Case: 1:92-cv-02303-JHG As of: 03/07/2016 09:39 AM EST 1 of 8

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U.S. District Court District of Columbia (Washington, DC) CIVIL DOCKET FOR CASE #: 1:92-cv-02303-JHG

THE NATION MAGAZINE, et al v. DOS, et al

Assigned to: Joyce Hens Green

Demand: \$0

Cause: 05:552 Freedom of Information Act

Date Filed: 10/14/1992 Date Terminated: 01/23/1997

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

NATION MAGAZINE

represented by Eric Robert Glitzenstein

MEYER GLITZENSTEIN & EUBANKS

LLP

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Plaintiff

MAX HOLLAND

represented by Eric Robert Glitzenstein

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Katherine A. Meyer

(See above for address)

V.

Defendant

U.S. DEPARTMENT OF STATE

represented by Michael J Haungs

U.S. DEPARTMENT OF JUSTICE

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Room 1062

Case: 1:92-cv-02303-JHG As of: 03/07/2016 09:39 AM EST 2 of 8

Washington, DC 20530 (202) 514–3178 ATTORNEY TO BE NOTICED

Defendant

CENTRAL INTELLIGENCE AGENCY

represented by Michael J Haungs

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ATTORNEY TO BE NOTICED

Elizabeth Ann Pugh

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by Michael J Haungs

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Defendant

DEPARTMENT OF DEFENSE

represented by Michael J Haungs

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Amicus

JOSEPH E. DIGENOVA

Independent Counsel

represented by Judith Bartnoff

DISTRICT OF COLUMBIA SUPERIOR

COURT

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JM-610

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Date Filed	#	Docket Text
10/14/1992	1	COMPLAINT filed (kk) (Entered: 10/19/1992)
10/14/1992		SUMMONSES issued for defendant DOS, defendant CIA, defendant DOJ, defendant DOD, the U.S. Attorney and the U.S. Attorney General (kk) (Entered: 10/19/1992)
10/16/1992	2	MOTION filed by plaintiff THE NATION MAGAZINE and plaintiff MAX HOLLAND for a temporary restraining order; Affidavit, Exhibits (25) (kk) (Entered: 10/19/1992)
10/16/1992	3	ORDER by Judge Joyce H. Green: setting a hearing on plaintiffs' motion for a TRO for 10/20/92 at 3:00 PM, each side allowed 30 minutes for argument; defendants' opposition to plaintiffs' motion for TRO to be filed and served by 12:00 Noon on 10/19/92, with any reply by 5:00 PM on 10/19/92; directing counsel for the plaintiffs to notify H. Ross Perot of the subject of the FOIA requests (N) (kk) (Entered: 10/19/1992)

Case: 1:92-cv-02303-JHG As of: 03/07/2016 09:39 AM EST 3 of 8

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Case: 1:92-cv-02303-JHG As of: 03/07/2016 09:39 AM EST 4 of 8

01/05/1993	18	ORDER by Judge Joyce H. Green: granting motion to extend time to 1/8/93 to respond to plaintiffs' motion for sanctions [17–1] by DOD, DOJ, CIA, DOS; response by defts. to pltfs. motion for sanctions due 1/8/93; reply to motion due 1/15/93; hearing on motion for sanctions set for 4:00 1/27/93 (30–minutes per side) (N) (jaw) (Entered: 01/06/1993)
01/08/1993	19	MEMORANDUM by defendant DOS, defendant CIA, defendant DOJ and defendant DOD in opposition to motion by plaintiff THE NATION MAGAZINE for sanctions against the State Department and Frank Machak [16–1]; Declaration, Exhibit, Attachment (kk) (Entered: 01/11/1993)
01/13/1993	20	UNOPPOSED MOTION filed by defendant DOS, defendant CIA, defendant DOJ and defendant DOD to extend time to 2/5/93 to file their motion for summary judgment and vaughn declarations (kk) (Entered: 01/14/1993)
01/13/1993	21	STATUS MEMORANDUM by defendant CIA and REQUEST for continued open America stay of proceedings; Exhibits (2) (kk) (Entered: 01/14/1993)
01/15/1993	22	REPLY by plaintiff THE NATION MAGAZINE to response by defendants in opposition to motion by plaintiff THE NATION MAGAZINE for sanctions against the State Department and Frank Machak [16–1] (kk) (Entered: 01/15/1993)
01/22/1993	23	ORDER by Judge Joyce H. Green: granting motion to extend time to 2/5/93 to file their motion for summary judgment with accompanying vaughn indices [20–1] by DOD, DOJ, CIA, DOS; motion for summary judgment due 2/5/93; response due 3/1/93, reply due 3/15/93 (N) (jaw) (Entered: 01/22/1993)
01/22/1993	24	NOTICE by defendant DOS of witness for the hearing on plaintiffs' motion for sanctions (kk) (Entered: 01/25/1993)
01/27/1993		MOTION HEARING before Judge Joyce H. Green by THE NATION MAGAZINE motion for sanctions against the State Department and Frank Machak [16–1] heard & taken under advisement; parties to submit findings of fact & conclusions of law by 2/8/93 Reporter: Gordon Slodysko (jaw) (Entered: 01/27/1993)
01/28/1993	25	NOTICE OF FILING by defendant DOS, defendant CIA, defendant DOJ and defendant DOD of two letters to Ted Gerstein from the State Department's Office of Freedom of Information, Privacy and Classification Review; Attachments (2) (kk) (Entered: 01/28/1993)
02/01/1993	26	TRANSCRIPT filed of Hearing for Sanctions for date(s) of 1/27/93. Reporter: Gordon A. Slodysko (sm) (Entered: 02/01/1993)
02/05/1993	27	MOTION filed by defendant DOS, defendant DOJ and defendant DOD for summary judgment; Exhibits (18), Declarations (5) (kk) Modified on 05/05/1993 (Entered: 02/05/1993)
02/08/1993	28	SUPPLEMENTAL MEMORANDUM by plaintiff the NATION MAGAZINE and plaintiff MAX HOLLAND in support of motion for sanctions against the State Department and Frank Machak [16–1] by plaintiff THE NATION MAGAZINE; Exhibits (2) (kk) Modified on 02/08/1993 (Entered: 02/08/1993)
02/08/1993	29	RESPONSE by defendant DOS pursuant to 1/27/93 Court hearing in opposition to motion for sanctions against the State Department and Frank Machak [16–1] by THE NATION MAGAZINE (sm) (Entered: 02/09/1993)
02/11/1993	30	STIPULATED PROTECTIVE ORDER by Judge Joyce H. Green setting forth procedures for handling confidential material; allowing designated material to be filed under seal (N) (jaw) (Entered: 02/12/1993)
02/25/1993	31	JOINT STATUS REPORT by plaintiffs and defendants (kk) (Entered: 02/26/1993)
02/25/1993	32	NOTICE OF CHANGE OF ADDRESS by Katherine Anne Meyer and Eric Robert Glitzenstein representing plaintiff THE NATION MAGAZINE and plaintiff MAX HOLLAND. New address: MEYER & GLITZENSTEIN, 1601 Connecticut Avenue, N.W., Suite 450, Washington, DC 20009, (202) 588–5206. (kk) (Entered: 02/26/1993)
02/25/1993	33	UNOPPOSED MOTION filed by plaintiff THE NATION MAGAZINE and plaintiff MAX HOLLAND to extend time to 3/22/93 to respond to defendants' motion for

Case: 1:92-cv-02303-JHG As of: 03/07/2016 09:39 AM EST 5 of 8

		summary judgment (kk) (Entered: 02/26/1993)
03/01/1993	34	MOTION filed by plaintiff THE NATION MAGAZINE and plaintiff MAX HOLLAND to unseal the Inspector General notes and summaries (kk) (Entered: 03/02/1993)
03/01/1993	35	ORDER by Judge Joyce H. Green: granting motion to extend time to 3/22/93 to respond to defendants' motion for judgment [33–1] by MAX HOLLAND, THE NATION MAGAZINE; response to motion for summary judgment due 3/22/93; reply to for summary judgment due by 4/5/93 (N) (jaw) (Entered: 03/02/1993)
03/01/1993	36	SUPPLEMENTAL MEMORANDUM by plaintiffs based on Inspector General interview notes and summaries (kk) (Entered: 03/02/1993)
03/01/1993	37	SUPPLEMENTAL MEMORANDUM by defendants in opposition to motion by plaintiff THE NATION MAGAZINE for sanctions against the State Department and Frank Machak [16–1]; Exhibits (5) (kk) (Entered: 03/02/1993)
03/01/1993	39	NOTICE OF FILING by defendant DOS, defendant CIA, defendant DOJ and defendant DOD of in camera submission of documents subject to protective order of 2/11/93 (kk) (Entered: 03/03/1993)
03/02/1993	38	UNOPPOSED MOTION filed by plaintiff THE NATION MAGAZINE and plaintiff MAX HOLLAND to substitute final version of their supplemental memorandum for the draft that was inadvertently filed; EXHIBIT (Final—PLAINTIFFS' SUPPLEMENTAL MEMORANDUM BASED ON INSPECTOR GENERAL INTERVIEW NOTES AND SUMMARIES) (kk) (Entered: 03/03/1993)
03/12/1993	40	MEMORANDUM by defendant DOS, defendant CIA, defendant DOJ and defendant DOD in opposition to motion by plaintiffs MAX HOLLAND and THE NATION MAGAZINE to unseal the Inspector General notes and summaries [34–1]; Exhibits (3) (kk) (Entered: 03/15/1993)
03/12/1993	41	MOTION filed by independent counsel Joseph E. diGenova for leave to appear as amicus curiae; EXHIBIT (MEMORANDUM OF AMICUS CURIAE INDEPENDENT COUNSEL IN RESPONSE TO PLAINTIFFS' MOTION TO UNSEAL THE INSPECTOR GENERAL NOTES AND SUMMARIES) (kk) (Entered: 03/23/1993)
03/22/1993	42	ORDER by Judge Joyce H. Green: granting motion by independent counsel Joseph E. diGenova for leave to appear as amicus curiae [41–1]; plaintiffs and defendants shall indicate in writing by 3/29/93 whether they have any objection to the Independent Counsel communicating to the Court on an ex parte and in camera basis (N) (kk) (Entered: 03/23/1993)
03/22/1993	43	MEMORANDUM by amicus JOSEPH E. DIGENOVA in response to motion by plaintiffs MAX HOLLAND and THE NATION MAGAZINE to unseal the Inspector General notes and summaries [34–1] (kk) (Entered: 03/23/1993)
03/22/1993	44	UNOPPOSED MOTION filed by plaintiff THE NATION MAGAZINE and plaintiff MAX HOLLAND to extend time to 4/12/93 to respond to defendants' motion for summary judgment (kk) (Entered: 03/23/1993)
03/22/1993	45	REPLY by plaintiff THE NATION MAGAZINE and plaintiff MAX HOLLAND to defendants' response in opposition to plaintiffs' motion to unseal the Inspector General notes and summaries [34–1] (kk) (Entered: 03/23/1993)
03/25/1993	46	NOTICE OF FILING by defendant DOS, defendant CIA, defendant DOJ and defendant DOD of statement regarding ex parte communications between the Court and amicus curiae independent counsel (kk) (Entered: 03/26/1993)
03/26/1993	47	ORDER by Judge Joyce H. Green: granting motion to extend time to 4/12/93 to respond to defendants' motion for judgment [44–1] by MAX HOLLAND, THE NATION MAGAZINE; response to motion for summary judgment due 4/12/93; reply to for summary judgment due by 5/3/93; and there shall be no further continuance for this purpose. (N) (jaw) (Entered: 03/26/1993)

Case: 1:92-cv-02303-JHG As of: 03/07/2016 09:39 AM EST 6 of 8

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Case: 1:92-cv-02303-JHG As of: 03/07/2016 09:39 AM EST 7 of 8

09/27/1995	65	MOTION (UNOPPOSED) filed by defendant DOD, defendant DOJ, defendant CIA, defendant DOS to extend time to 10/13/95 to produce documents or affidavits (tw) Modified on 09/28/1995 (Entered: 09/27/1995)
10/02/1995	66	ORDER by Judge June L. Green: granting motion to extend time to 10/13/95 to produce documents or affidavits [65–1] by DOS, CIA, DOJ, DOD; brief due by 10/13/95; (N) (jaw) (Entered: 10/03/1995)
10/13/1995	67	NOTICE OF FILING by defendant DOD, defendant DOJ, defendant CIA, defendant DOS (FBI DECLARATION) to the Court pursuant to the Court's oral order of 8/18/95 that the declaration of Robert A. Moran be filed with the Court; exhibits (8) (bjsp) (Entered: 10/16/1995)
10/13/1995	68	NOTICE OF FILING by defendant DOD, defendant DOJ, defendant CIA, defendant DOS (declaration of Department of State) to the Court pursuant to the Court's oral order of 8/18/95 directing defendants to file an original declaration of Margaret P. Grafeld. (bjsp) (Entered: 10/16/1995)
01/16/1996	69	MOTION filed by plaintiff MAX HOLLAND, plaintiff THE NATION MAGAZINE to vacate portions of Court's 8/18/95 order; exhibits (2) (bjsp) (Entered: 01/17/1996)
01/23/1996	70	MOTION filed by defendant DOD, defendant DOJ, defendant CIA, defendant DOS to extend time to 2/23/96 to file their opposition to plaintiffs' motion to vacate portions of Court's August 18, 1995 Order (tw) (Entered: 01/24/1996)
01/25/1996	71	ORDER by Judge Joyce H. Green: granting motion to extend time to 2/23/96 to file their opposition to plaintiffs' motion to vacate portions of Court's August 18, 1995 Order [70–1] by DOS, CIA, DOJ, DOD (N) (jwd) (Entered: 01/25/1996)
02/23/1996	72	RESPONSE by defendant DOD, defendant DOJ, defendant CIA, defendant DOS in opposition to plaintiffs' motion to vacate portions of Court's 8/18/95 order [69–1] (tw) (Entered: 02/26/1996)
02/23/1996	73	NOTICE OF FILING by defendant DOD, defendant DOJ, defendant CIA, defendant DOS of Independent Counsel's final report in re: Janet G. Mullins; (bulky) (tw) (Entered: 02/26/1996)
03/01/1996	74	REPLY by plaintiff MAX HOLLAND, plaintiff THE NATION MAGAZINE to defendants' opposition to plaintiff motion to vacate Court's 8/18/95 order [69–1] (tw) (Entered: 03/04/1996)
03/07/1996	75	ERRATA by plaintiff MAX HOLLAND, plaintiff THE NATION MAGAZINE filing a corrected version of plaintiffs' reply to defendants' opposition to plaintiffs' motion to vacate which was filed on March 1, 1996 (tw) (Entered: 03/08/1996)
10/07/1996	76	ORDER by Judge Joyce H. Green: directing that the Dept of State and the CIA to file by 11/7/96, an updated reports as to the disposition or status or the record(s) for which release determination had not been made as of the date of their last status reports (N) (jaw) (Entered: 10/07/1996)
10/07/1996	77	ORDER by Judge Joyce H. Green: granting motion to amend judgment order [61–1] [62–1] by THE NATION MAGAZINE, MAX HOLLAND; DEC to file a status report including a Vaughn Index by 12/5/96, if responsive documents are retrieved but withheld in whole or in part; granting in part, denying in part motion to vacate portions of Court's 8/18/95 order [69–1]; vacating Section A.2 of the Memorandum Opinion and Order of 8/18/95; FBI & DIS to disclose by 12/5/96, all records resposive to pltfs' FOIA request; FBI & DIS to file status report with Vaughn indices by 12/5/96; and denying the motion to vacate as to the denial of sanctions (N) (jaw) (Entered: 10/07/1996)
11/07/1996	78	STATUS REPORT by defendant CIA; attachments (2) (tw) (Entered: 11/08/1996)
11/07/1996	79	STATUS REPORT by defendant DOS; attachments (2) (tw) (Entered: 11/08/1996)
11/07/1996	80	MOTION filed by defendant DOS to move that it be dismissed from this litigation.; attachments (2) (tw) (Entered: 11/08/1996)
11/19/1996	81	RESPONSE by plaintiff MAX HOLLAND, plaintiff THE NATION MAGAZINE to

Case: 1:92-cv-02303-JHG As of: 03/07/2016 09:39 AM EST 8 of 8

		litigation. [80–1] (tw) (Entered: 11/20/1996)
11/20/1996	82	ORDER by Judge Joyce H. Green: granting motion to move that all claims against deft. DEPARTMENT OF STATE be dismissed with prejudice [80–1] by DOS (N) (jaw) (Entered: 11/21/1996)
12/05/1996	83	STATUS REPORT and Uaughn Declaration by defendant DOD, defendant DOJ, defendant CIA, defendant DOS to the Court pusursant to the Court's 10/7/96 order directing that defendants file this information; declarations (1); attachments (bjsp) Modified on 12/06/1996 (Entered: 12/06/1996)
12/05/1996	84	MOTION (UNOPPOSED) filed by DEA to extend time to 12/11/96 within which to release responsive records and file its stauts report, including a Vaughn index of any responsive documents withheld in whole or in part, pursuant to this Court's order of 10/7/96. (bjsp) (Entered: 12/09/1996)
12/05/1996	85	STATUS REPORT and Vaughn declaration by defendant FBI; exhibits (1) (bjsp) (Entered: 12/09/1996)
12/09/1996	86	ORDER by Judge Joyce H. Green: granting motion to extend time to 12/11/96 within which to release responsive records and file its stauts report, including a Vaughn index of any responsive documents withheld in whole or in part, pursuant to this Court's order of 10/7/96. [84–1] (N) (jwd) (Entered: 12/09/1996)
12/11/1996	87	STATUS REPORT and VAUGHN DECLARATION by defendant DOD, defendant DOJ, defendant CIA, defendant DOS; declaration (1); exhibits (3) (tw) (Entered: 12/12/1996)
01/08/1997	88	ORDER by Judge Joyce H. Green: objection by pltfs. due 1/22/97 or the Court will defts. Departments of Justice & Defense; motion by deft CIA for summary judgment due 1/22/97; response due 2/4/97; and reply due 2/11/97 (N) (jaw) (Entered: 01/08/1997)
01/22/1997	89	ORDER by Judge Joyce H. Green: dismissing complaint [1–1] with prejudice; parties to file joint memorandum advising the Court of the status of agreements on attorneys' fees by 3/21/97; motion for attorneys' fees due; response due 5/5/97; reply due 5/12/97 (N) (jaw) (Entered: 01/23/1997)
03/21/1997	90	JOINT MEMORANDUM by defendant DOD, defendant DOJ, defendant CIA, defendant DOS, plaintiff MAX HOLLAND, plaintiff THE NATION MAGAZINE by parites RE: settlement of attorneys' fees claim (bjsp) (Entered: 03/24/1997)
04/15/1997	91	STATUS REPORT by defendant DOD, defendant DOJ, defendant CIA, defendant DOS, plaintiff MAX HOLLAND, plaintiff THE NATION MAGAZINE (tw) (Entered: 04/16/1997)