

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:96-cv-02722-JR**

PHILADELPHIA NEWSP., et al v. DEPT. HEALTH &
HUMAN
Assigned to: Judge James Robertson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 12/09/1996
Date Terminated: 08/06/1999
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff

**PHILADELPHIA NEWSPAPERS,
INC.**

represented by **Eleanor Huske Smith**
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Plaintiff

DANIEL RUBIN

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V.

Defendant

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HUMAN SERVICES**

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Date Filed	#	Docket Text
12/09/1996	1	COMPLAINT filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN (jeb) (Entered: 12/13/1996)
12/09/1996	2	RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff PHILADELPHIA NEWSP. (jeb) (Entered: 12/13/1996)

12/09/1996		SUMMONS (3) issued to federal party(s) federal defendant DEPT. HEALTH & HUMAN , and non-parties: U.S. Attorney and U.S. Attorney General. (jeb) (Entered: 12/13/1996)
01/06/1997	3	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 12/9/96 (JMF) (Entered: 01/08/1997)
01/08/1997	5	ATTORNEY APPEARANCE for federal defendant DEPT. HEALTH & HUMAN by Darya Geetter (JMF) (Entered: 01/17/1997)
01/08/1997	6	ANSWER TO COMPLAINT [1-1] by federal defendant DEPT. HEALTH & HUMAN . (JMF) (Entered: 01/17/1997)
01/13/1997	4	ORDER by Judge James Robertson : Meet Confer hearing set for 9:30 1/24/97 . (N) (jeb) (Entered: 01/13/1997)
01/23/1997	7	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN, federal defendant DEPT. HEALTH & HUMAN . (JMF) (Entered: 01/24/1997)
01/24/1997		MEET AND CONFER STATUS HEARING before Judge James Robertson : Reporter: Unreported (jeb) (Entered: 01/24/1997)
01/27/1997	8	ORDER by Judge James Robertson : directing defendants to file its Vaughn Index and any dispositive motion within 30 days from this order. (N) (jeb) (Entered: 01/27/1997)
02/20/1997	9	SUBSTITUTION OF COUNSEL for federal defendant DEPT. HEALTH & HUMAN , substituting Benjamin R. Barnett for attorney Darya Geetter for DEPT. HEALTH & HUMAN (JMF) (Entered: 02/21/1997)
02/20/1997	10	MOTION filed by federal defendant DEPT. HEALTH & HUMAN to extend time to twenty-one days in which to file its Vaughn Index and dispositive motion (JMF) (Entered: 02/21/1997)
02/21/1997	11	RESPONSE by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN in opposition to motion to extend time to twenty-one days in which to file its Vaughn Index and dispositive motion [10-1] by DEPT. HEALTH & HUMAN .; exhibits (2) (JMF) (Entered: 02/24/1997)
02/24/1997	12	REPLY by federal defendant DEPT. HEALTH & HUMAN to response to motion to extend time to twenty-one days in which to file its Vaughn Index and dispositive motion [10-1] (JMF) (Entered: 02/25/1997)
03/12/1997	13	MOTION filed by federal defendant DEPT. HEALTH & HUMAN for leave to file material under seal and for in camera and ex parte inspection (JMF) (Entered: 03/13/1997)
03/14/1997	14	RESPONSE by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN in opposition to motion for leave to file material under seal and for in camera and ex parte inspection [13-1] by DEPT. HEALTH & HUMAN .; attachments (1) (JMF) (Entered: 03/17/1997)
03/17/1997	15	REPLY by federal defendant DEPT. HEALTH & HUMAN to plaintiffs' opposition to motion for leave to file material under seal and for in camera and ex parte inspection [13-1] (JMF) (Entered: 03/18/1997)
03/17/1997	16	MOTION filed by federal defendant DEPT. HEALTH & HUMAN for summary judgment ; exhibits (3) (JMF) (Entered: 03/18/1997)

03/21/1997	17	ERRATA by federal defendant DEPT. HEALTH & HUMAN of original declarations exhibits 1 and 3 to its Public Memorandum Supporting its Motion for Summary Judgment (JMF) (Entered: 03/24/1997)
03/25/1997	18	ORDER by Judge James Robertson : granting motion for leave to file material under seal and for in camera and ex parte inspection [13-1] by DEPT. HEALTH & HUMAN; directing that the material be filed forthwith; directing that this ruling is without prejudice to plaintiffs' continuing insistence upon the preparation of a public Vaughn index. (N) (jeb) (Entered: 03/25/1997)
03/25/1997	19	MOTION filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN to extend time to 4/7/97 to respond to defendant's motion for summary judgment (JMF) (Entered: 03/26/1997)
03/27/1997	20	ORDER by Judge James Robertson : granting motion to extend time to 4/7/97 to respond to defendant's motion for summary judgment [19-1] by DANIEL RUBIN, PHILADELPHIA NEWSP.; defendant's reply to response of plaintiff to motion for summary judgment of defendant due by 4/21/97 ; (N) (jeb) (Entered: 03/27/1997)
03/31/1997	21	NOTICE OF FILING by federal defendant DEPT. HEALTH & HUMAN pursuant to Court's order of March 25, 1997 hereby provides notice of its filing under seal and in camera (JMF) (Entered: 04/01/1997)
04/07/1997	22	MOTION filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN to compel defendant to file a vaughn index , and to strike materials filed under seal [21-1] , and to extend time to respond to defendant's motion for summary judgment ; exhibits (5) (JMF) (Entered: 04/08/1997)
04/21/1997	23	RESPONSE (CONSOLIDATED) by federal defendant DEPT. HEALTH & HUMAN in opposition to motion to compel defendant to file a vaughn index [22-1], motion to strike materials filed under seal [21-1] [22-2] , motion to extend time to respond to defendant's motion for summary judgment [22-3] by DANIEL RUBIN, PHILADELPHIA NEWSP. . (JMF) (Entered: 04/22/1997)
05/01/1997	24	REPLY by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN in support of motion to compel defendant to file a Vaughn index [22-1] by DANIEL RUBIN, PHILADELPHIA NEWSP., motion to strike materials filed under seal [21-1] [22-2] by DANIEL RUBIN, PHILADELPHIA NEWSP., motion to extend time to respond to defendant's motion for summary judgment [22-3] by DANIEL RUBIN, PHILADELPHIA NEWSP.; Exhibits (3) (dbw) (Entered: 05/02/1997)
05/07/1997	25	MOTION filed by federal defendant DEPT. HEALTH & HUMAN for leave to file surreply opposing plaintiffs' motion to compel filing of a vaughn index, motion to strike materials filed under seal, and motion for extension of time ; EXHIBIT (surreply) (JMF) (Entered: 05/08/1997)
05/15/1997	26	MOTION filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN for leave to file surreply :EXHIBIT (Surreply). (lkn) (Entered: 05/16/1997)
09/26/1997	27	NOTICE OF FILING by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN of new article; exhibits (2) (JMF) (Entered: 10/01/1997)

11/10/1997	28	NOTICE OF FILING by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN of article from Washington Post of October 31, 1997 (JMF) (Entered: 11/12/1997)
12/16/1997	29	ORDER by Judge James Robertson : denying motion to compel defendant to file a vaughn index [22-1] by DANIEL RUBIN, PHILADELPHIA NEWSP., denying motion for summary judgment [16-1] by DEPT. HEALTH & HUMAN (N) (mlp) (Entered: 12/22/1997)
03/10/1998		SCHEDULING NOTICE: status hearing set for 10:00 3/20/98 ; before Judge James Robertson Courtroom 16, 6th Floor. (jeb) (Entered: 03/10/1998)
03/20/1998		STATUS HEARING before Judge James Robertson: Reporter: Jon Hundley, Miller Reporting (jeb) (Entered: 03/23/1998)
03/23/1998	30	ORDER by Judge James Robertson: directing the defendant to file a Vaughn Index within 30 days; directing that upon receipt of certain documents and a Vaughn Index, plaintiffs' counsel to move for other or further relief (N) (jeb) (Entered: 03/23/1998)
04/24/1998	31	TRANSCRIPT filed for status conference held on date(s) of March 20, 1998. Reporter: Jon Hundley (JMF) (Entered: 04/27/1998)
05/13/1998	32	VAUGHN INDEX by federal defendant DEPT. HEALTH & HUMAN (JMF) (Entered: 05/14/1998)
05/18/1998	33	NOTICE OF FILING by federal defendant DEPT. HEALTH & HUMAN of revised Vaughn index (lkn) (Entered: 05/19/1998)
07/20/1998	34	ORDER by Judge James Robertson : directing either party to to show cause why complaint should not be dismissed for want of prosecution [1-1] by DANIEL RUBIN, PHILADELPHIA NEWSP. , and response to show cause due 7/30/98 ; (N) (jeb) (Entered: 07/20/1998)
07/23/1998	35	RESPONSE by plaintiff PHILADELPHIA NEWSP. to order directing either party to to show cause why complaint should not be dismissed for want of prosecution [1-1] by DANIEL RUBIN, PHILADELPHIA NEWSP. [34-1]; exhibits (5) (JMF) (Entered: 07/30/1998)
08/17/1998	36	SUBSTITUTION OF COUNSEL for federal defendant DEPT. HEALTH & HUMAN , substituting Roderick Lynn Thomas for attorney Benjamin R. Barnett for DEPT. HEALTH & HUMAN (tw) (Entered: 08/18/1998)
08/21/1998	37	RESPONSE by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN (SUPPLEMENTAL) to order directing either party to to show cause why complaint should not be dismissed for want of prosecution [1-1] [34-1]; exhibits (6) (JMF) (Entered: 08/25/1998)
09/04/1998	38	MOTION filed by federal defendant DEPT. HEALTH & HUMAN to extend time to file a response to plaintiff's supplemental response to Order to Show Cause (lkn) (Entered: 09/08/1998)
09/08/1998	39	REPLY by federal defendant DEPT. HEALTH & HUMAN to response order [37-1] by DANIEL RUBIN, PHILADELPHIA NEWSP.; exhibits (3) (tb) Modified on 09/09/1998 (Entered: 09/09/1998)

09/10/1998	40	ORDER by Judge James Robertson : granting motion to extend time to file a response to plaintiff's supplemental response to Order to Show Cause [38-1] by DEPT . HEALTH & HUMAN extending time to 9/8/98 (N) (jeb) (Entered: 09/10/1998)
09/18/1998	41	REPLY by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN to defendant's response regarding the order to show cause [39-1]; exhibits (5) (JMF) (Entered: 09/21/1998)
10/07/1998	42	ORDER by Judge James Robertson : defendant's dispositive motions due 10/23/98 ; directing that no extensions will be granted. (N) (jeb) (Entered: 10/07/1998)
10/21/1998	43	MOTION (RENEWED) filed by federal defendant DEPT . HEALTH & HUMAN for summary judgment ; exhibits (4) (JMF) (Entered: 10/22/1998)
11/02/1998	44	STIPULATED ORDER by Judge James Robertson : plaintiffs' response to defendant's renewed motion for summary judgment due 11/25/98 (N) (jeb) (Entered: 11/02/1998)
11/19/1998	45	MOTION (UNOPPOSED) filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN to extend time to 12/11/98 to respond to defendant's motion for summary judgment (lkn) (Entered: 11/20/1998)
11/20/1998	46	ORDER by Judge James Robertson : granting motion to extend time to 12/11/98 to respond to defendant's motion for summary judgment [45-1] by DANIEL RUBIN, PHILADELPHIA NEWSP. (N) (jeb) (Entered: 11/20/1998)
12/09/1998	47	MOTION (UNOPPOSED) filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN to extend time to 12/18/98 (lkn) (Entered: 12/10/1998)
12/10/1998	48	ORDER by Judge Thomas F. Hogan for Judge James Robertson : granting motion to extend time to 12/18/98 [47-1] by DANIEL RUBIN, PHILADELPHIA (N) (jeb) Modified on 12/10/1998 (Entered: 12/10/1998)
12/18/1998	49	CROSS MOTIONS by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN for summary judgment ; exhibits (49) (jf) (Entered: 12/28/1998)
12/29/1998	50	MOTION filed by federal defendant DEPT . HEALTH & HUMAN to extend time to 2/1/99 to file opposition to plaintiff's cross-motion for summary judgment and reply in further support of motion for summary judgment (jf) (Entered: 12/30/1998)
12/29/1998	51	SUBSTITUTION OF COUNSEL for federal defendant DEPT . HEALTH & HUMAN , substituting Brian J. Sonfield for attorney Roderick Lynn Thomas (jf) (Entered: 12/30/1998)
01/07/1999		ORDER, nunc pro tunc, by Judge James Robertson, granting plaintiff's unopposed motion for an extension of time; response to motion for summary judgment due 12/18/98. (fiat) (N) (mlp) (Entered: 01/07/1999)
01/07/1999	52	ORDER by Judge James Robertson : granting motion to extend time to 2/1/99 to file opposition to plaintiff's cross-motion for summary judgment and reply in further support of motion for summary judgment [50-1] by DEPT . HEALTH & HUMAN; response to cross-motion for summary judgment is due by 2/1/99; reply to motion for summary judgment is due by 2/1/99. (N) (mlp) (Entered: 01/07/1999)

02/01/1999	53	REPLY by federal defendant DEPT. HEALTH & HUMAN in support of motion for summary judgment [43-1]; attachments (1) (jf) (Entered: 02/02/1999)
02/11/1999	54	REPLY by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN in support of cross motion for summary judgment [49-1] by DANIEL RUBIN, PHILADELPHIA NEWSP. (lkn) (Entered: 02/12/1999)
02/11/1999	55	RESPONSE by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN in opposition to motion for summary judgment [43-1] by DEPT. HEALTH & HUMAN . (lkn) (Entered: 02/12/1999)
08/06/1999	56	MEMORANDUM OPINION by Judge James Robertson (N) (mlp) (Entered: 08/06/1999)
08/06/1999	57	ORDER by Judge James Robertson : granting in part, denying in part cross motion for summary judgment [49-1]; granting in part, denying in part motion for summary judgment [43-1]; directing deft. to conduct a further review of the 25 documents it has withheld and release additional documents, or portions of documents, in accordance with the rulings set forth in the memorandum opinion dated 8/6/99. (N) (mlp) Modified on 03/06/2000 (Entered: 08/06/1999)
08/19/1999	58	MOTION (UNOPPOSED) filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN to extend time to 10/28/99 to submit motion for attorneys' fees and costs (lkn) (Entered: 08/20/1999)
08/20/1999	59	ORDER by Judge Colleen Kollar-Kotelly for Judge James Robertson : granting motion to extend time to 10/28/99 to submit motion for attorneys' fees and costs [58-1] by DANIEL RUBIN, PHILADELPHIA NEWSP. (N) (mlp) (Entered: 08/20/1999)
09/29/1999	60	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN, federal defendant DEPT. HEALTH & HUMAN . (tb) (Entered: 09/30/1999)
10/05/1999	61	NOTICE OF APPEAL by federal defendant DEPT. HEALTH & HUMAN from order [57-1] , entered on: August 06, 1999. No fee paid; U.S. Gov't. Copies mailed to Stephen H. Glickman and Brian J. Sonfield. (jf) (Entered: 10/06/1999)
10/06/1999		TRANSMITTED PRELIMINARY RECORD on appeal [61-1] by DEPT. HEALTH & HUMAN to U.S. Court of Appeals (jf) (Entered: 10/06/1999)
10/13/1999		USCA # 99-5335 assigned for appeal [61-1] by DEPT. HEALTH & HUMAN (jf) (Entered: 10/14/1999)
10/28/1999	62	MOTION (UNOPPOSED) filed by plaintiff PHILADELPHIA NEWSP., plaintiff DANIEL RUBIN to extend time to file petition for an award of attorneys' fees and costs (lkn) (Entered: 10/29/1999)
11/02/1999	63	ORDER by Judge James Robertson : granting motion to extend time to file petition for an award of attorneys' fees and costs [62-1] by DANIEL RUBIN, PHILADELPHIA NEWSP.; extending time until and including 30 days after the plaintiffs' receipt of the decision of the USCA for DC as to defendant's appeal of this Court's order, dated 8/6/99. (N) (jeb) (Entered: 11/02/1999)

