

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:98-cv-02218-GK**

INTL COMM OFFENSIVE v. DEFENSE ADVANCE RES, et al  
Assigned to: Judge Gladys Kessler  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/17/1998  
Date Terminated: 03/01/2001  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**INTERNATIONAL COMMITTEE ON  
OFFENSIVE MICROWAVE  
WEAPONS**

represented by **Bernard Fensterwald , III**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**DEFENSE ADVANCE RESEARCH  
PROJECTS AGENCY**

represented by **Dara A. Corrigan**  
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**Defendant**

**U.S. MARINE CORPS**  
*Non-Lethal Weapons Directorate*

represented by **Dara A. Corrigan**  
(See above for address)  
*TERMINATED: 06/01/1999*  
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**Paul S. Padda**  
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**Robin M. Earnest**  
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*LEAD ATTORNEY*  
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**Suzanne Claire Nyland**  
(See above for address)  
*TERMINATED: 03/31/2000*  
*LEAD ATTORNEY*  
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**Defendant**

**NATIONAL INSTITUTE OF  
JUSTICE**

represented by **Dara A. Corrigan**  
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*TERMINATED: 06/01/1999*  
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**Paul S. Padda**  
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**Suzanne Claire Nyland**  
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**Defendant**

**DEPARTMENT OF ENERGY**

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**Robin M. Earnest**

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**Suzanne Claire Nyland**  
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*TERMINATED: 03/31/2000*  
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**Defendant**

**NATIONAL SECURITY AGENCY**

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**Robin M. Earnest**  
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**Suzanne Claire Nyland**  
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**Defendant**

**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

represented by **Paul S. Padda**  
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**Suzanne Claire Nyland**  
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**Defendant**

**DEFENSE INTELLIGENCE  
AGENCY**

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**Suzanne Claire Nyland**  
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**Defendant****CENTRAL INTELLIGENCE  
AGENCY**represented by **Paul S. Padda**  
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*TERMINATED: 09/07/2000*  
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*ATTORNEY TO BE NOTICED***Robin M. Earnest**  
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*ATTORNEY TO BE NOTICED***Suzanne Claire Nyland**  
(See above for address)  
*TERMINATED: 03/31/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/17/1998	1	COMPLAINT filed by plaintiff INTL COMM OFFENSIVE; exhibits (6) (tb) (Entered: 09/18/1998)
09/17/1998		SUMMONS (5) issued to federal party(s) federal defendant DEFENSE ADVANCE RES, federal defendant U.S. MARINE CORPS, federal defendant NATL INST JUSTICE , and non-parties: U.S. Attorney and U.S. Attorney General. (tb) (Entered: 09/18/1998)
10/21/1998	2	ANSWER TO COMPLAINT [1-1] by federal defendant DEFENSE ADVANCE RES, federal defendant U.S. MARINE CORPS, federal defendant NATL INST JUSTICE . (st) (Entered: 10/22/1998)
10/21/1998	3	ATTORNEY APPEARANCE for federal defendant DEFENSE ADVANCE RES, federal defendant U.S. MARINE CORPS, federal defendant NATL INST JUSTICE by Dara A. Corrigan (st) (Entered: 10/22/1998)
11/17/1998	4	SCHEDULING ORDER by Judge Gladys Kessler status hearing set for 9:45 12/2/98 (N) (pob) (Entered: 11/17/1998)
11/17/1998	5	JOINT STATUS REPORT by plaintiff INTL COMM OFFENSIVE, federal defendant DEFENSE ADVANCE RES, federal defendant U.S. MARINE CORPS, federal defendant NATL INST JUSTICE (tth) (Entered: 11/18/1998)
11/27/1998	6	PRETRIAL STATEMENTS by federal defendant DEFENSE ADVANCE RES, federal defendant U.S. MARINE CORPS, federal defendant NATL INST JUSTICE (st) (Entered: 11/30/1998)
12/01/1998	7	ORDER by Judge Gladys Kessler: cross motions due 4/16/99; response to cross motions due 5/16/99; reply to cross motions due 6/1/99; motion for summary judgment due 3/16/99 ; response to motion for summary judgment due 4/16/99 reply motion for summary judgment due 5/16/99; Case assigned to the Standard track (track two). (N) (pob) (Entered: 12/01/1998)
01/22/1999	8	AMENDED COMPLAINT by plaintiff INTL COMM OFFENSIVE adding federal defendants DOE, NATL. SEC. AGENCY, NATIONAL AERONAUTICS, DEFENSE INTELLIGENCE, CENTRAL INTELLIGENCE, and amending complaint [1-1].; (fiat) J. KESSLER; exhibits (5) (tb) Modified on 01/25/1999 (Entered: 01/25/1999)
02/25/1999	9	MOTION filed by federal defendant DEFENSE ADVANCE RES, federal defendant U.S. MARINE CORPS, federal defendant NATL INST JUSTICE to modify court's scheduling order of 12/01/98 (tb) (Entered: 02/26/1999)
03/01/1999	10	ORDER by Judge Gladys Kessler: granting motion to modify court's scheduling order of 12/01/98 [9-1] by NATL INST JUSTICE, U.S. MARINE CORPS, DEFENSE ADVANCE RES; defendants to file one dispositive motion which will

		encompass the FOIA requests filed with the 8 named defendants; defendant to file status report with the Court by 6/1/99; current schedule for filing dispositive motions is vacated pending the completion of the processing of all the FOIA requests. (N) (pob) (Entered: 03/01/1999)
06/01/1999	11	SUBSTITUTION OF COUNSEL for federal defendants substituting Suzanne Nyland for attorney Dara A. Corrigan for NATL INST JUSTICE, U.S. MARINE CORPS, and DEFENSE ADVANCE RES (tth) (Entered: 06/02/1999)
06/01/1999	12	STATUS REPORT by federal defendants regarding their progress in processing documents responsive to plaintiff's Freedom of Information Act request; Exhibit (1) (tth) (Entered: 06/02/1999)
06/11/1999	13	MOTION filed by federal defendant for an open America stay (st) (Entered: 06/14/1999)
06/22/1999	14	RESPONSE by plaintiff INTL COMM OFFENSIVE in opposition to motion for an open America stay [13-1] by federal defendants; Exhibit (1) (tth) (Entered: 06/22/1999)
06/28/1999	15	MOTION (consent) filed by federal defendant to extend time to 7/5/99 within which to file its reply to plaintiff's opposition to defendant's motion for Open America stay in this case. (tw) (Entered: 06/29/1999)
06/30/1999	16	ORDER by Judge Gladys Kessler : granting motion to extend time to 7/5/99 within which to file its reply to plaintiff's opposition to defendant's motion for Open America stay in this case [15-1] by federal defendants (N) (pob) (Entered: 06/30/1999)
07/06/1999	17	MOTION filed by federal defendant to extend time to 7/7/99 to file reply (bjsp) (Entered: 07/07/1999)
07/07/1999	18	ORDER by Judge Gladys Kessler : granting motion to extend time to 7/7/99 to file reply [17-1] by federal defendants (N) (pob) (Entered: 07/08/1999)
07/09/1999	19	STIPULATION AND SCHEDULING ORDER by Judge Gladys Kessler : DIA withdraws its pending motin for an Open America Stay filed 6/11/99 (N) (pob) (Entered: 07/09/1999)
08/02/1999	20	STIPULATED ORDER by Judge Gladys Kessler : that parties file a status report with the Court by 10/15/99 and setting schedule for process of certain documents. (See Order for details) (N) (pob) (Entered: 08/02/1999)
10/14/1999	21	STATUS REPORT by plaintiffs, federal defendants (tw) (Entered: 10/15/1999)
12/03/1999	22	MOTION filed by federal defendant to extend time to 12/10/99 to file joint status report (bjsp) (Entered: 12/07/1999)
12/07/1999	23	ORDER by Judge Gladys Kessler : granting motion to extend time to 12/10/99 to file joint status report [22-1] by federal defendants (N) (pob) (Entered: 12/07/1999)
12/10/1999	24	STATUS REPORT by plaintiff INTL COMM OFFENSIVE, federal defendant DEFENSE ADVANCE RES, federal defendant U.S. MARINE CORPS, federal defendant NATL INST JUSTICE, federal defendant DOE, federal defendant NATL SECURITY AGENCY, federal defendant NATIONAL AERONAUTICS, federal defendant DEFENSE INTELLIGENCE, federal defendant CIA (bjsp) (Entered: 12/13/1999)
12/15/1999		ORDER by Judge Gladys Kessler granting status report [24-1] by federal defendants, plaintiff (fiat) (N) (pob) (Entered: 12/16/1999)
12/27/1999	25	JOINT STATUS REPORT (jeb) (Entered: 12/27/1999)
12/27/1999	<u>26</u>	STIPULATED ORDER by Judge Gladys Kessler : parties to file joint Status Report due: 1/20/99 (N) (jeb) (Entered: 12/27/1999)
01/21/2000	27	MOTION filed by federal defendant to extend time to 1/28/00, to file a status report (lpp) (Entered: 01/24/2000)

01/27/2000	28	ORDER by Judge Gladys Kessler : granting motion to extend time to 1/28/00, to file a status report [27-1] by federal defendants (N) (pob) (Entered: 01/28/2000)
02/02/2000	29	STIPULATED ORDER by Judge Gladys Kessler: setting dates for certain documents to be processing.(N) (pob) (Entered: 02/04/2000)
03/21/2000	30	ORDER by Judge Gladys Kessler: that parties file a status report and proposed briefing schedule by 3/31/00 (N) (pob) (Entered: 03/21/2000)
03/31/2000	31	SUBSTITUTION OF COUNSEL for federal defendant DEFENSE ADVANCE RES, federal defendant U.S. MARINE CORPS, federal defendant NATL INST JUSTICE, federal defendant DOE, federal defendant NATL SECURITY AGENCY, federal defendant NATIONAL AERONAUTICS, federal defendant DEFENSE INTELLIGENCE, federal defendant CIA , substituting Paul S. Padda for attorney Suzanne Claire Nyland for CIA, attorney Suzanne Claire Nyland for DEFENSE INTELLIGENCE, attorney Suzanne Claire Nyland for NATIONAL AERONAUTICS, attorney Suzanne Claire Nyland for NATL SECURITY AGENCY, attorney Suzanne Claire Nyland for DOE, attorney Suzanne Claire Nyland for NATL INST JUSTICE, attorney Suzanne Claire Nyland for U.S. MARINE CORPS, attorney Suzanne Claire Nyland for DEFENSE ADVANCE RES (cjp) (Entered: 04/03/2000)
03/31/2000	32	MOTION (UNOPPOSED) filed by federal defendants to extend time to 4/11/00 to file joint status report (cjp) (Entered: 04/03/2000)
04/04/2000	33	ORDER by Judge Gladys Kessler : granting motion to extend time to 4/11/00 to file joint status report and proposed briefing schedule [32-1] by federal defendants (N) (pob) (Entered: 04/04/2000)
04/11/2000	34	MOTION (UNOPPOSED) filed by federal defendant to extend time to 4/25/00 to file a joint status report (jf) (Entered: 04/12/2000)
04/13/2000	<u>35</u>	ORDER by Judge Gladys Kessler : granting motion to extend time to 4/25/00 to file a joint status report [34-1] by federal defendants (N) (pob) (Entered: 04/13/2000)
04/25/2000	36	MOTION filed by federal defendants DEFENSE ADVANCE RES, U.S. MARINE CORPS, NATL INST JUSTICE, DOE, NATL SECURITY AGENCY, NATIONAL AERONAUTICS, DEFENSE INTELLIGENCE, CIA to extend time to 5/4/00 within which to file a joint status report (bm) (Entered: 04/26/2000)
04/27/2000	<u>37</u>	ORDER by Judge Gladys Kessler: granting motion to extend time to 5/4/00 within which to file a joint status report [36-1] by federal defendants (N) (pob) (Entered: 04/27/2000)
05/04/2000	39	STATUS REPORT by federal defendant (dam) (Entered: 05/08/2000)
05/08/2000	38	ORDER by Judge Gladys Kessler: parties to file status report on or about 6/6/00 (N) (pob) (Entered: 05/08/2000)
06/20/2000	40	STATUS REPORT by federal defendants (tb) (Entered: 06/21/2000)
06/22/2000	<u>41</u>	ORDER by Judge Gladys Kessler : Status Report due: 7/28/00 for CIA, for DEFENSE INTELLIGENCE, for NATIONAL AERONAUTICS, for NATL SECURITY AGENCY, for DOE, for NATL INST JUSTICE, for U.S. MARINE CORPS, for DEFENSE ADVANCE RES, for INTL COMM OFFENSIVE (N) (pob) (Entered: 06/22/2000)
08/14/2000	42	MOTION filed by federal defendants to extend time to 8/22/00 within which to file a joint status report. (pob) (Entered: 08/15/2000)
08/15/2000	<u>43</u>	ORDER by Judge Gladys Kessler : granting motion to extend time to 8/22/00 within which to file a joint status report. [42-1] by NATL INST JUSTICE, U.S. MARINE CORPS, DEFENSE ADVANCE RES (N) (pob) (Entered: 08/15/2000)
08/22/2000	45	STATUS REPORT by federal defendant (dcn) (Entered: 08/24/2000)
08/23/2000	<u>44</u>	ORDER by Judge Gladys Kessler: Joint Status Report due: 7/28/00 (N) (dam) (Entered: 08/23/2000)

09/07/2000	46	SUBSTITUTION OF COUNSEL for federal defendants , substituting Robin Earnest for attorney Paul S. Padda (tb) (Entered: 09/09/2000)
09/14/2000	47	MOTION filed by federal defendants to extend time to 10/11/00 to file a joint status report (dam) (Entered: 09/17/2000)
09/18/2000	<u>48</u>	ORDER by Judge Gladys Kessler : granting motion to extend time to 10/11/00 to file a joint status report [47-1] by federal defendants (N) (pob) (Entered: 09/18/2000)
10/11/2000	49	JOINT STATUS REPORT by plaintiff, federal defendants; exhibits (10) (tb) (Entered: 10/12/2000)
10/11/2000	50	JOINT STATUS REPORT by plaintiff, federal defendant (jf) (Entered: 10/16/2000)
10/25/2000		ORDER by Judge Gladys Kessler granting joint status report [49-1] by parties. (fiat) (N) (pob) (Entered: 10/25/2000)
03/01/2001	<u>51</u>	STIPULATED ORDER OF DISMISSAL by Judge Gladys Kessler : dismissing complaint [1-1]; each parties to bear their own costs. (N) (pob) (Entered: 03/01/2001)