if the parties determine that they will file supplemental pleadings, they shall confer and submit a joint briefing schedule within 14 days. (N) (emh) (Entered: 04/22/1996)
05/02/1996	34	STATUS REPORT by defendant JAMES B. KING, defendant OPM, defendant DOC, federal defendant MARY GOOD, in response to 4/22/96 order. (st) (Entered: 05/20/1996)
05/28/1996	35	SUPPLEMENTAL MEMORANDUM by defendant in support of motion to dismiss as to defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC, [3-1] by defendants, motion for summary judgment [3-2] by defendants (st) (Entered: 05/30/1996)
07/01/1996	36	RESPONSE by plaintiff ELAINE MITTLEMAN in opposition to motion to dismiss as to defendant JAMES B. KING, defendant OPM, defendant RONALD H. BROWN, defendant DOC, [3-1] by defendants, motion for summary judgment [3-2] by defendants . (st) (Entered: 07/02/1996)
08/12/1996	37	NOTICE OF FILING by plaintiff ELAINE MITTLEMAN of material about FBI background files (st) (Entered: 08/13/1996)
04/11/1997	38	MEMORANDUM by plaintiff ELAINE MITTLEMAN about the report of the commission on protecting and reducing government secrecy; exhibits (16) (JMF) (Entered: 04/14/1997)
05/08/1997	39	SUBSTITUTION OF COUNSEL for federal defendant JAMES B. KING, federal defendant OPM, federal defendant DOC, federal defendant MARY GOOD , substituting Nancy R. Page for attorney Robert Lawrence Shapiro for MARY GOOD, attorney Robert Lawrence Shapiro for DOC, attorney Robert Lawrence Shapiro for OPM, attorney Robert Lawrence Shapiro for JAMES B. KING (JMF) (Entered: 05/09/1997)
06/12/1997	40	MEMORANDUM by plaintiff ELAINE MITTLEMAN about the adjudicative guidelines and investigative standards which have been implemented pursuant to

		executive order 12968; exhibits (4) (JMF) (Entered: 06/13/1997)
09/22/1997	41	MOTION (CONSENT) filed by federal defendant JAMES B. KING, federal defendant OPM, federal defendant DOC, federal defendant MARY GOOD for scheduling order , and for motions hearing resolve all outstanding and anticipated motions (JMF) (Entered: 09/23/1997)
10/15/1997	42	SCHEDULING ORDER by Judge Stanley S. Harris granting motion for scheduling order [41-1] by MARY GOOD, DOC, OPM, JAMES B. KING, granting motion for motions hearing resolve all outstanding and anticipated motions [41-2] by MARY GOOD, DOC, OPM, JAMES B. KING; plaintiff shall file all motions to compel regarding discovery issues by 11/1/97; plaintiff shall file responses to defendants' 9/29/97 pleadings by 11/15/97; plaintiff shall file any supplemental pleading regarding the effect of Crawford-El vs Britton on any pending claim before this Court by 11/30/97; defendants shall file a response by 12/15/97 to any pleading filed by plaintiff on 11/30/97; motion hearing set for 10:00 1/8/98. (N) (mlp) (Entered: 10/17/1997)
11/04/1997	43	ORDER by Judge Stanley S. Harris: granting defendants' motion to dismiss as to plaintiff's claims numbered one through three, six, and eight through eleven, as well as those parts of her fifth claim that allege a failure to promulgate adequate regulations and non-compliance with an applicable notification requirement; defendants' motion for summary judgment is granted as to plaintiff's seventh claim; the parties are directed to file supplemental memoranda on plaintiff's fourth claim and that part of her fifth claim alleging non-compliance with an adjudication requirement; the parties should submit a jointly proposed briefing schedule by 11/19/97. (N) (mlp) (Entered: 11/05/1997)
11/04/1997	44	OPINION by Judge Stanley S. Harris (N) (mlp) (Entered: 11/05/1997)
11/19/1997	46	NOTICE OF FILING by plaintiff and federal defendants of proposed scheduling order in response to this Court's Order of 11/4/97. (mlp) (Entered: 11/24/1997)
11/21/1997	45	ORDER by Judge Stanley S. Harris: directing defendants to submit a supplemental memorandum on plaintiff's fourth claim and that part of her fifth claim alleging non-compliance with an adjudication requirement by 12/3/97; plaintiff's opposition due 12/16/97; defendants' reply due 12/19/97. (N) (mlp) (Entered: 11/24/1997)
12/03/1997	47	(FURTHER)MOTION filed by federal defendant JAMES B. KING, federal defendant OPM, federal defendant DOC, federal defendant GOOD to dismiss complaint [1-1] , or, in the alternative for summary judgment ;Attachments (5). (lkn) (Entered: 12/04/1997)
12/10/1997	48	MOTION filed by federal defendant JAMES B. KING, federal defendant OPM, federal defendant DOC, federal defendant MARY GOOD for protective order ; Attachments (6). (lkn) (Entered: 12/11/1997)
12/10/1997	49	MOTION filed by federal defendant JAMES B. KING, federal defendant OPM, federal defendant DOC, federal defendant MARY GOOD to expedite resolution of defendants' motion for a protective order ; Attachment. (lkn) (Entered: 12/11/1997)
12/12/1997	50	ORDER by Judge Stanley S. Harris: directing the plaintiff to file a response to motion for a protective order by 12/15/97. (N) (xx) (Entered: 12/12/1997)
12/15/1997	51	RESPONSE by plaintiff ELAINE MITTLEMAN in opposition to motion for protective order [48-1] by MARY GOOD, DOC, OPM, JAMES B. KING; Exhibit (1). (lkn) (Entered: 12/16/1997)
12/16/1997	52	MOTION (CONSENT) filed by plaintiff ELAINE MITTLEMAN to extend time to 12/24/97 for plaintiff to file the opposition to defendants' further motion to dismiss (lkn) (Entered: 12/17/1997)
12/16/1997	53	ORDER by Judge Stanley S. Harris : granting motion to expedite resolution of defendants' motion for a protective order [49-1] by MARY GOOD, DOC, OPM, JAMES B. KING, granting motion for protective order [48-1] by MARY GOOD, DOC, OPM, JAMES B. KING (N) (mlp) (Entered: 12/17/1997)

12/22/1997	54	ORDER by Judge Stanley S. Harris : granting motion to extend time to 12/24/97 for plaintiff to file the opposition to defendants' further motion to dismiss [52-1] by ELAINE MITTLEMAN response to dispositive motions due by 12/24/97 ; reply to dispositive motions due by 1/5/98. (N) (mlp) (Entered: 12/22/1997)
12/24/1997	55	RESPONSE by plaintiff ELAINE MITTLEMAN in opposition to motion to dismiss complaint [1-1] [47-1] by MARY GOOD, DOC, OPM, JAMES B. KING, motion for summary judgment [47-2] by MARY GOOD, DOC, OPM, JAMES B. KING; Exhibits (7). (lkn) (Entered: 01/06/1998)
01/02/1998	56	REPLY by federal defendant JAMES B. KING, federal defendant OPM, federal defendant DOC, federal defendant MARY GOOD to plaintiff's opposition to motion to dismiss complaint [1-1] [47-1] by MARY GOOD, DOC, OPM, JAMES B. KING, motion for summary judgment [47-2] by MARY GOOD, DOC, OPM, JAMES B. KING (lkn) (Entered: 01/06/1998)
01/12/1998	57	MOTION filed by plaintiff ELAINE MITTLEMAN to exclude defendants' affirmative defenses (lkn) (Entered: 01/13/1998)
01/20/1998	58	NOTICE OF FILING by plaintiff ELAINE MITTLEMAN concerning omission of Page Two of the James T. King declaration; Attachment. (lkn) (Entered: 01/21/1998)
01/21/1998	59	RESPONSE by federal defendant JAMES B. KING, federal defendant OPM, federal defendant DOC, federal defendant MARY GOOD in opposition to motion to exclude defendants' affirmative defenses [57-1] by ELAINE MITTLEMAN . (lkn) (Entered: 01/22/1998)
01/22/1998	60	ERRATA by federal defendant JAMES B. KING, federal defendant OPM, federal defendant DOC, federal defendant MARY GOOD (lkn) (Entered: 01/27/1998)
01/29/1998	61	REPLY by plaintiff ELAINE MITTLEMAN to defendants' consolidated opposition to motion to exclude defendants' affirmative defenses [57-1] by MITTLEMAN (lkn) (Entered: 01/30/1998)
02/09/1998	62	OPINION by Judge Stanley S. Harris (N) (mlp) (Entered: 02/09/1998)
02/09/1998	63	ORDER by Judge Stanley S. Harris: denying motion to exclude defendants' affirmative defenses [57-1] by ELAINE MITTLEMAN; granting further motion to dismiss [47-1] or, in the alternative, for summary judgment [47-2] by MARY GOOD, DOC, OPM, JAMES B. KING; denying as moot motion to substitute Mary Good as the Acting Secretary of Commerce [32-1] by ELAINE MITTLEMAN; and dismissing plaintiff's remaining claims with prejudice (N) (mlp) (Entered: 02/09/1998)
02/20/1998	64	ERRATA by Judge Stanley S. Harris: the 2/9/98 Opinion is amended as follows: on pages 3 and 30, the text refers to "Civil Action No. 86-1856," which should be replaced by the proper case number "Civil Action No. 86-1852." (N) (mlp) (Entered: 02/23/1998)
02/24/1998	65	MOTION filed by plaintiff ELAINE MITTLEMAN for reconsideration of order dismissing plaintiff's remaining claims with prejudice [63-1], order [63-2] ; Exhibits (4). (lkn) (Entered: 02/25/1998)
02/27/1998	66	ORDER by Judge Stanley S. Harris : denying motion for reconsideration of order dismissing plaintiff's remaining claims with prejudice [63-1], [63-2], [65-1] by ELAINE MITTLEMAN (N) (mlp) (Entered: 02/27/1998)
04/28/1998	67	NOTICE OF APPEAL by plaintiff ELAINE MITTLEMAN from order [66-1] entered 02/27/98, order dismissing plaintiff's remaining claims with prejudice [63-1] 02/09/98, order [53-1] 12/17/97, order directing the plaintiff to file a response to motion for a protective order by 12/15/97. [50-1] entered 12/12/97, order granting defendants' to dismiss as to plaintiff's claims numbered one through three, six, and eight through eleven, as well as those of her fifth claim that allege a failure to promulgate adequate regulations and non-compliance with an applicable notification requirement; defendants' motion for summary judgment is granted as to plaintiff's seventh claim; the parties are directed to file supplemental memoranda on plaintiff's fourth claim and that part of her fifth claim alleging non-compliance with an adjudication requirement; the parties should submit a jointly proposed briefing schedule by 11/19/97. [43-1] entered 11/05/97, order [33-1] 04/22/97, order [23-1]

		entered on 03/20/97, order [19-1] entered on 11/18/96; \$5.00 filing fee and \$100.00 docketing fee paid. Copies mailed to pro se parties/counsel. (lkn) (Entered: 04/29/1998)
04/29/1998		TRANSMITTED PRELIMINARY RECORD on appeal [67-1] by ELAINE MITTLEMAN to U.S. Court of Appeals (lkn) (Entered: 04/29/1998)
05/01/1998		USCA # 98-5148 assigned for appeal [67-1] by ELAINE MITTLEMAN (JMF) (Entered: 05/04/1998)
02/26/1999	68	MOTION filed by plaintiff ELAINE MITTLEMAN for relief from judgment ; exhibits (25) (jf) (Entered: 03/01/1999)
03/03/1999	69	CERTIFIED COPY of order filed in USCA dated 10/15/98, on appeal [67-1] , affirming the judgment of USDC . USCA # 98-5148 (cjp) (Entered: 03/04/1999)
03/12/1999	70	RESPONSE by federal defendant in opposition to motion for relief from judgment [68-1] by ELAINE MITTLEMAN . (jf) (Entered: 03/15/1999)
03/22/1999	71	REPLY by plaintiff ELAINE MITTLEMAN in support of motion for relief from judgment [68-1] by ELAINE MITTLEMAN; Exhibit (1). (lkn) (Entered: 03/23/1999)
11/15/1999	<u>72</u>	MEMORANDUM ORDER by Judge Stanley S. Harris: denying motion for relief from judgment [68-1] by ELAINE MITTLEMAN. (N) (N) (mlp) (Entered: 11/15/1999)
01/14/2000	73	NOTICE OF APPEAL by plaintiff ELAINE MITTLEMAN from order [72-1] , entered on: 11/15/99. Docketing fee paid \$100.00 filing fee paid \$5.00. Copies were sent out to Elaine Mittleman and nancy Page. (bjsp) (Entered: 01/18/2000)
01/18/2000		TRANSMITTED PRELIMINARY RECORD on appeal [73-1] by ELAINE MITTLEMAN to U.S. Court of Appeals (bjsp) (Entered: 01/18/2000)
01/21/2000		USCA # 00 5030 assigned for appeal [73-1] by ELAINE MITTLEMAN (bjsp) (Entered: 01/24/2000)
11/27/2000	74	CERTIFIED COPY of order filed in USCA dated 8/3/00, on appeal [73-1] , affirming the judgment of USDC . USCA # 00-5030 (mmh) (Entered: 12/06/2000)