

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-01101-BAH

ZIMMER US, INC. v. CENTERS FOR MEDICARE &
 MEDICAID SERVICES

Assigned to: Chief Judge Beryl A. Howell
 Cause: 05:552 Freedom of Information Act

Date Filed: 04/22/2021
 Date Terminated: 02/04/2022
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: Federal Question

Plaintiff**ZIMMER US, INC.**

represented by **James F. Segroves**
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V.

Defendant**CENTERS FOR MEDICARE &
 MEDICAID SERVICES**

represented by **Thomas Duffey**
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Date Filed	#	Docket Text
04/22/2021	<u>1</u>	COMPLAINT <i>FOR INJUNCTIVE RELIEF</i> against CENTERS FOR MEDICARE & MEDICAID SERVICES (Filing fee \$ 402 receipt number ADCDC-8392070) filed by ZIMMER US, INC.. (Attachments: # <u>1</u> Exhibit CMS Coding Decision, # <u>2</u> Exhibit FOIA Request, # <u>3</u> Exhibit CMS E-mail, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons CMS, # <u>6</u> Summons Attorney General, # <u>7</u> Summons U.S. Attorney)(Segroves, James) (Entered: 04/22/2021)
04/22/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ZIMMER US, INC. (Segroves, James) (Entered: 04/22/2021)
04/22/2021		Case Assigned to Chief Judge Beryl A. Howell. (zsb) (Entered: 04/22/2021)
04/22/2021	<u>3</u>	SUMMONS (3) Issued Electronically as to CENTERS FOR MEDICARE & MEDICAID SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 04/22/2021)
04/22/2021	<u>4</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on April 22, 2021. (lcbah1) (Entered: 04/22/2021)
04/29/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR MEDICARE & MEDICAID SERVICES served on 4/26/2021, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/29/2021. (Attachments: # <u>1</u> Exhibit Proof of Service Upon Centers for Medicare & Medicaid Services, # <u>2</u> Exhibit Proof of Service Upon Attorney General of the United States, # <u>3</u> Exhibit Proof of Service Upon Acting United States Attorney)(Segroves,

		James) Modified party served and serve/due date on 5/11/2021 (eg). (Entered: 04/29/2021)
05/06/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/29/2021. Answer due for ALL FEDERAL DEFENDANTS by 5/29/2021. (Segroves, James) (Entered: 05/06/2021)
05/25/2021	<u>7</u>	NOTICE of Appearance by Thomas Duffey on behalf of CENTERS FOR MEDICARE & MEDICAID SERVICES (Duffey, Thomas) (Entered: 05/25/2021)
05/25/2021	<u>8</u>	NOTICE OF CONSENT TO ASSIGNMENT TO MAGISTRATE JUDGE by CENTERS FOR MEDICARE & MEDICAID SERVICES (Duffey, Thomas) (Entered: 05/25/2021)
05/27/2021	<u>9</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Duffey, Thomas) (Entered: 05/27/2021)
05/27/2021		MINUTE ORDER (paperless) GRANTING defendant's <u>9</u> Consent Motion to Extend Time to File Answer or Otherwise Respond to the Complaint and DIRECTING defendant to answer or otherwise respond to the <u>1</u> Complaint by June 15, 2021. Signed by Chief Judge Beryl A. Howell on May 27, 2021. (lcbah1) (Entered: 05/27/2021)
05/27/2021		Set/Reset Deadlines: Answer to the Complaint due by 6/15/2021. (ztg) (Entered: 05/27/2021)
06/15/2021	<u>10</u>	ANSWER to Complaint by CENTERS FOR MEDICARE & MEDICAID SERVICES.(Duffey, Thomas) (Entered: 06/15/2021)
06/29/2021	<u>11</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Duffey, Thomas) (Entered: 06/29/2021)
06/30/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>11</u> Joint Status Report, the parties to submit a joint status report by July 26, 2021. Signed by Chief Judge Beryl A. Howell on June 30, 2021. (lcbah1) (Entered: 06/30/2021)
07/26/2021	<u>12</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Duffey, Thomas) (Entered: 07/26/2021)
07/27/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>12</u> Joint Status Report, the parties to submit a joint status report by August 9, 2021. Signed by Chief Judge Beryl A. Howell on July 27, 2021. (lcbah1) (Entered: 07/27/2021)
07/27/2021		Set/Reset Deadlines: Joint Status Report due by 8/9/2021. (ztg) (Entered: 07/27/2021)
08/09/2021	<u>13</u>	Joint STATUS REPORT by ZIMMER US, INC.. (Segroves, James) (Entered: 08/09/2021)
08/10/2021		MINUTE ORDER (paperless) ENTERING, upon consideration of the parties' <u>13</u> Joint Status Report, the following SCHEDULING ORDER to control further proceedings in this case: (1) by September 15, 2021, defendant shall file any motion for summary judgment; (2) by September 29, 2021, plaintiff shall file any combined opposition to defendant's motion for summary judgment and own cross-motion for summary judgment; (3) by October 8, 2021, defendant shall file any combined reply in support of its motion for summary judgment and opposition to plaintiff's cross-motion for summary judgment; and (4) by October 15, 2021, plaintiff shall file any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on August 10, 2021. (lcbah1) (Entered: 08/10/2021)
08/10/2021		Set/Reset Deadlines: Summary judgment motion due by 9/15/2021; cross-motion and opposition to motion for summary judgment due by 9/29/2021; opposition to cross-motion and reply to opposition to motion for summary judgment due by 10/8/2021; reply to opposition to cross-motion due by 10/15/2021. (ztg) (Entered: 08/10/2021)
09/13/2021	<u>14</u>	MOTION for Extension of Time to File <i>with proposed order</i> by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Duffey, Thomas) (Entered: 09/13/2021)

09/14/2021		MINUTE ORDER (paperless) GRANTING, over plaintiff's partial objection, defendant's <u>14</u> Motion for Extension of Time to File and MODIFYING the SCHEDULING ORDER as follows: (1) by October 15, 2021, defendant shall file any motion for summary judgment; (2) by October 29, 2021, plaintiff shall file any combined opposition to defendant's motion for summary judgment and cross-motion for summary judgment; (3) by November 8, 2021, defendant shall file any combined reply in support of its motion for summary judgment and opposition to plaintiff's cross-motion for summary judgment; and (4) by November 15, 2021, plaintiff shall file any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on September 14, 2021. (lcbah1) (Entered: 09/14/2021)
09/15/2021		Set/Reset Deadlines: Summary Judgment motion due by 10/15/2021; cross-motion and opposition to motion for summary judgment due by 10/29/2021; opposition to cross-motion and reply to opposition to motion for summary judgment due by 11/8/2021; reply to opposition to cross-motion due by 11/15/2021. (ztg) (Entered: 09/15/2021)
10/15/2021	<u>15</u>	MOTION for Summary Judgment <i>with proposed order</i> by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration of Hugh Gilmore, # <u>4</u> Exhibit A Vaughn Index)(Duffey, Thomas) (Entered: 10/15/2021)
10/29/2021	<u>16</u>	Cross MOTION for Summary Judgment by ZIMMER US, INC.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of James F. Segroves)(Segroves, James) (Entered: 10/29/2021)
10/29/2021	<u>17</u>	Memorandum in opposition to re <u>15</u> MOTION for Summary Judgment <i>with proposed order</i> filed by ZIMMER US, INC.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of James F. Segroves)(Segroves, James) (Entered: 10/29/2021)
11/08/2021	<u>18</u>	Joint MOTION to Stay <i>with proposed order</i> by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Duffey, Thomas) (Entered: 11/08/2021)
11/09/2021		MINUTE ORDER (paperless) GRANTING the parties' <u>18</u> Joint Motion to Stay; STAYING this matter through December 8, 2021; and DIRECTING the parties to file a joint status report by December 8, 2021, advising the Court whether the stay should be extended or proposing a schedule for further proceedings in this matter, unless a stipulation of dismissal has been filed prior to that date. Signed by Chief Judge Beryl A. Howell on November 9, 2021. (lcbah1) (Entered: 11/09/2021)
11/09/2021		Case Stayed through December 8, 2021. (ztg) (Entered: 11/09/2021)
11/09/2021		Set/Reset Deadlines: Joint Status Report due by 12/8/2021. (ztg) (Entered: 11/09/2021)
12/08/2021	<u>19</u>	Joint STATUS REPORT by ZIMMER US, INC.. (Segroves, James) (Entered: 12/08/2021)
12/08/2021	<u>20</u>	Joint STATUS REPORT (<i>CORRECTED</i>) by ZIMMER US, INC.. (Segroves, James) (Entered: 12/08/2021)
01/07/2022	<u>21</u>	Joint STATUS REPORT by ZIMMER US, INC.. (Segroves, James) (Entered: 01/07/2022)
01/07/2022		MINUTE ORDER (paperless) EXTENDING, upon consideration of the parties' <u>21</u> Joint Status Report, the stay in this matter through February 7, 2022; and DIRECTING the parties to file a joint status report by February 7, 2022, advising the Court whether the stay should be extended or proposing a schedule for further proceedings in this matter, unless a stipulation of dismissal has been filed prior to that date. Signed by Chief Judge Beryl A. Howell on January 7, 2022. (lcbah1) (Entered: 01/07/2022)
01/07/2022		Set/Reset Deadlines: Joint Status Report due by 2/7/2022. (ztg) (Entered: 01/07/2022)
02/04/2022	<u>22</u>	STIPULATION of Dismissal (<i>Joint</i>) by ZIMMER US, INC.. (Segroves, James) (Entered: 02/04/2022)
02/04/2022		MINUTE ORDER (paperless) DISMISSING this matter, with prejudice, upon consideration of the parties' joint <u>22</u> Stipulation of Dismissal. <i>See</i> Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of Court is directed to close this case. Signed by Chief Judge Beryl A. Howell on February 4, 2022. (lcbah1) (Entered: 02/04/2022)