

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:21-cv-02834-ELR**

Americans for Public Trust v. United States Department of
Health and Human Services et al
Assigned to: Judge Eleanor L. Ross
Cause: 05:0552 Freedom of Information Act

Date Filed: 07/15/2021
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Americans for Public Trust

represented by **Bryan P. Tyson**
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V.

Defendant

**United States Department of Health
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represented by **Trishanda L. Treadwell**
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Defendant

**Centers for Disease Control and
 Prevention**

represented by **Trishanda L. Treadwell**
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/15/2021	<u>1</u>	COMPLAINT filed by Americans for Public Trust. (Filing fee \$402.00, receipt number AGANDC- 11109663) (Attachments: # <u>1</u> Exhibit -1, # <u>2</u> Exhibit -2, # <u>3</u> Exhibit -3, # <u>4</u> Exhibit -4, # <u>5</u> Exhibit -5, # <u>6</u> Exhibit -6, # <u>7</u> Exhibit -7, # <u>8</u> Exhibit -8, # <u>9</u> Exhibit -9, # <u>10</u> Exhibit -10, # <u>11</u> Civil Cover Sheet)(eop) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 07/16/2021)
07/15/2021	<u>2</u>	Certificate of Interested Persons by Americans for Public Trust. (eop) (Entered: 07/16/2021)
07/16/2021	<u>3</u>	Electronic Summons Issued as to United States Department of Health and Human Services. (eop) (Entered: 07/16/2021)
07/16/2021	<u>4</u>	Electronic Summons Issued as to Centers for Disease Control and Prevention. (eop) (Entered: 07/16/2021)
07/16/2021		Clerks Notation re <u>2</u> Certificate of Interested Persons/Corporate Disclosures of America for Public Trust. Read and approved by District Judge Eleanor L. Ross. (mlb) (Entered: 07/16/2021)
07/19/2021	<u>5</u>	NOTICE FROM THE COURT: INSTRUCTIONS FOR CIVIL CASES ASSIGNED TO THE HONORABLE ELEANOR L. ROSS. (mlb) (Entered: 07/19/2021)
07/20/2021	<u>6</u>	APPLICATION for Admission of Jason Brett Torchinsky Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11122858).by Americans for Public Trust. (Tyson, Bryan) Documents for this entry are not available for viewing outside the courthouse. (Entered: 07/20/2021)
07/20/2021	<u>7</u>	APPLICATION for Admission of Kenneth Daines Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11122860).by Americans for Public Trust. (Tyson, Bryan) Documents for this entry are not available for viewing outside the courthouse. (Entered: 07/20/2021)
07/27/2021		APPROVAL by Clerks Office re: <u>6</u> APPLICATION for Admission of Jason Brett Torchinsky Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11122858).. Attorney Jason Brett Torchinsky added appearing on behalf of Americans for Public Trust (nmb) (Entered: 07/27/2021)
07/27/2021		APPROVAL by Clerks Office re: <u>7</u> APPLICATION for Admission of Kenneth Daines Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11122860).. Attorney Kenneth Daines added appearing on behalf of Americans for Public Trust (nmb) (Entered: 07/27/2021)
07/27/2021		MINUTE ORDER (by docket entry only) GRANTING <u>6</u> Application for Admission Pro Hac Vice of Jason Brett Torchinsky; and GRANTING <u>7</u> Application for Admission Pro Hac Vice of Kenneth Daines. Approved by District Judge Eleanor L. Ross on 7/27/21. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(mlb) (Entered: 07/27/2021)

07/27/2021		Clerk's Certificate of Mailing (via email) to Attorneys Jason B. Torchinsky and Kenneth Daines as to Americans for Public Trust re Order on Application for Admission PHV. (mlb) (Entered: 07/27/2021)
08/09/2021	<u>8</u>	Return of Service Executed by Americans for Public Trust. Centers for Disease Control and Prevention served on 7/22/2021, answer due 8/12/2021. (Tyson, Bryan) (Entered: 08/09/2021)
08/09/2021	<u>9</u>	Return of Service Executed by Americans for Public Trust. United States Department of Health and Human Services served on 7/23/2021, answer due 8/13/2021. (Tyson, Bryan) (Entered: 08/09/2021)
08/09/2021	<u>10</u>	NOTICE Of Filing Proof of Service for the U.S. Attorney for the Northern District of Georgia, Kurt R. Erskine by Americans for Public Trust (Tyson, Bryan) (Entered: 08/09/2021)
08/09/2021	<u>11</u>	NOTICE Of Filing Proof of Service for the Attorney General of the United States, Merrick Garland by Americans for Public Trust (Tyson, Bryan) (Entered: 08/09/2021)
08/13/2021	<u>12</u>	Emergency MOTION for Preliminary Injunction with Brief In Support by Americans for Public Trust. (Attachments: # <u>1</u> Brief in Support of Emergency Motion for Preliminary Injunction, # <u>2</u> Exhibit 1–Sutherland Declaration, # <u>3</u> Exhibit 2, # <u>4</u> Text of Proposed Order)(Torchinsky, Jason) (Entered: 08/13/2021)
08/16/2021	<u>13</u>	ORDER: The Court SCHEDULES a hearing on Plaintiff's <u>12</u> Motion for Preliminary Injunction for Wednesday, September 1, 2021 at 10:30 a.m., in Courtroom 1708, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, GA, 30303. The Court DIRECTS the Parties to adhere to the following expedited briefing schedule on Plaintiff's motion: if Defendants intend to file a response to Plaintiff's motion, Defendants must do so by Tuesday, August 24, 2021, at 5:00 p.m. Plaintiff will then have until Friday, August 27, 2021, at 5:00 p.m. to file any reply. All filings must conform to the Local Rules of this Court. The Parties shall have until 5:00 p.m. on Monday, August 30, 2021, to submit any exhibits they intend to discuss in detail at the hearing. Finally, the Court DIRECTS the Parties to jointly submit–no later than Friday, August 27, 2021, at 5:00 p.m.–a proposed schedule for the hearing setting forth how much time is requested by each Party for oral argument. Signed by Judge Eleanor L. Ross on 8/16/2021. (jpk) (Entered: 08/16/2021)
08/18/2021	<u>14</u>	ANSWER to <u>1</u> COMPLAINT by Centers for Disease Control and Prevention, United States Department of Health and Human Services. Discovery ends on 1/18/2022.(Treadwell, Trishanda) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 08/18/2021)
08/23/2021	<u>15</u>	Consent MOTION for Leave to File Excess Pages <i>for Response Brief</i> by Centers for Disease Control and Prevention, United States Department of Health and Human Services. (Treadwell, Trishanda) (Entered: 08/23/2021)
08/23/2021	<u>16</u>	ORDER granting <u>15</u> Motion for Leave to File Excess Pages. Defendant may file a Response in Opposition to Plaintiff's <u>12</u> Emergency Motion for Preliminary Injunction with a maximum of thirty (30) pages. Signed by Judge Eleanor L. Ross on 8/23/2021. (jpk) (Entered: 08/23/2021)
08/24/2021	<u>17</u>	Consent MOTION for Leave to File Excess Pages <i>for Reply Brief</i> by Americans for Public Trust. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) (Entered: 08/24/2021)
08/24/2021	<u>18</u>	RESPONSE in Opposition re <u>12</u> Emergency MOTION for Preliminary Injunction filed by Centers for Disease Control and Prevention, United States Department of Health and Human Services. (Attachments: # <u>1</u> Affidavit Ex. 1 – CDC Declaration)(Treadwell, Trishanda) (Entered: 08/24/2021)
08/25/2021	<u>19</u>	ORDER granting the <u>17</u> Motion for Leave to File Excess Pages. Plaintiff may file a Reply to Defendants' Opposition to Plaintiff's Emergency Motion for Preliminary Injunction <u>12</u> with a maximum of twenty (20) pages. Signed by Judge Eleanor L. Ross on 08/25/21. (aaq) (Entered: 08/25/2021)
08/25/2021	<u>20</u>	RESPONSE re <u>13</u> Order (<i>Joint</i>) filed by Americans for Public Trust. (Attachments: # <u>1</u> Text of Proposed Order)(Tyson, Bryan) Modified to edit text on 8/26/2021 (ceo).

		(Entered: 08/25/2021)
08/25/2021	<u>21</u>	ORDER: (1) Each party shall have 30 minutes for oral argument; (2) Plaintiffs time for oral argument may be divided between argument and rebuttal, and Plaintiff may reserve up to 1 minute to respond to Defendants sur-rebuttal; (3) Defendants may reserve up to 2 minutes for sur-rebuttal. Signed by Judge Eleanor L. Ross on 08/25/21. (ceo) (Entered: 08/26/2021)
08/27/2021	<u>22</u>	REPLY BRIEF re <u>12</u> Emergency MOTION for Preliminary Injunction filed by Americans for Public Trust. (Attachments: # <u>1</u> Exhibit 1 – Defendants' Counsel's 8/22/21 email to Plaintiff's Counsel, # <u>2</u> Exhibit 2 – 8/26/21 HHS Response Letter, # <u>3</u> Exhibit 3 – 8/26/21 HHS Production, # <u>4</u> Exhibit 4 – 2/12/21 CDC Operational Strategy for K–12 Schools, # <u>5</u> Exhibit 5 – 8/5/21 CDC Guidance for COVID–19 Prevention in K–12 Schools)(Tyson, Bryan) (Entered: 08/27/2021)
08/31/2021		Submission of the <u>12</u> Emergency MOTION for Preliminary Injunction to District Judge Eleanor L. Ross. (aaq) (Entered: 08/31/2021)
09/01/2021	<u>23</u>	ORDER: On September 1, 2021, this Court held a hearing on Plaintiff Americans for Public Trusts Emergency Motion for Preliminary Injunction. <u>12</u> . Upon consideration and with the benefit of oral argument, for the reasons stated during the hearing, the Court finds that Plaintiff fails to establish it will suffer irreparable injury in the absence of its requested injunctive relief. This failure is fatal to Plaintiffs motion. Accordingly, the Court DENIES Plaintiffs Emergency Motion for Preliminary Injunction. <u>12</u> . Signed by Judge Eleanor L. Ross on 09/01/21. (ceo) (Entered: 09/01/2021)
09/01/2021	<u>24</u>	Minute Entry for proceedings held before Judge Eleanor L. Ross: Motion Hearing held on 9/1/2021 re <u>12</u> Emergency MOTION for Preliminary Injunction filed by Americans for Public Trust. Court called to order. Parties provided arguments. Court denied Plaintiff's motion for preliminary injunction. Court will prepare an order memorializing the ruling rendered during the hearing. Hearing concluded. (Court Reporter Elizabeth Cohn)(ceo) (Entered: 09/02/2021)
09/10/2021	<u>25</u>	JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by Americans for Public Trust. (Tyson, Bryan) (Entered: 09/10/2021)