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9 Attorneys for Plaintiff Larry Berman

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

12 LARRY BERMAN,

14 Plaintiff,

15 v.

16 CENTRAL INTELLIGENCE AGENCY,

17 Defendant.

) No. S-04-2699 DFL-DAD

) **NOTICE OF PLAINTIFF LARRY**
) **BERMAN'S CROSS-MOTION FOR**
) **SUMMARY JUDGMENT**

) Date: June 1, 2005
) Time: 10:00 a.m.
) Courtroom: 7 (14th Floor)

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21 TO DEFENDANT CENTRAL INTELLIGENCE AGENCY AND ITS ATTORNEY OF
22 RECORD;

23 PLEASE TAKE NOTICE that on June 1, 2005, at 10:00 a.m., in Courtroom No. 7, before
24 the Honorable David F. Levy, Plaintiff Larry Berman will move, pursuant to Federal Rule of Civil
25 Procedure 56 and Local Rule 56-260, for an order granting summary judgment for Plaintiff in this
26 action.

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1 Plaintiff's cross-motion is brought pursuant to the Freedom of Information Act ("FOIA"),
2 5 U.S.C. § 552 *et seq.*, as amended, and the legal access it grants to agency records, including the
3 records requested by Plaintiff.

4 This cross-motion is based on this Notice, the accompanying Memorandum of Points and
5 Authorities In Support of Plaintiff's Cross-Motion for Summary Judgment and In Opposition to
6 Defendant Central Intelligence Agency's Motion for Summary Judgment, the declarations of Bill
7 Moyers, George Herring, Thomas Blanton and Plaintiff Larry Berman, and the exhibits attached
8 thereto (all of which are attached to Evidence In Support of Plaintiff Larry Berman's Cross-
9 Motion For Summary Judgment And In Opposition To Defendant Central Intelligence Agency's
10 Motion For Summary Judgment), Plaintiff Larry Berman's Separate Statement Of Undisputed
11 Facts, the complaint and complete record in this case; and, any additional evidence and argument
12 that may be presented at the June 1, 2005 hearing.

13 DATED this 2nd day of May, 2005. DAVIS WRIGHT TREMAINE LLP

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15 By: /S/ Thomas R. Burke/Duffy Carolan
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16 The National Security Archive

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18 By: /S/Meredith Fuchs
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19 Attorneys for Plaintiff Larry Berman
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