

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:98-cv-00729-TFH**

JOHNSON v. EXEC OFFICE/AUSA, et al
Assigned to: Judge Thomas F. Hogan
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 03/23/1998
Date Terminated: 08/14/2001
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

NEIL JOHNSON

represented by **NEIL JOHNSON**
R11679-014
OTISVILLE FEDERAL
CORRECTIONAL INSTITUTION
P.O. Box 1000
Otisville, NY 10963
PRO SE

V.

Defendant

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEY

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Defendant

BONNIE L. GAY
Acting Assistant Director, Executive Office for United States Attorneys

represented by **Brian J. Sonfield**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David T. Smorodin
(See above for address)
TERMINATED: 07/24/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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03/23/1998	1	COMPLAINT filed by plaintiff NEIL JOHNSON; Attachments. (lkn) (Entered: 03/25/1998)
03/23/1998		SUMMONS (3) issued to federal party(s) federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY , and non-parties: U.S. Attorney and U.S. Attorney General. (lkn) (Entered: 03/25/1998)
03/23/1998	2	MOTION filed by plaintiff NEIL JOHNSON to proceed in forma pauperis (lkn) (Entered: 03/25/1998)
03/23/1998	3	PRISON ACCOUNT STATEMENT filed by plaintiff NEIL JOHNSON pursuant to order . (lkn) (Entered: 03/25/1998)
03/23/1998	4	ORDER by Judge Aubrey E. Robinson : granting motion to proceed in forma pauperis [2-1] by NEIL JOHNSON directing that monthly payments be made from the prisoner account of NEIL JOHNSON . (N) (lkn) (Entered: 03/25/1998)
04/06/1998		SUMMONS (4) issued to federal party(s) federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY , and non-parties: U.S. Attorney and U.S. Attorney General. (lkn) (Entered: 04/07/1998)
04/15/1998	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 4/1/98 (JMF) (Entered: 04/16/1998)
04/15/1998	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 4/1/98 (JMF) (Entered: 04/16/1998)
04/21/1998	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/6/98 upon federal defendant EXEC OFFICE/AUSA (lkn) (Entered: 04/22/1998)
04/21/1998	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 4/9/98 (lkn) (Entered: 04/22/1998)
04/21/1998	9	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 4/17/98 (lkn) (Entered: 04/22/1998)
04/21/1998	10	MOTION filed by plaintiff NEIL JOHNSON for summary judgment ; Exhibits (4). (lkn) (Entered: 04/22/1998)
04/30/1998	11	MOTION filed by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY to extend time to June 10, 1998 to answer complaint [1-1] (JMF) (Entered: 05/01/1998)
05/01/1998	12	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/20/98 upon federal defendant BONNIE L. GAY (JMF) (Entered: 05/04/1998)
05/01/1998	13	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/20/98 upon federal defendant EXEC OFFICE/AUSA (JMF) (Entered: 05/04/1998)
05/04/1998	14	ORDER by Judge Thomas F. Hogan : granting motion to extend time to June 10, 1998 to answer complaint [1-1] [11-1] by BONNIE L. GAY, EXEC OFFICE/AUSA (N) (gew) (Entered: 05/07/1998)
05/11/1998	15	OBJECTIONS by plaintiff NEIL JOHNSON to motion to extend time to June 10, 1998 to answer complaint [1-1] [11-1] by BONNIE L. GAY, EXEC OFFICE/AUSA (lkn) (Entered: 05/12/1998)
05/11/1998	16	MOTION filed by plaintiff NEIL JOHNSON for default judgment against EXEC OFFICE/AUSA, BONNIE L. GAY (lkn) (Entered: 05/12/1998)
05/20/1998	17	REPLY by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY in support of motion for default judgment against EXEC OFFICE/AUSA, BONNIE L. GAY [16-1] by NEIL JOHNSON (lkn) (Entered: 05/21/1998)
06/08/1998	18	ORDER by Judge Thomas F. Hogan : denying motion for default judgment against EXEC OFFICE/AUSA, BONNIE L. GAY [16-1] by NEIL JOHNSON (N) (bm) (Entered: 06/08/1998)

06/10/1998	19	MOTION filed by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY to extend time to plead or otherwise respond (lkn) (Entered: 06/11/1998)
06/12/1998	20	SURREPLY by plaintiff NEIL JOHNSON to motion to extend time to plead or otherwise respond [19-1] by BONNIE L. GAY, EXEC OFFICE/AUSA (lkn) (Entered: 06/16/1998)
06/16/1998	21	ORDER by Judge Thomas F. Hogan : granting motion to extend time to plead or otherwise respond within 10 days from the date this Order is filed [19-1] by BONNIE L. GAY, EXEC OFFICE/AUSA (N) (gew) (Entered: 06/16/1998)
06/25/1998	22	MOTION filed by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY to extend time to 7/10/98 to file dispositive motion (lkn) (Entered: 06/29/1998)
06/26/1998	23	MOTION filed by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY to dismiss individual defendant (st) (Entered: 06/29/1998)
06/29/1998	24	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 7/10/98 to file dispositive motion [22-1] by BONNIE L. GAY, EXEC OFFICE/AUSA (N) (gew) (Entered: 06/29/1998)
07/07/1998	25	OBJECTIONS by plaintiff NEIL JOHNSON to motion to extend time to 7/10/98 to file dispositive motion [22-1] by BONNIE L. GAY, EXEC OFFICE/AUSA; Exhibits (4). (lkn) (Entered: 07/08/1998)
07/10/1998	26	MOTION filed by federal defendant EXEC OFFICE/AUSA for summary judgment ; Declaration (1), exhibits (5). (lkn) (Entered: 07/13/1998)
07/14/1998	27	ORDER by Judge Thomas F. Hogan : advising pro se plaintiff of his obligations under the Federal Rules of Civil Procedure and the rules of the Court; plaintiff response to defendants' motion to dismiss due 8/14/98 ; (N) (gew) (Entered: 07/15/1998)
07/24/1998	28	SUBSTITUTION OF COUNSEL for federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY , substituting Brian J. Sonfield for attorney David T. Smorodin (JMF) (Entered: 07/27/1998)
08/31/1998	29	MOTION filed by plaintiff NEIL JOHNSON to extend time to 8/28/98 to respond to defendants' motion to dismiss (fiat) Hogan, J. (lkn) (Entered: 09/01/1998)
09/02/1998	30	OBJECTIONS by plaintiff NEIL JOHNSON to motion to dismiss individual defendant [23-1] by BONNIE L. GAY, EXEC OFFICE/AUSA; Exhibits (3). (lkn) (Entered: 09/03/1998)
09/08/1998	31	MOTION filed by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY to extend time to 9/18/98 to reply to plaintiff's objection to defendant's motion to dismiss individual defendant (tb) (Entered: 09/09/1998)
09/08/1998	32	ATTORNEY APPEARANCE for federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY by David T. Smorodin. (lkn) (Entered: 09/10/1998)
09/10/1998	33	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 9/18/98 to reply to plaintiff's objection to defendant's motion to dismiss individual defendant [31-1] by BONNIE L. GAY, EXEC OFFICE/AUSA (N) (gew) (Entered: 09/10/1998)
09/18/1998	34	REPLY by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY in support of motion to dismiss individual defendant [23-1] (JMF) (Entered: 09/21/1998)
09/28/1999	35	MOTION filed by federal defendant EXEC OFFICE/AUSA to extend time to file supplemental affidavit (lkn) (Entered: 09/30/1999)
10/07/1999	36	RESPONSE by plaintiff NEIL JOHNSON in opposition to motion to extend time to file supplemental affidavit [35-1] by EXEC OFFICE/AUSA, motion for summary judgment [26-1] by EXEC OFFICE/AUSA . (lkn) (Entered: 10/08/1999)

10/18/1999	37	RESPONSE by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY in opposition to motion for summary judgment [26-1] by EXEC OFFICE/AUSA . (lkn) (Entered: 10/19/1999)
10/25/1999	<u>38</u>	ORDER by Judge Thomas F. Hogan : granting motion to extend time to file supplemental affidavit [35-1] by EXEC OFFICE/AUSA; that the defendant may file a supplemental affidavit relating to the segregability issue on or before November 1, 1999. (N) (lkn) (Entered: 10/25/1999)
10/26/1999	39	SUBSTITUTION OF COUNSEL Brian J. Sonfield for federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY , substituting for David T. Smorodin. (lkn) (Entered: 10/27/1999)
10/26/1999	40	NOTICE OF FILING by federal defendant EXEC OFFICE/AUSA; Attachment. (lkn) (Entered: 10/27/1999)
11/02/1999	41	MOTION filed by plaintiff NEIL JOHNSON to extend time to 11/17/99 to respond to defendant's opposition to plaintiff's renewed motion for summary judgment (lkn) (Entered: 11/03/1999)
11/03/1999	<u>42</u>	ORDER by Judge Thomas F. Hogan : granting plaintiff opportunity to respond to defendant's supplemental filing; plaintiff's response to defendant's supplemental declaraton due 12/6/99 ; (N) (gew) (Entered: 11/05/1999)
11/23/1999	43	MOTION (RENEWED) filed by plaintiff NEIL JOHNSON for summary judgment , and for sanctions ; Exhibits (2). (lkn) (Entered: 11/26/1999)
12/01/1999	44	MOTION filed by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY to extend time to 1/5/00 to respond to plaintiff's renewed motion for summary judgment and contemporaneously request for sanctions (lkn) (Entered: 12/02/1999)
01/05/2000	45	RESPONSE by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY in opposition to motion for summary judgment [43-1] and motion for sanctions [43-2] by NEIL JOHNSON . ; exhibits (2) (bjsp) (Entered: 01/06/2000)
01/28/2000	46	MOTION filed by plaintiff NEIL JOHNSON to extend time to 2/5/00 to file opposition to defendants motion for summary judgment (bjsp) (Entered: 02/01/2000)
01/28/2000	47	MOTION filed by plaintiff NEIL JOHNSON to extend time to file an opposition (bjsp) (Entered: 02/01/2000)
02/02/2000	48	REPLY by plaintiff NEIL JOHNSON in opposition to motion for summary judgment [43-1] and for sanctions [43-2] (jf) (Entered: 02/03/2000)
02/08/2000	49	MOTION filed by plaintiff to extend time to 2/15/00 to file opposition (bjsp) (Entered: 02/09/2000)
02/15/2000	50	RESPONSE by plaintiff NEIL JOHNSON to motion for summary judgment [26-1] by EXEC OFFICE/AUSA ; exhibits (5) (bjsp) (Entered: 02/16/2000)
02/18/2000	51	RESPONSE by federal defendant EXEC OFFICE/AUSA, federal defendant BONNIE L. GAY in opposition to motion to extend time to 2/15/00 to file opposition [49-1] by NEIL JOHNSON . (bjsp) (Entered: 02/22/2000)
05/04/2000	<u>52</u>	MEMORANDUM OPINION by Judge Thomas F. Hogan (N) (ldc) (Entered: 05/05/2000)
05/04/2000	<u>53</u>	ORDER by Judge Thomas F. Hogan : granting motion to dismiss individual defendant [23-1] by BONNIE L. GAY, EXEC. OFFICE/US ATTY; futher ordered that the complaint against defenday Gay is dismissed with prejudice (N) (ldc) (Entered: 05/05/2000)
05/04/2000	<u>54</u>	ORDER ON MISCELLANEOUS MOTIONS by Judge Thomas F. Hogan : granting nunc pro tunc motion to extend time to 2/15/00 to file opposition [49-1] by NEIL JOHNSON, granting nunc pro tunc motion to extend time to file an opposition [47-1] by NEIL JOHNSON, granting nunc pro tunc motion to extend time to 2/5/00 to file opposition to defendants motion for summary judgment

		[46-1] by NEIL JOHNSON, granting nunc pro tunc motion to extend time to 11/17/99 to respond to defendant's opposition to plaintiff's renewed motion for summary judgment [41-1] by NEIL JOHNSON (N) (ldc) Modified on 05/05/2000 (Entered: 05/05/2000)
05/08/2000	<u>55</u>	ORDER by Judge Thomas F. Hogan: directing that Plaintiff may file an opposition to the motion for summary judgment filed by Defendant EOUSA, including any substantive response he may desire to make to the Defendant's Supplemental Declaration, no later than 6/5/00; FURTHER ORDERED that Defendant may file a reply to Plaintiff's opposition on or before 6/19/00, addressing only matters that Defendant has not discussed in its motion and Supplemental Opposition. (N) (gdf) (Entered: 05/08/2000)
05/08/2000	56	MOTION filed by plaintiff NEIL JOHNSON to stay proceedings (bjsp) (Entered: 05/09/2000)
06/05/2000	57	NOTICE OF CHANGE OF ADDRESS by NEIL JOHNSON representing plaintiff NEIL JOHNSON . New address: NEIL JOHNSON, REG NO 11679-014, P.O. BOX 1000, CUMBERLAND, MD 21501 . (bjsp) (Entered: 06/20/2000)
06/06/2000	59	MOTION filed by plaintiff NEIL JOHNSON to extend time to respond to defendant's motion for summary judgment (bjsp) (Entered: 06/20/2000)
06/06/2000	58	NOTICE OF INTERLOCUTORY APPEAL by plaintiff NEIL JOHNSON from order [54-1], order [53-1] , entered on: 5/5/00. IFP. Copies sent to all parties. (bjsp) Modified on 06/20/2000 (Entered: 06/20/2000)
06/20/2000		TRANSMITTED PRELIMINARY RECORD on appeal [58-1] by NEIL JOHNSON to U.S. Court of Appeals (bjsp) (Entered: 06/20/2000)
06/23/2000		USCA # 00-5229 assigned for appeal [58-1] by NEIL JOHNSON (ab) (Entered: 06/26/2000)
06/26/2000	<u>60</u>	ORDER by Judge Thomas F. Hogan : granting motion to extend time to respond to defendant's motion for summary judgment [59-1] by NEIL JOHNSON plaintiff's response to defendant EOUSA's motion for summary judgment due 7/5/00; defendant's reply to plaintiff's opposition is due by 7/19/00 ; finding motion to stay proceedings by NEIL JOHNSON [56-1] moot (N) (gew) (Entered: 06/27/2000)
07/10/2000	61	RESPONSE by plaintiff NEIL JOHNSON in opposition to motion for summary judgment [43-1] by NEIL JOHNSON; exhibits (3) (cjp) (Entered: 07/12/2000)
07/10/2000	62	MOTION filed by plaintiff NEIL JOHNSON for discovery (cjp) (Entered: 07/12/2000)
07/18/2000	63	MOTION filed by federal defendant EXEC. OFFICE/US ATTY, federal defendant BONNIE L. GAY to extend time to 7/26/00 to respond to plaintiff's opposition to defendant's motion for summary judgment and motion for discovery ; Exhibits (2)(jf) Modified on 08/29/2000 (Entered: 07/19/2000)
07/26/2000	<u>64</u>	ORDER by Judge Thomas F. Hogan : granting motion to extend time to 7/26/00 to respond to plaintiff's opposition to defendant's motion for summary judgment and motion for discovery [63-1] by BONNIE L. GAY, EXEC. OFFICE/US ATTY (N) (gew) (Entered: 07/27/2000)
07/26/2000	65	MOTION filed by federal defendant for summary judgment (bjsp) (Entered: 07/28/2000)
07/26/2000	66	REPLY by federal defendant EXEC. OFFICE/US ATTY, federal defendant BONNIE L. GAY in further support of motion for summary judgment [65-1] by BONNIE L. GAY, EXEC. OFFICE/US ATTY (bjsp) (Entered: 07/28/2000)
08/14/2000	70	SURREPLY by plaintiff NEIL JOHNSON to motion for summary judgment [65-1] by BONNIE L. GAY, EXEC. OFFICE/US ATTY; "Let this be filed", HOGAN, J. (tth) (Entered: 08/29/2000)
08/21/2000	67	MOTION filed by federal defendant EXEC. OFFICE/US ATTY, federal defendant BONNIE L. GAY to extend time to 8/28/00 to respond to Plaintiff's Opposition With Affidavit in Support to Defendant's Reply in Further Support of Motion for

		Summary Judgment (ab) (Entered: 08/22/2000)
08/28/2000	68	REPLY by federal defendant EXEC. OFFICE/US ATTY, federal defendant BONNIE L. GAY to plaintiff's opposition to motion for summary judgment [65-1] by BONNIE L. GAY, EXEC. OFFICE/US ATTY (bjsp) (Entered: 08/29/2000)
08/28/2000	69	MEMORANDUM by federal defendant EXEC. OFFICE/US ATTY, federal defendant BONNIE L. GAY in support of motion for summary judgment [65-1] by BONNIE L. GAY, EXEC. OFFICE/US ATTY (bjsp) (Entered: 08/29/2000)
10/02/2000	71	NOTICE OF FILING by federal defendant EXEC. OFFICE/US ATTY, federal defendant BONNIE L. GAY of Fifth Declaration of Teresa L. Davis (ab) (Entered: 10/03/2000)
10/02/2000	72	NOTICE OF CHANGE OF ADDRESS by NEIL JOHNSON representing plaintiff NEIL JOHNSON . New address: P.O. BOX 1000, R11679-014, OTISVILLE, NY 10963 . (bjsp) (Entered: 10/05/2000)
10/19/2000	73	SURREPLY by plaintiff NEIL JOHNSON to defendant's reply to plaintiff's opposition RE: motion for summary judgment [65-1] by BONNIE L. GAY, EXEC. OFFICE/US ATTY (FIAT) HOGAN, J (bjsp) (Entered: 10/23/2000)
12/15/2000	74	CERTIFIED COPY of order filed in USCA dated 10/25/00, on appeal [58-1] , dismissing appeal . USCA # 00-5229 (bcs) (Entered: 12/18/2000)
04/02/2001	<u>75</u>	MEMORANDUM OPINION granting defendant's moiton to dismiss by Judge Thomas F. Hogan (N) (tb) (Entered: 04/02/2001)
04/02/2001	<u>76</u>	JUDGMENT by Judge Thomas F. Hogan in favor of federal defendant EXEC. OFFICE/US ATTY against plaintiff NEIL JOHNSON; denying plaintiff's motions for summary judgment [10-1] , [36-1], and [43-1]; granting defendant's motion for summary judgment [26-1]; all other pending motions are denied; this case is dismissed with prejudice. (tb) (Entered: 04/02/2001)
05/31/2001	77	NOTICE OF APPEAL by plaintiff NEIL JOHNSON from judgment order [76-1] , entered on: 04/02/01; IFP-NO FEES PAID, copies mailed to Neil Johnson, and Brian Sonfield (tb) (Entered: 06/19/2001)
06/19/2001		TRANSMITTED PRELIMINARY RECORD on appeal [77-1] by NEIL JOHNSON to U.S. Court of Appeals (tb) (Entered: 06/19/2001)
06/26/2001		USCA # 01 5206 assigned for appeal [77-1] by NEIL JOHNSON (bjsp) (Entered: 06/27/2001)
12/06/2001		USCA # 01-5206 assigned for appeal [77-1] by NEIL JOHNSON (cas) (Entered: 12/07/2001)
01/21/2003	78	CERTIFIED COPY of judgment filed in USCA dated 11/22/02, on appeal [77-1] , affirming the judgment of USDC . USCA # 01-5206 (cp) (Entered: 01/21/2003)