



U.S. Department of Justice

United States Attorney
Eastern District of California

501 I Street, Suite 10-100
Sacramento, California 95814

916/554-2700
Private line 916/554-2760
Fax 916/554-2900

February 17, 2003

Ms. Devvy Kidd
2133 Sherington Way
Sacramento, CA 95835

Re: Kidd v. Dep't of Army, CIV-S-03-0225-DFL/GGH-PS

Dear Ms. Kidd:

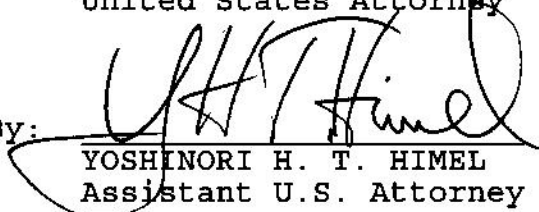
Your FOIA request letter dated May 28, 2002, refers to an attached DD-214. The copy of the letter attached to the complaint initiating the above-referenced suit does not include an attachment.

I would appreciate your sending me a copy of the attachment to the letter. Thank you for your cooperation.

Very truly yours,

JOHN K. VINCENT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U.S. Attorney



DEPARTMENT OF THE ARMY
U.S. ARMY RESERVE PERSONNEL COMMAND
1 RESERVE WAY
ST. LOUIS MO 63132-5200



December 20, 2002

Special Inquiries Team

Ms. Devvy Kidd
PO Box 60543
Sacramento, CA 95860-0543

Dear Ms. Kidd:

This is in response to your request for copies of documents from the military personnel file and medical record of Timothy J. McVeigh. Your request was received in this office on December 13, 2002 and is being processed under the provisions of the Freedom of Information Act.

Enclosed is a sanitized copy of the discharge order that separated Mr. McVeigh from the U.S. Army Reserve. The social security number and address has been deleted on this order. Release of that information could result in an unwarranted invasion of personal privacy to any surviving family members. This information is being withheld in accordance with Title 5, U.S. Code, Section 552 (b)(6). Please be advised that there are no provisions under the Freedom of Information Act to provide explanations. The act pertains to existing records only.

This office responded to your previous request on August 9, 2002 and sent a copy of the enclosed order. The remaining documents that you have requested are not available in Mr. Mc Veigh's file maintained at this command.

If you consider my response to be a denial of your request, you may appeal by writing to the Commander, U.S. Army Reserve Personnel Command, Attention: ARPC-ZCC-A, 1 Reserve Way, St. Louis, MO 63132-5200, within 60 days of your receipt of this letter. Your appeal should state the basis of your disagreement. Fees allowable under the Freedom of Information Act are waived. For additional information or assistance, please contact the Special Inquiries Team at (314) 592-0446.

Sincerely,


Wanda Farrow
Case Analyst

Enclosure

1
2 **CERTIFICATE OF SERVICE BY MAIL**

3 The undersigned hereby certifies that she is an employee in the
4 Office of the United States Attorney for the Eastern District of
5 California and is a person of such age and discretion to be
competent to serve papers.

6 That on April ____, 2003, she served a copy of:

7 **DEFENDANT'S ANSWER**

8 by placing said copy in an envelope addressed to the persons
9 hereinafter named, at the places and addresses shown below, which
are the last known addresses, and mailing said envelope and contents
in the U.S. Mail in Sacramento, California.

10 Addressees:

11
12 Ms. Devvy Kidd
13 2133 Sherington Way
Sacramento, CA 95835
14

15 _____
16 CAROL BROWN
17
18
19
20
21
22
23
24
25
26
27
28



National Personnel Records Center

Military Personnel Records 9700 Page Avenue St. Louis, Missouri 63132-5100

July 29, 2002

Devvy Kidd
PO Box 60543
Sacramento, CA 95860

RE: Veteran's Name: McVeigh, Timothy J.
SSN/SN: *Confidential*****
Case Reference Number: 2002-204-0963

Thank you for contacting the National Personnel Records Center. The NPRC is the physical custodian of the military records of former members of the U.S. Armed Forces. The Department of the Army retains legal custody of the military record. Therefore, we are referring your inquiry to the Army Reserve Personnel Command (AR-PERSCOM), which has jurisdiction over this matter. We regret that we cannot be of direct assistance; however, you may expect a response from the office shown below.

We have made every effort to assist you within the constraints of our resources. If you have any questions or comments regarding this response, you can reach me by phone at **(314) 538-2191** or by mail at the address shown in the letterhead above, **ATTN: NRPM3-A, Room 3315**. Ensure you include the Case Reference Number listed above. All new requests for information or documents, or requests that pertain to other veterans, must be made in writing to the address shown in the letterhead above. Our web site also includes pertinent phone numbers and a request form.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Snead", written over a horizontal line.

Francis Snead
Archives Technician

Cc: Commander
Army Reserve Personnel Command
ATTN: ARPC-ZCC-B
1 Reserve Way
St. Louis, MO 63132-5200



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF, ARMY RESERVE
WASHINGTON, DC 20310-2400

July 11, 2002

Chief, Army Reserve Staff Group

Ms. Devvy Kidd
P.O. Box 60543
Sacramento, California 95860

Dear Ms. Kidd:

This is in response to your Freedom of Information Act request dated May 28, 2002 for a copy of "Any document or form initiated by Timothy James McVeigh to separate from the Department of the Army when on active duty status. Any document or form initiated by the Department of the Army to separate Timothy James McVeigh for the reasons stated on the attached DD-214, box 28. Copies of all deployment records for the period May 24, 1988 through December 31, 1991. These records should include where he was sent and duration of duty. Any and all documents from Timothy James McVeigh's medical records that document the insertion of a micro-chip, a bio-chip or any other object foreign to the human body that McVeigh received in the U.S. Army. This would include documents for surgical implantation or any other method used. Any and all documents in Timothy James McVeigh's medical records that document any visits, phone calls or correspondence dealing with a Dr. Louis Jolyn (Jolly) West."

Your request has been forwarded to the National Personnel Records Center (NPRC), ATTN: Mrs. Virginia Barrett, 9700 Page Boulevard, St. Louis, Missouri 63132-5100 for a direct response to you. Upon discharge, separation or death from the United States Army, a soldier's record is transferred to the NPRC. The Army Reserve is not authorized to supply the requested documents. Enclosed is a copy of the transfer letter for your information. Should you have further questions about your request please contact NPRC, Mrs. Virginia Barrett, at (314) 538-4222. The NPRC also has a Website that may be useful and the address is <http://www.nara.gov/regional/mpr.html>.

I hope this information has been of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary M. Profit".

Gary M. Profit
Colonel, U.S. Army
Director, Chief, Army Reserve
Staff Group

Enclosures



DEPARTMENT OF THE ARMY
U.S. ARMY RESERVE PERSONNEL COMMAND
1 RESERVE WAY
ST. LOUIS MO 63132-5200



December 20, 2002

Special Inquiries Team

Ms. Devvy Kidd
PO Box 60543
Sacramento, CA 95860-0543

Dear Ms. Kidd:

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This office responded to your previous request on August 9, 2002 and sent a copy of the enclosed order. The remaining documents that you have requested are not available in Mr. Mc Veigh's file maintained at this command.

If you consider my response to be a denial of your request, you may appeal by writing to the Commander, U.S. Army Reserve Personnel Command, Attention: ARPC-ZCC-A, 1 Reserve Way, St. Louis, MO 63132-5200, within 60 days of your receipt of this letter. Your appeal should state the basis of your disagreement. Fees allowable under the Freedom of Information Act are waived. For additional information or assistance, please contact the Special Inquiries Team at (314) 592-0446.

Sincerely,


Wanda Farrow
Case Analyst

Enclosure

13 F

DEPARTMENT OF THE ARMY
U. S. ARMY RESERVE PERSONNEL CENTER
9700 PAGE AVENUE
ST. LOUIS, MO 63132-5200

14 MAY 96

ARPC-SFS-R
ORDERS D-05-642653

MCVEIGH TIMOTHY JAMES
[REDACTED]

SFS-R

[REDACTED] SGT 11H2
USAR CONTROL GROUP (AT)

YOU ARE DISCHARGED FROM THE COMPONENT SHOWN.

AUTHORITY: AR 135-178
EFFECTIVE DATE: 14 MAY 96
COMPONENT: UNITED STATES ARMY RESERVE
TYPE OF DISCHARGE: HONORABLE
ADDITIONAL INSTRUCTIONS: IF RESERVE ID DD FORM 2A (RED) IS IN YOUR POSSESSION
RETURN IT TO THIS HQS, ATTN: ARPC-PAS-EVC. IF YOU HAVE ANY QUESTIONS IN THE
FUTURE ABOUT YOUR MILITARY RECORDS OR YOUR MILITARY SERVICE, ASK THE
NATIONAL PERSONNEL RECORDS CENTER, 9700 PAGE BLVD ST LOUIS MISSOURI
63132-5200 AS YOU NO LONGER HAVE ANY MILITARY STATUS, YOUR RECORDS ARE NO
LONGER HELD BY THE ARMY. REMEMBER TO INCLUDE YOUR FULL NAME, SOCIAL SECURITY
NUMBER AND ALL PREVIOUS SERVICE NUMBERS SO THAT YOUR RECORD CAN BE
POSITIVELY IDENTIFIED. SFSR-10

SUBJECT BEING DISCHARGED ALTHOUGH ASSIGNED TO THIS ORGANIZATION,
IS NOT PRESENT FOR DUTY. DISCHARGE CERTIFICATE AND DISCHARGE ORDERS
ARE BEING MAILED TO LAST KNOWN ADDRESS THIS DATE, 08 July 1996."

FORMAT. 800

• ARPCEN •
• OFFICIAL •

NORMAN S. BRINSLEY
COL, SF
COMMANDING

DISTRIBUTION: HQ

PACKET: 18



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF, ARMY RESERVE
WASHINGTON, DC 20310-2400

July 11, 2002

Chief, Army Reserve Staff Group

National Personnel Records Center
ATTN: Mrs. Virginia Barrett
9700 Page Boulevard
St. Louis, Missouri 63132-5100

Dear Mrs. Barrett:

Enclosed is a Freedom of Information Act request dated May 28, 2002 from Ms. Devvy Kidd for a copy of "Any document or form initiated by the Department of the Army to separate Timothy James McVeigh for the reasons stated on the attached DD-214, box 28. Copies of all deployment records for the period May 24, 1988 through December 31, 1991. These records should include where he was sent and duration of duty. Any and all documents from Timothy James McVeigh's medical records that document the insertion of a micro-chip, a bio-chip or any other object foreign to the human body that McVeigh received in the U.S. Army. This would include documents for surgical implantation or any other method used. Any and all documents in Timothy James McVeigh's medical records that document any visits, phone calls or correspondence dealing with a Dr. Louis Jolyn (Jolly) West."

This request is being transferred to your headquarters for appropriate action and response to Ms. Kidd. Ms. Kidd has been provided a copy of this transfer letter.

Thank you for your assistance in this matter.

Sincerely,

Gary M. Profit
Colonel, U.S. Army
Director, Chief, Army Reserve
Staff Group

Enclosures

1 JOHN K. VINCENT
2 United States Attorney
3 YOSHINORI H. T. HIMEL #66194
4 Assistant U. S. Attorney
5 501 I Street, Suite 10-100
6 Sacramento, California 95814
7 Telephone: (916) 554-2760

8 Attorneys for Defendant

**ORIGINAL
FILED**

MAR 21 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY

DEPUTY CLERK

9 IN THE UNITED STATES DISTRICT COURT FOR THE
10 EASTERN DISTRICT OF CALIFORNIA

11 DEVVY KIDD,

12 Plaintiff,

13 v.

14 DEPARTMENT OF THE ARMY,


15 Defendant.

CIV. S-03-0225-DFL/GGH-PS

**PARTIES' STIPULATION FOR
INITIAL 30-DAY EXTENSION OF
TIME TO RESPOND TO
COMPLAINT**

16
17 The parties hereby stipulate that the DEPARTMENT OF THE ARMY,
18 defendant, shall have an initial extension of 30 days of its time to
19 respond to the complaint filed February 5, 2003. This extension
20 makes the response date April 11, 2003.

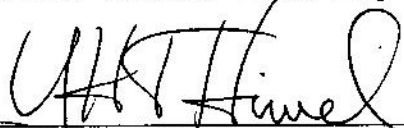
21
22
23 Dated: March 10, 2003


24 DEVVY KIDD
25 Plaintiff Pro Se
26
27
28

1 Dated: March 5, 2003

JOHN K. VINCENT
United States Attorney

2
3
4 By:


YOSHINORI H. T. HIMEL
Assistant U. S. Attorney

1
2 **CERTIFICATE OF SERVICE BY MAIL**

3
4 The undersigned hereby certifies that she is an employee in the
5 Office of the United States Attorney for the Eastern District of
6 California and is a person of such age and discretion to be
7 competent to serve papers.

8 That on March 21, 2003, she served a copy of:

9 **PARTIES' STIPULATION FOR INITIAL 30-DAY**
10 **EXTENSION OF TIME TO RESPOND TO COMPLAINT**

11 by placing said copy in an envelope addressed to the persons
12 hereinafter named, at the places and addresses shown below, which
13 are the last known addresses, and mailing said envelope and contents
14 in the U.S. Mail in Sacramento, California.

15 Addressees:

16 Ms. Devvy Kidd
17 2133 Sherington Way
18 Sacramento, CA 95835
19
20
21
22
23
24
25
26
27
28


PAMELA BEAUVAIS



U.S. Department of Justice

United States Attorney
Eastern District of California

501 I Street, Suite 10-100
Sacramento, California 95814

916/554-2700
Private line 916/554-2760
Fax 916/554-2900

March 5, 2003

Ms. Devvy Kidd
P.O. Box 60543
2133 Sherington Way
Sacramento, CA 95835

Re: Kidd v. Dep't of Army, CIV-S-03-0225-DFL/GGH-PS

Dear Ms. Kidd:

Thank you for your courtesy in agreeing to a 30 day extension of defendant's time to respond to the complaint in the above-referenced lawsuit. Enclosed is the original and one copy of a proposed stipulation for extension. Would you please examine the stipulation. If it is satisfactory, please sign and return it to me for submission to the Court. A business reply envelope is enclosed for your convenience.

Thank you for your cooperation.

Very truly yours,

JOHN K. VINCENT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U.S. Attorney

Enclosure

cc: Maj. Samuel Morris (with enclosure), by fax to 703-696-2532

1 JOHN K. VINCENT
United States Attorney
2 YOSHINORI H. T. HIMEL #66194
Assistant U. S. Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2760

5 Attorneys for Defendant
6
7

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
10


11 DEVVY KIDD,
12 Plaintiff,
13 v.
14 DEPARTMENT OF THE ARMY,
15 Defendant.
16

CIV. S-03-0225-DFL/GGH-PS

**PARTIES' STIPULATION FOR
INITIAL 30-DAY EXTENSION OF
TIME TO RESPOND TO
COMPLAINT**

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18 defendant, shall have an initial extension of 30 days of its time to
19 respond to the complaint filed February 5, 2003. This extension
20 makes the response date April 11, 2003.
21
22

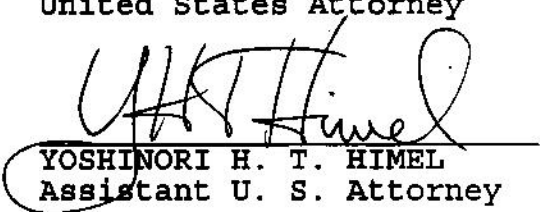
23 Dated: March 10, 2003
24
25
26
27
28


DEVVY KIDD
Plaintiff Pro Se

1 Dated: March 5, 2003

JOHN K. VINCENT
United States Attorney

2
3
4 By:


YOSHINORI H. T. HIMEL
Assistant U. S. Attorney

**ORIGINAL
FILED**

APR 11 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY DEPUTY CLERK

McGREGOR W. SCOTT
United States Attorney
YOSHINORI H. T. HIMEL #66194
Assistant U. S. Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2760

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

DEVVY KIDD,

Plaintiff,

v.

DEPARTMENT OF THE ARMY,

Defendant.

CIV. S-03-0225-DFL/GGH-PS

DEFENDANT'S ANSWER

The DEPARTMENT OF THE ARMY, defendant, answers the complaint filed February 5, 2003, and responds to each complaint paragraph by admitting, denying and averring:

1. Paragraph 1 consists of jurisdictional and legal conclusions and need not be answered. To the extent it contains factual allegations, the allegations are denied. In particular, jurisdiction under the Privacy Act is denied.

2. Venue is not contested.

3. Paragraph 3 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

4. The first sentence of paragraph 4 is admitted. The final two sentence are denied.

1 5. Paragraph 5 is admitted.

2 6. Paragraph 6 is admitted.

3 7. Paragraph 7 is admitted.

4 8. Defendant avers that the next correspondence after the
5 letter dated July 29, 2002 was a letter from defendant dated August
6 9, 2002. Aside therefrom, paragraph 8 is admitted.

7 9. The propositions in paragraph 9 that plaintiff received a
8 letter from defendant dated December 20, 2002, and that plaintiff
9 regards the materials produced as non-responsive to her FOIA
10 request, are admitted.

11 10. Paragraph 10 is admitted.

12 11. The responses to the paragraphs adopted by reference in
13 complaint paragraph 11 are adopted by reference.

14 12. Paragraph 12 consists of legal conclusions requiring no
15 answer. To the extent it contains factual allegations, the
16 allegations are denied.

17 13. Paragraph 13 is denied.

18 A. The material following paragraph 13 is plaintiff's prayer
19 for relief and need not be answered. To the extent that it contains
20 factual allegations, they are denied.

21 B. Any allegation not expressly admitted or denied before this
22 paragraph is denied.

23 AFFIRMATIVE DEFENSES

24 (1) Process service was defective.

25 (2) The complaint fails to state a claim upon which relief can
26 be granted.

27 WHEREFORE, defendant prays that defendant receive judgment,
28 that plaintiff take nothing by the complaint, that the complaint and

1 the action be dismissed, that defendant recover its costs, and that
2 defendant receive any other just relief.

3
4 Dated: April 11, 2003

McGREGOR W. SCOTT
United States Attorney

5
6 By:

YOSHINORI H. T. HIMEL
Assistant U. S. Attorney

NOF

DEPARTMENT OF THE ARMY
U. S. ARMY RESERVE PERSONNEL CENTER
9700 PAGE AVENUE
ST. LOUIS, MO 63132-5200

ARPC-SFS-R
ORDERS D-05-642653

14 MAY 96

MCVEIGH TIMOTHY JAMES
[REDACTED]

SFS-R

[REDACTED] SGT 11H2
USAR CONTROL GROUP (AT)

YOU ARE DISCHARGED FROM THE COMPONENT SHOWN.

AUTHORITY: AR 135-178
EFFECTIVE DATE: 14 MAY 96
COMPONENT: UNITED STATES ARMY RESERVE
TYPE OF DISCHARGE: HONORABLE
ADDITIONAL INSTRUCTIONS: IF RESERVE ID DD FORM 2A (RED) IS IN YOUR POSSESSION
RETURN IT TO THIS HQS, ATTN: ARPC-PAS-EVC. IF YOU HAVE ANY QUESTIONS IN THE
FUTURE ABOUT YOUR MILITARY RECORDS OR YOUR MILITARY SERVICE, ASK THE
NATIONAL PERSONNEL RECORDS CENTER, 9700 PAGE BLVD ST LOUIS MISSOURI
63132-5200. AS YOU NO LONGER HAVE ANY MILITARY STATUS, YOUR RECORDS ARE NO
LONGER HELD BY THE ARMY. REMEMBER TO INCLUDE YOUR FULL NAME, SOCIAL SECURITY
NUMBER AND ALL PREVIOUS SERVICE NUMBERS SO THAT YOUR RECORD CAN BE
POSITIVELY IDENTIFIED. SFSR-10

"SUBJECT BEING DISCHARGED ALTHOUGH ASSIGNED TO THIS ORGANIZATION,
IS NOT PRESENT FOR DUTY. DISCHARGE CERTIFICATE AND DISCHARGE ORDERS
ARE BEING MAILED TO LAST KNOWN ADDRESS THIS DATE, 08 July 1996"

FORMAT: 500

* ARPERCEN *
* OFFICIAL *

NORMAN S. BRINSLEY
COL, SF
COMMANDING

DISTRIBUTION: H2

PACKET: 15

1 MCGREGOR W. SCOTT
United States Attorney
2 YOSHINORI H. T. HIMEL #66194
Assistant U. S. Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2760

5 Attorneys for Defendant
6
7

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
10

11 DEVVY KIDD,

12 Plaintiff,

13 v.

14 DEPARTMENT OF THE ARMY,

15 Defendant.
16

CIV. S-03-0225-DFL/GGH-PS

**PARTIES' JOINT STATUS
REPORT**

17 The parties to the captioned action, in compliance with the
18 Order Requiring Timely Service and Joint Status Report filed
19 February 5, 2003, make their joint status report as follows:

20 (a) Progress in Serving Process: Plaintiff contends that her
21 service of process is good. Defendant contends that plaintiff
22 failed to serve the summons and complaint by certified mail on the
23 Department of the Army at Washington, D.C. and the Attorney General
24 at Washington, D.C., and failed to direct a copy to the Civil
25 Process Clerk at the United States Attorney's Office, as required by
26 Fed. R. Civ. P. 4(i).

27 (b) Possible Joinder of Additional Parties: None suggested.
28

1 (c) Expected or Desired Amendment of Pleadings: None
2 contemplated.

3 (d) Jurisdiction and Venue: Subject matter jurisdiction is
4 under 5 U.S.C. § 552(a)(4)(b). In personam jurisdiction is
5 contested, see (a) above. Venue is not contested.

6 (e) Anticipated Motions and their Scheduling: Defendant
7 contemplates being able to file a FOIA summary judgment motion
8 within 60 days.

9 (f) Report Required by Rule 26 Outlining Discovery Plan and Its
10 Scheduling, Including Disclosure of Expert Witnesses: Defendant has
11 made its Rule 26 disclosures by letter dated May 21, 2003.
12 Defendant plans to use items mentioned in the Rule 26 disclosures as
13 exhibits to a summary judgment motion under Vaughn v. Rosen.
14 Defendant does not contemplate further discovery.

15 (g) Cut-off Dates for Discovery and Law and Motion, and Dates
16 for Pretrial Conference and Trial: See (h) below.

17 (h) Special Procedures: The overwhelming majority of FOIA
18 cases are decided on summary judgment motion. Because of this, it
19 is suggested that the Court schedule a motion filing, see (e) above,
20 but not set the case for pretrial and trial.

21 (i) Estimated Trial Time: Defendant knows of no triable issues
22 of fact.

23 (j) Modification of Standard Pretrial Procedures: See (h)
24 above.

25 (k) Whether the Case Is Related to Any Other Case, Including
26 Bankruptcy: None known.

27 (l) Whether a Settlement Conference Should Be Scheduled: Not
28 recommended.

1 (m) Other Matters: None.

2 Dated: May ____, 2003

3
4 DEVVY KIDD
Plaintiff Pro Se

5 Dated: May 21, 2003

6 McGREGOR W. SCOTT
United States Attorney

7
8 By: 

9 YOSHINORI H. T. HIMEL
Assistant U. S. Attorney



U.S. Department of Justice

United States Attorney
Eastern District of California

501 I Street, Suite 10-100
Sacramento, California 95814

916/554-2700
Private line 916/554-2760
Fax 916/554-2900

May 21, 2003

Ms. Devvy Kidd
P.O. Box 60543
2133 Sherington Way
Sacramento, CA 95835

Re: Kidd v. Dep't of Army, CIV-S-03-0225-DFL/GGH-PS

Dear Ms. Kidd:

Federal Rule of Civil Procedure 26(a)(1) requires each of us to make certain disclosures to the other of us early in the litigation of the case. These required disclosures are as follows:

- (A) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information;
- (B) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;
- (C) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and
- (D) for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Ms. Devvy Kidd
May 21, 2003
Page 2

This letter is intended to supply you with the Rule 26 information coming from defendant. I request that you similarly send me your information in the above categories.

- (A) The following persons are likely to have information that defendant may use to support its defenses:

COL Elton C. Bruce, Commander, U.S. Army Reserve Personnel Command, 1 Reserve Way, St. Louis, MO: Processing of plaintiff's FOIA request.

Wanda Farrow, Case Analyst, U.S. Army Reserve Personnel Command, 1 Reserve Way, St. Louis, MO: Processing of plaintiff's FOIA request.

Eric Voelz, Archivist, Military Operations Branch, National Archives and Records Administration, St. Louis, MO: Existence of records concerning Mr. McVeigh.

- (B) The following documents, present in some version in defendant's records, may be used to support defendant's defenses:

Declaration of Elton C. Bruce

Declaration of Eric Voelz

FOIA correspondence between defendant and you

- (C) Not applicable

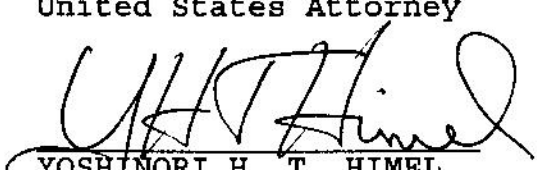
- (D) Not applicable

Thank you for your cooperation.

Very truly yours,

McGREGOR W. SCOTT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U.S. Attorney

cc: MAJ Samuel Morris, by fax to 703-696-2532



U.S. Department of Justice

United States Attorney
Eastern District of California

501 I Street, Suite 10-100
Sacramento, California 95814

916/554-2700
Private line 916/554-2760
Fax 916/554-2900

May 21, 2003

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P.O. Box 60543
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- (A) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information;
- (B) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;
- (C) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and
- (D) for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Ms. Devvy Kidd
May 21, 2003
Page 2

This letter is intended to supply you with the Rule 26 information coming from defendant. I request that you similarly send me your information in the above categories.

- (A) The following persons are likely to have information that defendant may use to support its defenses:

COL Elton C. Bruce, Commander, U.S. Army Reserve Personnel Command, 1 Reserve Way, St. Louis, MO: Processing of plaintiff's FOIA request.

Wanda Farrow, Case Analyst, U.S. Army Reserve Personnel Command, 1 Reserve Way, St. Louis, MO: Processing of plaintiff's FOIA request.

Eric Voelz, Archivist, Military Operations Branch, National Archives and Records Administration, St. Louis, MO: Existence of records concerning Mr. McVeigh.

- (B) The following documents, present in some version in defendant's records, may be used to support defendant's defenses:

Declaration of Elton C. Bruce

Declaration of Eric Voelz

FOIA correspondence between defendant and you

- (C) Not applicable

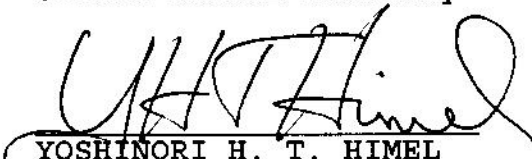
- (D) Not applicable

Thank you for your cooperation.

Very truly yours,

McGREGOR W. SCOTT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U.S. Attorney

cc: MAJ Samuel Morris, by fax to 703-696-2532

1 MCGREGOR W. SCOTT
United States Attorney
2 YOSHINORI H. T. HIMEL #66194
Assistant U. S. Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2760

5 Attorneys for Defendant
6
7

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

10
11 DEVVY KIDD,

12 Plaintiff,

13 v.

14 DEPARTMENT OF THE ARMY,

15 Defendant.
16

CIV. S-03-0225-DFL/GGH-PS

**PARTIES' JOINT STATUS
REPORT**

17 The parties to the captioned action, in compliance with the
18 Order Requiring Timely Service and Joint Status Report filed
19 February 5, 2003, make their joint status report as follows:

20 (a) Progress in Serving Process: Plaintiff contends that her
21 service of process is good. Defendant contends that plaintiff
22 failed to serve the summons and complaint by certified mail on the
23 Department of the Army at Washington, D.C. and the Attorney General
24 at Washington, D.C., and failed to direct a copy to the Civil
25 Process Clerk at the United States Attorney's Office, as required by
26 Fed. R. Civ. P. 4(i).

27 (b) Possible Joinder of Additional Parties: None suggested.
28

1 (c) Expected or Desired Amendment of Pleadings: None
2 contemplated.

3 (d) Jurisdiction and Venue: Subject matter jurisdiction is
4 under 5 U.S.C. § 552(a)(4)(b). In personam jurisdiction is
5 contested, see (a) above. Venue is not contested.

6 (e) Anticipated Motions and their Scheduling: Defendant
7 contemplates being able to file a FOIA summary judgment motion
8 within 60 days.

9 (f) Report Required by Rule 26 Outlining Discovery Plan and Its
10 Scheduling, Including Disclosure of Expert Witnesses: Defendant has
11 made its Rule 26 disclosures by letter dated May 21, 2003.
12 Defendant plans to use items mentioned in the Rule 26 disclosures as
13 exhibits to a summary judgment motion under Vaughn v. Rosen.
14 Defendant does not contemplate further discovery.

15 (g) Cut-off Dates for Discovery and Law and Motion, and Dates
16 for Pretrial Conference and Trial: See (h) below.

17 (h) Special Procedures: The overwhelming majority of FOIA
18 cases are decided on summary judgment motion. Because of this, it
19 is suggested that the Court schedule a motion filing, see (e) above,
20 but not set the case for pretrial and trial.

21 (i) Estimated Trial Time: Defendant knows of no triable issues
22 of fact.

23 (j) Modification of Standard Pretrial Procedures: See (h)
24 above.

25 (k) Whether the Case Is Related to Any Other Case, Including
26 Bankruptcy: None known.

27 (l) Whether a Settlement Conference Should Be Scheduled: Not
28 recommended.

1 (m) Other Matters: None.

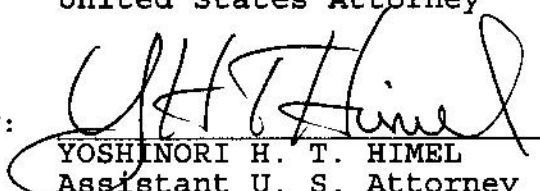
2 Dated: May ____, 2003

3
4 DEVVY KIDD
Plaintiff Pro Se

5 Dated: May 21, 2003

6 MCGREGOR W. SCOTT
United States Attorney

7
8 By:

9 
YOSHINORI H. T. HIMEL
Assistant U. S. Attorney



U.S. Department of Justice

United States Attorney
Eastern District of California

501 I Street, Suite 10-100
Sacramento, California 95814

916/554-2700
Private line 916/554-2760
Fax 916/554-2900

May 21, 2003

Ms. Devvy Kidd
P.O. Box 60543
2133 Sherington Way
Sacramento, CA 95835

Re: Kidd v. Dep't of Army, CIV-S-03-0225-DFL/GGH-PS

Dear Ms. Kidd:

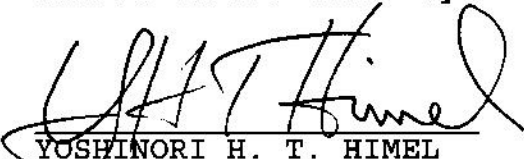
Enclosed please find the original and one copy of a proposed Joint Status Report, due in court by May 27, 2003 according to my calculation under the Order Requiring Timely Service and Joint Status Report filed February 5, 2003. I have signed the proposed joint report. Would you please examine it. If it is satisfactory, please sign and send me the original. The copy is for your files. A business reply envelope is enclosed for your convenience.

Thank you for your cooperation.

Very truly yours,

McGREGOR W. SCOTT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U.S. Attorney

cc: MAJ Samuel Morris, by fax to 703-696-2532



U.S. Department of Justice

United States Attorney
Eastern District of California

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May 21, 2003

Ms. Devvy Kidd
P.O. Box 60543
2133 Sherington Way
Sacramento, CA 95835

Re: Kidd v. Dep't of Army, CIV-S-03-0225-DFL/GGH-PS

Dear Ms. Kidd:

Federal Rule of Civil Procedure 26(a)(1) requires each of us to make certain disclosures to the other of us early in the litigation of the case. These required disclosures are as follows:

- (A) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information;
- (B) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;
- (C) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and
- (D) for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Ms. Devvy Kidd
May 21, 2003
Page 2

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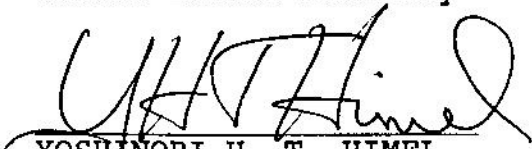
- (D) Not applicable

Thank you for your cooperation.

Very truly yours,

McGREGOR W. SCOTT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U.S. Attorney

cc: MAJ Samuel Morris, by fax to 703-696-2532



U.S. Department of Justice

United States Attorney
Eastern District of California

501 I Street, Suite 10-100
Sacramento, California 95814

916/554-2700
Private line 916/554-2760
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May 27, 2003

?
Ms. Devvy Kidd
P.O. Box 60543
2133 Sherington Way
Sacramento, CA 95835

Re: Kidd v. Dep't of Army, CIV-S-03-0225-DFL/GGH-PS

Dear Ms. Kidd:

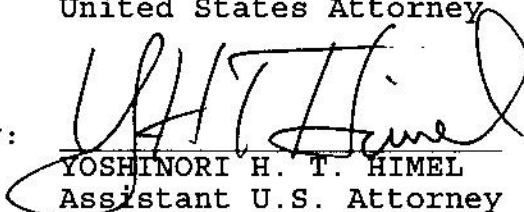
Your letter to me dated May 27, 2003, says you did not receive my letter dated May 21, 2003, containing Fed. R. Civ. P. 26(a)(1) disclosures. Accordingly, enclosed please find a copy of that letter.

Thank you for your attention to this matter.

Very truly yours,

MCGREGOR W. SCOTT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U.S. Attorney

cc: MAJ Samuel Morris, by fax to 703-696-2532