

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

FRANKLIN A. RICHARDS
529 Florida Avenue
Apt. 202
Herndon, VA 21070-4922

Plaintiff

v.

CENTRAL INTELLIGENCE AGENCY
Washington, D.C. 20505

and

DIRECTOR LEON E. PANETTA,
In his capacity as Director,
Central Intelligence Agency
Washington, D.C. 20505

and

GORDON P.
[Address redacted]

and

DR. BRIAN H.
[Address redacted]

Defendants.

* * * * *

Civil Action No.: 08-1253 (RWR)

FIRST AMENDED COMPLAINT

Plaintiff Franklin A. Richards brings this action against defendants Central Intelligence Agency (“CIA”), Leon Panetta, Director, Central Intelligence Agency (“DCI”), Gordon P. and Dr. Brian H.¹, individually, jointly and severally, pursuant to the Constitution of the United States (including, but not limited to, the Fifth Amendment to the Constitution), the Privacy Act,

¹ Plaintiff has redacted the names and addresses of these CIA employees.

5 U.S.C. § 552a *et seq.*, the Federal Declaratory Judgment Act, 28 U.S.C. § 2201, the All Writs Act, 28 U.S.C. § 1651, and the Central Intelligence Agency's internal regulations and procedures.

JURISDICTION

1. This Court has jurisdiction over this action pursuant to, *inter alia*, 5 U.S.C. §§ 552a (g)(1), 702 and 28 U.S.C. §§ 1331, 1346 (b), 2675.

VENUE

2. Venue is appropriate in this District under, *inter alia*, 5 U.S.C. §§ 552a (g)(5), 703 and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Franklin A. Richards ("Richards") was employed by the CIA from 1990-2006. At the time of his involuntary retirement, Richards was the Deputy Chief of [REDACTED BY CIA]² for the Special Activities Division. During his tenure at the CIA, Richards received numerous commendations and awards.

4. Defendant Central Intelligence Agency is an agency of the United States Government as defined by 5 U.S.C. §§ 552(a)(1), 701.

5. Defendant Leon E. Panetta is the current Director of Central Intelligence ("DCI"). Mr. Panetta has been substituted as a defendant pursuant to Fed. R. Civ. P. 25(d) for General Michael V. Hayden, who was the DCI at the time of the filing of this lawsuit. General Hayden became the DCI on May 30, 2006. Porter J. Goss was his immediate predecessor having served

² CIA has reviewed a draft of this complaint prior to its filing and has made certain redactions. Plaintiff submits the complaint with CIA's redactions, but reserves the right to challenge any such redactions and/or classification of information at a later date. Plaintiff also reserves the right to challenge the exclusion of any information he has voluntarily withheld at CIA's request.

from September 24, 2004 to May 26, 2006. George Tenet was Goss's immediate predecessor having served from July 1997 to July 2004.

6. Upon information and belief, the DCI in office at the relevant times (as well as other known and unknown senior CIA leadership who report to the DCI, including, but not limited to, K.D. "Dusty" Foggo, who was the Executive Director of the CIA ("EXDIR") during the relevant time period) has likely been personally briefed and involved, in each of their professional capacities, in matters pertaining to Richards. The DCI maintains an office within the District of Columbia and, upon information and belief, events pertaining to Richards took place within this jurisdiction.

7. Gordon P. was at all times relevant to the facts stated herein, an employee of the CIA and was responsible for the actions described *infra*. Plaintiff is informed and believes that, in or around August, 2003, Gordon P. was the Chief of Station ("COS") that is referred to herein.

8. Dr. Brian H. was at all times relevant to the facts stated herein, an employee of the CIA and was responsible for the actions described *infra*.

FACTUAL BACKGROUND

9. Richards re-alleges and incorporates by reference all the allegations contained in paragraphs 1-8, *supra*.

10. Franklin Richards began working for Printing and Photography Group ("P&PG") at the CIA in 1990.

11. After a series of promotions, awards, and commendations, Richards held the position of Deputy Chief of [REDACTED BY CIA] Special Activities Division in the Directorate of Operations. He held this position until his forced medical retirement by CIA in May of 2006.

12. In or about the summer of 2003, Richards was instructed by his superiors at CIA³ to facilitate the weapons training of certain individuals (both CIA employees and non-CIA civilians) in a Middle Eastern country⁴. This was required because the “team” that required training was inserted into this country without the proper training, thus requiring the immediate need for such training “on-site”. The CIA had very strict guidelines in place requiring all officers going “in country” to be weapons certified [REDACTED BY CIA] – without exception.

13. In a briefing at CIA headquarters in Langley, Virginia, prior to his departure for the above-referenced country, Richards was informed by the above referenced CIA superiors that he was to create a list of all materials/supplies, personnel and facilities that would be necessary to conduct this training.

14. In that briefing, Plaintiff was also informed by these same CIA superiors that he was to “hand-off” or put on hold all other projects, because Plaintiff would be deploying to the foreign country in question immediately.

15. In another briefing prior to his departure, Plaintiff met with the Chief of the Directorate of Operations/[REDACTED BY CIA] (Chief DO/SAD). In that briefing, the Chief DO/SAD informed Plaintiff that he (the Chief DO/SAD) had just received a cable from Gordon P., the Chief of Station (COS) of the country Richards was deploying to and stated that Gordon P. has a firing range “all set up for you, with transportation.”

16. In that same briefing, Chief DO/SAD informed Richards that, if the range is not in a safe location, or if it does not fit Richards’ needs, “dump it and find a new location.” The

³ The identities of these individuals are known to Plaintiff but have been withheld from this document pursuant to the CIA’s request.

⁴ The identity of this foreign country is known to Plaintiff but has been withheld from this document pursuant to the CIA’s request.

Chief DO/SAD further stated that Richards was to “do whatever he needed to do” to complete his mission.

17. Within days of that briefing, in or about August of 2003, Richards and another CIA employee (“the other instructor”) who would assist in the mission departed from Dulles Airport for the foreign location.

18. Upon landing at the location in question, Richards and the other instructor attempted to establish contact with Gordon P. but were unable to find him until the following morning.

19. The morning after they arrived in the location in question, Richards and the other instructor met with Gordon P., [REDACTED BY CIA], the head of security, and the deputy head of security.

20. In that briefing, Gordon P. thanked Richards and the other instructor for coming, and informed them that everything had been taken care of. Gordon P. stated that a range had been located and that Gordon P. deemed it ideal for their needs.

21. In that briefing, Gordon P. then stated that Richards and the other instructor would be taken to the location Gordon P. had already selected to set up for classes that were to start the following morning.

22. In that briefing, Gordon P. further stated that Richards and the other instructor would not only train the twelve individuals they were sent to train, but would also train additional individuals because word had gotten out that instructors had arrived at the station in question and a number of uncertified officers of the CIA and other U.S. Government agencies were coming to the station to get certified (or re-certified).

23. In that briefing, Richards and/or the other instructor informed Gordon P. that their orders were very clear: they were to train the twelve individuals they were sent to train, and then immediately return to Langley.

24. In that briefing, Gordon P. responded that he, and he alone, would determine who Richards and the other instructor would train, and would also solely determine when Richards and the other instructor had completed their mission and could return to Langley.

25. After the briefing, Richards and the other instructor were driven to the training location Gordon P. had chosen.

26. Upon their arrival at the training location, both Richards and the other instructor came to the conclusion, based on their years of experience in firearms training, that the training location was unsafe and entirely unsuitable for their mission.

27. Richards and the other instructor then returned to Gordon P.'s location and met with Gordon P. In that meeting, Richards and the other instructor informed Gordon P. that the training location that Gordon P. had chosen was not acceptable for the following reasons:

- a. The location had no ventilation or electricity, and was an indoor location.
- b. The "backstop" had been shot apart by large caliber weapons, creating a very dangerous situation and a high probability for ricochet.
- c. The location had substantial security issues.
- d. The location had no access to water. Any water would have to be trucked in from Gordon P.'s location. Water was necessary not only for hydration (the temperature at the location was approximately 125 degrees) but also for washing hands and faces to prevent lead contamination.

e. The location had no ventilation. There was no working HVAC system. It was a room approximately 35 feet wide by 50 feet long with low ceilings, no windows, and a single point of entry/exit.

f. The range was filthy. It was clear that millions of rounds of ammunition had been discharged in the room over the years, and little or no time had been spent on range maintenance. Therefore, everything in the range, the floor, walls, even the ceiling were coated with a fine layer of dust that was secondary to the discharge of firearms. This “dust” was highly toxic.

28. In that meeting, after all of the deficiencies and hazards had been explained to Gordon P., [REDACTED BY CIA] and the security officers, Gordon P. stated that “We spent a lot of time and effort finding that range for you guys. The least you can do is meet us halfway and make it work!”

29. In that meeting, Gordon P.⁵ further stated “I want you two [Richards and the other instructor] to go back out there, grab some brooms, and make it work!”

30. As frustrated as Richards was with Gordon P.’s orders, they were clear orders from the Chief of Station and thus Richards and his partner gathered cleaning supplies, a vehicle, and their other gear and returned (by themselves, without any security) to the training location chosen by Gordon P. in an attempt to fulfill Gordon P.’s orders and “make it work.”

31. Richards felt the first effects of what he later confirmed was lead poisoning after the first day of cleaning the training location. Richards had a metallic taste in his mouth and nose, severe head ache, and stomach pains. The other instructor suffered similar symptoms.

⁵ Plaintiff has learned, through public (non-classified) channels, that Gordon P. was later replaced by a “more experienced” CIA officer, was roundly criticized (both publicly and within the CIA) for his management of the station in question, and that [REDACTED BY CIA].

32. Richards and the other instructor realized this training location was untenable, and looked for alternate locations. They found several different alternate training locations and also made a list of a number of ways to make the training location selected by Gordon P. safer. Richards and the other instructor brought these other options to Gordon P. but Gordon P. rejected all of them.

33. Facing Gordon P.'s direct orders, and being left with no alternatives, Richards and the other instructor began training individuals in the Gordon P.-chosen location.

34. During training, the other instructor became very concerned about the health consequences, and stated that he did not feel it was safe to be in the training facility and he would not go back into it. In refusing to remain in the toxic training facility, the other instructor stated to Richards "I love my job, but I love my wife and kids more. And we are not done having kids!"

35. Richards accepted this and had the other instructor conduct certain training outdoors, and Richards conducted the "live fire" training inside the location.

36. Richards would clean the location in between classes to keep the levels of lead dust down and attempt to limit the lead exposure to his students. While these actions appeared to protect and preserve the health and safety of his students⁶, they increased Richards' exposure to toxic, and even fatal, levels of lead dust.

37. Richards trained many individuals in this unsafe location for approximately three weeks.

⁶ In fact, at or around the time of his forced Medical Retirement, Richards was informed that CIA was monitoring the lead levels of all of the individuals Richards trained in the location in question and their lead levels, while not as elevated as Richards (each of those individuals was only at the location for one class, Richards was there for a number of days), were dangerously elevated following their exposure to the training facility in question.

38. During this training period (which involved training far more than the 12 individuals Richards was sent to train), Richards encountered a U.S. Army Special Forces squad at the training location. The medic (who, Plaintiff is informed and believes, was also a Physician's assistant) attached to that squad examined Richards and said it appeared that he was suffering the symptoms of lead poisoning. That Special Forces Medic further stated that the U.S. Army had examined that specific training location and had declared it "off limits" to U.S. Army personnel because of the toxic lead levels.

39. Following his discussion with and examination by the Special Forces Medic, Richards spoke again with Gordon P. in an effort to persuade Gordon P. to reconsider his previous position. After Richards informed Gordon P. of what he learned from the Medic, Gordon P. replied that he didn't care what the Army said, "We are the CIA" and "We" need to get these individuals trained.

40. Despite his worsening symptoms, Richards completed the training at the hazardous location and then returned to the United States on or about August 16, 2003. His last day of training at the hazardous location was on or about August 14, 2003.

41. Richards' symptoms continued after his return to the United States. As a result, Richards went to the CIA's Office of Medical Services (OMS) on or about August 18, 2003.

42. Richards met with Dr. Brian H., M.D. at OMS. Without taking any blood tests or performing any neurological tests, Dr. Brian H. informed Richards that he was not suffering from lead poisoning. Dr. Brian H. stated that he was experienced in identifying lead poisoning, and he was certain that Richards did not have lead poisoning.

43. In that first meeting with Dr. Brian H., Dr. Brian H. further stated that he felt that Richards was suffering from post-traumatic stress disorder (PTSD). This despite the fact that

Richards had been in considerably more stressful and violent situations than that from which he just returned, including, but not limited to, [REDACTED BY CIA].

44. Richards expressed his doubts at this diagnosis, and informed Dr. Brian H. of the Army medic's belief that Richards was suffering from lead poisoning. Dr. Brian H. dismissed the medic's opinion, stating that the medic is not a doctor, and re-iterating that he (Dr. Brian H.) had considerable experience with lead poisoning.

45. Only days after this first meeting with Dr. Brian H., Richards and his immediate supervisor attended a meeting at the FBI Academy in Quantico, Virginia on or about August 20, 2003. During that meeting, the FBI distributed a training manual identifying the risks and symptoms of lead poisoning and lead exposure in firearms training environments.

46. During this FBI training session, Richards informed his immediate supervisor that he felt that he was suffering from lead poisoning as a result of his training in the unsafe facility in the foreign country from which he had just returned.

47. Richards immediate supervisor became quite concerned and, when told by Richards that Dr. Brian H. had dismissed Richards' concerns and diagnosed Richards with PTSD, stated to Richards that he and Richards were immediately going to go speak with Dr. Brian H..

48. Richards' supervisor concluded the FBI/CIA meeting early. Richards and his supervisor drove back to CIA headquarters and went directly to see Dr. Brian H. at OMS.

49. In that second meeting with Dr. Brian H., which occurred on or about August 20, 2003, Dr. Brian H. again stated that Richards did not have lead poisoning. Richards' supervisor showed Dr. Brian H. the FBI training materials outlining the symptoms of acute lead poisoning

and asked him to explain why Richards had virtually all of the symptoms indicated immediately after training in a range that the Army had identified as hazardous for lead toxicity.

50. Dr. Brian H. reiterated his opinion that the Army was incorrect in their analysis, and further stated that the FBI are “policemen, not doctors” and thus dismissed the FBI training materials.

51. Richards’ supervisor was unwilling to accept this dismissive explanation and insisted to Dr. Brian H. that Dr. Brian H. “take care of my boy [Richards].”

52. Dr. Brian H. agreed to schedule an appointment with Dr. Margit Bleecker, a neurologist that Dr. Brian H. stated is a foremost expert on the subject of lead poisoning, for Richards. Dr. Brian H. stated that he would take care of the required paperwork, and that, in the meantime, Richards should go to his primary care physician and get a blood lead test.

53. On or about August 21, 2003, Richards took a blood lead test. This was the first test he took since leaving the hazardous training facility approximately one week earlier.

54. On or about August 25, 2003, Richards received the results of the blood lead test. The test revealed a blood lead level of 52 $\mu\text{g}/\text{dL}$. Richards’ physician informed him that the lead levels in his blood were dangerously high, and that, if not properly treated with chelation therapy, the lead poisoning could lead to permanent neurological damage, kidney failure, liver failure, and death.

55. Richards’ physician was very concerned and asked where he had been exposed to these high levels of lead. Because of operational security reasons, Richards was unable to tell him and, because of the confidential nature of his mission, he felt that he had to rely on OMS and Dr. Brian H. to coordinate his care.

56. On or about August 26, 2003, Richards informed Dr. Brian H. of the test results.

57. In that meeting (on or about August 26, 2003), Dr. Brian H. stated that a blood lead level of 52 $\mu\text{g}/\text{dL}$ was “in the middle” of the range and was “not as bad as it could be.”

58. Richards responded that his physician had serious concerns and informed him that 52 $\mu\text{g}/\text{dL}$ was dangerously high and should be treated as soon as possible with chelation therapy.

59. After being told of Richards’ physician’s concerns, Dr. Brian H. changed his opinion, and stated that that a level of 52 $\mu\text{g}/\text{dL}$ was “pretty high,” but strongly advised against chelation therapy, stating that it “wasn’t that serious” and that chelation therapy was for far more serious cases.

60. Dr. Brian H. reiterated that he would get Richards an appointment with Dr. Bleecker as soon as possible.

61. After that meeting, Richards regularly e-mailed and/or called Dr. Brian H. asking what the status of the referral to Dr. Bleecker was.

62. During that time, Dr. Brian H. had told Richards that he was working on the necessary paperwork to allow for the referral.

63. Despite the fact that Dr. Brian H. now knew the severity of Richards’ lead poisoning, and that his initial mis-diagnosis of PTSD was incorrect, Dr. Brian H. did not schedule an appointment for Richards with Dr. Bleecker until October 31, 2003 – more than 90 days after Richards exposure to toxic lead levels occurred.

64. As a result of the delay caused by Dr. Brian H.’s mis-diagnosis and subsequent delay in scheduling Richards’ appointment with Dr. Bleecker that lead to approximately a 90 day delay before Richards was seen by Dr. Bleecker, the therapeutic window within which lead poisoning can be treated effectively closed on Richards.

65. CIA finally sent Richards to Dr. Margit Bleecker, a neurologist in Baltimore, MD, on or about October 31, 2003.

66. During her examination and care of Richards, Dr. Bleecker quickly diagnosed Richards with “acute lead poisoning.”

67. Dr. Bleecker concluded that Richards’ acute lead poisoning was directly and proximately caused by his training in the “old firing range that was heavily contaminated with lead dust” that Richards was ordered to train in by Gordon P. despite Richards’ continued protestations.

68. Dr. Bleecker estimated that, at the time of the acute exposure in the “old firing range”, Richards blood lead level was “in the 60’s or 70’s [$\mu\text{g}/\text{dL}$].”

69. Because of the delay caused by Dr. Brian H.’s mis-diagnosis, his failure to take seriously Richards’ complaints of lead poisoning, and his delay in scheduling an appointment with Dr. Bleecker, the opportunity to perform chelation therapy had passed.

70. On or about September 3 and 4, 2003, Richards communicated with the U.S. Army medic/physician’s assistant who first diagnosed Richards with lead poisoning at the contaminated training location.

71. In those communications, Richards asked the Army medic if the Army had prepared a written report outlining the condition of the contaminated training facility.

72. The Army medic responded that the Army was conducting a site survey of the facility and would be taking samples to determinate the level and extent of lead contamination.

73. Richards is informed and believes that, as a result of that site survey, the contaminated training location was bulldozed, sealed, and declared “off limits” indefinitely.

74. As a result of the lead poisoning Richards suffered at the location forced upon him by the CIA, and the subsequent misdiagnosis (and other errors) by the CIA physician, Dr. Brian H., Richards has suffered, and continues to suffer, the following medical problems⁷:

- Severe headaches/migraines
- Difficulty speaking
- Myalgias (Muscle Pains)
- Arthralgias (Joint Pains)
- Slowed movements
- Stomach pain
- Irritability
- Depression
- Loss of interest in doing things
- Decreased energy
- Increased sleep
- Fatigue
- Difficulty concentrating
- Tingling in his extremities
- Erectile dysfunction
- Dizzy spells.

75. Dr. Bleecker concludes that “All of Mr. Richards [medical and psychological] problems are related to a toxic encephalopathy from lead poisoning.”

⁷ This list of medical problems is illustrative and not exclusive. Mr. Richards is not limited to the medical problems listed here.

76. The medical problems suffered by Richards were directly and proximately caused by the acts and omissions of the Central Intelligence Agency, Gordon P., and Dr. Brian H.

77. The medical problems suffered by Richards were entirely avoidable had Gordon P. and the CIA taken Richards concerns seriously and allowed him to find an alternate training location – many of which existed at the time.

78. After receiving Dr. Bleecker's medical diagnosis, Richards was placed on medical leave from the CIA.

79. During the period he was on medical leave, April Richards, Frank Richards' wife, overheard a telephone conversation between Ava S. and Theresa M., both CIA employees, in which Ava S. stated to Theresa M. that Richards was seeing a psychiatrist.

80. Neither Ava S. nor Theresa M. had a legitimate reason to discuss Richards' medical condition.

81. During the period Richards was on medical leave, Richards was contacted by Lisa G., a CIA employee, who informed Richards that she had been told by a number of other female CIA employees that Richards was on medical leave because his "shit don't work anymore" and "his dick is broke."

82. Richards is informed and believes that CIA employees spoke (and continue to speak) openly and freely (and often inaccurately and pejoratively) about his injuries for no legitimate reason.

83. Richards has been harmed, personally and professionally, as a direct and proximate result of the CIA's failure to preserve his privacy.

84. Richards was medically retired by the CIA on or about May 4, 2006.

85. Prior to being medically retired, Richards and his wife had a series of meetings with K.D. “Dusty” Foggo, who was at the time the Executive Director of the CIA.

86. In those meetings, Foggo stated that Richards injuries were a result of the CIA’s mistakes, and that Richards’ injuries were “completely avoidable” and “never should have happened.”

87. On May 4, 2006, Foggo wrote a “right of return” letter to Richards, stating that “We appreciate your dedication and service, and we understand that the tragic circumstances of your illness are a direct result of that dedication.”

88. In that “right of return” letter, Foggo also stated that Richards “will retire from CIA as a GS-13 officer.”

89. In fact, CIA did not retire Richards as a GS-13, and he has been financially harmed as a result. Despite the CIA’s promises (by and through Foggo) that he would be retired as a GS-13, Richards has been treated as a GS-12, Step 6, since his forced medical retirement.

90. Richards injuries persist to date, and will persist for the foreseeable future. The neurological damage is such that Richards will never be employable in his chosen profession, or for that matter, will he ever be capable of maintaining a job that involves anything but the most menial tasks.

FIRST CAUSE OF ACTION
(FIFTH AMENDMENT LIBERTY INTEREST – GORDON P.)

91. Richards reasserts and realleges the allegations contained in paragraphs 1 through 90, inclusive.

92. Richards is a Citizen of the United States, and possesses all of the Constitutional, statutory, and regulatory rights afforded to any employee of the Central Intelligence Agency.

These include, but are not limited to, the usual rights, privileges and benefits that are accorded to federal employees.

93. The Fifth Amendment to the Constitution of the United States states, in relevant part that “No person shall be . . . deprived of life, liberty, or property, without due process of law.”

94. Gordon P. did deprive Richards of his “life, liberty, or property, without due process of law” by forcing Richards to train in a highly toxic environment, for no legitimate reason, and to continue to train in this highly toxic environment even after being informed of the inherent health hazards associated with that location by Richards and others.

95. Gordon P.’s actions constituted an unconstitutional deprivation of Richards’ “life liberty, or property, without due process of law” in that Gordon P. knew, or reasonably should have known, that his actions would cause Richards serious bodily harm, such harm was avoidable, and such harm was caused without due process of law.

96. Richards attempted to protest Gordon P.’s orders, but was not afforded the ability to do so effectively.

97. Gordon P., (individually, or in his capacity as a CIA Chief of Station) is not authorized to operate in a manner whereby a U.S. Citizen can be denied “Liberty” without “due process of law” in contravention of the Fifth Amendment to the Constitution of the United States.

98. Gordon P.’s actions and inactions have excluded Richards from participating in his chosen profession. Richards injuries persist to date, and will persist for the foreseeable future. The neurological damage Richards has suffered as a result of Gordon P.’s actions is such that

Richards will never be employable in his chosen profession, or for that matter, will he ever be capable of maintaining a job that involves anything but the most menial tasks.

99. As a result, Richards has suffered actual adverse and harmful effects, including, but not limited to, the following:

- Severe headaches/migraines
- Difficulty speaking
- Myalgias (Muscle Pains)
- Arthralgias (Joint Pains)
- Slowed movements
- Stomach pain
- Irritability
- Depression
- Loss of interest in doing things
- Decreased energy
- Increased sleep
- Fatigue
- Difficulty concentrating
- Tingling in his extremities
- Erectile dysfunction
- Dizzy spells.
- Emotional trauma
- Mental distress
- Embarrassment

- Humiliation
- Marital difficulties
- Lost or jeopardized present and/or future financial opportunities.

SECOND CAUSE OF ACTION
(PRIVACY ACT – CIA)

100. Richards reasserts and realleges the allegations contained in paragraphs 1 through 99, inclusive.

101. The CIA maintains records within one or more Privacy Act Systems of Records that pertain to Richards.

102. During the period he was on medical leave, April Richards, Frank Richards' wife, overheard a telephone conversation between Ava S. and Theresa M. in which Ava S. stated to Theresa M. that Richards was seeing a psychiatrist. This confidential information is a "record" contained within a "system of records."

103. Neither Ava S. nor Theresa M. had a legitimate reason to discuss Richards' medical condition, and the willful and reckless disclosure of this information by CIA was improper.

104. During the period Richards was on medical leave, Richards was contacted by Lisa G., another CIA employee,⁸ who informed Richards that she had been told by a number of other female CIA employees that Richards was on medical leave because his "shit don't work anymore" and "his dick is broke." This confidential information is a "record" contained within a "system of records."

⁸ Because of Plaintiff's memory problems (all of which were directly and proximately caused by the lead poisoning complained of herein), Plaintiff cannot be certain of the name of this individual.

105. These CIA employees did not have a legitimate reason to discuss Richards' medical condition, and the willful and reckless disclosure of this information by CIA was improper.

106. Richards is informed and believes that many employees and former employees of CIA spoke (and continue to speak) openly and freely (and often inaccurately and pejoratively) about his injuries for no legitimate reason.

107. Richards has been harmed, personally and professionally, as a direct and proximate result of the CIA's failure to preserve his privacy.

108. Richards is informed and believes that these statements – revealing and/or misrepresenting his confidential medical information – were repeated by the CIA and/or the CIA employees numerous times and continue to be repeated to date.

109. In recklessly disclosing Richards' sensitive medical information to individuals with no need to know this information, the CIA, its employees and officers, including, but not limited to, one or more of the individual defendants violated the provisions of 5 U.S.C. §552a (b) and (g)(1)(D).

110. The CIA, its employees and officers, knew or should have known that their actions were improper, unlawful and/or in violation of the Privacy Act.

111. The CIA, its employees and officers, acted intentionally or willfully and recklessly in violation of Richards' privacy rights.

112. As a result of the CIA's violations of the Privacy Act, Richards has suffered adverse and harmful effects, including, but not limited to, mental distress, emotional trauma, embarrassment, humiliation, a worsening of his depression, and lost or jeopardized present or future financial opportunities.

THIRD CAUSE OF ACTION
(FIFTH AMENDMENT LIBERTY INTEREST – DR. BRIAN H.)

113. Richards reasserts and realleges the allegations contained in paragraphs 1 through 112, inclusive.

114. At all relevant times, Dr. Brian H. was acting in the scope of his employment as a physician for OMS, which is a department in the CIA.

115. In relying upon the medical opinions and diagnoses of Dr. Brian H., who, Richards is informed and believes has no neurological training, CIA extinguished any chance Richards had at recovering from his acute lead poisoning.

116. Dr. Brian H.'s mis-diagnoses, delayed diagnoses, and unreasonable delay of more than 90 days in referring of Richards' case to Dr. Bleecker, who was properly trained to identify, diagnose, and treat acute lead poisoning, prevented Richards from being able to receive chelation therapy treatment, which would have substantially increased his chance of recovery and would have substantially improved his quality of life.

117. A reasonably prudent general medical practitioner, when faced with the information provided to Dr. Brian H. regarding Richards' lead exposure would have immediately referred the matter to a specialist trained to further identify, diagnose and treat lead poisoning. Instead, Dr. Brian H. waited more than 90 days before he referred Richards to Dr. Bleecker.

118. Richards is a Citizen of the United States, and possesses all of the Constitutional, statutory, and regulatory rights afforded to any employee of the Central Intelligence Agency. These include, but are not limited to, the usual rights, privileges and benefits that are accorded to federal employees.

119. The Fifth Amendment to the Constitution of the United States states, in relevant part that “No person shall be . . . deprived of life, liberty, or property, without due process of law.”

120. Dr. Brian H. did deprive Richards of his “life, liberty, or property, without due process of law” by denying Richards access to chelation therapy for no legitimate reason.

121. Dr. Brian H’s actions constituted an unconstitutional deprivation of Richards’ “life liberty, or property, without due process of law” in that Dr. Brian H. knew, or reasonably should have known, that his actions would cause Richards serious bodily harm, such harm was avoidable, and such harm was caused without due process of law.

122. As a direct and proximate result of the delay caused by Dr. Brian H.’s misdiagnosis and subsequent delay in scheduling Richards’ appointment with Dr. Bleecker that lead to approximately a 90 day delay before Richards was seen by Dr. Bleecker, the therapeutic window within which lead poisoning can be treated effectively closed on Richards.

123. As a result of Dr. Brian H.’s actions, Richards has suffered actual adverse and harmful effects, including, but not limited to, the following:

- Severe headaches/migraines
- Difficulty speaking
- Myalgias (Muscle Pains)
- Arthralgias (Joint Pains)
- Slowed movements
- Stomach pain
- Irritability
- Depression

- Loss of interest in doing things
- Decreased energy
- Increased sleep
- Fatigue
- Difficulty concentrating
- Tingling in his extremities
- Erectile dysfunction
- Dizzy spells.
- Emotional trauma
- Mental distress
- Embarrassment
- Humiliation
- Marital difficulties
- Lost or jeopardized present and/or future financial opportunities.

124. Richards wrote to CIA on December 19, 2007 outlining his claims. CIA responded to Richards' December 19, 2007 letter on January 22, 2008. In that January 22, 2008 letter, CIA stated that "The Agency interprets this claim as one for damages pursuant to the Federal Tort Claims Act (FTCA). The Agency has given this claim appropriate consideration and has denied it."

WHEREFORE, Franklin Richards requests that the Court award him the following relief:

(1) Declare and find that the Defendants violated the Privacy Act by failing to make reasonable efforts to assure that such records and information regarding Richards were properly

secured and were not disseminated to unauthorized individuals, and award any damages, or other appropriate relief, including costs and attorney's fees, that are deserved there from;

(2) Declare and find that Defendants violated Richards' constitutional protections by failing to safeguard his fundamental Liberty Interests as defined in the Fifth Amendment to the United States Constitution and award any damages, or other appropriate relief, including costs and attorney's fees, that are deserved there from;

(3) Require the CIA to reimburse Richards for all associated expenses to resolve these disputes;

(4) Refer those CIA officials and employees responsible for violating the Privacy Act for prosecution under 5 U.S.C. § 552a(i)(1);

(5) Award Richards the costs of this action and reasonable attorney's fees under the Equal Access to Justice Act or any other applicable law;

(6) Award Richards \$3,000,000 for pain, suffering, lost future wages and economic opportunities; and

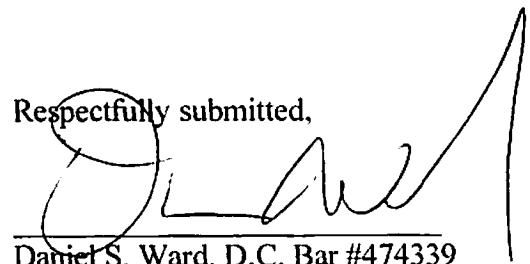
(6) grant such other relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by Jury.

April 30, 2009

Respectfully submitted,



Daniel S. Ward, D.C. Bar #474339
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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:08-cv-01253-FJS**

RICHARDS v. CENTRAL INTELLIGENCE AGENCY et al
Assigned to: Judge Frederick J. Scullin, Jr
Demand: \$3,000,000
Cause: 28:2674 Federal Tort Claims Act

Date Filed: 07/21/2008
Date Terminated: 07/02/2009
Jury Demand: Plaintiff
Nature of Suit: 330 Federal Employer's Liability
Jurisdiction: U.S. Government Defendant

Plaintiff

FRANKLIN A. RICHARDS

represented by **Daniel Sage Ward**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

CENTRAL INTELLIGENCE AGENCY

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Fax: (202) 514-8780
Email: beverly.russell@usdoj.gov
TERMINATED: 09/03/2010

Defendant

MICHAEL V. HAYDEN
*General – Director, Central Intelligence
Agency*
TERMINATED: 04/30/2009

represented by **Beverly Maria Russell**
(See above for address)
TERMINATED: 09/03/2010
LEAD ATTORNEY

Mercedeh Momeni
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

CIA DOES
 #1 – #20 (Employees of the Central Intelligence Agency, whose exact identity is unknown to Plaintiff at this time and/or is classified)
 TERMINATED: 04/30/2009

represented by **Mercedeh Momeni**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

LEON E. PANETTA
 in his capacity as Director, Central Intelligence Agency

represented by **Mercedeh Momeni**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Beverly Maria Russell
 (See above for address)
 TERMINATED: 09/03/2010

Defendant

GORDON P.

represented by **Mercedeh Momeni**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Beverly Maria Russell
 (See above for address)
 TERMINATED: 09/03/2010

Defendant

BRIAN H.
 Dr.

represented by **Mercedeh Momeni**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Beverly Maria Russell
 (See above for address)
 TERMINATED: 09/03/2010

Date Filed	#	Docket Text
07/21/2008	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY, MICHAEL V. HAYDEN, CIA DOES (Filing fee \$ 350, receipt number 4616013809) filed by FRANKLIN A. RICHARDS. (Attachments: # <u>1</u> Civil Cover Sheet)(jf,) (Entered: 07/22/2008)
07/21/2008	<u>1</u>	Summons (3)Issued as to CENTRAL INTELLIGENCE AGENCY, MICHAEL V. HAYDEN,

		CIA DOES #1 – #20. (jf,) (Entered: 07/22/2008)
11/26/2008	<u>2</u>	ORDER TO SHOW CAUSE. See Order for deadlines and information. Signed by Judge Richard W. Roberts on 11/26/2008. (DCL) (Entered: 11/26/2008)
12/01/2008	<u>1</u>	Set/Reset Deadlines: Response to Show Cause due by 12/25/2008. (lin,) (Entered: 12/01/2008)
12/10/2008	<u>3</u>	AFFIDAVIT of mailing Summons and Complaint by FRANKLIN A. RICHARDS. (Ward, Daniel) (Entered: 12/10/2008)
12/11/2008	<u>4</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General September 26, 2008., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney, served on 9/26/2008, answer due 11/25/2008 (Ward, Daniel) Modified on 12/11/2008 (jf,). Modified on 12/11/2008 (jf,). (Entered: 12/11/2008)
12/11/2008	<u>1</u>	SUMMONS (2) Issued as to, U.S. Attorney and U.S. Attorney General. (jf,) (Entered: 12/11/2008)
12/12/2008	<u>1</u>	SUMMONS (2) REISSUED as to CENTRAL INTELLIGENCE AGENCY, MICHAEL V. HAYDEN (jf,) (Entered: 12/12/2008)
12/19/2008	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General December 18, 2008. (Ward, Daniel) . (Entered: 12/19/2008)
12/19/2008	<u>6</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to CENTRAL INTELLIGENCE AGENCY served on 12/15/2008, answer due 2/13/2009. (Ward, Daniel) Modified on 12/22/2008 (jf,). (Entered: 12/19/2008)
12/19/2008	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to MICHAEL V. HAYDEN served on 12/15/2008, answer due 2/13/2009. (Ward, Daniel) (Entered: 12/19/2008)
12/19/2008	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to CENTRAL INTELLIGENCE AGENCY served on 12/19/2008, answer due 2/17/2009. (Ward, Daniel) (Entered: 12/19/2008)
12/22/2008	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. CENTRAL INTELLIGENCE AGENCY served on 12/16/2008, answer due 2/17/2009; MICHAEL V. HAYDEN served on 12/16/2008, answer due 2/17/2009 (Ward, Daniel) (Entered: 12/22/2008)
12/23/2008	<u>10</u>	RESPONSE TO ORDER OF THE COURT re <u>2</u> Order to Show Cause filed by FRANKLIN A. RICHARDS. (Ward, Daniel) (Entered: 12/23/2008)
01/26/2009	<u>11</u>	NOTICE of Appearance by Beverly Maria Russell on behalf of CENTRAL INTELLIGENCE AGENCY, MICHAEL V. HAYDEN (Russell, Beverly) (Entered: 01/26/2009)
02/11/2009	<u>1</u>	MINUTE ORDER: It is hereby ORDERED that plaintiff's request <u>10</u> for an extension of time to serve the defendants be, and hereby is, GRANTED. The defendants shall answer or otherwise respond to the Complaint by February 17, 2009. Issued by Judge Richard W. Roberts on 2/11/09. (DCL) (Entered: 02/11/2009)
02/13/2009	<u>12</u>	Unopposed MOTION for Extension of Time to File Answer , <i>Move or Otherwise Respond to Plaintiff's Complaint</i> by CENTRAL INTELLIGENCE AGENCY, MICHAEL V. HAYDEN (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 02/13/2009)

02/27/2009	<u>13</u>	MOTION to Dismiss , <i>or Alternatively</i> , MOTION to Transfer Case by CENTRAL INTELLIGENCE AGENCY, MICHAEL V. HAYDEN (Attachments: # <u>1</u> Declaration of Tracy W. Wofford, Feb. 14, 2009, # <u>2</u> Text of Proposed Order)(Russell, Beverly) (Entered: 02/27/2009)
03/05/2009	<u>14</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>13</u> MOTION to Dismiss , <i>or Alternatively</i> MOTION to Transfer Case by FRANKLIN A. RICHARDS (Attachments: # <u>1</u> Text of Proposed Order)(Ward, Daniel) (Entered: 03/05/2009)
03/06/2009	<u>1</u>	MINUTE ORDER: It is hereby ORDERED that defendants' motion <u>12</u> for an extension of time to answer the Complaint be, and hereby is, GRANTED nunc pro tunc. It is further ORDERED that plaintiff's motion <u>14</u> for an extension of time through March 31, 2009 to file an opposition to defendant's motion to dismiss be, and hereby is, GRANTED. Issued by Judge Richard W. Roberts on 3/6/2009. (DCL) (Entered: 03/06/2009)
03/10/2009	<u>1</u>	Set/Reset Deadlines: Response to Dispositive Motions due by 3/31/2009. (zlin,) (Entered: 03/10/2009)
03/31/2009	<u>15</u>	Joint MOTION to Stay re <u>13</u> MOTION to Dismiss , <i>or Alternatively</i> MOTION to Transfer Case by FRANKLIN A. RICHARDS (Attachments: # <u>1</u> Text of Proposed Order)(Ward, Daniel) (Entered: 03/31/2009)
04/28/2009	<u>1</u>	MINUTE ORDER: It is hereby ORDERED that the parties' joint motion <u>15</u> to stay decision on the defendants' motion <u>13</u> to dismiss or transfer be, and hereby is, GRANTED. Issued by Judge Richard W. Roberts on 4/28/2009. (DCL) (Entered: 04/28/2009)
04/30/2009	<u>16</u>	AMENDED COMPLAINT against CENTRAL INTELLIGENCE AGENCY, LEON E. PANETTA, GORDON P., BRIAN H. filed by FRANKLIN A. RICHARDS.(jf,) (Entered: 05/01/2009)
05/07/2009	<u>1</u>	Summons Issued(3) as to LEON E. PANETTA, GORDON P., BRIAN H.. (tr) (Entered: 05/07/2009)
05/14/2009	<u>17</u>	Unopposed MOTION for Extension of Time to File Answer , <i>Move or Otherwise Respond to Plaintiff's Complaint</i> by CENTRAL INTELLIGENCE AGENCY, LEON E. PANETTA (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 05/14/2009)
05/26/2009	<u>1</u>	MINUTE ORDER: It is hereby ORDERED that, in light of the filing of the amended complaint <u>16</u> , defendant's motion <u>13</u> to dismiss be, and hereby is, DENIED WITHOUT PREJUDICE as moot. Issued by Judge Richard W. Roberts on 5/26/2009. (DCL) (Entered: 05/26/2009)
05/26/2009	<u>1</u>	MINUTE ORDER: It is hereby ORDERED that defendants' unopposed motion <u>17</u> for an extension of time through June 17, 2009 to answer or otherwise respond to the amended complaint be, and hereby is, GRANTED. Issued by Judge Richard W. Roberts on 5/26/2009. (DCL) (Entered: 05/26/2009)
05/27/2009	<u>1</u>	Set/Reset Deadlines: Answer due by 6/17/2009, (zlin,) (Entered: 05/27/2009)
06/10/2009	<u>18</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to LEON E. PANETTA served on 5/19/2009, answer due 7/20/2009. (Ward, Daniel) (Entered: 06/10/2009)
06/15/2009	<u>21</u>	Second MOTION for Extension of Time to File Answer , <i>Move or Otherwise Respond to Plaintiff's First Amended Complaint</i> by CENTRAL INTELLIGENCE AGENCY, LEON E. PANETTA (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 06/15/2009)
06/18/2009	<u>22</u>	Memorandum in opposition to re <u>21</u> Second MOTION for Extension of Time to File Answer , <i>Move or Otherwise Respond to Plaintiff's First Amended Complaint</i> PLAINTIFFS UNOPPOSED CROSS-MOTION FOR AN EXTENSION OF TIME, OR TO STAY PROCEEDINGS filed by FRANKLIN A. RICHARDS. (Attachments: # <u>1</u> Text of Proposed Order)(Ward, Daniel)

		(Entered: 06/18/2009)
06/18/2009	<u>23</u>	CROSS MOTION for Extension of Time to File Answer or, MOTION to Stay Proceedings by FRANKLIN A. RICHARDS. (See Docket Entry <u>22</u> to view document) (jf,) (Entered: 06/19/2009)
07/01/2009	<u>24</u>	MOTION to Dismiss , <i>or Alternatively,</i> , MOTION to Transfer Case by CENTRAL INTELLIGENCE AGENCY, LEON E. PANETTA, GORDON P., BRIAN H. (Attachments: # <u>1</u> Declaration of Tracy W. Wofford, Feb. 4, 2009, # <u>2</u> Text of Proposed Order)(Russell, Beverly) (Entered: 07/01/2009)
07/02/2009	<u>I</u>	MINUTE ORDER: It is hereby ORDERED that defendants' motion <u>21</u> for an extension of time to respond to the complaint be, and hereby is, GRANTED nunc pro tunc. It is further ORDERED that the plaintiff's cross-motion 23 for a stay of the proceedings through December 17, 2009 be, and hereby is, GRANTED, and the case is administratively closed. It is further ORDERED that the parties be, and hereby are, DIRECTED to file a joint status report and proposed order on or before December 17, 2009. It is further ORDERED that, in light of the stay of proceedings, defendants' motion <u>24</u> to dismiss or transfer the case be, and hereby is, DENIED without prejudice. Issued by Judge Richard W. Roberts on 7/2/2009. (DCL) (Entered: 07/02/2009)
07/02/2009	<u>I</u>	Set/Reset Deadlines: Joint Status Report and Proposed Order due by 12/17/2009. (hs) (Entered: 07/02/2009)
07/07/2009	<u>25</u>	Consent MOTION Removal of Documents from Docket by FRANKLIN A. RICHARDS (Ward, Daniel) (Entered: 07/07/2009)
07/08/2009	<u>I</u>	MINUTE ORDER: It is hereby ORDERED that plaintiff's consent motion <u>25</u> to restrict from public viewing the affidavits of service and summonses as to the individually-named defendants be, and hereby is, GRANTED. Issued by Judge Richard W. Roberts on 7/8/2009. (DCL) (Entered: 07/08/2009)
12/17/2009	<u>26</u>	Consent MOTION for Extension of Time to <i>File Status Report, and Memorandum in Support Thereof</i> by CENTRAL INTELLIGENCE AGENCY, LEON E. PANETTA (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 12/17/2009)
12/22/2009	<u>27</u>	STATUS REPORT (<i>Joint</i>) by CENTRAL INTELLIGENCE AGENCY, GORDON P., LEON E. PANETTA. (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 12/22/2009)
01/11/2010	<u>I</u>	MINUTE ORDER: It is hereby ORDERED that the defendants' consent motion <u>26</u> for an extension be, and hereby is, GRANTED nunc pro tunc. It is further ORDERED that, in light of the joint status report <u>27</u> filed by the parties, the parties be, and hereby are, DIRECTED to file a joint status report and proposed order by January 22, 2010. Issued by Judge Richard W. Roberts on 01/11/10. (DCL) (Entered: 01/11/2010)
01/11/2010	<u>I</u>	Set/Reset Deadlines: Joint Status Report and Proposed Order due by 1/22/2010. (hs) (Entered: 01/11/2010)
01/20/2010	<u>28</u>	STATUS REPORT (<i>Joint</i>) by CENTRAL INTELLIGENCE AGENCY, LEON E. PANETTA. (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 01/20/2010)
01/22/2010	<u>29</u>	MOTION to Dismiss , <i>or Alternatively,</i> MOTION to Transfer Case by CENTRAL INTELLIGENCE AGENCY, BRIAN H., GORDON P., LEON E. PANETTA (Attachments: # <u>1</u> Declaration of Tracy W. Wofford, February 4, 2009, # <u>2</u> Text of Proposed Order)(Russell, Beverly) Modified on 7/9/2010 (jeb,). (Entered: 01/22/2010)
01/22/2010	<u>I</u>	MINUTE ORDER: It is hereby ORDERED that, in light of the joint status report <u>28</u> filed by the parties, the defendants' motion to dismiss, or alternatively, to transfer, is due by January 22, 2010; the plaintiff's opposition is due by February 19, 2010; and the defendants' reply is due by

March 5, 2010. Issued by Judge Richard W. Roberts on 01/22/2010. (DCL) (Entered: 01/22/2010)

01/22/2010	<u>30</u>	Set/Reset Deadlines: Defendant's Motion due by 1/22/2010, Plaintiff's Response due by 2/19/2010, Defendant's Reply due by 3/5/2010. (hs) (Entered: 01/22/2010)
02/19/2010	<u>30</u>	Memorandum in opposition to re <u>29</u> MOTION to Dismiss , <i>or Alternatively</i> MOTION to Transfer Case filed by FRANKLIN A. RICHARDS. (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Margit Bleecker, MD, # <u>2</u> Exhibit 2 – Affidavit of April Richards, # <u>3</u> Supplement Unpublished Opinion)(Ward, Daniel) (Entered: 02/19/2010)
03/03/2010	<u>31</u>	Unopposed MOTION for Extension of Time to File Response/Reply by CENTRAL INTELLIGENCE AGENCY, BRIAN H., GORDON P., LEON E. PANETTA (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 03/03/2010)
03/12/2010	<u>31</u>	MINUTE ORDER: It is hereby ORDERED that defendants' motion <u>31</u> for an extension of time through March 19, 2010 to file their reply be, and hereby is, GRANTED. Issued by Judge Richard W. Roberts on 03/12/10. (DCL) (Entered: 03/12/2010)
03/15/2010	<u>31</u>	Set/Reset Deadlines: Defendant's Reply due by 3/19/2010. (hs) (Entered: 03/15/2010)
03/17/2010	<u>31</u>	Set/Reset Deadlines: Defendant's Reply due by 3/19/2010. (hs) (Entered: 03/17/2010)
03/18/2010	<u>32</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Opposition to Defendants' Renewed Motion to Dismiss, or Alternatively, to Transfer Plaintiff's First Amended Complaint</i> by CENTRAL INTELLIGENCE AGENCY, BRIAN H., GORDON P., LEON E. PANETTA (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 03/18/2010)
03/31/2010	<u>32</u>	MINUTE ORDER: It is hereby ORDERED that the defendants' unopposed motion <u>32</u> for an extension through April 9, 2010 of the deadline to file their reply be, and hereby is, GRANTED. Issued by Judge Richard W. Roberts on 03/31/2010. (DCL) (Entered: 03/31/2010)
04/01/2010	<u>32</u>	Set/Reset Deadlines: Defendant's Reply due by 4/9/2010. (hs) (Entered: 04/01/2010)
04/09/2010	<u>33</u>	Unopposed MOTION for Extension of Time to File Response/Reply by CENTRAL INTELLIGENCE AGENCY, BRIAN H., GORDON P., LEON E. PANETTA (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 04/09/2010)
04/14/2010	<u>33</u>	MINUTE ORDER: It is hereby ORDERED that the defendants' unopposed motion <u>33</u> for an extension through April 14, 2010 of the deadline to file their reply be, and hereby is, GRANTED. Issued by Judge Richard W. Roberts on 04/14/2010. (DCL) (Entered: 04/14/2010)
04/14/2010	<u>33</u>	Set/Reset Deadlines: Defendant's Replies due by 4/14/2010. (hs) (Entered: 04/14/2010)
04/14/2010	<u>34</u>	MOTION for Extension of Time to File Response/Reply by CENTRAL INTELLIGENCE AGENCY, BRIAN H., GORDON P., LEON E. PANETTA (Attachments: # <u>1</u> Text of Proposed Order)(Russell, Beverly) (Entered: 04/14/2010)
04/15/2010	<u>35</u>	REPLY to opposition to motion re <u>29</u> MOTION to Dismiss , <i>or Alternatively</i> MOTION to Transfer Case filed by CENTRAL INTELLIGENCE AGENCY, BRIAN H., GORDON P., LEON E. PANETTA. (Attachments: # <u>1</u> Exhibit Declaration of Dr. Brian H., April 6, 2010)(Russell, Beverly) (Entered: 04/15/2010)
05/21/2010	<u>34</u>	MINUTE ORDER: It is hereby ORDERED that defendant's motion <u>34</u> for an extension be, and hereby is, GRANTED nunc pro tunc. Issued by Judge Richard W. Roberts on 05/21/2010. (DCL) (Entered: 05/21/2010)
09/03/2010	<u>36</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Mercedeh Momeni on behalf of CENTRAL

		INTELLIGENCE AGENCY Substituting for attorney Beverly Russell (Momeni, Mercedeh) (Entered: 09/03/2010)
01/25/2011	<u>37</u>	ORDER by Chief Justice of the United States Supreme Court directing the designation and assignment of a United States District Judge for service in another circuit; assigning Judge Frederick J. Scullin, Jr. of the U.S. District Court for the Northern District of New York to this case. (Signed by Chief Justice John D. Roberts on January 20, 2011. (jeb) (Entered: 01/25/2011)
01/25/2011	<u>38</u>	Case Reassigned by Consent to Judge Frederick J. Scullin, Jr. Judge Richard W. Roberts no longer assigned to the case. (jeb,) (Entered: 01/25/2011)
05/26/2011	<u>I</u>	NOTICE of Hearing on Motion re: <u>29</u> MOTION to Dismiss or Alternatively to Transfer Case : Motion Hearing/Argument set for 7/12/2011 10:30 AM in Courtroom 3 before Judge Frederick J. Scullin Jr.. (Scullin, Frederick) (Entered: 05/26/2011)
07/11/2011	<u>I</u>	NOTICE of Hearing on Motion re: <u>29</u> MOTION to Dismiss or Alternatively to Transfer Case: A Motion Hearing/Argument is set for 7/12/2011 at 10:30 AM in Courtroom 12, 4th Floor before Judge Frederick J. Scullin Jr.(ad) Modified on 7/11/2011 to reflect the correct Courtroom number.(ad). (Entered: 07/11/2011)
07/11/2011	<u>39</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Mercedeh Momeni on behalf of All Defendants Substituting for attorney Beverly Maria Russell (Momeni, Mercedeh) (Entered: 07/11/2011)
07/12/2011	<u>I</u>	Minute Entry for proceedings held before Judge Frederick J. Scullin, Jr: Motion Hearing held on 7/12/2011. (Court Reporter Chantal Geneus) (ad) (Entered: 07/12/2011)
07/15/2011	<u>40</u>	ORDER signed by Judge Frederick J. Scullin, Jr on 7/15/11 granting <u>29</u> Motion to Dismiss Plaintiff's amended complaint or, in the alternative, to transfer venue to the United States District Court for the Eastern District of Virginia. The Court hereby ORDERS that this action is transferred to the United States District Court for the Eastern District of Virginia pursuant to 28 U.S.C. §§ 1404, 1406(a). (ad) (Entered: 07/15/2011)