

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

STEVEN J. HATFILL, M.D.,)	
)	
Plaintiff,)	Case No. 1:03-CV-01793 (RBW)
)	
v.)	
)	
MICHAEL MUKASEY)	
ATTORNEY GENERAL, et al.,)	
)	
Defendants.)	
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NON-PARTY JAMES STEWART’S MOTION FOR RECONSIDERATION

Pursuant to Fed. R. Civ. P. 54(b), non-party James Stewart, by his undersigned counsel, hereby moves for reconsideration of the Court’s Order dated August 13, 2007 (Dkt. 201) (“Order”). Such reconsideration is appropriate under Rule 54(b)’s “flexible standard,” which permits the Court to revisit non-final decisions “as justice requires.” *Radtke v. Caschetta*, No. 06-2031, 2007 WL 2071700, *2 (D.D.C. July 17, 2007); *Cobell v. Norton*, 224 F.R.D. 266, 272 (D.D.C. 2004).

In this case, intervening developments – including both the identification and depositions of three former employees of the defendant agencies who had been confidential sources of one or more of the non-party journalists previously deposed in this case and new controlling legal authority from the D.C. Circuit governing civil actions brought under the Privacy Act, *Sussman v. United States Marshals Serv.*, 494 F.3d 1106, 1123 (D.C. Cir. 2007) – warrant the Court’s reconsideration of its conclusion that, because “the names of . . . sources are central to [plaintiff’s] case,” Mr. Stewart’s qualified First Amendment privilege to protect the identities of

