

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CARL OGLESBY,

Plaintiff,

v.

**1:02-CV-603
(FJS)**

**UNITED STATES DEPARTMENT OF
JUSTICE and CENTRAL INTELLIGENCE
AGENCY,**

Defendants.

APPEARANCES

OF COUNSEL

OFFICES OF JAMES H. LESAR

JAMES H. LESAR, ESQ.

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Washington, D.C. 20001
Attorneys for Plaintiff

**UNITED STATES DEPARTMENT
OF JUSTICE, OFFICE OF
INFORMATION POLICY**

VANESSA R. BRINKMANN, ESQ.

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Suite 11050
Washington, D.C. 20530-0001
Attorneys for Defendants

SCULLIN, Senior Judge

ORDER

On August 1, 2011, the parties filed a joint motion to stay these proceedings and to amend the briefing schedule. *See* Dkt. No. 126. Having reviewed the parties' submissions, the Court hereby

ORDERS that the parties' joint motion is **GRANTED**;¹ and the Court further

ORDERS that these proceedings shall be stayed pending Defendant FBI's administrative re-processing of Plaintiff's FOIA request; however, such stay shall not exceed **six (6) months, i.e., February 8, 2012**; and the Court further

ORDERS that, **within five (5) days** of concluding its administrative re-processing of Plaintiff's FOIA request, Defendant FBI shall confer with Plaintiff; and the parties shall jointly submit to the Court proposed amendments to the briefing schedule, if necessary, within **seven (7) days** of conferring;² and the Court further

ORDERS that Defendant FBI shall file with the Court status updates regarding the progress of its administrative re-processing of Plaintiff's FOIA request every **thirty (30) days**, beginning **September 1, 2011**; and the Court further

ORDERS that Defendant FBI's second renewed motion for summary judgment, *see* Dkt. No. 103, is **DENIED without prejudice and with leave to renew**, if necessary, after Defendant FBI completes its re-processing of Plaintiff's FOIA request;³ and the Court further

¹ By Memorandum Opinion and Order dated February 27, 2007, the Court granted Defendants' motion for summary judgment with regard to the claims against Defendant Central Intelligence Agency. *See* Dkt. No. 66. Therefore, the only Defendant that remains in this case is Defendant United States Department of Justice (hereinafter referred to as "Defendant FBI").

² Should Defendant FBI complete its administrative re-processing of Plaintiff's FOIA request prior to the February 8, 2012 deadline, Defendant FBI shall confer with Plaintiff within five (5) days of the conclusion of said re-processing; and the parties shall jointly submit to the Court proposed amendments to the briefing schedule, if necessary, within **seven (7) days** of conferring.

³ If Defendant FBI decides to renew its motion for summary judgment after it completes its administrative re-processing of Plaintiff's FOIA request, Defendant FBI may do so by filing a Notice of Motion and any additional papers that are necessary to support that motion. Defendant
(continued...)

ORDERS that Plaintiff's second renewed cross-motion for summary judgment, *see* Dkt. No. 107, is **DENIED without prejudice and with leave to renew**, if necessary, after Defendant FBI completes its re-processing of Plaintiff's FOIA request;⁴ and the Court further

ORDERS that the parties' joint motion for an order to stay these proceedings and to amend the briefing schedule, which they filed on March 23, 2011, *see* Dkt. No. 112, is **DENIED as moot**; and the Court further

ORDERS that the parties' joint motion for an order to amend the briefing schedule, which they filed on April 22, 2011, *see* Dkt. No. 113, is **DENIED as moot**; and the Court further

ORDERS that Plaintiff's unopposed motions, which he filed on June 23, 2011, *see* Dkt. No. 116, and on July 14, 2011, *see* Dkt. No. 117, are **DENIED as moot**; and the Court further

ORDERS that the hearing scheduled for August 16, 2011, at 11:00 a.m., *see* Minute Entry dated July 21, 2011, is **CANCELLED**; and the Court further

³(...continued)

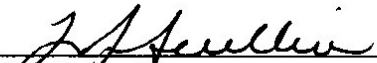
FBI will not need to re-file any of the papers that it has already filed and may, instead, refer to those papers in its Notice of Motion and supporting papers.

⁴ If Plaintiff decides to renew its cross-motion for summary judgment after Defendant FBI completes its administrative re-processing of Plaintiff's FOIA request, Plaintiff may do so by filing a Notice of Motion and any additional papers that are necessary to support that motion. Plaintiff will not need to re-file any of the papers that he has already filed and may, instead, refer to those papers in his Notice of Motion and supporting papers.

ORDERS that Defendant FBI's counsel shall initiate a telephone conference with the Court and opposing counsel, using a professional teleconferencing service, on **August 16, 2011, at 11:00 a.m.** to address any further issues that either the Court or the parties may wish to raise regarding this re-processing procedure and any subsequent proceedings in this case. For the purpose of this telephone conference, the Court's telephone number is **202-354-3536**.

IT IS SO ORDERED.

Dated: August 8, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge