

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-00566-BAH**

NEW YORK TIMES COMPANY v. DEFENSE HEALTH
AGENCY et al
Assigned to: Chief Judge Beryl A. Howell
Cause: 05:552 Freedom of Information Act

Date Filed: 03/03/2021
Date Terminated: 07/06/2021
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

NEW YORK TIMES COMPANY

represented by **Alexandra Settelmayer**
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V.

Defendant

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Defendant

**DEPARTMENT OF HEALTH AND
 HUMAN SERVICES**

represented by **Elizabeth J. Shapiro**
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ATTORNEY TO BE NOTICED

Jordan Landrum von Bokern
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/03/2021	<u>1</u>	COMPLAINT against All Defendants <i>Defense Health Agency and Department of Health and Human Services</i> (Filing fee \$ 402 receipt number ADCDC-8272179) filed by The New York Times Company. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Summons to Defense Health Agency, # <u>3</u> Summons Summons to Department of Health and Human Services)(McCraw, David) (Entered: 03/03/2021)
03/03/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by The New York Times Company (McCraw, David) (Entered: 03/03/2021)
03/03/2021	<u>3</u>	NOTICE of Appearance by Dana R. Green on behalf of The New York Times Company (Green, Dana) (Entered: 03/03/2021)
03/04/2021		Case Assigned to Chief Judge Beryl A. Howell. (adh,) (Entered: 03/04/2021)
03/04/2021	<u>4</u>	SUMMONS (2) Issued Electronically as to DEFENSE HEALTH AGENCY, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 03/04/2021)
03/04/2021	<u>5</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on March 4, 2021. (lcbah2) (Entered: 03/04/2021)
03/04/2021	<u>6</u>	CERTIFICATE OF SERVICE by NEW YORK TIMES COMPANY <i>for Summons and Complaint</i> . (McCraw, David) (Entered: 03/04/2021)
03/08/2021		NOTICE OF ERROR re <u>6</u> Certificate of Service; emailed to mccraw@nytimes.com, cc'd 2 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. FYI: Please refile using correct Summons Returned Executed Event. (zeg,) (Entered: 03/08/2021)
03/11/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/4/2021. Answer due for ALL FEDERAL DEFENDANTS by 4/3/2021. (McCraw, David) (Entered: 03/11/2021)
03/11/2021	<u>8</u>	MOTION for Preliminary Injunction by NEW YORK TIMES COMPANY. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(McCraw, David) (Entered: 03/11/2021)
03/11/2021	<u>9</u>	AFFIDAVIT re <u>8</u> MOTION for Preliminary Injunction <i>Declaration of David E. McCraw</i> by NEW YORK TIMES COMPANY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(McCraw, David) (Entered: 03/11/2021)
03/11/2021		MINUTE ORDER (paperless) DIRECTING the parties to confer and jointly submit to the Court, by 2:00 PM on March 12, 2021, a proposed schedule for briefing on plaintiff's <u>8</u> Motion for Preliminary Injunction. Signed by Chief Judge Beryl A. Howell on March 11, 2021. (lcbah2) (Entered: 03/11/2021)

03/11/2021	<u>10</u>	CERTIFICATE OF SERVICE by NEW YORK TIMES COMPANY for Plaintiff's Motion for a Preliminary Injunction and accompanying papers. (McCraw, David) (Entered: 03/11/2021)
03/11/2021		Set/Reset Deadlines: Response to Order of the Court due by 2:00 PM on 3/12/2021. (ztg) (Entered: 03/11/2021)
03/12/2021	<u>11</u>	NOTICE of Appearance by Jordan Landrum von Bokern on behalf of DEFENSE HEALTH AGENCY, DEPARTMENT OF HEALTH AND HUMAN SERVICES (von Bokern, Jordan) (Entered: 03/12/2021)
03/12/2021	<u>12</u>	Joint STATUS REPORT regarding proposed schedule for briefing on Plaintiff's Motion for Preliminary Injunction by NEW YORK TIMES COMPANY. (McCraw, David) (Entered: 03/12/2021)
03/15/2021		MINUTE ORDER (paperless) ISSUING, in light of the parties' <u>12</u> Joint Status Report, the following SCHEDULING ORDER: (1) by March 25, 2021, defendants shall file their opposition to plaintiff's <u>8</u> Motion for Preliminary Injunction; (2) by April 1, 2021, plaintiff shall file its reply in support of its <u>8</u> Motion for Preliminary Injunction. Signed by Chief Judge Beryl A. Howell on March 12, 2021. (lcbah2) (Entered: 03/15/2021)
03/15/2021		Set/Reset Deadlines: Opposition to Motion for Preliminary Injunction due by 3/25/2021; reply due by 4/1/2021. (ztg) (Entered: 03/15/2021)
03/25/2021	<u>13</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of All Defendants (Shapiro, Elizabeth) (Entered: 03/25/2021)
03/25/2021	<u>14</u>	RESPONSE re <u>8</u> MOTION for Preliminary Injunction filed by DEFENSE HEALTH AGENCY, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit A – Declaration of Brandon Gaylord, # <u>2</u> Exhibit B – Declaration of John Boyer)(von Bokern, Jordan) (Entered: 03/25/2021)
04/01/2021	<u>15</u>	REPLY to opposition to motion re <u>8</u> MOTION for Preliminary Injunction filed by NEW YORK TIMES COMPANY. (McCraw, David) (Entered: 04/01/2021)
04/01/2021	<u>16</u>	AFFIDAVIT re <u>15</u> Reply to opposition to Motion Declaration of Alexandra M. Settlemayer by NEW YORK TIMES COMPANY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(McCraw, David) (Entered: 04/01/2021)
04/05/2021	<u>17</u>	ANSWER to Complaint by DEFENSE HEALTH AGENCY, DEPARTMENT OF HEALTH AND HUMAN SERVICES.(von Bokern, Jordan) (Entered: 04/05/2021)
04/08/2021	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Alexandra M. Settlemayer, Filing fee \$ 100, receipt number ADCDC–8360588. Fee Status: Fee Paid. by NEW YORK TIMES COMPANY. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Green, Dana) (Entered: 04/08/2021)
04/08/2021	<u>19</u>	NOTICE of Correction by DEFENSE HEALTH AGENCY, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Declaration Second Declaration of Brandon Gaylord)(von Bokern, Jordan) (Entered: 04/08/2021)
04/09/2021		MINUTE ORDER (paperless) GRANTING plaintiff's <u>18</u> Motion for Admission Pro Hac Vice of Alexandra M. Settlemayer, Esq. Ms. Settlemayer may enter an appearance pro hac vice for the purpose of representing the plaintiff in this action. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions. Signed by Chief Judge Beryl A. How ell on April 8, 2021. (lcbah2) (Entered: 04/09/2021)
04/25/2021	<u>20</u>	ORDER DENYING plaintiff's <u>8</u> Motion for a Preliminary Injunction. See Order for further details. Signed by Chief Judge Beryl A. Howell on April 25, 2021. (lcbah2) (Entered: 04/25/2021)

04/25/2021	<u>21</u>	MEMORANDUM OPINION regarding plaintiff's <u>8</u> Motion for a Preliminary Injunction. Signed by Chief Judge Beryl A. Howell on April 25, 2021. (lcbah2) (Entered: 04/25/2021)
04/26/2021		Set/Reset Deadlines: Joint Status Report due by 4/30/2021. (ztg) (Entered: 04/26/2021)
04/30/2021	<u>22</u>	Joint STATUS REPORT by DEFENSE HEALTH AGENCY, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (von Bokern, Jordan) (Entered: 04/30/2021)
04/30/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>22</u> Joint Status Report, the parties to file, by June 1, 2021, a joint status report advising the Court of the status of this matter, whether any disputes remain between the parties and, if so, proposing a schedule to govern further proceedings in this matter. Signed by Chief Judge Beryl A. Howell on April 30, 2021. (lcbah2) (Entered: 04/30/2021)
04/30/2021		Set/Reset Deadlines: Joint Status Report due by 6/1/2021. (ztg) (Entered: 04/30/2021)
05/03/2021	<u>23</u>	NOTICE of Appearance by Alexandra Settlemayer on behalf of NEW YORK TIMES COMPANY (Settlemayer, Alexandra) (Entered: 05/03/2021)
06/01/2021	<u>24</u>	Joint STATUS REPORT by DEFENSE HEALTH AGENCY, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (von Bokern, Jordan) (Entered: 06/01/2021)
06/01/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>24</u> Joint Status Report, the parties to file, by July 1, 2021, a joint status report advising the Court of the status of this matter, whether any disputes remain between the parties and, if so, proposing a schedule to govern further proceedings in this matter. Signed by Chief Judge Beryl A. Howell on June 1, 2021. (lcbah2) (Entered: 06/01/2021)
06/02/2021		Set/Reset Deadlines: Joint Status Report due by 7/1/2021. (ztg) (Entered: 06/02/2021)
07/01/2021	<u>25</u>	Joint STATUS REPORT by DEFENSE HEALTH AGENCY, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (von Bokern, Jordan) (Entered: 07/01/2021)
07/02/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>25</u> Joint Status Report, the parties to file, by August 31, 2021, a joint status report advising the Court of the status of this matter, whether any disputes remain between the parties and, if so, proposing a schedule to govern further proceedings in this matter. Signed by Chief Judge Beryl A. Howell on July 1, 2021. (lcbah2) (Entered: 07/02/2021)
07/02/2021		Set/Reset Deadlines: Joint Status Report due by 8/31/2021. (ztg) (Entered: 07/02/2021)
07/02/2021	<u>26</u>	STIPULATION of Dismissal of <i>Defendant Defense Health Agency</i> by NEW YORK TIMES COMPANY. (McCraw, David) (Entered: 07/02/2021)
07/06/2021		MINUTE ORDER (paperless) DISMISSING, upon consideration of the <u>26</u> Stipulation of Dismissal filed by defendant Defense Health Agency and plaintiff New York Times, this action, as to Defense Health Agency only, with prejudice. <i>See</i> Fed. R. Civ. P. 41(a)(1)(a)(ii). The Clerk of Court is directed to dismiss Defense Health Agency from this action. Signed by Chief Judge Beryl A. Howell on July 2, 2021. (lcbah2) (Entered: 07/06/2021)