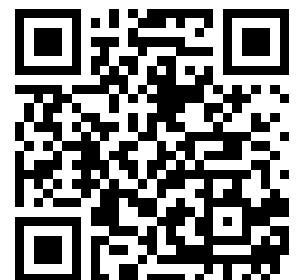

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IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 00-3124

GREGORY C. BRUNDAGE,
A/K/A RASHID BRUNDAGE,
A/K/A GREG ABDUL RASHID,
Plaintiff-Appellant,

v.

U.S. INFORMATION OFFICER STANLEY J. HARSHA,
UNITED STATES INFORMATION SERVICE,
UNITED STATES STATE DEPARTMENT,
CENTRAL INTELLIGENCE AGENCY,
PRESIDENT WILLIAM J. CLINTON,
Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

THE HONORABLE THOMAS J. CURRAN
UNITED STATES DISTRICT JUDGE, PRESIDING

Case No. 99-C-1222

BRIEF AND APPENDIX OF DEFENDANTS-APPELLEES

THOMAS P. SCHNEIDER
United States Attorney

PAUL L. KANTER
Assistant United States Attorney

Attorneys for Defendants-Appellees

530 United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 297-1700

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JURISDICTIONAL STATEMENT

The jurisdictional statement set forth in the brief of the plaintiff-appellant is not complete and correct. The district court had jurisdiction, according to the allegations of the complaint, pursuant to Title 28, United States Code, Sections 1331, 1343 and 1346(b)(1). The district court dismissed the complaint of the plaintiff-appellant by order and judgement entered August 1, 2000. R. 51, 52. The plaintiff-appellant filed a timely notice of appeal on August 15, 2000. R. 54. This court has jurisdiction pursuant to Title 28, United States Code, Section 1291.

STATEMENT OF THE ISSUES

Did the District Court correctly dismiss the complaint for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6)?

STATEMENT OF THE CASE

On October, 18, 1999, the plaintiff-appellant filed a *pro se* civil complaint against Stanley Harsha (a United States Information Service Officer), the United States Information Service, the United States Department of State, the Central Intelligence Agency, and President Clinton. The complaint attempts to allege defamation, and violations of constitutional and civil rights. The complaint seeks \$600,000,001.00 in damages. R.1.¹

The defendants-appellees were allowed additional time to answer the complaint, R.15, and did so on January 19, 2000. R.18. The district court allowed the parties to file amended pleadings by May 1, 2000. R.26. The plaintiff-appellant filed a motion for leave to file a "Complaint Addendum" and a "Complaint Addendum II" on May 9, 2000. R.34.

Pursuant to court order, R.33, the defendants-appellees filed a motion to dismiss and supporting memorandum on May 15, 2000. R.36, 37. A rebuttal brief was filed by the plaintiff-appellant on June 9, 2000, R.39, followed by a reply from the defendants-appellees on June 27, 2000, R.40, and another rebuttal from the plaintiff-appellant on July 14, 2000. R.43.

On August 1, 2000, the district court entered an order denying the plaintiff-appellant's motion to file additional complaints, and granting the defendants-appellees' motion to dismiss the complaint. R.51. The district court then entered judgement for the defendants-appellees. R.52.

On August 15, 2000, the plaintiff-appellant filed his notice of appeal of the August 1, 2000, order. R.54.

¹ R. __ refers to the docket entry number.

STATEMENT OF FACTS

On October 18, 1999, the appellant filed a twenty (20) page complaint, comprised of 73 separate numbered paragraphs and supported by at least 68 exhibits. A careful review of the complaint reveals the following facts.²

Between 1992 and November 1995, the appellant, Gregory Brundage, resided in Kuala Lumpur, Malaysia. He resided there with his wife and children. He worked various jobs including as a free-lance writer. R.1 ¶ 1. In April, 1993, Brundage wrote an article entitled "Plight of the Legal Immigrant" which was published in The Star, a Malaysian newspaper. R.1 ¶ 5. Brundage, using the name Greg Abdul Rashid, also wrote several articles about the conflict in Kashmir between India and Pakistan, which were published by the New Straits Times, another Malaysian newspaper, in January, 1994. R.1 ¶ 7. Brundage is a convert from the Catholic to the Islamic faith. R.1 ¶ 6.

In December, 1994, Brundage received a telephone call from defendant Stanley J. Harsha an officer of the United States Information Service. Harsha provided Brundage's telephone number to Daniel Peter, a reporter with The Star newspaper. Brundage was interviewed by Peter, who in July, 1995, wrote a story which was published by The Star newspaper. This article was one of several written by Peter about Malaysian immigration laws in July, 1995. R.1 ¶ 2, 4, 5. Brundage believed this article to be defamatory and as a result met with editors of The Star to demand a retraction and/or correction. The editors refused. Thereafter, Brundage sought legal counsel and considered legal action in Malaysia. R.1 ¶ 17, 18.

In November, 1995, Brundage was expelled from Malaysia after his visa was not renewed.

² The overwhelming majority of the complaint is speculation, and conclusion based upon speculation.

His wife and children remained in Malaysia. R.1 ¶ 20. He is concerned for his family and distressed by the separation from them. R.1 ¶ 39, 68.

During 1994, President Clinton was preparing for the 1996 elections. R.1 ¶ 10. Both the Prime Minister of India and the Prime Minister of Malaysia visited President Clinton in Washington, D.C. during May, 1994. R.1 ¶ 8. Campaign contributions were received by the President and other Democratic candidates from members of the Indian community for use in the 1996 election campaign. R.1 ¶ 28. The Prime Minister of India who visited the President in May, 1994, was subsequently defeated in elections and was charged with criminal offenses. R.1 ¶ 27.

Harold Nicholson was the CIA station chief in Romania and the CIA deputy station chief in Malaysia. Nicholson was subsequently convicted of spying for Russia. R.1 ¶ 26, 30, 51. The CIA maintains classified information. R.1 ¶ 29.

SUMMARY OF THE ARGUMENT

This Honorable Court must review the decision of the district court dismissing the complaint *de novo*. Though the federal rules allow for notice pleading, and leeway is given to *pro se* pleadings, a review of the complaint reveals that the plaintiff-appellant failed to satisfy the lenient standards of notice pleading. The facts alleged in the complaint fail to state a cause of action, and do not support the conclusions and speculation alleged in the complaint.

Consequently, *de novo* review of the complaint demonstrates that the district court correctly dismissed the complaint.

ARGUMENT

This appeal concerns the dismissal of a civil complaint for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). This court will

review a district court's decision to grant a motion to dismiss under Rule 12(b)(6) *de novo*, accepting all of the well-pleaded allegations in the complaint as true and drawing all reasonable inferences in favor of the plaintiff A *pro se* complaint is held to "less stringent standards than formal pleadings drafted by lawyers," . . . and can be dismissed for failure to state a claim only if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief."

Henderson v. Sheahan, 196 F.3d 839, 845-6 (7th Cir. 1999) (citations omitted).

Federal Rule of Civil Procedure 8(a) requires that a complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief." This Court has very recently made clear that

To survive a motion to dismiss, "a pleading must only contain enough to 'allow the court and the defendant to understand the gravamen of the plaintiff's complaint.'"

McCormick v. City of Chicago, 2000 WL 1521759,*3 (7th Cir. (Ill.)) (citations omitted). As the Court pointed out, the task is to "determine exactly what is 'enough'". *Id.* However, this Court has instructed that

"plaintiffs need not 'allege all, or any of the facts logically entailed by the claim A plaintiff does not have to plead evidence [A] complaint does not fail to state a claim merely because it does not set forth a complete and convincing picture of the alleged wrong doing.'"

Id. at *5 (citations omitted). Further, a "plaintiff 'need not plead facts; he can plead conclusions.

[However,] the conclusions must provide the defendant with at least minimal notice of the claim."

Kyle v. Morton High School, 144 F.3d 448, 455 (7th Cir. 1998) (citation omitted). Therefore,

[u]nder the federal rule of notice pleading, "all the Rules require is a short and plain

statement of the claim that will give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." . . . For fair notice to be given, "a complaint must at least include the operative facts upon which a plaintiff bases his claim. "

Id. at 454-5 (citations omitted).

Thus, a "plaintiff cannot state a claim 'by attaching a bare conclusion to the facts he narrates.'" *Id.* at 455 (citation omitted). "It is insufficient to make bald allegations." *Id.* at 455 (citation omitted) "[S]omething more than a conclusory allegation is necessary." *Id.* at 455 (citation omitted). In *Kyle*, this Court affirmed a dismissal pursuant to Rule 12(b)(6) finding that the plaintiff alleged nothing more than innuendo and rumor and thus failed to provide the requisite operational facts. *Id.* at 456, 7.

So too in the instant case. In the Statement of Facts, the appellees have sought to present the "facts" alleged in the complaint, separate and distinct from the speculation, opinion, innuendo and supposition set forth in the vast majority of the complaint. Those facts, accepted as true for purposes of the motion to dismiss, establish that the appellant, Brundage, lived in Malaysia with his family from 1992 to November 1995. During that time, Brundage worked as a free-lance writer and wrote several articles about the war in Kashmir between India and Pakistan. He also wrote about Malaysian immigration policies.

In late 1994 or early 1995, Brundage submitted to an interview with a Malaysian newspaper reporter. The interview was arranged by defendant-appellee Harsha who worked in Malaysia for USIS. Brundage alleges that the story ultimately published in July, 1995, was defamatory in several respects. Four months after the article was written, Brundage's visa expired and he was expelled from Malaysia.

Brundage also alleges that by 1994 President Clinton was preparing for reelection and was engaged in campaign fund-raising. As part of that fund-raising activity, the President received contributions from members of the Indian community. During May, 1994, the Prime Ministers of India and Malaysia made separate visits to the United States and met with the President. Finally, Brundage alleges that a former CIA station chief, subsequently convicted by the United States of spying for Russia, was posted to Malaysia prior to his conviction.

From these facts, Brundage weaves a theory that may be summarized as follows. India and Malaysia were upset with the articles written by Brundage. The two Prime Ministers conspired to sabotage Brundage. Knowing that President Clinton was seeking campaign contributions they solicited his assistance. Thereafter, the President, in return for campaign contributions, employed the CIA and State Department to sabotage Brundage. Ultimately, defendant-appellee Harsha was given the assignment to arrange an interview which resulted in a defamatory article and the expulsion of Brundage from Malaysia. As a result of this conspiracy, Brundage has lost his family and seeks \$600,000,001.00 in damages.

There is not doubt that Mr. Brundage suffers as a consequence of his separation from his wife and children. However, there are no facts which support his alleged conspiracy. The fabric which binds the disparate and otherwise innocent well-plead facts is nothing more than bare conclusions based upon the bald allegations of Brundage's anger, frustration and disappointment. To allow a complaint such as this to proceed, would be to subject government officials to endless litigation.³

³ On May 8, 2000, Brundage filed two documents; "Complaint Addendum" and "Complaint Addendum II." R.34. These documents are multi-page, multi-paragraph documents of largely unrelated allegations and conclusions which do nothing to advance the notice of the plaintiffs claim. Indeed, these filings compound the wild speculation exhibited by Brundage. For example, ¶39 of the "Complaint (continued...)"

Brundage has attempted to plead a tort claim and cites the First, Fourth and Eighth Amendments to the Constitution, and Title 42, United States Code, Sections 1981, 1983, 1985 and 2458a. However, as stated above, he has failed to provide the legal notice required by the rules of pleading to establish claims on any of these identified grounds.

In addition to the failure of pleading, dismissal of the complaint was appropriate for several other reasons. Tort claims for violation of constitutional rights, commonly known as *Bivens*⁴ actions, may not be brought against the United States or a federal agency. *FDIC v. Meyer*, 510 U.S. 471 (1994). Consequently, the complaint as it applies to the United States Information Service, the United States Department of State, and the Central Intelligence Agency, must necessarily be dismissed. As for alleging violations of Title 42: Section 1981 protects against discrimination based on race or alienage, but Brundage has not alleged such discrimination or denial of equal protection; Section 1983 is limited to actions taken under color of state law thus exempting federal officials; and Section 1985 does not allow for actions based on religious or political discrimination, to which Brundage seems to allude in his complaint. *See, Kyle*, 144 F.3d at 457-8; *Word of Faith World Outreach Center Church v. Sawyer*, 90 F.3d 118, 124 (5th Cir. 1996). Finally, Section 2458a deals with medical malpractice and negligence actions and is completely irrelevant.

Under any reading of the complaint, the closest that Brundage comes to a well plead claim

³ (...continued)

Addendum": "That Riverside, Bayside and Mequon are suburbs of Milwaukee, the hometown of the Plaintiff in this action since being thrown out of Malaysia, and that it is no coincidence that such large Indian and other South Asian campaign donors should live within such close proximity to Plaintiff . . . and that is not an accident or mistake, as per F. C. P. R. [sic] Rule 404b." The district court correctly denied the "Plaintiffs Motion to Admit Additional Complaints Past May 1, 2000 Deadline." The defendants answered the complaint on January 19, 2000. R.18. Based on the proposed addenda, justice did not require amendment. Federal Rule of Civil Procedure 15(a).

⁴ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

is for defamation, sounding either as libel or slander. This claim, however, must be dismissed for a variety of reasons. First, the claim is a common law, not constitutional, tort. *Paul v. Davis*, 424 U.S. 693 (1976). Thus, if the claim could be advanced it must be done so pursuant to Title 28, United States Code, Sections 1346(b)(1) and 2671 et seq. An action for the alleged tortious conduct of a United States employee must be brought against the United States itself and no action may be maintained against any employee. 28 U.S.C. § 2679(b)(1). To pursue such claim, the plaintiff must first present the claim to the appropriate federal agency within two (2) years after the claim arose, and must file suit within six (6) months of the claim being denied by the agency. 28 U.S.C. § 2401(b); 2675(a). The alleged defamation occurred in July, 1995. Brundage has not alleged that he filed a claim with an appropriate agency prior to August, 1997, or at any time. The claim is thus barred, requiring dismissal of the complaint. Further, the waiver of sovereign immunity for tortious conduct does not include libel or slander. 28 U.S.C. § 2680(h). Thus, the claim is barred by sovereign immunity and must be dismissed.

Finally, both the President and Mr. Harsha are immune from liability pursuant to *Harlow v. Fitzgerald*, 457 U.S. 800 (1982) and the President enjoys absolute immunity pursuant to *Nixon v. Fitzgerald*, 457 U.S. 731 (1982).

In the final analysis, Brundage has failed to plead any claim against anyone. The complaint, with all due respect, is frivolous and consequently fails to “engage the jurisdiction of the court.” *Beauchamp v. Sullivan*, 21 F.3d 789, 790 (7th Cir. 1994); *Bartley v. United States*, 123 F.3d 466, 467 (7th Cir. 1997). Thus, dismissal was proper pursuant to Federal Rule of Civil Procedure 12(b)(1).

CONCLUSION

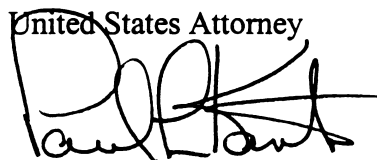
For the reasons stated herein, the defendants urge that the decision of the district court dismissing the complaint filed by appellant Brundage be affirmed.

Dated at Milwaukee, Wisconsin, this 23rd day of October, 2000.

Respectfully submitted,

THOMAS P. SCHNEIDER
United States Attorney

By:

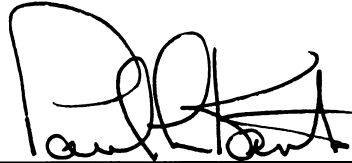
A handwritten signature in black ink, appearing to read "Paul L. Kanter". The signature is written over the printed name of Paul L. Kanter.

PAUL L. KANTER
Assistant United States Attorney

530 United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 297-1700

CERTIFICATE OF COMPLIANCE AND SERVICE

I hereby certify that on the 23rd day of October, 2000, an original and fourteen (14) hard copies and one diskette containing the Brief of Defendants-Appellees were mailed to Gino J. Agnello, Clerk of Court, United States Court of Appeals for the Seventh Circuit, 219 S. Dearborn Street, Room 2722, Chicago, IL 60604; two (2) hard copies and one diskette containing the Brief of Defendants-Appellees were mailed to Gregory C. Brundage, P.O. Box 11881, Shorewood, WI 53211; and further that all parties required to be served have been served.



PAUL L. KANTER
Assistant United States Attorney

530 United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 297-1700

APPENDIX

	Pages
Docket sheet, Case No. 99-C-1222	1-7

TERMED APPEAL
1FILE

U.S. District Court
Eastern District of Wisconsin (Milwaukee)

CIVIL DOCKET FOR CASE #: 99-CV-1222

Brundage v. Harsha, et al
Assigned to: Senior Judge Thomas J Curran
Amount: \$0,000
Docket: None
In other court: None

Filed: 10/18/99

Nature of Suit: 440
Jurisdiction: Federal Question

Case: 28:1331 Fed. Question: Other Civil Rights

GREGORY C BRUNDAGE

Gregory C Brundage

Abdul Rashid
plaintiff

Gregory C Brundage
[COR LD NTC] [PRO SE]
PO Box 11881
Shorewood, WI 53211

WILLIAM J HARSHA, a USIS
Information Officer
defendant

WILLIAM J LIPSCOMB
[COR LD NTC]
defendant

William J Lipscomb
[COR LD NTC]
United States Department of
Justice (ED-WI)
Office of the US Attorney
517 E Wisconsin Ave - Rm 530
Milwaukee, WI 53202
(414)297-1700

WILLIAM J LIPSCOMB
defendant

William J Lipscomb
(See above)
[COR LD NTC]

WILLIAM J LIPSCOMB
defendant

William J Lipscomb
(See above)
[COR LD NTC]

WILLIAM J CLINTON, President
defendant

Printed as of August 15, 2000 12:45 pm

Page 1

eedings include all events.
cv1222 Brundage v. Harsha, et al

TERMED
APPEAL

1FILE

edings include all events.
v1222 Brundage v. Harsha, et al

TERMED
APPEAL

1FILE

- 8/99 1 COMPLAINT (Summons(es) issued) Consent Forms Distributed
for Magistrate Judge Goodstein (tlf) [Entry date 10/19/99]
- 8/99 2 ALLEGATION OF JURISDICTION by plaintiff Gregory C Brundage
(tlf) [Entry date 10/19/99]
- 8/99 3 CASE SUMMARY AND PLAINTIFF STATEMENT by plaintiff Gregory C
Brundage (tlf) [Entry date 10/19/99]
- 8/99 4 MOTION by plaintiff Gregory C Brundage for summary
judgment (tlf) [Entry date 10/19/99]
- 8/99 5 REQUEST by plaintiff Gregory C Brundage for production of
documents (tlf) [Entry date 10/19/99]
- 8/99 6 MOTION by plaintiff Gregory C Brundage for leave to
include additional interrogatories with mandatory
interrogatories (tlf) [Entry date 10/19/99]
- 8/99 7 MOTION by plaintiff Gregory C Brundage to seal affidavits
of Akedemi Penulis and answers to interrogatories of
Michael Aeria (tlf) [Entry date 10/19/99]
- 8/99 8 CONSENT to Proceed before Magistrate Judge by plaintiff
Gregory C Brundage (eeb) [Entry date 11/01/99]
- 8/99 9 MOTION by plaintiff Gregory C Brundage to seal (tlf)
[Entry date 11/04/99]
- 8/99 10 MOTION by plaintiff Gregory C Brundage for order formally
requesting the US State Dept to request the Malaysian
Ambassador to the US to request the Malaysian Minister of
Justice to request the Malaysian Chief Inspector General of
Police to resolve plaintiff's 10/95 investigation re
violation of Malaysian Printing and Presses Act 301, Part 4
by the Star Newspaper (filed sealed; unsealed pursuant to
7/10/00 court order) (tlf) [Entry date 11/04/99]
[Edit date 07/14/00]
- 8/99 11 BRIEF FILED by plaintiff Gregory C Brundage regarding [10-1]
(filed sealed; unsealed pursuant to 7/10/00 court order)
(tlf) [Entry date 11/04/99] [Edit date 07/14/00]
- 8/99 12 REFUSAL to Consent to Proceed before Magistrate Judge by
defendants Stanley J Harsha, United St Info Svc, State Dept
of, CIA, William J Clinton (tlf) [Entry date 11/16/99]
- 8/99 13 MOTION by defendants to extend time for filing response to
plaintiff's complaint (tlf) [Entry date 12/20/99]
- 8/99 14 CERTIFICATE OF SERVICE by defendants (tlf)
[Entry date 12/20/99]

eedings include all events.
cv1222 Brundage v. Harsha, et al

TERMED
APPEAL

1FILE

- 0/99 15 ORDER by Senior Judge Thomas J. Curran granting motion to extend time for filing response to plaintiff's complaint [13-1] to 1/19/00. (cc: all counsel) (kmm) [Entry date 12/21/99]
- 1/99 16 MOTION by plaintiff Gregory C Brundage to compel answers to first set of interrogatories (hmv) [Entry date 12/21/99]
- 3/99 17 ORDER by Senior Judge Thomas J. Curran denying pltf's motion to compel answers to first set of interrogatories [16-1] (cc: all counsel) (kmm) [Entry date 12/23/99]
- /00 18 ANSWER by defendant United St Info Svc, defendant State Dept of, defendant CIA to [1-1] (tlf) [Entry date 01/20/00]
- /00 19 CERTIFICATE OF SERVICE by defendants United St Info Svc, State Dept of, CIA (tlf) [Entry date 01/20/00]
- /00 20 LETTER from USA clarifying its representation as to the parties; the government will represent the federal agencies and officials Stanley Harsha and William Jefferson Clinton only so far as each is named in his official capacity; the government does not represent Stanley Harsha or William Jefferson Clinton in their personal capacities (tlf) [Entry date 01/24/00]
- /00 21 NOTICE of hearing by the Court ; scheduling conference set for 9:15 3/31/00 in Courtroom 242 (cc: all counsel) (tlf) [Entry date 02/01/00]
- 00 22 RESPONSE by plaintiff Gregory C Brundage to defendants' answer [18-1] and ... (tlf) [Entry date 02/02/00]
- 00 22 ... MOTION by plaintiff Gregory C Brundage to compel accurate answers to plaintiff's complaint or order summary judgment in favor of plaintiff (tlf) [Entry date 02/02/00]
- 00 23 ORDER by Senior Judge Thomas J. Curran denying without prejudice motion for summary judgment [4-1], denying motion for leave to include additional interrogatories with mandatory interrogatories [6-1], granting motion to seal affidavits of Akedemi Penulis and answers to interrogatories of Michael Aeria [7-1], granting motion to seal [9-1], denying motion to compel accurate answers to plaintiff's complaint or order summary judgment in favor of plaintiff [22-1] (cc: all counsel) (tlf) [Entry date 02/09/00]
- /00 24 LETTER from defendants to plaintiff Gregory Brundage advising the plaintiff that pursuant to the local rules, defendants will not respond to mandatory interrogatories until plaintiff has produced mandatory discovery (tlf) [Entry date 02/25/00]

edings include all events.
v1222 Brundage v. Harsha, et al

TERMED
APPEAL

1FILE

- 00 25 LETTER from defendants to plaintiff Gregory Brundage re
plaintiff's current address (tlf) [Entry date 03/16/00]
- 00 26 HEARING MINUTES: by Senior Judge Thomas J. Curran ;
amended pleadings ddl set for 5/1/00 ; discovery ddl set
for 8/1/00 ; motions to dismiss to be filed by 5/1/00 ; no
experts to be called; pretrial conference set for 8:45
9/22/00 ; trial set for 9:30 10/23/00 (2/20/01, 5/29/01);
status hearing held 3/31/00 Court Reporter: John
Schindhelm (tlf) [Entry date 03/31/00]
- 00 27 ORDER by Senior Judge Thomas J. Curran SEE 3/31/00
hearing minutes (cc: all counsel) (eeb)
[Entry date 04/03/00]
- 00 28 RESPONSE by pltf Gregory C Brundage TO MANDATORY
INTERROGATORIES of defts as per Local Rule 7.07(1) with
attachments (bet) [Entry date 04/19/00]
- 00 29 ADDENDUM TO PLAINTIFF'S RESPONSE TO MANDATORY
INTERROGATORIES filed by plaintiff Gregory C Brundage (tlf)
[Entry date 04/20/00]
- 00 30 MOTION by federal defendants to extend motion filing ddl
(tlf) [Entry date 04/28/00]
- 00 31 AFFIDAVIT of William J Lipscomb (tlf) [Entry date 04/28/00]
- 00 32 CERTIFICATE OF SERVICE by federal defendants (tlf)
[Entry date 04/28/00]
- 0 33 ORDER by Senior Judge Thomas J. Curran granting motion
to extend motion filing ddl [30-1]; federal defendants have
a 14-day extension to file motion to dismiss (cc: all
counsel) (tlf) [Entry date 05/02/00]
- 0 34 MOTION by plaintiff Gregory C Brundage for leave to file
additional complaints with attached Supplemental Pleading,
Complaint Addendum, and Complaint Addendum II (tlf)
[Entry date 05/09/00]
- 00 35 BRIEF by plaintiff Gregory C Brundage in opposition to
government motion to extend the motion filing deadline (tlf)
[Entry date 05/12/00]
- 00 36 MOTION by defendants to dismiss for lack of subject matter
jurisdiction (tlf) [Entry date 05/16/00]
- 00 37 BRIEF by defendants in support of motion to dismiss for
lack of subject matter jurisdiction [36-1] (tlf)
[Entry date 05/16/00]
- 00 38 CERTIFICATE OF SERVICE by defendants (tlf)
[Entry date 05/16/00]

00 39 REBUTTAL BRIEF by plaintiff Gregory C Brundage in
opposition to motion to dismiss for lack of subject matter
jurisdiction [36-1] (tlf) [Entry date 06/09/00]

/00 40 REPLY BRIEF by defendants in support of motion to dismiss
for lack of subject matter jurisdiction [36-1] (tlf)
[Entry date 06/28/00]

/00 41 CERTIFICATE OF SERVICE by defendants (tlf)
[Entry date 06/28/00]

00 -- REMARK: At pltf's request, copies of pleadings dispatched
by the clerk of court to Stanley Harsha, U.S. Embassy, 3
Xiu Shui Jie, Beijing, China, 100600 return receipt
requested. (kmm) [Entry date 07/05/00]

/00 42 ORDER by Senior Judge Thomas J. Curran denying motion for
order [10-1]; the motion to seal the motion is also denied
(cc: all counsel) (tlf) [Entry date 07/14/00]

/00 43 REBUTTAL TO GOVERNMENT REPLY IN SUPPORT OF MOTION TO
DISMISS [36-1] by plaintiff Gregory C Brundage (tlf)
[Entry date 07/17/00]

/00 44 MOTION by plaintiff Gregory C Brundage for reversal of
7/10/00 court order (SEALED) (tlf) [Entry date 08/01/00]

/00 45 MOTION by plaintiff Gregory C Brundage to seal plaintiff's
motion to reverse 7/10/00 court order (tlf)
[Entry date 08/01/00]

/00 46 MOTION by plaintiff Gregory C Brundage to compel discovery
and for sanctions (tlf) [Entry date 08/01/00]

/00 47 AFFIDAVIT of Gregory Brundage (SEALED) (tlf)
[Entry date 08/01/00] [Edit date 08/01/00]

/00 48 MOTION by plaintiff Gregory C Brundage to strike
references to "Mohamad" from the record (tlf)
[Entry date 08/01/00]

/00 49 MOTION by plaintiff Gregory C Brundage to seal affidavit
of Gregory C Brundage filed 7/31/00 (tlf)
[Entry date 08/01/00]

/00 50 MOTION by plaintiff Gregory C Brundage add party(s) Vice
President Albert Gore Jr (tlf) [Entry date 08/01/00]

eedings include all events.
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- 00 51 ORDER by Senior Judge Thomas J. Curran denying plaintiff's motion for leave to file additional complaints [34-1]; granting defendants' motion to dismiss for lack of subject matter jurisdiction [36-1]; dismissing this action with prejudice; the clerk is directed to enter final judgment (cc: all counsel) (tlf) [Entry date 08/02/00]
- 00 52 JUDGMENT: by Deputy Clerk for defendants against plaintiff Gregory C Brundage who takes nothing; dismissing case upon its merits with federal defendants to recover of plaintiff their costs of this action (cc: all counsel) (tlf) [Entry date 08/02/00]
- 00 53 ORDER by Senior Judge Thomas J. Curran granting motion to seal plaintiff's motion to reverse 7/10/00 court order [45-1] (cc: all counsel) (tlf) [Entry date 08/04/00]
- 00 54 Appeal Notice to USCA by plaintiff Gregory C Brundage from USDC Order [51-1] and Judgment [52-1] (cc: all counsel) (tlf) [Entry date 08/15/00]
- 00 55 DOCKETING STATEMENT by plaintiff Gregory C Brundage (cc: all counsel) (tlf) [Entry date 08/15/00]
- 00 -- Appeal Fee Paid by plaintiff Gregory C Brundage re Notice of Appeal [54-1] filed 8/15/00 in amount of \$ 105.00 (Receipt # 101-100627) (tlf) [Entry date 08/15/00]
- 00 -- SHORT RECORD Transmitted to USCA Re: Notice of Appeal [54-1] filed 8/15/00 (cc: all counsel) (tlf) [Entry date 08/15/00]

