

SUPERIOR COURT
of the
STATE OF DELAWARE

EFiled: Sep 30 2016 04:35PM EDT
Transaction ID 59636279
Case No. N16A-02-006 RRC



Richard R. Cooch
RESIDENT JUDGE

NEW CASTLE COUNTY COURTHOUSE
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September 30, 2016

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*RE: Rudenberg v. Delaware Department of Justice,
The Chief Deputy Attorney General and the Delaware
Department of Safety and Homeland Security,
Division of State Police
C.A. No.: N16A-02-006 RRC*

Dear Counsel:

This letter memorializes the teleconference convened by me today in the above case.

The United States Department of Justice filed a "Statement of Interest of the United States" on September 28, 2016 pursuant to 28 U.S.C. § 517 in this case. That Statement was accompanied *inter alia* by a "Declaration of Russell D. Hanson," apparently a Supervisory Special Agent with the Federal Bureau of Investigation. That Declaration proffers facts not otherwise in the record.

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CIVIL FRONT COUNTER
2016 SEP 30 PM 2:45

Rudenberg v. Delaware Department of Justice, et. al.,
NI6A-02-006
September 30, 2016

Counsel and the Court agreed, that prior to oral argument in the case, the Court should resolve the following preliminary issues raised by the filing by the United States:

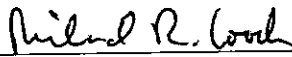
1. Whether the Court can or should consider new facts raised in the Declaration of Russell D. Hanson;
2. Whether Appellant may, as Appellant requested in the teleconference, take discovery in connection with the facts proffered by the declarant, including the possible deposition of the declarant. The nature and extent of any discovery requested needs to be specifically identified by Appellant; and
3. Whether, in light of the Declaration of Russell D. Hanson, this statement and Declaration can and/or ought to be remanded to the Chief Deputy Attorney General for further consideration by her, since Attorney General Opinion No. 15-IB14 issued by her on December 29, 2015 constitutes the basis for the instant Freedom of Information Act appeal.

Accordingly, Appellant will submit a letter memorandum addressing these issues on or before October 12. The State will submit its letter memorandum responding to Appellant's letter memorandum and otherwise addressing the above issues on or before October 31.

The Court will decide the above preliminary issues before holding oral argument on the underlying appeal.

The oral argument that had been scheduled for October 5, 2016 is indefinitely postponed.

Very Truly Yours,


Richard R. Cooch

RRC/jac
cc: Prothonotary's Office