

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:99-cv-02276-ESH**

MALLINCKRODT, INC. v. WEST
Assigned to: Judge Ellen S. Huvelle
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 08/26/1999
Date Terminated: 06/22/2000
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff

MALLINCKRODT, INC.

represented by **Douglas B. Farquhar**
HYMAN, PHELPS & MCNAMARA,
P.C.
700 13th Street, NW
Suite 1200
Washington, DC 20005-5929
(202) 737-9624
Fax: (202) 737-9329
Email: dbf@hpm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

TOGO D. WEST, JR.
Secretary, Department of Veterans
Affairs

represented by **Fred Elmore Haynes**
U.S. ATTORNEY'S OFFICE
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2550
Email: fred.haynes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth Leonard Wainstein
CADWALADER, WICKERSHAM &
TAFT, LLP
700 Sixth Street, NW
Washington, DC 20001
(202) 862-2474
Fax: (202) 862-2400
Email: ken.wainstein@cwt.com
LEAD ATTORNEY

Mark E. Nagle
MARRIOTT VACATIONS
WORLDWIDE CORPORATION
Vice Presidents & Assistant General
Counsel
6649 Westwood Boulevard
Orlando, FL 32821
(407) 529-2587
Fax: (407) 206-6420
Email: mark.nagle@mwwc.com
LEAD ATTORNEY

Date Filed	#	Docket Text
08/26/1999	1	COMPLAINT filed by plaintiff MALLINCKRODT, INC. (dam) (Entered: 08/27/1999)
08/26/1999		SUMMONS (3) issued to federal party(s) federal defendant TOGO WEST, and non-parties: U.S. Attorney and U.S. Attorney General. (dam) (Entered: 08/27/1999)
08/26/1999	2	RULE 26(a)(1) DISCLOSURE STATEMENT filed by plaintiff MALLINCKRODT, INC. (dam) (Entered: 08/27/1999)
08/26/1999	3	MOTION filed by plaintiff MALLINCKRODT, INC. for leave to file Application for Temporary Restraining Order under seal ; (EXHIBIT, APPLICATION FOR TRO FILED UNDER SEAL) (dam) Modified on 01/18/2000 (Entered: 08/27/1999)
08/26/1999	4	ORDER by Judge Ricardo M. Urbina : directing defendnat not to disclose certain information; plaintiff shall not be required to post bond (N) (dcn) (Entered: 08/27/1999)
08/30/1999	5	ORDER by Judge Henry H. Kennedy : granting motion for leave to file Application for Temporary Restraining Order under seal [3-1] by MALLINCKRODT, INC. (N) (dcn) (Entered: 08/31/1999)

08/31/1999		SCHEDULING NOTICE: motion hearing set for 10:00 9/14/99 ; before Judge Henry H. Kennedy . (dcn) (Entered: 08/31/1999)
09/02/1999	6	NOTICE OF FILING DECLARATION of Mark Osterman by plaintiff MALLINCKRODT , INC.(FILED UNDER SEAL) (lkn) (Entered: 09/09/1999)
09/03/1999	9	NOTICE OF FILING RE: (UNREDACTED) statements of points and authorities in support of plaintiff motion for preliminary injunction unseal by plaintiff MALLINCKRODT , INC. (tb) Modified on 09/29/1999 (Entered: 09/29/1999)
09/07/1999	11	NOTICE OF FILING RE: (REDACTED) statement of points and authorities in support of plaintiff's motion for preliminary injunction by plaintiff MALLINCKRODT , INC. (tb) (Entered: 09/29/1999)
09/07/1999		Text not available. (Entered: 09/29/1999)
09/07/1999	12	MEMORANDUM (REDACTED) by plaintiff MALLINCKRODT , INC. in support of motion for preliminary injunction [10-1] by MALLINCKRODT , INC.; exhibits (7) (tb) Modified on 09/29/1999 (Entered: 09/29/1999)
09/10/1999	7	JOINT MOTION by plaintiff MALLINCKRODT , INC., federal defendant TOGO WEST to consolidate the preliminary injunction hearing with the final hearing on the merits (tb) (Entered: 09/13/1999)
09/13/1999	8	ORDER by Judge Henry H. Kennedy : granting joint motion to consolidate the preliminary injunction hearing with the final hearing on the merits [7-1] by TOGO WEST , MALLINCKRODT , INC. motion for summary judgment due 10/15/99 ; cross motions due 10/29/99 ; response to motion for summary judgment due 10/29/99 reply motion for summary judgment due 11/12/99 ; (N) (dcn) (Entered: 09/13/1999)
09/29/1999	10	MOTION filed by plaintiff MALLINCKRODT , INC. for preliminary injunction ; (UNREDACTED P&A FILED UNDER SEAL) (tb) Modified on 10/26/1999 (Entered: 09/29/1999)
10/08/1999	13	MOTION (CONSENT) filed by federal defendant TOGO WEST to extend time to 11/4/99 to file motion for summary judgment (tb) (Entered: 10/08/1999)
10/12/1999	14	JOINT STIPULATION filed and fiated by Judge Henry H. Kennedy regarding filing of records under seal. (N) (dam) (Entered: 10/13/1999)
10/15/1999	15	ORDER by Judge James Robertson for Judge Henry H. Kennedy : granting motion to extend time to 11/4/99 to file motion for summary judgment [13-1] by TOGO WEST cross motions due by 11/18/99 ; to cross motions due by 12/2/99 ; reply to cross motions by 12/9/99 ; motion for summary judgment due by 11/4/99 ; response to motion for summary judgment due 11/18/99 ; to motion for summary judgment due by 12/2/99 ; (N) (jeb) (Entered: 10/18/1999)
10/25/1999	16	AMENDED COMPLAINT by plaintiff MALLINCKRODT , INC., amending complaint for permanent injunction and declaratory judgment. (tb) (Entered: 10/26/1999)

11/04/1999	17	MOTION filed by plaintiff MALLINCKRODT, INC. to extend time on consent (lkn) (Entered: 11/05/1999)
11/08/1999	18	MOTION (CONSENT) filed by federal defendant TOGO WEST to extend time to 11/10/99 to answer amended complaint complaint [16-1] (tb) (Entered: 11/09/1999)
11/08/1999	19	ORDER by Judge Henry H. Kennedy : granting motion to extend time on consent [17-1] by MALLINCKRODT, INC. motion for summary judgment due by 11/10/99 ; response to motion for summary judgment due 11/24/99 ; cross motions due by 11/24/99 ; response to cross motions due by 12/8/99 ; reply to cross motions due by 12/15/99 ; reply to motion for summary judgment due by 12/8/99 ; (N) (dcn) (Entered: 11/10/1999)
11/10/1999	21	MOTION filed by federal defendant TOGO D. WEST JR. to extend time to 11/15/99 to file motion for summary judgement and administrative record (tb) (Entered: 11/15/1999)
11/12/1999	20	ORDER by Judge Henry H. Kennedy : granting motion to extend time to 11/10/99 to answer amended complaint complaint [16-1] [18-1] by TOGO D. WEST JR. (N) (dcn) (Entered: 11/12/1999)
11/15/1999	22	ORDER by Judge Henry H. Kennedy : granting motion to extend time to 11/15/99 to file motion for summary judgement and administrative record [21-1] by TOGO D. WEST JR. motion for summary judgment due by 11/15/99 ; cross motions due by 11/29/99 ; response to cross motions due by 12/13/99 ; response to motion for summary judgment due 11/29/99 ; (N) (dcn) (Entered: 11/16/1999)
11/15/1999	23	MOTION filed by federal defendant TOGO D. WEST JR. to extend time to 11/15/99 to file motion for summary judgment (tb) (Entered: 11/16/1999)
11/16/1999	24	ANSWER TO AMENDED COMPLAINT [16-1] by federal defendant TOGO D. WEST JR. (tb) (Entered: 11/17/1999)
11/16/1999	25	MOTION filed by federal defendant TOGO D. WEST JR. for summary judgment (tb) (Entered: 11/17/1999)
11/17/1999	26	ORDER by Judge Henry H. Kennedy : granting motion to extend time to 11/15/99 to file motion for summary judgment [23-1] by TOGO D. WEST JR. motion for summary judgment due by 11/16/99 ; cross motions due by 11/30/99 ; response to motion for summary judgment due 11/30/99 ; response to cross motions due by 12/14/99 ; reply to motion for summary judgment due by 12/21/99 ; (N) (dcn) (Entered: 11/18/1999)
11/24/1999	27	CONSENT MOTION filed by plaintiff MALLINCKRODT, INC. to extend time to 12/6/99 for filing cross-motion for summary judgment and opposition to motion for summary judgment (dcn) (Entered: 11/24/1999)
11/30/1999	28	ORDER by Judge Henry H. Kennedy : granting motion to extend time to 12/6/99 for filing cross-motion for summary judgment and opposition to motion for summary judgment [27-1] by MALLINCKRODT, INC. cross motions due by 12/6/99 ; response to cross motions due by 12/20/99 ; reply to cross motions due by 12/27/99 ; (N) (dcn) (Entered: 11/30/1999)
12/03/1999	29	ADMINISTRATIVE RECORD (REVISED) by federal defendant TOGO D. WEST JR.; (FILED UNDER SEAL) (tb) (Entered: 12/06/1999)

12/06/1999	30	NOTICE OF FILING RE: filing of consolidated statement of points and authorities in support of plaintiff's cross-motion for summary judgment and in opposition to defendant's motion for summary judgment, and plaintiff notice of filing supplemental record under seal by plaintiff; (FILED UNDER SEAL) MALLINCKRODT, INC. (tb) (Entered: 12/07/1999)
12/06/1999	33	MEMORANDUM by plaintiff MALLINCKRODT, INC. in support of cross motion for summary judgment [31-1] by MALLINCKRODT, INC.; (FILED UNDER SEAL) (tb) (Entered: 12/09/1999)
12/06/1999	34	MEMORANDUM by plaintiff MALLINCKRODT, INC. in opposition to motion for summary judgment [25-1] by TOGO D. WEST JR.; (FILED UNDER SEAL) (tb) (Entered: 12/09/1999)
12/07/1999	31	CROSS MOTIONS by plaintiff MALLINCKRODT, INC. for summary judgment (tb) (Entered: 12/08/1999)
12/07/1999	32	NOTICE OF FILING SUPPLEMENTAL RECORD by plaintiff MALLINCKRODT, INC. (tb) (Entered: 12/08/1999)
12/20/1999	35	MOTION filed by federal defendant TOGO D. WEST JR. to extend time to 1/7/00 to file opposition and reply (tb) (Entered: 12/21/1999)
12/21/1999	36	NOTICE OF FILING RE: filing of redacted revised administrative record by plaintiff MALLINCKRODT, INC.; attachment (tb) (Entered: 12/21/1999)
12/22/1999		REASSIGNMENT OF CIVIL CASE from Judge Kennedy to Judge Ellen S. Huvelle by direction of the Calendar Committee. Emergency matters will continue to be handled by Judge Kennedy until Judge Huvelle takes the oath of office. (N) (jeb) (Entered: 12/22/1999)
12/22/1999	37	MEMORANDUM by federal defendant TOGO D. WEST JR. in opposition to cross motion for summary judgment [31-1] by MALLINCKRODT, INC. (tth) (Entered: 12/28/1999)
12/22/1999	38	REPLY by plaintiff MALLINCKRODT, INC. to response to motion for summary judgment [25-1] by TOGO D. WEST JR. (tth) (Entered: 12/28/1999)
12/23/1999	39	MEMORANDUM by federal defendant TOGO D. WEST JR. in opposition to cross motion for summary judgment [31-1] by MALLINCKRODT, INC. (jf) (Entered: 01/02/2000)
12/23/1999	40	REPLY by federal defendant TOGO D. WEST JR. in support of motion for summary judgment [25-1] (jf) (Entered: 01/02/2000)
12/27/1999	43	ORDER by Judge Henry H. Kennedy: granting motion to extend time to 12/22/99 for the defendant to file opposition to plaintiff's cross-motion for summary judgment and his reply in support of his motion; and plaintiff will file its reply memorandum by 1/7/00 [35-1] by TOGO D. WEST JR. (N) (gdf) (Entered: 01/07/2000)
01/03/2000	41	MOTION (CONSENT) filed by plaintiff MALLINCKRODT, INC. to extend time to file reply in support of cross motion for summary judgment (tb) (Entered: 01/04/2000)
01/05/2000	42	RESPONSE by plaintiff MALLINCKRODT, INC. to motion for summary judgment [25-1] by TOGO D. WEST JR. (tb) (Entered: 01/06/2000)

01/10/2000	44	ERRATA RE: exhibit to defendant's opposition to plaintiff's motion for summary judgment filed on 12/22/99 by federal defendant TOGO D. WEST JR.; exhibit (1) (tb) (Entered: 01/10/2000)
01/10/2000	45	ORDER by Judge Henry H. Kennedy : granting motion to extend time to file reply in support of cross motion for summary judgment [41-1] by MALLINCKRODT, INC. reply to cross motions due by 1/14/00 ; (N) (dcn) Modified on 08/29/2003 (Entered: 01/11/2000)
01/14/2000	46	REPLY (REDACTED) by plaintiff MALLINCKRODT, INC. in support of cross motion for summary judgment [31-1] by MALLINCKRODT, INC. (tb) Modified on 01/18/2000 (Entered: 01/18/2000)
01/14/2000	47	REPLY by plaintiff MALLINCKRODT, INC. in support of cross motion for summary judgment [31-1] by MALLINCKRODT, INC.; (FILED UNDER SEAL) (tb) Modified on 01/18/2000 (Entered: 01/18/2000)
06/22/2000	48	MEMORANDUM OPINION by Judge Ellen S. Huvelle (N) (gdf) (Entered: 06/25/2000)
06/22/2000	49	ORDER by Judge Ellen S. Huvelle: granting cross motion for summary judgment [31-1] by MALLINCKRODT, INC., denying motion for summary judgment [25-1] by TOGO D. WEST JR., denying as moot motion for preliminary injunction [10-1] by MALLINCKRODT, INC. (N) (gdf) (Entered: 06/25/2000)
07/03/2000	50	MOTION filed by plaintiff MALLINCKRODT, INC. to amend judgment of 6/22/00 [49-1] (cjp) (Entered: 07/05/2000)
07/17/2000	51	MOTION (CONSENT) filed by federal defendant TOGO D. WEST JR. to extend time to respond to plaintiff's motion for amendment of judgment (jf) (Entered: 07/18/2000)
07/17/2000	52	AMENED ORDER by Judge Ellen S. Huvelle: granting planitiff's motion for summary judgment; denying defendant's motion for summary judgment; denying the motion for preliminary injunction; that the defendant and any of his agents, employees, or representative be and hereby are, permanently enjoined from disclosing the contents of Blanket Purchase Agreement No. BPA (VISN 15)-1-98 in response to Nycomed's FOIA request, which is dated 1/30/98. (N) (gdf) (Entered: 07/18/2000)
07/18/2000	53	ORDER by Judge Ellen S. Huvelle: denying as moot motion to extend time to respond to plaintiff's motion for amendment of judgment [51-1] by TOGO D. WEST JR, since the court has already ruled on plaintiff's motion for amendment of judgment. (N) (gdf) (Entered: 07/19/2000)
09/15/2000	54	NOTICE OF APPEAL by federal defendant TOGO D. WEST JR. from order [52-1], order [49-1] , entered on: 6/25/00 & 7/18/00; NO FEES PAID GOVT; Copies mailed to plaintiff and defendant (cjp) (Entered: 09/18/2000)
09/18/2000		TRANSMITTED PRELIMINARY RECORD on appeal [54-1] by TOGO D. WEST JR. to U.S. Court of Appeals (cjp) (Entered: 09/18/2000)
09/26/2000		USCA # 00-5330 assigned for appeal [54-1] by TOGO D. WEST JR. (cjp) (Entered: 09/26/2000)

12/19/2002	55	CERTIFIED COPY of docket sheet filed in USCA dated 12/12/00, on appeal [54-1] , dismissing appeal . USCA # 00-5330 (cjp) (Entered: 12/19/2002)
------------	----	--