

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:99-cv-03107-JR**

PHYSICIANS COMM, et al v. GLICKMAN, et al
Assigned to: Judge James Robertson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 11/23/1999
Date Terminated: 09/30/2000
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff

**PHYSICIANS COMMITTEE FOR
RESPONSIBLE MEDICINE**

represented by **Eric Robert Glitzenstein**
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LEAD ATTORNEY
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RESPONSIBLE MEDICINE
Chief Legal Counset, Legal
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V.

Defendant

DAN GLICKMAN
Secretary, Department of Agriculture

represented by **Meredith Manning**
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Defendant

DONNA SHALALA
*Secretary, Department of Health and
Human Services*

Plaintiff

**BLACK VEGETARIAN SOCIETY
OF GEORGIAA**

represented by **Eric Robert Glitzenstein**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mindy S. Kursban
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

ECE ACADEMY

represented by **Eric Robert Glitzenstein**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mindy S. Kursban
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**NEW APPROACH HEALTH
FOODS, INCORPORATED**

represented by **Eric Robert Glitzenstein**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mindy S. Kursban
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Plaintiff

MALCAH YEHUDAH

represented by **Eric Robert Glitzenstein**
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LEAD ATTORNEY
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Mindy S. Kursban
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Plaintiff

AIMEE ARTIGLIERE

represented by **Eric Robert Glitzenstein**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mindy S. Kursban
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Plaintiff

WILLIAM OWENS

State Senator

represented by **Eric Robert Glitzenstein**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mindy S. Kursban
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

DIANNE WILKERSON

State Senator

represented by **Eric Robert Glitzenstein**
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Mindy S. Kursban
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V.

Defendant

CUTBERTO GARZA

represented by **Meredith Manning**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/23/1999	1	COMPLAINT filed by plaintiff PHYSICIANS COMM (jaw) (Entered: 11/29/1999)
11/23/1999	2	RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff PHYSICIANS COMM (jaw) (Entered: 11/29/1999)
11/23/1999		SUMMONS (4) issued to federal party(s) federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA , and U.S. Attorney and U.S. Attorney General. (jaw) (Entered: 11/29/1999)
12/09/1999	3	MOTION filed by plaintiff PHYSICIANS COMM for Mindy S. Kursban to appear pro hac vice (PHYSICIANS COMMITTEE FOR RESPONSIBLE MEDICINE, 5100 Wisconsin Avenue, NW, Suite 404, Washington, DC 20016, (202) 686-2210) ; declaration (1) (tb) (Entered: 12/10/1999)
12/13/1999	5	(ENTERED IN ERROR)ORDER by Judge James Robertson: allowing defendants' counsel to review dossier and adoption files for the years 1997 and 1998 on a limited basis; directing that after the examination of documents, the Court to consider further argument on whether any document contained in the files should be produced, either in whole or redacted form, and whether defendants shall be entitled to access to further adoption files. (N) (jeb) Modified on 12/14/1999 (Entered: 12/14/1999)
12/13/1999	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 12/8/99 upon federal defendant DAN GLICKMAN (tb) Modified on 01/11/2000 (Entered: 12/15/1999)
12/13/1999	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 11/26/99 upon federal defendant DONNA SHALALA (tb) Modified on 01/11/2000 (Entered: 12/15/1999)
12/13/1999	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 11/26/99 (tb) Modified on 01/11/2000 (Entered: 12/15/1999)
12/14/1999	4	ORDER by Judge James Robertson : granting motion for Mindy S. Kursban to appear pro hac vice (PHYSICIANS COMMITTEE FOR RESPONSIBLE MEDICINE, 5100 Wisconsin Avenue, NW, Suite 404, Washington, DC 20016, (202) 686-2210) [3-1] by PHYSICIANS COMM (N) (jeb) (Entered: 12/14/1999)
12/15/1999	9	AMENDED COMPLAINT (VERIFIED) by plaintiff PHYSICIANS COMM adding plaintiff BLACK VEGETARIAN/GA, ECE ACADEMY, NEW APPROACH HEALTH, MALCAH YEHUDAH, AIMEE ARTIGLIERE, WILLIAM - OWENS, DIANNE WILKERSON, defendant CUTBERTO GARZA, and amending complaint [1-1] . (tb) (Entered: 12/16/1999)
12/21/1999	10	MOTION (UNOPPOSED) filed by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA to extend time to 01/07/00 to answer amended complaint [9-1] (tb) (Entered: 12/21/1999)
12/21/1999	11	ATTORNEY APPEARANCE for federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA by Meredith Manning (tb) (Entered: 12/21/1999)

12/23/1999	12	ORDER by Judge James Robertson : granting motion to extend time to 01/07/00 to answer amended complaint [9-1] [10-1] by DONNA SHALALA, DAN GLICKMAN ; Answer extended to 1/7/00 for CUTBERTO GARZA, for DONNA SHALALA, for DAN GLICKMAN (N) (jeb) (Entered: 12/23/1999)
01/03/2000	15	RETURN OF SERVICE/AFFIDAVIT of summons and verified amended complaint executed on 12/17/99 upon defendant CUTBERTO GARZA(tb) Modified on 01/11/2000 (Entered: 01/11/2000)
01/03/2000	16	RETURN OF SERVICE/AFFIDAVIT of summons and verified amended complaint executed upon U.S. Attorney on 11/23/99 (tb) (Entered: 01/11/2000)
01/07/2000	13	MOTION (PARTIAL) filed by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA, defendant CUTBERTO GARZA to dismiss complaint [1-1] ; exhibits (3) (tb) (Entered: 01/10/2000)
01/07/2000	14	ANSWER (PARTIAL) TO COMPLAINT [1-1] by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA . (tb) (Entered: 01/10/2000)
01/14/2000	17	ORDER by Judge James Robertson : defendant's dispositive motions or a report setting forth the schedule according to which it will complete its production of documents to plaintiff due within 30 days of the date of this order<date not set> ; (N) (jeb) (Entered: 01/14/2000)
01/19/2000	18	MOTION filed by plaintiff for temporary restraining order , and for preliminary injunction , and request for hearing ; exhibits (19) (cjp) (Entered: 01/20/2000)
01/20/2000	25	ORDER by Judge James Robertson : denying motion for temporary restraining order [18-1] by plaintiffs; motion hearing set for 10:00 1/28/00 ; (N) (jeb) (Entered: 02/11/2000)
01/21/2000	19	MOTION (CONSENT) filed by plaintiffs to extend time to 1/25/00 to file response to defendant's motion to dismiss (tb) Modified on 01/22/2000 (Entered: 01/22/2000)
01/27/2000	20	ORDER by Judge James Robertson : granting consent motion to extend time to 1/25/00 to file response to defendant's motion to dismiss [19-1] by plaintiffs. (N) (mlp) (Entered: 01/27/2000)
01/27/2000	21	RESPONSE by plaintiffs in opposition to motion to dismiss complaint [1-1] [13-1] by CUTBERTO GARZA, DONNA SHALALA, DAN GLICKMAN . (tb) (Entered: 01/29/2000)
01/27/2000	22	RESPONSE by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA in opposition to motion for temporary restraining order [18-1] by plaintiffs; exhibits (8) (tb) (Entered: 01/29/2000)
01/28/2000		MOTION HEARING before Judge James Robertson denied motion for preliminary injunction [18-2] by plaintiffs, granted motion request for hearing [18-3] by plaintiffs. Memorandum will be issued by the Court. Reporter: Dennis Dinkel (mlp) (Entered: 01/28/2000)

02/02/2000	23	REPLY by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA, defendant CUTBERTO GARZA to motion to dismiss complaint [1-1] [13-1] by CUTBERTO GARZA, DONNA SHALALA, DAN GLICKMAN (tb) (Entered: 02/03/2000)
02/10/2000	24	MOTION filed by plaintiff for partial dismissal of count I of the verified amended complaint [9-1] (tb) (Entered: 02/11/2000)
02/14/2000	26	MOTION filed by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA for summary judgment ; exhibits (19) (tb) (Entered: 02/15/2000)
02/14/2000	27	STATUS REPORT by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA (tb) (Entered: 02/15/2000)
02/25/2000	28	MOTION (UNOPPOSED) filed by plaintiff to extend time to 3/13/00 to file response to defendant's motion for summary judgment and for defendants to file their reply (tb) Modified on 02/28/2000 (Entered: 02/28/2000)
02/28/2000	29	ORDER by Judge James Robertson: granting unopposed motion to extend time to 3/13/00 to file response to defendant's motion for summary judgment and for defendants to file their reply [28-1] by plaintiffs; response to motion for summary judgment due 3/13/00; reply to motion for summary judgment due by 3/31/00. (N) (mlp) (Entered: 02/28/2000)
03/10/2000	30	SUPPLEMENTAL MEMORANDUM by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA, defendant CUTBERTO GARZA to motion to dismiss complaint [1-1] [13-1] by CUTBERTO GARZA, DONNA SHALALA, DAN GLICKMAN; declaration (1); exhibits (7) (tb) (Entered: 03/14/2000)
03/13/2000	31	MOTION (UNOPPOSED) filed by plaintiff to extend time to 3/16/00 to file a response to defendants' motion for summary judgment (tb) (Entered: 03/14/2000)
03/16/2000	32	ORDER by Judge James Robertson: granting unopposed motion to extend time to 3/16/00 to file a response to defendants' motion for summary judgment [31-1] by plaintiffs; response to motion for summary judgment due 3/16/00. (N) (mlp) (Entered: 03/16/2000)
03/16/2000	33	CROSS MOTION by plaintiff PHYSICIANS COMM, plaintiff BLACK VEGETARIAN/GA, plaintiff ECE ACADEMY, plaintiff NEW APPROACH HEALTH, plaintiff MALCAH YEHUDAH, plaintiff AIMEE ARTIGLIERE, plaintiff WILLIAM OWENS, plaintiff DIANNE WILKERSON for partial summary judgment ; declaration (1); attachments (31) (tw) (Entered: 03/17/2000)
03/31/2000	34	RESPONSE by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA in opposition to cross motion for partial summary judgment [33-1] by plaintiffs ; declaration (1) (bjsp) (Entered: 04/03/2000)
03/31/2000	35	REPLY by federal defendant DAN GLICKMAN, federal defendant DONNA SHALALA to plaintiffs' opposition to motion for summary judgment [26-1] by DONNA SHALALA, DAN GLICKMAN (bjsp) (Entered: 04/03/2000)

04/12/2000	36	REPLY by plaintiff PHYSICIANS COMM to cross motion for partial summary judgment [33-1] by plaintiffs; exhibits (3) (tb) (Entered: 04/13/2000)
04/28/2000	37	NOTICE OF FILING DECLARATION of Senator Dianne Wilkerson by plaintiffs as an attachment to Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Cross Motion for Summary Judgment, filed on 4/12/00; Attachment (1) (tth) (Entered: 05/01/2000)
07/14/2000		SCHEDULING NOTICE: summary judgment hearing set for 10:00 8/30/00 before Judge James Robertson in Courtroom 16. (N) (mlp) (Entered: 07/14/2000)
07/19/2000		SCHEDULING NOTICE: summary judgment hearing reset for 10:00 9/6/00 before Judge James Robertson in Courtroom 16. (N) (mlp) (Entered: 07/19/2000)
09/06/2000		MOTION HEARING before Judge James Robertson: taken under advisement by plaintiffs, cross motion for partial summary judgment [33-1], taken under advisement by DONNA SHALALA, DAN GLICKMAN motion for summary judgment [26-1], taken under advisement by plaintiffs, motion for partial dismissal of count I of the verified amended complaint [9-1] [24-1], taken under advisement by CUTBERTO GARZA, DONNA SHALALA, DAN GLICKMAN motion to dismiss complaint [1-1] [13-1]. Reporter: Dennis Dinkel (mlp) (Entered: 09/07/2000)
09/30/2000	38	MEMORANDUM by Judge James Robertson. (N) (N) (mlp) (Entered: 09/30/2000)
09/30/2000	39	ORDER by Judge James Robertson : granting in part, denying in part cross motion for partial summary judgment [33-1], denying motion for summary judgment [26-1] by DONNA SHALALA, DAN GLICKMAN, granting motion for dismissal of count I of the verified amended complaint [9-1] [24-1] by plaintiffs, granting in part, denying in part motion to dismiss count II of the complaint [1-1] [13-1]; the defendants have violated the Federal Advisory Committee Act, 5 U.S.C. App. II 10(b) by failing to disclose all required Dietary Guidelines Advisory Committee documents in a timely manner. (N) (mlp) (Entered: 09/30/2000)
10/12/2000	40	JOINT MOTION by plaintiffs, federal defendants, defendants to extend time to 12/8/00 for plaintiff's to file application for attorney's fees and stay the release of documents (ag) (Entered: 10/13/2000)
10/23/2000	41	ORDER by Judge James Robertson: granting joint motion to extend time to 12/8/00 for plaintiff's to file application for attorney's fees and stay the release of documents [40-1]; defts. shall release documents to pltfs. by 12/8/00 if no appeal is filed before that date. (N) (mlp) (Entered: 10/24/2000)
12/07/2000	43	MOTION (CONSENT) filed by plaintiff to extend time to 2/6/01 for plaintiffs to file application for attorneys' fees (cas) (Entered: 12/12/2000)
12/08/2000	42	ORDER by Judge James Robertson: granting pltfs.' motion to enlarge time until 2/6/01 to file application for attorneys fees. (N) (mlp) (Entered: 12/08/2000)

01/30/2001	44	STIPULATION OF SETTLEMENT approved by Judge James Robertson: defts. have released, with unchallenged redactions, to pltfs. all records concerning the work of the Dietary Guidelines Advisory Committee that pltfs. seek in this action; defts. shall pay pltfs.' attorneys fees and costs in the amount of \$25,000.00. (N) (mlp) (Entered: 01/30/2001)
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