

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

ROGER HALL, et al.,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Civil Action 04-00814 (HHK)

ORDER

The parties in this action have cross-moved to dismiss and/or for summary judgment [##54, 55, 72, 73]. Pursuant to a memorandum opinion and order docketed on March 10, 2008, Magistrate Judge John Facciola granted defendant Central Intelligence Agency's ("CIA") motion to strike significant portions of a declaration submitted by plaintiff Roger Hall ("Hall") in support of Hall and Studies Solutions Results, Inc.'s ("Solutions") motion for summary judgment and opposition to the CIA's motion for summary judgment. Pursuant to a memorandum opinion and order docketed this same day, this court has denied Hall and Solutions' objections to Magistrate Judge Facciola's ruling.

The loss of significant portions of Hall's declaration substantially affects the arguments set forth in Hall's papers. Accordingly, this court will deny Hall's motion for summary judgment without prejudice and require Hall to re-file his motion for summary judgment and opposition, without the stricken portions of the declaration. To ensure that all parties have the opportunity to assess and respond to whatever arguments may be raised in Hall's renewed motion for summary

judgment and to ensure that the briefing proceeds in a streamlined fashion, this court will also deny, without prejudice, the motions to dismiss and/or for summary judgment that have been filed by Accuracy in Media and the CIA. The court will require them to re-file their motions and opposing papers.

Accordingly, it is this 29th day of August 2008, hereby **ORDERED** that all pending motions to dismiss and/or for summary judgment that have been filed by all parties [#54, 55, 72, 73] are **DENIED** without prejudice; and it is further **ORDERED** that the parties shall submit a proposed briefing schedule by no later than September 12, 2008.

Henry H. Kennedy, Jr.
United States District Judge