

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:92-cv-02780-TFH**

LYKES BROS. STEAM., et al v. CARD, et al
Assigned to: Judge Thomas F. Hogan
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 12/10/1992
Date Terminated: 09/02/1993
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**LYKES BROTHERS STEAMSHIP
COMPANY, INCORPORATED**

represented by **Timothy B. Shea**
NEMIROW HU & SHEA
1900 L Street, NW
Suite 303
Washington, DC 20036
(202) 835-0300
Fax: (888) 522-4519
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**BLUE PHOENIX ENTERPRISES,
INC.**

represented by **Timothy B. Shea**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

ANDREW H. CARD, JR.
Secretary of Transportation

represented by **Jeffrey Todd Sprung**
HAGENS BERMAN SOBOL SHAPIRO
LLP
1918 8th Ave
Suite 3300
Seattle, WA 98101
(206) 623-7292
Fax: (206) 623-0594
Email: jeffs@hbsslw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

WARREN LEBACK
Maritime Administrator

represented by **Jeffrey Todd Sprung**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOEL C. RICHARD
*Assistant Secretary, Maritime
Administration*

represented by **Jeffrey Todd Sprung**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 12/10/1992 | 1 | COMPLAINT filed (ajr) (Entered: 12/11/1992) |
| 12/10/1992 | | SUMMONS issued for defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD, for U.S. ATTORNEY, for U.S. ATTORNEY GENERAL (ajr) (Entered: 12/11/1992) |
| 12/12/1992 | 2 | RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff(s) LYKES BROS. STEAM., plaintiff(s) BLUE PHOENIX ENT. (ks) (Entered: 12/14/1992) |
| 12/15/1992 | 3 | STIPULATED ORDER by Judge Thomas F. Hogan : answer by federal defendants due 1/11/93 ; federal defendants' motion for summary judgment due 1/22/93 ; plaintiffs' motion for summary judgement due 2/12/93 ; plaintiff's response to defendants' motion for summary judgment due 2/12/93; federal defendants' response to plaintiffs' said motion due 2/26/93 ; federal defendants' reply to response to their motion for summary judgment due 2/26/93 ; plaintiffs' reply to response to plaintiffs' motion for summary judgement due 3/12/93 ; (N) (ajr) (Entered: 12/15/1992) |
| 12/22/1992 | 4 | RETURN OF SERVICE executed as to defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD (each:) 12/10/92; by hand upon U.S. ATTORNEY 12/10/92; upon U.S. ATTORNEY GENERAL 12/14/92 (ajr) (Entered: 12/28/1992) |
| 01/11/1993 | 5 | ANSWER for defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD (ajr) (Entered: 01/12/1993) |
| 01/11/1993 | | CALENDARED (ajr) (Entered: 01/12/1993) |
| 01/22/1993 | 6 | MOTION filed by defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD to extend time to 2/3/93 to file a motion for summary judgement (ajr) (Entered: 01/25/1993) |
| 01/26/1993 | 7 | ORDER by Judge Thomas F. Hogan: granting motion to extend time to 2/3/93 to file a motion for summary judgement [6–1] by JOEL C. RICHARD, WARREN – LEBACK, ANDREW H. CARD JR. brief due 2/3/93 (N) (ajr) (Entered: 01/27/1993) |
| 02/03/1993 | 8 | MOTION filed by defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD for modification of briefing schedule (ajr) (Entered: 02/04/1993) |
| 02/05/1993 | 9 | ORDER by Judge Thomas F. Hogan: granting motion for modification of briefing schedule [8–1] by JOEL C. RICHARD, WARREN – LEBACK, ANDREW H. CARD JR. defendants' motion for summary judgment due 2/26/93; plaintiff's cross motion for summary judgement due 3/19/93; plaintiff's response to defendants' motion for summary judgment due 3/19/93; defendants' response to plaintiff's cross-motion due 4/2/93 ; defendants' reply to response to their motion for summary judgment due 4/2/93 ; plaintiff's reply to cross motion due 4/16/93 ; (N) (ajr) (Entered: 02/08/1993) |
| 02/26/1993 | 10 | MOTION filed by defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD to extend time by 1 day to file their motion for summary judgement (ajr) (Entered: 03/01/1993) |
| 03/01/1993 | 11 | MOTION filed by defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD to extend time by 1 day to file a motion for summary judgement (ajr) (Entered: 03/02/1993) |
| 03/02/1993 | 12 | ORDER by Judge Thomas F. Hogan: granting motion to extend time by 1 day to file their motion for summary judgement [10–1] by JOEL C. RICHARD, WARREN – LEBACK, ANDREW H. CARD JR. motion for summary judgment due by 3/1/93 ; (N) (ajr) (Entered: 03/02/1993) |
| 03/02/1993 | 14 | MOTION filed by defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD for leave to file under seal a motion for summary judgement and the administrative record EXHIBITS (motion, record) (EXHIBITS lodged under seal in Room 1825) (ajr) Modified on 03/05/1993 (Entered: 03/05/1993) |
| 03/05/1993 | 13 | ORDER by Judge Thomas F. Hogan: granting motion to extend time by 1 day to file a motion for summary judgement [11–1] by JOEL C. RICHARD, WARREN – |

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| | | LEBACK, ANDREW H. CARD JR. dispositive motions due by 3/2/93 ; (N) (ajr) (Entered: 03/05/1993) |
| 03/09/1993 | 15 | ORDER by Judge Thomas F. Hogan: granting motion for leave to file under seal a motion for summary judgment and the administrative record [14-1] by JOEL C. RICHARD, WARREN – LEBACK, ANDREW H. CARD JR. (N) (ajr) (Entered: 03/10/1993) |
| 03/09/1993 | 24 | MOTION filed by defendants for summary judgment ; Exhibit (1) (FILED UNDER SEAL IN ROOM 1800) (ks) (Entered: 05/07/1993) |
| 03/09/1993 | 25 | ADMINISTRATIVE RECORD by defendant ANDREW H. CARD JR., defendant WARREN LEBACK, defendant JOEL C. RICHARD; (one volume) (FILED UNDER SEAL IN ROOM 1800) (ks) (Entered: 05/07/1993) |
| 03/19/1993 | 16 | MOTION filed by plaintiffs LYKES BROS. STEAM., BLUE PHOENIX ENT. for summary judgment ; and in opposition to defendant's motion for summary judgment (FILED UNDER SEAL IN ROOM 1800) (ks) (Entered: 03/22/1993) |
| 03/19/1993 | 17 | MOTION filed by plaintiffs to strike defendants' Affidavit (FILED UNDER SEAL IN ROOM 1800) (ks) (Entered: 03/22/1993) |
| 04/02/1993 | 18 | MOTION filed by defendants to extend time to 4/21/93 to file their opposition to plaintiff's motion for summary judgment (ks) (Entered: 04/05/1993) |
| 04/06/1993 | 19 | ORDER by Judge Thomas F. Hogan : granting motion to extend time to 4/21/93 to file their opposition to plaintiff's motion for summary judgment; and that plaintiff's reply shall be filed by 5/5/93 [18-1] by JOEL C. RICHARD, WARREN LEBACK, ANDREW H. CARD JR. (N) (ks) (Entered: 04/06/1993) |
| 04/20/1993 | 20 | MOTION filed by ANDREW H. CARD JR., WARREN – LEBACK, JOEL C. RICHARD to extend time to 4/30/93 to file their reply in support of motion for summary judgment and opposition to plaintiffs' motion for summary judgment (bj) Modified on 04/21/1993 (Entered: 04/21/1993) |
| 04/22/1993 | 21 | ORDER by Judge Thomas F. Hogan : granting motion to extend time to 4/30/93 to file their reply in support of motion for summary judgment and opposition to plaintiffs' motion for summary judgment; and that plaintiffs' reply to be filed by 5/14/93 [20-1] by JOEL C. RICHARD, WARREN LEBACK, ANDREW H. CARD JR. (N) (ks) (Entered: 04/22/1993) |
| 04/30/1993 | 23 | MOTION filed by defendant ANDREW H. CARD JR., defendant WARREN – LEBACK, defendant JOEL C. RICHARD to extend time to 5/6/93 to file their reply in support of motion for summary judgment and opposition to plaintiffs' motion for summary judgment (bj) (Entered: 05/04/1993) |
| 05/03/1993 | 22 | ORDER by Judge Thomas F. Hogan: granting defendants' motion for further enlargement of time to 5/6/93 to oppose plaintiffs' motion for summary judgment and reply in support of their motion; plaintiffs' reply shall be filed by 5/20/93 (N) (bm) (Entered: 05/03/1993) |
| 05/06/1993 | 26 | MEMORANDUM by defendants in opposition to motion to strike defendants' Affidavit [17-1] by BLUE PHOENIX ENT., LYKES BROS. STEAM., and motion for summary judgment [16-1] by BLUE PHOENIX ENT., LYKES BROS. STEAM.; Exhibits (2) (FILED UNDER SEAL IN ROOM 1800) (ks) (Entered: 05/07/1993) |
| 05/06/1993 | 27 | REPLY by defendants to response to motion for summary judgment [24-1] by JOEL C. RICHARD, WARREN LEBACK, ANDREW H. CARD JR. (FILED UNDER SEAL IN ROOM 1800) (ks) (Entered: 05/07/1993) |
| 05/20/1993 | 28 | REPLY by plaintiffs LYKES BROS. STEAM., BLUE PHOENIX ENT. to response to motion to strike defendants' Affidavit [17-1] by BLUE PHOENIX ENT., LYKES BROS. STEAM., and motion for summary judgment [16-1] by BLUE PHOENIX ENT., LYKES BROS. STEAM. (FILED UNDER SEAL IN ROOM 1800) (ks) (Entered: 05/21/1993) |
| 09/02/1993 | 29 | MEMORANDUM OPINION by Judge Thomas F. Hogan (N) (jwd) (Entered: 09/02/1993) |

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| 09/02/1993 | 30 | ORDER by Judge Thomas F. Hogan : denying motion for summary judgment [16-1] by BLUE PHOENIX ENT., LYKES BROS. STEAM; granting defendants motion for summary judgment, and dismissing case with prejudice. (N) (jwd) (Entered: 09/02/1993) |
| 08/08/1996 | | ADMINISTRATIVELY CLOSED ADMINISTRATIVE RECORD [25-1] filed by defendant JOEL C. RICHARD, defendant WARREN LEBACK, defendant ANDREW H. CARD JR. filed under seal. (cjp) (Entered: 08/08/1996) |