

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:19-cv-00876-TNM**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES  
Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/27/2019  
Date Terminated: 03/12/2021  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**JUDICIAL WATCH, INC.**

represented by **Meredith Leigh Di Liberto**  
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V.

**Defendant**

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

represented by **Kristin Brudy-Everett**  
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*TERMINATED: 05/15/2020*  
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Date Filed	#	Docket Text
03/27/2019	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 400 receipt number 0090-6025105) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. Attorney, # <u>3</u> Summons U.S. Attorney General, # <u>4</u> Summons U.S. Department of Health and Human Services)(Orfanedes, Paul) (Entered: 03/27/2019)
03/27/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Orfanedes, Paul) (Entered: 03/27/2019)
03/27/2019		Case Assigned to Judge Trevor N. McFadden. (zef, ) (Entered: 03/27/2019)
03/27/2019	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 03/27/2019)
03/28/2019	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 03/28/2019. (lctnm2) (Entered: 03/28/2019)
04/02/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/1/2019. ( Answer due for ALL FEDERAL DEFENDANTS by 5/1/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/1/2019., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 4/1/2019 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Orfanedes, Paul) (Entered: 04/02/2019)
05/01/2019	<u>6</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Clark, Denise) (Entered: 05/01/2019)
05/01/2019		MINUTE ORDER. Before the Court are a Complaint and an Answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the Joint Status Report on or before June 3, 2019. Signed by Judge Trevor N. McFadden on 05/1/2019. (lctnm2) (Entered: 05/01/2019)
05/01/2019		Set/Reset Deadlines: Joint Status Report due by 6/3/2019. (hmc) (Entered: 05/01/2019)
05/31/2019	<u>7</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 05/31/2019)
06/04/2019		MINUTE ORDER. Upon considering the parties' <u>7</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before August 2, 2019. The Joint Status Report should inform the Court about the Defendant's processing of the Plaintiff's request and how the parties wish to proceed in this matter. Signed by Judge Trevor N. McFadden on 06/04/2019. (lctnm2) (Entered: 06/04/2019)
06/04/2019		Set/Reset Deadlines: Joint Status Report due by 8/2/2019. (hmc) (Entered: 06/04/2019)
08/02/2019	<u>8</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Clark, Denise) (Entered: 08/02/2019)

08/05/2019		MINUTE ORDER. Upon consideration of <u>8</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report on or before October 2, 2019. Signed by Judge Trevor N. McFadden on 8/5/2019. (lctnm1) (Entered: 08/05/2019)
08/05/2019		Set/Reset Deadlines: Joint Status Report due by 10/2/2019. (hmc) (Entered: 08/05/2019)
10/02/2019	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Clark, Denise) (Entered: 10/02/2019)
10/02/2019		MINUTE ORDER. Upon consideration of <u>9</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report on or before February 3, 2020. Signed by Judge Trevor N. McFadden on 10/2/2019. (lctnm2) (Entered: 10/02/2019)
10/03/2019		Set/Reset Deadlines: Joint Status Report due by 2/3/2020. (hmc) (Entered: 10/03/2019)
11/27/2019	<u>10</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Michelle D. Jackson on behalf of All Defendants Substituting for attorney Denise M. Clark (Jackson, Michelle) (Entered: 11/27/2019)
02/03/2020	<u>11</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Orfanedes, Paul) (Entered: 02/03/2020)
02/03/2020		MINUTE ORDER. Upon consideration of the <u>11</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report on or before April 6, 2020. It is further ORDERED that the parties shall appear for a status conference on April 10, 2020, at 10:00 a.m. in Courtroom 2, before Judge Trevor N. McFadden. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/3/2020. (lctnm2) (Entered: 02/03/2020)
02/04/2020		Set/Reset Deadlines/Hearings: Joint Status Report due by 4/6/2020. Status Conference set for 4/10/2020 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 02/04/2020)
03/26/2020		MINUTE ORDER. It is hereby ORDERED that the status conference scheduled for April 10, 2020, is VACATED. A joint status report remains due on or before April 6, 2020. The status report should inform the Court of any remaining disputes between the parties and propose a briefing schedule, if necessary. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/26/2020. (lctnm2) (Entered: 03/26/2020)
04/06/2020	<u>12</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 04/06/2020)
04/07/2020		MINUTE ORDER. Upon consideration of the <u>12</u> Joint Status Report, it is hereby ORDERED that the parties shall adhere to the following briefing schedule. Defendant shall file its motion for summary judgment on or before July 6, 2020. Plaintiff shall file its combined opposition and cross-motion for summary judgment on or before August 5, 2020. Defendant shall file its combined reply and opposition on or before August 19, 2020. Plaintiff shall file its reply, if any, on or before September 2, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/7/2020. (lctnm2) (Entered: 04/07/2020)
04/07/2020		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 7/6/2020. Plaintiff's Opposition and Cross Motion due by 8/5/2020. Defendant's reply and opposition due by 8/19/2020. Plaintiff's reply due by 9/2/2020. (zhmc) (Entered: 04/07/2020)
05/15/2020	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kristin Brudy-Everett on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Michelle D. Jackson (Brudy-Everett, Kristin) (Entered: 05/15/2020)
07/02/2020	<u>14</u>	Consent MOTION to Amend/Correct <i>Briefing Schedule</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Brudy-Everett, Kristin) (Entered: 07/02/2020)
07/06/2020		MINUTE ORDER granting Defendant's <u>14</u> Consent Motion to Amend Briefing Schedule. The summary judgment briefing schedule is adjusted as follows: Defendant's motion for summary judgment is due on or before July 13, 2020. Plaintiff's combined opposition and cross-motion for summary judgment is due on or

		before August 12, 2020. Defendant's combined reply and opposition is due on or before August 26, 2020. Plaintiff's reply, if any, is due on or before September 9, 2020. The Court directs the parties' attention to Paragraph 9(A) of the Court's <u>4</u> Standing Order, which states that "[m]otions for extensions of time... must be filed at least four business days prior to the first affected deadline." Any future motions for extension that fail to comply with this requirement may be denied. And further requests for extension of time will be disfavored. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/6/2020. (lctnm2) (Entered: 07/06/2020)
07/06/2020		Set/Reset Deadlines: Defendant's motion for summary judgment due by 7/13/2020. Plaintiff's combined opposition and cross-motion for summary judgment due by 8/12/2020. Defendant's combined reply and opposition due by 8/26/2020. Plaintiff's reply due by 9/9/2020. (hmc) (Entered: 07/06/2020)
07/13/2020	<u>15</u>	MOTION for Summary Judgment <i>and Statement of Facts</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Declaration of Katherine Uhl, # <u>2</u> Exhibit 1-7, # <u>3</u> Declaration of Gorka Garcia-Malene, # <u>4</u> Exhibit 1-5, # <u>5</u> Declaration of Howard R. Philips, # <u>6</u> Exhibit 1, # <u>7</u> Text of Proposed Order)(Brudy-Everett, Kristin) (Entered: 07/13/2020)
08/11/2020	<u>16</u>	Memorandum in opposition to re <u>15</u> MOTION for Summary Judgment <i>and Statement of Facts</i> filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Declaration (With Exhibits 1-12), # <u>2</u> Text of Proposed Order)(Orfanedes, Paul) (Entered: 08/11/2020)
08/11/2020	<u>17</u>	Cross MOTION for Summary Judgment by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Declaration (With Exhibits 1-12), # <u>2</u> Text of Proposed Order)(Orfanedes, Paul) (Entered: 08/11/2020)
08/12/2020	<u>18</u>	NOTICE of Appearance by Meredith Leigh Di Liberto on behalf of JUDICIAL WATCH, INC. (Di Liberto, Meredith) (Entered: 08/12/2020)
08/19/2020	<u>19</u>	Consent MOTION to Amend/Correct <i>Briefing Schedule</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Brudy-Everett, Kristin) (Entered: 08/19/2020)
08/19/2020		MINUTE ORDER granting Defendant's <u>14</u> Consent Motion to Amend Briefing Schedule. Defendant shall file its combined reply and opposition on or before September 9, 2020. Plaintiff shall file its reply, if any, on or before September 23, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/19/2020. (lctnm2) (Entered: 08/19/2020)
08/20/2020		Set/Reset Deadlines: Defendant's combined reply and opposition due by 9/9/2020. Plaintiff's reply due by 9/23/2020. (hmc) (Entered: 08/20/2020)
09/09/2020	<u>20</u>	Memorandum in opposition to re <u>17</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit A - Supplemental Declaration of Howard R. Philips, # <u>3</u> Text of Proposed Order)(Brudy-Everett, Kristin) (Entered: 09/09/2020)
09/09/2020	<u>21</u>	REPLY to opposition to motion re <u>17</u> Cross MOTION for Summary Judgment ( <i>same as ECF 20</i> ) filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit A - Supplemental Declaration of Howard R. Philips, # <u>3</u> Text of Proposed Order)(Brudy-Everett, Kristin) (Entered: 09/09/2020)
09/23/2020	<u>22</u>	REPLY to opposition to motion re <u>17</u> Cross MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Declaration (Supplemental) of Meredith Di Liberto)(Di Liberto, Meredith) (Entered: 09/23/2020)
10/16/2020	<u>23</u>	MOTION to Amend/Correct <i>Correct the Record</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Brudy-Everett, Kristin) (Entered: 10/16/2020)
10/19/2020	<u>24</u>	Memorandum in opposition to re <u>23</u> MOTION to Amend/Correct <i>Correct the Record</i> filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 10/19/2020)
03/11/2021	<u>25</u>	MEMORANDUM OPINION re Defendant's <u>15</u> Motion for Summary Judgment, Plaintiff's <u>17</u> Cross Motion for Summary Judgment, and Defendant's <u>23</u> Motion to

		Correct the Record. Signed by Judge Trevor N. McFadden on 3/11/2021. (lctnm2) (Entered: 03/11/2021)
03/11/2021	<u>26</u>	ORDER. For the reasons stated in <u>25</u> Memorandum Opinion, Defendant's <u>15</u> Motion for Summary Judgment is DENIED, Plaintiff's <u>17</u> Cross Motion for Summary Judgment is GRANTED, and Defendant's <u>23</u> Motion to Correct the Record is DENIED. Signed by Judge Trevor N. McFadden on 3/11/2021. (lctnm2) (Entered: 03/11/2021)