

CLOSED,MTNDDL,PURCELL,_MR

**U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:98-cv-01733-WEA**



Hoffman v. FBI, et al
Assigned to: Honorable Wayne E. Alley
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 12/21/1998
Date Terminated: 09/21/2001
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff**David Hoffman**

represented by **J Michael Johnston**
Law Office of J Michael Johnston
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ATTORNEY TO BE NOTICED

V.

Defendant

Federal Bureau of Investigation
TERMINATED: 03/18/1999

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Defendant**United States Department of Justice**represented by **Robert A Bradford**

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*TERMINATED: 09/12/2000**ATTORNEY TO BE NOTICED***Tom Majors**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/21/1998	1	COMPLAINT (ap) (Entered: 12/21/1998)
12/21/1998		RECEIPT For Money Received in the amount of \$ 150.00, receipt # 067358 by plf aty John Michael Johnston (ap) (Entered: 12/21/1998)
12/21/1998	2	PRAECIPE for and issued 1 summons by plaintiff David Hoffman (brs) (Entered: 12/28/1998)
12/21/1998	3	ATTORNEY APPEARANCE for plaintiff David Hoffman by John Michael Johnston (brs) (Entered: 12/28/1998)
01/04/1999	4	First AMENDED COMPLAINT [1-1] by plaintiff David Hoffman (FE) (Entered: 01/05/1999)
03/10/1999	5	MOTION by defendant FBI for summary judgment and brief in support (brs) Modified on 03/11/1999 (Entered: 03/11/1999)
03/16/1999	6	MOTION by plaintiff David Hoffman pursuant to Rule 21 to join a Party Dft (ie. The United States Department of Justice) (brs) (Entered: 03/17/1999)
03/18/1999	<u>7</u>	ORDER by Honorable Wayne E. Alley granting motion pursuant to Rule 21 to join a Party Dft (ie. The United States Department of Justice) [6-1] withdrawing FBI an adding US Dept of Justice (cc: all counsel) (brs) (Entered: 03/18/1999)
03/23/1999	8	PRAECIPE for and issued 1 summons by plaintiff David Hoffman (brs) (Entered: 03/24/1999)
03/23/1999	9	SECOND AMENDED COMPLAINT [1-1] by plaintiff David Hoffman (brs) (Entered: 03/24/1999)
03/30/1999	10	OBJECTION AND RESPONSE by plaintiff David Hoffman to motion for summary judgment [5-1] (brs) (Entered: 03/31/1999)
04/16/1999	<u>11</u>	ORDER by Honorable Wayne E. Alley denying motion for summary judgment [5-1] (cc: all counsel) (FE) (Entered: 04/16/1999)
04/29/1999	12	ANSWER by defendant FBI to Plf's second amended complaint (brs) (Entered: 04/30/1999)
06/11/1999	13	MOTION by defendant FBI to stay discovery (FE) (Entered: 06/14/1999)

06/29/1999	<u>14</u>	MOTION by plaintiff David Hoffman to extend time to file joint status report; report due 7/1/99 (FE) (Entered: 06/29/1999)
06/29/1999	<u>15</u>	ORDER by Honorable Wayne E. Alley granting motion to extend time to file joint status report; report due 7/1/99 [14-1] (cc: all counsel) [EOD Date 6/29/99] (FE) (Entered: 06/29/1999)
06/29/1999	16	RESPONSE by plaintiff David Hoffman to motion to stay discovery [13-1] (FE) (Entered: 06/29/1999)
06/30/1999	17	JOINT STATUS REPORT (FE) (Entered: 07/01/1999)
07/01/1999	<u>18</u>	ORDER by Honorable Wayne E. Alley denying motion to stay discovery [13-1]; dft shall resp to pla's interrogatories in accordance w/ FRCP 33 not later than 8/2/99 (cc: all counsel) [EOD Date 7/1/99] (FE) (Entered: 07/01/1999)
07/01/1999	19	ATTORNEY APPEARANCE for defendant DOJ, defendant FBI by Tom Majors (FE) (Entered: 07/02/1999)
07/06/1999	<u>20</u>	COURTROOM MINUTES: status conf held; parties to file cross motions for sum jgm not later than 9/27/99 [EOD Date 7/8/99] (FE) (Entered: 07/08/1999)
09/08/1999	21	MOTION by plaintiff David Hoffman for order requiring the dft to file a vaughn index (FE) (Entered: 09/08/1999)
09/08/1999	22	BRIEF FILED by plaintiff David Hoffman regarding motion for order requiring the dft to file a vaughn index [21-1] (FE) (Entered: 09/08/1999)
09/21/1999	23	MOTION by plaintiff David Hoffman for summary judgment (FE) (Entered: 09/22/1999)
09/21/1999	24	BRIEF FILED by plaintiff David Hoffman regarding motion for summary judgment [23-1] (FE) (Entered: 09/22/1999)
09/22/1999	25	RESPONSE by defendant DOJ to motion for order requiring the dft to file a vaughn index [21-1] (FE) (Entered: 09/23/1999)
09/27/1999	26	MOTION by defendant DOJ for summary judgment (FE) (Entered: 09/28/1999)
10/06/1999	27	RESPONSE by defendant DOJ to Plf's motion for summary judgment [23-1] (brs) (Entered: 10/08/1999)
10/13/1999	28	OBJECTION AND RESPONSE by plaintiff David Hoffman to Dft DOT's (second) motion for summary judgment [26-1] (brs) (Entered: 10/14/1999)
10/18/1999	<u>29</u>	ORDER by Honorable Wayne E. Alley denying motion for order requiring the dft to file a vaughn index [21-1] (cc: all counsel) [EOD Date 10/18/99] (FE) (Entered: 10/18/1999)
12/15/1999	<u>30</u>	ORDER by Honorable Wayne E. Alley denying motion for summary judgment [26-1], denying motion for summary judgment [23-1]; dft shall file a renewed motion, supplemented in conformity with this order, NLT 1/10/00; pla may resp to dft submission w/i 20 days after it is filed (cc: all counsel) [EOD Date 12/15/99] (FE) (Entered: 12/15/1999)

01/07/2000	<u>31</u>	MOTION by defendant DOJ to extend time to file renewed mot sum jgm (FE) (Entered: 01/10/2000)
01/11/2000	<u>32</u>	ORDER by Honorable David L. Russell granting motion to extend time to file renewed mot sum jgm [31-1] due 1/18/00 (cc: all counsel) [EOD Date 1/11/00] (FE) (Entered: 01/11/2000)
01/18/2000	<u>33</u>	RENEWED MOTION by defendant DOJ for summary judgment (kw) (Entered: 01/19/2000)
02/03/2000	<u>34</u>	APPLICATION by plaintiff David Hoffman for ext of time to file resp to dft renewed (third) motion for sum jgm (kw) (Entered: 02/07/2000)
02/08/2000	<u>35</u>	ORDER by Honorable Wayne E. Alley granting motion for ext of time to file resp to dft renewed (third) motion for sum jgm [34-1]; resp due 2/18 (cc: all counsel) [EOD Date 2/8/00] (kw) (Entered: 02/08/2000)
02/18/2000	<u>36</u>	RESPONSE by plaintiff David Hoffman to motion for summary judgment [33-1] (kw) (Entered: 02/18/2000)
06/21/2000	<u>37</u>	ORDER by Honorable Wayne E. Alley re DOJ's Renewed Motion for Summary Judgment [33-1]; the ruling on this motion is deferred; dft will be entitled to a judg as a matter of law that docs responsive to pla FOIA req have not been improperly withheld if it demonstrates that the three conditions stated above are met; the Ct accepts dft's concession that portions of the videotapes and still photographs introduced at trial could be released to pla and order this done with reasonable promptness; dft shall supplement its renewed motion in conformity with this order nlt 7/30/00; pla may resp to dft submission w/i 20 days after it is filed; if dft so chooses, it should diligently pursue a clarification order from J. Matsch and, if additional time to obtain such clarification is needed, dft should so inform the Ct. (cc: all counsel) [EOD Date 6/21/00] (kw) (Entered: 06/21/2000)
07/31/2000	<u>38</u>	APPLICATION by defendant DOJ for extension of time (kw) (Entered: 08/01/2000)
08/01/2000	<u>39</u>	ORDER by Honorable Wayne E. Alley granting motion for extension of time [38-1]; resp due 8/31/00 (cc: all counsel) [EOD Date 8/1/00] (kw) (Entered: 08/01/2000)
08/31/2000	<u>40</u>	MOTION by defendant DOJ for extension of time (kw) (Entered: 09/01/2000)
09/05/2000	<u>41</u>	ORDER by Honorable Wayne E. Alley granting motion for extension of time [40-1]; resp due 9/7/00 (cc: all counsel) [EOD Date 9/5/00] (kw) (Entered: 09/05/2000)
09/06/2000	<u>42</u>	RESPONSE by defendant DOJ to June 21, 2000 Order (kw) (Entered: 09/07/2000)
09/11/2000	<u>43</u>	MOTION by defendant DOJ to withdraw attorney (kw) (Entered: 09/12/2000)
09/11/2000	<u>44</u>	ATTORNEY APPEARANCE for defendant DOJ by Tom D Majors (kw) Modified on 09/12/2000 (Entered: 09/12/2000)
09/12/2000	<u>45</u>	ORDER by Honorable Wayne E. Alley granting motion to withdraw attorney

		[43-1] attorney Robert A Bradford for FBI, attorney Robert A Bradford for DOJ (cc: all counsel) [EOD Date 9/12/00] (kw) (Entered: 09/12/2000)
09/22/2000	46	REPLY by plaintiff David Hoffman to response to recent submission in resp to previous court order [33-1] (kw) (Entered: 09/25/2000)
09/28/2000	<u>47</u>	ORDER by Honorable Wayne E. Alley denying motion for summary judgment [33-1]; this case will be set for hearing by the Court and the parties will be separately notified of the date and time of the hearing (cc: all counsel) [EOD Date 9/28/00] (kw) (Entered: 09/28/2000)
10/13/2000		DOCKET status conf ; status scheduling conf set for 9:30 11/3/00 (kw) (Entered: 10/13/2000)
10/30/2000	48	STATUS REPORT (kw) (Entered: 10/30/2000)
11/03/2000	<u>49</u>	SCHEDULING ORDER Honorable Wayne E. Alley ; status scheduling conference held on 9:30 11/3/00 ; non-jury trial set for 6/11/01 ; Discovery set for 3/26/01 ;mtn filing ddl set for 4/13/01 ; pretrial report due 6/1/01 mtns to join due: 1/12/01 mtns to amend due: 1/12/01 pla's wit lst due: 3/9/01 pla's exh lst due: 3/9/01 dft's wit lst due: 10 days thereafter dft's exh lst due: 10 days thereafter mtns in limine due: 5/8/01 stmt of cs due: 5/8/01 trial briefs due : 5/8/01 PFOFFact & Concl due: 5/8/01; supplemental order (cc: all counsel) (kw) (Entered: 11/03/2000)
01/12/2001	50	AMENDED ANSWER [12-1] by defendant FBI to second amended comp (kw) (Entered: 01/16/2001)
01/18/2001	51	EXPERT WITNESS list submitted by plaintiff David Hoffman (kw) (Entered: 01/19/2001)
02/16/2001	52	WITNESS and exhibit list submitted by plaintiff David Hoffman (kw) (Entered: 02/20/2001)
03/15/2001	53	WITNESS and exhibit list submitted by defendant (kw) (Entered: 03/16/2001)
04/11/2001	54	MOTION by defendant DOJ for ext of time to file jnt motion for sum jgm (kw) (Entered: 04/12/2001)
04/12/2001	<u>55</u>	ORDER by Honorable Wayne E. Alley granting motion for ext of time to file jnt motion for sum jgm [54-1]; due 4/22/01 (cc: all counsel) [EOD Date 4/12/01] (kw) (Entered: 04/12/2001)
04/23/2001	<u>56</u>	ORDER by Honorable Wayne E. Alley, ; Settlement conf 5/16/01, 1:30, J. Bacharach (cc: all counsel) [EOD Date 4/23/01] (kw) (Entered: 04/23/2001)
04/23/2001	57	MOTION by defendant DOJ for summary judgment (kw) (Entered: 04/24/2001)
05/08/2001	58	Proposed VOIR DIRE submitted by plaintiff David Hoffman (kw) (Entered: 05/08/2001)
05/08/2001	59	PROPOSED Findings of fact and conclusions of law by plaintiff David Hoffman (kw) (Entered: 05/08/2001)

05/11/2001	60	ATTORNEY APPEARANCE for defendant DOJ by Robert Bradford (kw) (Entered: 05/11/2001)
05/11/2001	61	RESPONSE by plaintiff David Hoffman to motion for summary judgment [57-1] (kw) (Entered: 05/11/2001)
05/14/2001	62	JOINT MOTION to strike settlement conference (kw) (Entered: 05/14/2001)
05/15/2001	<u>63</u>	ORDER by Honorable Wayne E. Alley granting motion to strike settlement conference [62-1], ; Settlement conf stricken. Will not be reset (cc: all counsel) [EOD Date 5/15/01] (kw) (Entered: 05/15/2001)
05/23/2001	64	MOTION by defendant DOJ to file pre-trial pleadings out of time (kw) (Entered: 05/23/2001)
05/29/2001	<u>65</u>	ORDER by Honorable David L. Russell granting motion to file pre-trial pleadings out of time [64-1]; due 6/1/01 (cc: all counsel) [EOD Date 5/29/01] (kw) (Entered: 05/29/2001)
06/01/2001	66	TRIAL briefs submitted by defendant DOJ (ap) (Entered: 06/04/2001)
06/01/2001	67	PROPOSED Findings of fact and conclusions of law by defendant DOJ (ap) (Entered: 06/04/2001)
06/01/2001	68	JOINT PRE-TRIAL REPORT (ap) (Entered: 06/04/2001)
06/14/2001	<u>69</u>	ORDER by Honorable Wayne E. Alley re [57-1]; ct defers ruling on motion for sum jgm pending receipt and review by the Ct of the lists referred to by Special Agent Rogers in his 3rd declaration executed on 4/23/01; dft shall submit to the ct under seal nlt 6/22/01 the following items: list of the docs and videotapes found by the FBI to be responsive to pla FOIA requests, and the list of exhibits and evidence admitted for the federal trials of McVeigh and Nichols; ct reserves ruling on the final pretrial report while dft sum jgm remains pending (cc: all counsel) [EOD Date 6/14/01] (kw) (Entered: 06/14/2001)
06/22/2001	70	SEALED DOCUMENT: response to court order by defendant DOJ (IN VAULT) (kw) (Entered: 06/22/2001)
07/10/2001	<u>71</u>	ORDER by Honorable Wayne E. Alley Ruling on motion for summary judgment [57-1] is deferred; pla may seek relief from J. Matsch's order nlt 8/20/01; dft shall provide to pla nlt 7/20/01 a copy of the doc described as "search log of crime scene search conducted on Mercury Grand Marquis" unless dft shows the ct by that date that a similarly described exhibit in the McVeigh case was a different document; this case is stricken from the civil trial docket (cc: all counsel) [EOD Date 7/10/01] (kw) (Entered: 07/10/2001)
08/17/2001	72	NOTICE by plaintiff of filing motion in dist of Colorado (kw) (Entered: 08/20/2001)
08/21/2001	73	MOTION by plaintiff for order compelling immediate production of tapes and materials or alternatively for an order compelling th eDOJ to apply to J. Matsch for relief from his "sealing order" (kw) (Entered: 08/22/2001)
09/05/2001	74	RESPONSE by defendant to motion for order compelling immediate

		production of tapes and materials or alternatively for an order compelling th eDOJ to apply to J. Matsch for relief from his "sealing order" [73-1] (kw) (Entered: 09/06/2001)
09/21/2001	<u>75</u>	ORDER by Honorable Wayne E. Alley denying motion for order compelling immediate production of tapes and materials or alternatively for an order compelling th eDOJ to apply to J. Matsch for relief from his "sealing order" [73-1], granting motion for summary judgment [57-1] (cc: all counsel) [EOD Date 9/21/01] (kw) (Entered: 09/21/2001)
09/21/2001	<u>76</u>	JUDGMENT: by Honorable Wayne E. Alley, terminating case in favor of dft and against pla (cc: all counsel) (kw) (Entered: 09/21/2001)

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