

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:98-cv-01613-RMU**

SCHEER v. DOJ  
Assigned to: Judge Ricardo M. Urbina  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/24/1998  
Date Terminated: 12/18/2000  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****DANA M. SCHEER**

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V.

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Date Filed	#	Docket Text
06/24/1998	1	COMPLAINT filed by plaintiff DANA M. SCHEER ; exhibits (6) (bjsp) (Entered: 06/25/1998)

06/24/1998		SUMMONS (3) issued to federal party(s) federal defendant DOJ , and non-parties: U.S. Attorney and U.S. Attorney General. (bjsp) (Entered: 06/25/1998)
07/01/1998	2	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 6/25/98 (tw) (Entered: 07/02/1998)
07/01/1998	3	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 6/25/98 (tw) (Entered: 07/02/1998)
07/24/1998	4	MOTION (UNOPPOSED) filed by federal defendant DOJ to extend time to 15 days to answer complaint [1-1] (JMF) (Entered: 07/27/1998)
07/30/1998	5	ORDER by Judge Ricardo M. Urbina : granting motion to extend time to 15 days to answer complaint [1-1] [4-1] by DOJ defendant shall file a motion for summary judgment on or before 8/28/98 ; (N) (tw) (Entered: 07/30/1998)
08/27/1998	6	MOTION filed by federal defendant DOJ to extend time to 9/4/98 to file motion for summary judgment (lkn) (Entered: 08/28/1998)
08/28/1998	7	ORDER by Judge Ricardo M. Urbina : granting motion to extend time to 9/4/98 to file motion for summary judgment [6-1] by DOJ dispositive motions due by 9/4/98 ; (N) (lkn) (Entered: 08/28/1998)
08/28/1998	8	RESPONSE (OPPOSITIONS) by plaintiff DANA M. SCHEER to motion to extend time to 15 days to answer complaint [1-1] [4-1] by DOJ; exhibits (1) (JMF) (Entered: 08/31/1998)
09/04/1998	9	NOTICE OF FILING by federal defendant DOJ: "Vaughn" Index, Exhibits (7) (lpp) (Entered: 09/08/1998)
09/04/1998	10	MOTION filed by federal defendant DOJ for summary judgment (lpp) (Entered: 09/08/1998)
09/14/1998	11	MOTION (UNOPPOSED) filed by plaintiff DANA M. SCHEER to extend time to 10/6/98 to file his response to government's motion for summary judgment. (tw) (Entered: 09/16/1998)
09/18/1998	12	ORDER by Judge Ricardo M. Urbina : granting motion to extend time to 10/6/98 to file his response to government's motion for summary judgment. [11-1] by DANA M. SCHEER response to motion for summary judgment due 10/6/98 ; (N) (jwd) (Entered: 09/18/1998)
10/01/1998	13	CROSS MOTIONS by plaintiff DANA M. SCHEER for summary judgment (lkn) (Entered: 10/02/1998)
10/01/1998	14	MEMORANDUM by plaintiff DANA M. SCHEER in opposition to motion for summary judgment [10-1] by DOJ (lkn) (Entered: 10/02/1998)
10/01/1998	15	MEMORANDUM by plaintiff DANA M. SCHEER in support of cross motion for summary judgment [13-1] by DANA M. SCHEER (lkn) (Entered: 10/02/1998)
10/06/1998	16	MOTION filed by federal defendant DOJ to extend time to seven day enlargement to file a reply to motion for summary judgment (st) (Entered: 10/07/1998)
10/13/1998	17	MOTION (UNOPPOSED) filed by federal defendant DOJ to extend time to 10/14/98 to file a reply to plaintiff's opposition to defendant's motion for summary judgment (JMF) (Entered: 10/14/1998)
10/14/1998	18	REPLY by federal defendant DOJ to plaintiff's opposition to defendant's motion for summary judgment [10-1]. (tw) (Entered: 10/15/1998)
10/14/1998	19	RESPONSE by federal defendant DOJ in opposition to plaintiff's cross motion for summary judgment [13-1] by DANA M. SCHEER . (tw) (Entered: 10/15/1998)
10/19/1998	20	ORDER by Judge Ricardo M. Urbina : granting motion to extend time to 10/14/98 nunc pro tunc to file a reply to plaintiff's opposition to defendant's motion for summary judgment by DOJ (N) (jwd) (Entered: 10/19/1998)
10/20/1998	21	MOTION (UNOPPOSED) filed by plaintiff DANA M. SCHEER to extend time to file a reply memorandum in support cross-motion for summary judgment (JMF)

		(Entered: 10/21/1998)
10/26/1998	22	ORDER by Judge Ricardo M. Urbina : granting motion to extend time to file a reply memorandum in support cross-motion for summary judgment [21-1] by DANA M. SCHEER reply to cross motions due by 10/30/98 ; (N) (lpp) (Entered: 10/26/1998)
10/29/1998	24	MOTION filed by plaintiff DANA M. SCHEER for oral argument (lkn) (Entered: 10/30/1998)
10/29/1998	25	REPLY by plaintiff DANA M. SCHEER in support of cross motion for summary judgment [13-1] by DANA M. SCHEER (lkn) (Entered: 10/30/1998)
10/30/1998	23	ORDER by Judge Ricardo M. Urbina: directing that both plaintiff and defendant file appropriate briefs with the court delineating their respective positions regarding: (1) the disclosure of the OPR report to AUSA Genge; (2) the timing of that disclosure in relation to the denial of the plaintiff's FOIA request; (3) the timing of AUSA Genge's resignation in relation to the denial of plaintiff's FOIA request; and (4) the impact, if any, of these facts on the parties' legal arguments in support of their motion for summary judgment. (N) (jwd) (Entered: 10/30/1998)
11/03/1998	26	JOINT MOTION by plaintiff DANA M. SCHEER, federal defendant DOJ to extend time to 11/9/98 within which to respond to the Court's 10/30/98 order (bjsp) (Entered: 11/04/1998)
11/06/1998	27	ORDER by Judge Ricardo M. Urbina : granting joint motion to extend time to 11/3/98 within which to respond to the Court's 10/30/98 order on or before 11/13/98 [26-1] by DOJ, DANA M. SCHEER (N) (jwd) (Entered: 11/06/1998)
11/13/1998	28	SUPPLEMENTAL MEMORANDUM by plaintiff DANA M. SCHEER in support of cross motion for summary judgment [13-1]; exhibits (1) (jf) (Entered: 11/16/1998)
11/13/1998	29	RESPONSE by federal defendant DOJ to order dated 10/30/98 [23-1] (jf) (Entered: 11/16/1998)
11/23/1998	30	ERRATA by plaintiff DANA M. SCHEER of declaration of Jane W. Moscovitz (jf) (Entered: 11/24/1998)
01/28/1999	31	MEMORANDUM OPINION by Judge Ricardo M. Urbina granting plaintiff's motion for summary judgment and denying defendant's motion for summary judgment (N) (jwd) (Entered: 01/28/1999)
01/28/1999	32	ORDER by Judge Ricardo M. Urbina : granting cross motion for summary judgment [13-1] by DANA M. SCHEER, denying motion for summary judgment [10-1] by DOJ; that U. S. Department of Justice shall provide to Mr. Scheer the OPR report on AUSA Genge as requested; granting plaintiff leave to file a motion for costs and attorneys' fees pursuant to Federal Rule of Civil Procedure 54 and 5 USC Section 522(a)(4)(E)-(F). (N) (jwd) (Entered: 01/28/1999)
02/09/1999	33	MOTION filed by plaintiff DANA M. SCHEER for attorney fee ; attachments (bjsp) (Entered: 02/10/1999)
02/11/1999	34	MOTION filed by federal defendant DOJ for reconsideration of order [32-1] ; Appendix. (lkn) (Entered: 02/12/1999)
02/22/1999	35	RESPONSE by plaintiff DANA M. SCHEER in opposition to motion for reconsideration of order [32-1] [34-1] by DOJ ; attachments (3). (tw) Modified on 02/24/1999 (Entered: 02/24/1999)
02/26/1999	36	ERRATA by plaintiff DANA M. SCHEER of amended certificate of service of opposition to motion for reconsideration filed 02/22/99 (jf) (Entered: 03/01/1999)
03/01/1999	37	NOTICE OF FILING by plaintiff DANA M. SCHEER of declarations of Jane Moscovitz and Gray Thomas (tw) (Entered: 03/02/1999)
03/02/1999	38	REPLY by federal defendant DOJ in support of their motion for reconsideration of order [32-1] [34-1] by DOJ ; attachments (bjsp) (Entered: 03/03/1999)

07/26/1999	39	MEMORANDUM OPINION by Judge Ricardo M. Urbina (N) (bm) (Entered: 07/27/1999)
07/26/1999	40	ORDER by Judge Ricardo M. Urbina: denying motion without prejudice for attorney fee [33-1] by DANA M. SCHEER; granting plaintiff leave to file a new motion for costs and attorneys' pursuant to FRCP 54 and 5 USC 552(a)(4)(E)-(F) (N) (bm) (Entered: 07/27/1999)
07/26/1999	41	ORDER by Judge Ricardo M. Urbina : denying motion for reconsideration of order [32-1] [34-1] by DOJ (N) (bm) (Entered: 07/27/1999)
08/13/1999	42	MOTION filed by plaintiff DANA M. SCHEER for costs , and for attorney fee (st) (Entered: 08/16/1999)
08/17/1999	43	MOTION filed by federal defendant DOJ to stay pending possible appeal (bjsp) (Entered: 08/18/1999)
08/30/1999	44	MEMORANDUM by plaintiff DANA M. SCHEER in opposition to defendant's motion to stay pending possible appeal [43-1]; exhibit (1) (tw) (Entered: 08/31/1999)
09/08/1999	45	MOTION (UNOPPOSED) filed by federal defendant DOJ to extend time to file a reply to Plaintiff's opposition to Defendant's motion for a stay pending possible appeal (tth) (Entered: 09/09/1999)
09/14/1999	46	MOTION (unopposed) filed by federal defendant DOJ to extend time to file a reply to plaintiff's opposition to defendant's motion for a stay pending possible appeal. (tw) Modified on 09/15/1999 (Entered: 09/15/1999)
09/15/1999	47	REPLY by federal defendant DOJ to response to motion to stay pending possible appeal [43-1] by DOJ (st) (Entered: 09/16/1999)
09/21/1999	48	ORDER by Judge Ricardo M. Urbina : denying motion to extend time to file a reply to Plaintiff's opposition to Defendant's motion for a stay pending possible appeal by DOJ (N) (bm) (Entered: 09/21/1999)
09/24/1999	49	NOTICE OF APPEAL by federal defendant DOJ from order [32-1] and [39-1], entered on: 7/27/99 and 1/28/99. Copies mailed to Johnathan S. Feld, Ross Andrew Nabatoff and Paul S. Padda; government no fees. (tw) (Entered: 09/27/1999)
09/27/1999		TRANSMITTED PRELIMINARY RECORD on appeal [49-1] by DOJ to U.S. Court of Appeals (tw) (Entered: 09/27/1999)
10/01/1999		USCA # 99-5317 assigned for appeal [49-1] by DOJ (st) (Entered: 10/04/1999)
12/21/1999	50	MEMORANDUM OPINION by Judge Ricardo M. Urbina denying defendant's motion for a stay pending appea; denying the plaintiff's new motion for costs and attorney's fees; setting a briefing schedule (N) (jwd) (Entered: 12/21/1999)
12/21/1999	51	ORDER by Judge Ricardo M. Urbina : denying motion to stay pending possible appeal [43-1] by DOJ granting plaintiff leave to file a new motion for costs and attorneys' fees pursuant to Federal Rule of Civil Procedure 54 and 5 U.S.C. section 552(a)(4)(E)-(F); plaintiff new motion for costs and fees shall be due 1/28/00; defendant's opposition, if any, to motion for cost and fees due 2/18/00; plaintiff's reply, if any, to opposition to motion for fees and cost due 3/3/00; this schedule shall remain in effect notwithstanding the parties' additional submissions, if any. (N) (jwd) (Entered: 12/21/1999)
01/28/2000	52	MOTION filed by plaintiff DANA M. SCHEER for costs , and for attorneys' fees ; Attachment (1). (tth) (Entered: 02/01/2000)
02/18/2000	54	MOTION (UNOPPOSED) filed by defendant to extend time to 2/22/00 to file response to plaintiff's new motion for costs and attorneys' fees (ab) (Entered: 02/23/2000)
02/22/2000	53	CROSS MOTIONS by federal defendant DOJ to hold in abeyance the Court's consideration of plaintiff's New Motion for Costs and Attorneys' Fees (tth) (Entered: 02/23/2000)

03/07/2000	55	RESPONSE by plaintiff DANA M. SCHEER in opposition to cross motion to hold in abeyance the Court's consideration of plaintiff's New Motion for Costs and Attorneys' Fees [53-1] by DOJ . (tth) (Entered: 03/08/2000)
05/03/2000	<u>56</u>	MEMORANDUM OPINION by Judge Ricardo M. Urbina (N) (jwd) (Entered: 05/03/2000)
05/03/2000	<u>57</u>	ORDER by Judge Ricardo M. Urbina: directing that Plaintiff demonstrate the reasonableness of litigation costs and attorneys' fees ("costs and fees"); plaintiff to submit documentation of costs and fees in accordance with said Memorandum Opinion by 5/22/00. (N) (jwd) (Entered: 05/03/2000)
05/22/2000	58	MOTION filed by plaintiff DANA M. SCHEER to extend time to file documentation relating to reasonableness of attorneys' fees. (tw) (Entered: 05/23/2000)
05/25/2000	59	ORDER by Judge Ricardo M. Urbina : granting motion to extend time to file documentation relating to reasonableness of attorneys' fees and cost incurred during the FOIA litigation by 6/10/00. [58-1] by DANA M. SCHEER (N) (jwd) (Entered: 05/26/2000)
07/31/2000	60	ORDER by Judge Ricardo M. Urbina : dismissing action without prejudice; directing parties show cause by 8/24/00, why this matter should not ripen into a dismissal with prejudice (N) (jwd) (Entered: 07/31/2000)
08/24/2000	61	RESPONSE by plaintiff DANA M. SCHEER to Court's order 7/31/00 [60-1] (bm) (Entered: 08/25/2000)
09/05/2000	62	SUBSTITUTION OF COUNSEL for federal defendant DOJ , substituting Robin Earnest for attorney Paul S. Padda for DOJ (clv) (Entered: 09/06/2000)
10/11/2000	63	JOINT MOTION by plaintiff DANA M. SCHEER, federal defendant DOJ for indicative order ; Exhibits (2) (jdm) (Entered: 10/12/2000)
10/16/2000	<u>64</u>	INDICATIVE ORDER by Judge Ricardo M. Urbina : granting joint motion for indicative order [63-1] by DOJ, DANA M. SCHEER (N) (jwd) (Entered: 10/16/2000)
11/02/2000	65	CERTIFIED COPY of order filed in USCA dated 11/2/00, on appeal [49-1] , remanding for further proceedings. USCA # 99-5317 (bcs) (Entered: 11/02/2000)
12/15/2000		Case Reopened (jwd) (Entered: 12/18/2000)
12/15/2000	66	JOINT MOTION by plaintiff DANA M. SCHEER, federal defendant DOJ to enter stipulation (aet) (Entered: 12/18/2000)
12/18/2000	<u>67</u>	STIPULATED ORDER by Judge Ricardo M. Urbina : granting joint motion to enter stipulation [66-1] by DOJ, DANA M. SCHEER and dismissing action with prejudice. (N) (jwd) (Entered: 12/18/2000)