

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:00-cv-02498-TFH**

KELLY v. CIA
Assigned to: Judge Thomas F. Hogan
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 10/18/2000
Date Terminated: 01/22/2004
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**JOHN KELLY**

represented by **Daniel S. Alcorn**
1335 Ballantrae Lane
McLean, VA 22101
(703) 442-0704
Fax: 703-442-0747
Email: dalcorn@rcn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**CENTRAL INTELLIGENCE
AGENCY**

represented by **Elizabeth Ross Withnell**
U.S. DEPARTMENT OF JUSTICE
Office of Information and Privacy
Flag Building
Suite 570
Washington, DC 20530-0001
(202) 307-6003
Fax: 202-514-1009
Email: Elizabeth.withnell2@USDOJ.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/18/2000	1	COMPLAINT filed by plaintiff JOHN – KELLY (kmk) (Entered: 10/19/2000)
10/18/2000		SUMMONS (3) issued to federal party(s) federal defendant CIA , and non-parties: U.S. Attorney and U.S. Attorney General. (kmk) (Entered: 10/19/2000)
11/20/2000	2	ANSWER TO COMPLAINT [1-1] by federal defendant CIA . (ag) (Entered: 11/22/2000)
12/20/2000	3	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 16 filed by plaintiff JOHN KELLY, federal defendant CIA . (jdm) (Entered: 12/20/2000)
12/22/2000	4	ORDER by Judge Thomas F. Hogan : status hearing set for 9:30 2/6/01 ; directing the parties to submit before the scheduling conference a proposed scheduling order pursuant to Local Rule 16.3. (N) (gew) (Entered: 12/28/2000)
02/02/2001	6	SECOND MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 16 filed by plaintiff JOHN KELLY, federal defendant CIA . (jdm) (Entered: 02/06/2001)
02/05/2001	5	SCHEDULING ORDER by Judge Thomas F. Hogan dispositive motions due 4/30/01 ; response to dispositive motions due 5/31/01 ; reply to dispositive motions due 6/26/01 ; ; further ordered, final briefing schedule is deferred until plaintiff has moved to amend the complaint (N) (jf) (Entered: 02/05/2001)

03/08/2001	7	MOTION filed by JOHN KELLY for leave to file amended complaint ; EXHIBIT: AMENDED COMPLAINT. (jdm) (Entered: 03/09/2001)
03/09/2001	<u>8</u>	ORDER by Judge Thomas F. Hogan : granting motion for leave to file amended complaint [7-1] by JOHN KELLY (N) (tb) (Entered: 03/10/2001)
03/09/2001	9	AMENDED COMPLAINT by plaintiff JOHN KELLY [1-1] . (bjsp) (Entered: 03/23/2001)
03/20/2001	10	ANSWER TO AMENDED COMPLAINT [9-1] by federal defendant CIA (bjsp) (Entered: 03/23/2001)
04/10/2001	11	MOTION (UNOPPOSED) filed by federal defendant CIA to modify briefing schedule (jdm) (Entered: 04/11/2001)
04/11/2001	<u>12</u>	ORDER by Judge Thomas F. Hogan : granting motion to modify briefing schedule [11-1] by CIA dispositive motions due 5/21/01 ; response to dispositive motions due 6/22/01 ; reply to dispositive motions due 7/18/01 ; (N) (jf) (Entered: 04/11/2001)
04/25/2001	13	MOTION filed by federal defendant CIA for leave to file an amended answer ; EXHIBIT: AMENED ANSWER TO AMENED COMPLAINT (jdm) (Entered: 04/26/2001)
05/08/2001	14	RESPONSE by plaintiff JOHN KELLY in opposition to motion for leave to file an amended answer [13-1] by CIA . (tb) (Entered: 05/09/2001)
05/15/2001	15	MOTION (UNOPPOSED) filed by federal defendant CIA to extend time to one day for filing a reply to plaintiff's opposition to defendant's motion for leave to file an amended answer (jf) (Entered: 05/16/2001)
05/17/2001	<u>16</u>	ORDER by Judge Thomas F. Hogan : granting motion to extend time to one day for filing a reply to plaintiff's opposition to defendant's motion for leave to file an amended answer [15-1] by CIA; reply to motion(s) due by 5/21/01 ; (N) (jf) (Entered: 05/17/2001)
05/21/2001	18	MOTION (UNOPPOSED) filed by federal defendant CIA to extend time to 5/22/01 to file combined motion for summary judgment , and to extend time to 5/22/01 to reply to plaintiff's opposition to defendant's motion for leave to file an amended answer (ag) (Entered: 05/22/2001)
05/22/2001	<u>17</u>	ORDER by Judge Thomas F. Hogan : granting unopposed motion for extension of time to file a motion for summary judgment and reply to plaintiff's opposition to motion for leave to file an amended answer by federal defendant CIA; motion for summary judgment due 5/22/01 ; reply to brief due 5/22/01 ; (N) (jf) (Entered: 05/22/2001)
05/22/2001	19	MOTION filed by federal defendant CIA for summary judgment ; Exhibits (4) (ag) (Entered: 05/23/2001)
06/22/2001	21	CROSS MOTIONS by plaintiff JOHN KELLY for summary judgment ; exhibits (5) (jf) (Entered: 06/26/2001)
06/25/2001	20	NOTICE OF FILING by plaintiff JOHN KELLY of pages 1-5 of Exhibit 5 to his Plaintiff's Memorandum in Support of His Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment file 6/22/01; Attachments (1). (ag) (Entered: 06/26/2001)
07/18/2001	22	RESPONSE by federal defendant CIA to cross motion for summary judgment [21-1] by JOHN KELLY; Attachments (2) (ag) (Entered: 07/19/2001)
07/30/2001	23	REPLY by plaintiff JOHN KELLY in support of cross motion for summary judgment [21-1] by JOHN KELLY (ag) (Entered: 07/31/2001)
08/08/2001	24	RESPONSE (OPPOSITIONS) by federal defendant CIA to in support reply [23-1] by JOHN KELLY (cas) (Entered: 08/09/2001)
08/17/2001	25	REPLY by plaintiff JOHN KELLY to motion response to plaintiff's reply memorandum in support of his cross-motion for summary judgment [22-1] by CIA; exhibit's (1) (cas) (Entered: 08/20/2001)

10/31/2001	26	STATEMENT filed by plaintiff JOHN KELLY, regarding: an update on the effective date of the automatic declassification provisions of Section 3.4 of Executive Order 12958. (nmr) (Entered: 11/01/2001)
11/06/2001	27	RESPONSE (OPPOSITIONS) by federal defendant CIA to statement [26-1] by JOHN KELLY (nmr) (Entered: 11/07/2001)
11/09/2001	28	REPLY by plaintiff JOHN KELLY to objection to plaintiff's notice of filing [27-1] by CIA (nmr) (Entered: 11/13/2001)
03/19/2002	<u>29</u>	ORDER by Chief Judge Thomas F. Hogan : granting motion for leave to file an amended answer [13-1] by CIA; further ordered, directing defendant to file amended answer within eleven (11) days of this order. (N) (jf) (Entered: 03/19/2002)
03/26/2002	30	ANSWER TO AMENDED COMPLAINT [9-1] by federal defendant CIA (td) (Entered: 03/27/2002)
08/08/2002	<u>31</u>	MEMORANDUM OPINION by Chief Judge Thomas F. Hogan (N) (jf) (Entered: 08/09/2002)
08/08/2002	<u>32</u>	ORDER by Chief Judge Thomas F. Hogan : granting in part, denying in part cross motion for summary judgment [21-1], granting in part, denying in part motion for summary judgment [19-1]; further ordered, granting summary judgment in favor of defendant on all documents at issue on both Counts One and Two, directing defendant to search and review operational files for information concerning the MKULTRA project and shall make all releasable information available to plaintiff. (N) (jf) (Entered: 08/09/2002)
08/23/2002	33	MOTION filed by federal defendant CIA for clarification of its Memorandum Opinion and Order docketed 8/9/02 (nmr) (Entered: 08/26/2002)
08/30/2002	34	RESPONSE by plaintiff JOHN KELLY in opposition to motion for clarification of its Memorandum Opinion and Order docketed 8/9/02 [33-1] by CIA . (bcs) (Entered: 09/04/2002)
09/12/2002	35	REPLY by federal defendant CIA to plaintiffs response in opposition to defendants motion for clarification of its Memorandum Opinion and docketed 8/9/02 [33-1] by CIA (bcs) (Entered: 09/13/2002)
09/25/2002	<u>36</u>	MEMORANDUM OPINION by Chief Judge Thomas F. Hogan (N) (jf) (Entered: 09/25/2002)
09/25/2002	<u>37</u>	ORDER by Chief Judge Thomas F. Hogan : granting motion for clarification of its Memorandum Opinion and Order docketed 8/9/02 [33-1] by CIA; furthero ordered; the Court's order of 08/08/02 [#32], the term "Victim's Task Force" be substituted for the term "MKULTRA project". (N) (jf) (Entered: 09/25/2002)
10/09/2002	38	MOTION filed by plaintiff JOHN KELLY to extend time to file a motion for attorneys fees in this case pursuant to FRCP 6(b) (bcs) (Entered: 10/10/2002)
10/17/2002	39	RESPONSE by federal defendant CIA in opposition to motion to extend time to file a motion for attorneys fees in this case pursuant to FRCP 6(b) [38-1] by JOHN KELLY . (bcs) (Entered: 10/18/2002)
10/23/2002	40	REPLY by plaintiff JOHN KELLY to response in opposition to motion to extend time to file a motion for attorneys fees in this case pursuant to FRCP 6(b) [38-1] by JOHN KELLY (bcs) (Entered: 10/24/2002)
11/22/2002	41	NOTICE OF APPEAL by plaintiff JOHN KELLY from order [37-1] , entered on: 9/25/02. \$5.00 filing fee; \$100.00 docketing fee paid. Copies mailed to counsel of record. (bcs) (Entered: 11/26/2002)
11/26/2002		TRANSMITTED PRELIMINARY RECORD on appeal [41-1] by JOHN KELLY to U.S. Court of Appeals (bcs) (Entered: 11/26/2002)
09/30/2003	42	CERTIFIED COPY of order filed in USCA dated 7/31/03, on appeal [41-1], dismissing appeal for lack of a final, appealable order. USCA # 02-5384 (cp) (Entered: 10/03/2003)

10/22/2003	<u>43</u>	ORDER by Chief Judge Thomas F. Hogan: directing that defendant shall file and affidavit addressing the adequacy of its search of its operational files as required by this Court's Order; that defendant's affidavit shall be filed within 30 days of the date of this order; that plaintiff shall have 30 days from the date of defendant's filing to challenge that affidavit; and denying as moot motion to extend time to file a motion for attorneys fees in this case pursuant to FRCP 6(b) [38-1] by JOHN KELLY; See order for details. (N) (nmr) (Entered: 10/23/2003)
11/21/2003	<u>44</u>	ENTERED IN ERROR.....Supplemental MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY. (Withnell, Elizabeth) Modified on 11/21/2003 (Burgess, Joe). (Entered: 11/21/2003)
11/21/2003	<u>45</u>	Supplemental MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Affidavit Dorn Declaration# <u>2</u> Text of Proposed Order)(Withnell, Elizabeth) (Entered: 11/21/2003)
11/21/2003		NOTICE OF CORRECTED DOCKET ENTRY. Please note that docket entry No. 44 was Entered in Error and the correct document is Document #45. The original document omitted the attachments. (Burgess, Joe) (Entered: 11/21/2003)
12/19/2003	<u>46</u>	Memorandum in opposition to motion re <u>45</u> <i>Defendant's Renewed Motion for Summary Judgment</i> filed by JOHN KELLY. (Attachments: # <u>1</u> Exhibit Statement of Material Facts Remaining Genuinely in Issue)(Alcorn, Daniel) (Entered: 12/19/2003)
12/30/2003	<u>47</u>	RESPONSE to <i>Plaintiff's Opposition</i> filed by CENTRAL INTELLIGENCE AGENCY. (Withnell, Elizabeth) (Entered: 12/30/2003)
01/22/2004	<u>48</u>	MEMORANDUM AND OPINION granting Defendant's Renewed Motion for Summary Judgment. Signed by Chief Judge Thomas F. Hogan on January 22, 2004. (lctfh1,) (Entered: 01/22/2004)
01/22/2004	<u>49</u>	ORDER DISMISSING CASE with prejudice; Defendant's Renewed Motion for Summary Judgment is granted; Judgment is entered for the Defendant. Signed by Chief Judge Thomas F. Hogan on January 22, 2004. (lctfh1,) (Entered: 01/22/2004)