

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:22-cv-00737-KAW**

Hart v. Facebook, Inc. et al
Assigned to: Magistrate Judge Kandis A. Westmore
Case in other court: California Southern, 3:21-cv-01543
Cause: 05:552 Freedom of Information Act

Date Filed: 02/03/2022
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Justin Hart

represented by **Brian Kirk Kelsey**
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V.

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Defendant

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Defendant

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*in his official capacity as United States
Surgeon General*

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Defendant

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*in his official capacity as President of the
United States*

represented by **U S Attorney CV**
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Defendant

**Department of Health and Human
Services**

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Defendant**Office of Management and Budget**represented by **U S Attorney CV**
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Date Filed	#	Docket Text
08/31/2021	<u>1</u>	COMPLAINT with Jury Demand against Joseph R. Biden, Jr, Facebook, Inc., Vivek Murthy, The Department of Health and Human Services, The Office of Management and Budget, Twitter, Inc. (Filing fee \$ 402 receipt number ACASDC-16089890.), filed by Justin Hart. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:21-cv-1543-MMA-WVG. Judge Michael M. Anello and Magistrate Judge William V. Gallo are assigned to the case. (Tyler, Robert)(smd) (sjt). (Entered: 09/01/2021)
09/01/2021	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (smd)(sjt). (Entered: 09/01/2021)
09/03/2021	<u>3</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 213 receipt number ACASDC-16099792.) (Application to be reviewed by Clerk.) (Reader, Mallory) (rmc). (Entered: 09/03/2021)
09/03/2021	<u>4</u>	ORDER Approving the Pro Hac Vice Application of Mallory Elizabeth Reader, re <u>3</u> Request to Appear Pro Hac Vice. Signed by Judge Michael M. Anello on 9/3/2021.(rmc) (Entered: 09/03/2021)
09/03/2021	<u>5</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 213 receipt number ACASDC-16102535.) (Application to be reviewed by Clerk.) (Kelsey, Brian)(rmc). (Entered: 09/03/2021)
09/03/2021	<u>6</u>	ORDER Approving the Pro Hac Vice Application of Brian Kirk Kelsey, re <u>5</u> Request to Appear Pro Hac Vice. Signed by Judge Michael M. Anello on 9/3/2021.(rmc) (Entered: 09/03/2021)
09/16/2021	<u>7</u>	NOTICE of Appearance by Jonathan Alan Patchen on behalf of Twitter, Inc. (Patchen, Jonathan)Attorney Jonathan Alan Patchen added to party Twitter, Inc.(pty:dft) (tcf). (Entered: 09/16/2021)
09/16/2021	<u>8</u>	Corporate Disclosure Statement by Twitter, Inc. No Corporate Parents/Interested Parties. (Patchen, Jonathan) (tcf). (Entered: 09/16/2021)
09/16/2021	<u>9</u>	Joint MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Twitter, Inc. (Patchen, Jonathan) (tcf). (Entered: 09/16/2021)
09/16/2021	<u>10</u>	NOTICE of Appearance by Yuhan Chi on behalf of Twitter, Inc. (Chi, Yuhan)Attorney Yuhan Chi added to party Twitter, Inc.(pty:dft) (tcf). (Entered: 09/16/2021)
09/17/2021	<u>11</u>	ORDER Granting <u>9</u> Joint Motion to Extend Time to Respond to Complaint. Twitter must respond to the Complaint on or before the Federal Government Defendants' deadline to respond pursuant to Federal Rule of Civil Procedure 12(a)(2), which is currently, 11/8/2021. Signed by Judge Michael M. Anello on 9/17/2021. (tcf) (Entered: 09/17/2021)
09/20/2021	<u>12</u>	MINUTE ORDER OF TRANSFER. Judge Michael M. Anello is no longer assigned as presiding judge. Case reassigned to Judge Thomas J. Whelan for all further proceedings. The new case number is 21cv1543-W-WVG.(no document attached)

		(fth) (Entered: 09/20/2021)
10/04/2021	<u>13</u>	NOTICE of Appearance by Kuntal Virendra Cholera on behalf of Joseph R. Biden, Jr, Vivek Murthy, The Department of Health and Human Services, The Office of Management and Budget (Cholera, Kuntal)Attorney Kuntal Virendra Cholera added to party Joseph R. Biden, Jr(pty:dft), Attorney Kuntal Virendra Cholera added to party Vivek Murthy(pty:dft), Attorney Kuntal Virendra Cholera added to party The Department of Health and Human Services(pty:dft), Attorney Kuntal Virendra Cholera added to party The Office of Management and Budget(pty:dft) (jrm). (Entered: 10/04/2021)
10/05/2021	<u>14</u>	Ex Parte MOTION for Extension of Time to File <i>Response to Complaint</i> by Joseph R. Biden, Jr, Vivek Murthy, The Department of Health and Human Services, The Office of Management and Budget. (Cholera, Kuntal) (jrm). (Entered: 10/05/2021)
10/06/2021	<u>15</u>	***Document withdrawn per Doc. <u>17</u> *** RESPONSE in Opposition re <u>14</u> Ex Parte MOTION for Extension of Time to File <i>Response to Complaint</i> filed by Justin Hart. (Reader, Mallory) QC Mailer sent re incorrect signature on 10/7/2021; WITHDRAW/REFILE (jrm). Modified to withdraw on 10/8/2021 (jrm). (Entered: 10/06/2021)
10/07/2021	<u>16</u>	***Document Stricken per Order <u>22</u> *** Ex Parte MOTION for Entry of Default <i>Against Facebook, Inc.</i> by Justin Hart. (Attachments: # 1 Declaration Declaration and copy of proof of service)(Reader, Mallory) QC Mailer sent re incorrect signature on 10/8/2021; WITHDRAW/REFILE (jrm). Modified to strike on 10/14/2021 (jrm). (Main Document 16 replaced on 10/14/2021) (jrm). (Entered: 10/07/2021)
10/07/2021	<u>17</u>	NOTICE of <i>Withdrawal of Opposition to Motion for Extension of Time to Respond</i> by Justin Hart re <u>15</u> Response in Opposition to Motion (Reader, Mallory) (jrm). (Entered: 10/07/2021)
10/07/2021	<u>18</u>	***Document withdrawn per Doc. <u>19</u> *** RESPONSE in Opposition re <u>14</u> Ex Parte MOTION for Extension of Time to File <i>Response to Complaint</i> filed by Justin Hart. (Reader, Mallory) Modified to withdraw on 10/8/2021 (jrm). (Entered: 10/07/2021)
10/07/2021	<u>19</u>	NOTICE of <i>Withdrawal of Opposition to Motion for Extension of Time to Respond</i> by Justin Hart re <u>18</u> Response in Opposition to Motion (Reader, Mallory) (jrm). (Entered: 10/07/2021)
10/07/2021	<u>20</u>	RESPONSE in Opposition re <u>14</u> Ex Parte MOTION for Extension of Time to File <i>Response to Complaint</i> filed by Justin Hart. (Reader, Mallory)(jrm). (Entered: 10/07/2021)
10/08/2021	<u>21</u>	ORDER Granting Ex Parte Application for Extension of Time to Respond to the Complaint (Doc. <u>14</u>). Signed by Judge Thomas J. Whelan on 10/8/2021. (jrm) (Entered: 10/08/2021)
10/14/2021	<u>22</u>	Notice of Document Discrepancies and Order Thereon by Judge Thomas J. Whelan Rejecting re <u>16</u> Ex Parte MOTION for Entry of Default <i>Against Facebook, Inc.</i> , from Plaintiff Justin Hart. Non-compliance with local rule(s), Section 2.f.1 of the Electronic Case Filing Administrative Policies and Procedures provides that [t]he name of the CM/ECF registered user under whose log-in and password the document is submitted must be preceded by a s/ and typed in the space where the signature would otherwise appear. The document violates this rule. QC mailer sent on 10/7/21 regarding issue.. IT IS HEREBY ORDERED: The document is rejected. It is ordered that the Clerk STRIKE the document from the record, and serve a copy of this order on all parties. Signed by Judge Thomas J. Whelan on 10/14/2021. (Attachments: # <u>1</u> Stricken Document)(jrm) (Entered: 10/14/2021)
10/15/2021	<u>23</u>	NOTICE of Appearance by Melissa L. Cornell on behalf of Facebook, Inc. (Cornell, Melissa)Attorney Melissa L. Cornell added to party Facebook, Inc.(pty:dft) (sjt). (Entered: 10/15/2021)
10/15/2021	<u>24</u>	Joint MOTION for Extension of Time to File Answer by Facebook, Inc.. (Cornell, Melissa)(sjt). (Entered: 10/15/2021)
10/15/2021	<u>25</u>	Ex Parte MOTION For Entry of A Staged-Briefing Schedule by Twitter, Inc.. (Attachments: # <u>1</u> Declaration J. Patchen Declaration In Support of Twitter's Ex Parte

		Application for Entry of A Staged–Briefing Schedule, # <u>2</u> Ex. 1– J. Patchen Declaration (M. Reader Email), # <u>3</u> Ex. 2– J. Patchen Declaration (Twitter Terms of Service))(Patchen, Jonathan)(sjt). (Entered: 10/15/2021)
10/18/2021	<u>26</u>	ORDER granting <u>24</u> Motion for Extension of Time to Respond to Complaint. Signed by Judge Thomas J. Whelan on 10/18/2021. (sjt) (Entered: 10/18/2021)
10/19/2021	<u>27</u>	RESPONSE in Opposition re <u>25</u> Ex Parte MOTION For Entry of A Staged–Briefing Schedule filed by Justin Hart. (Attachments: # <u>1</u> Declaration Declaration of Mallory Reader)(Reader, Mallory)(jrm). (Entered: 10/19/2021)
10/19/2021	<u>28</u>	NOTICE of Appearance by Christopher C. Kearney on behalf of Facebook, Inc. (Kearney, Christopher)Attorney Christopher C. Kearney added to party Facebook, Inc.(pty:dft) (jrm). (Entered: 10/19/2021)
10/19/2021	<u>29</u>	RESPONSE in Support re <u>25</u> Ex Parte MOTION For Entry of A Staged–Briefing Schedule <i>and in Opposition re <u>27</u> Plaintiff's Ex Parte Application</i> filed by Facebook, Inc. (Cornell, Melissa) (jrm). (Entered: 10/19/2021)
10/20/2021	<u>30</u>	RESPONSE re <u>27</u> Response in Opposition to Motion filed by Twitter, Inc.. (Attachments: # <u>1</u> Declaration of Jonathan Patchen, # <u>2</u> Exhibit A)(Patchen, Jonathan) (jrm). (Entered: 10/20/2021)
10/21/2021	<u>31</u>	RESPONSE re <u>27</u> Response in Opposition to Motion filed by Joseph R. Biden, Jr, Vivek Murthy, The Department of Health and Human Services, The Office of Management and Budget. (Attachments: # <u>1</u> Exhibit A)(Cholera, Kuntal) (jrm). (Entered: 10/21/2021)
10/25/2021	<u>32</u>	ORDER Granting Ex Parte Application for Entry of a Staged–Briefing Schedule (Doc. <u>25</u>) and Denying Cross Ex Parte Application for Early Rule 34 Document Requests (Doc. <u>27</u>). Signed by Judge Thomas J. Whelan on 10/25/2021. (jrm) (Entered: 10/25/2021)
11/08/2021	<u>33</u>	MOTION to Change Venue by Facebook, Inc.. (Attachments: # <u>1</u> Declaration DECL OF JENNY PRICER IN SUPPORT OF MOTION TO TRANSFER)(Cornell, Melissa)(jrm). (Entered: 11/08/2021)
11/08/2021	<u>34</u>	MOTION to Change Venue by Twitter, Inc.. (Attachments: # <u>1</u> Declaration of Jonathan Patchen, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5)(Patchen, Jonathan) (jrm). (Entered: 11/08/2021)
11/29/2021	<u>35</u>	MOTION to Withdraw as Attorney <i>Mallory Reader</i> by Justin Hart. (Attachments: # <u>1</u> Declaration Declaration of Mallory Reader)(Reader, Mallory) (jrm). (Entered: 11/29/2021)
11/29/2021	<u>36</u>	RESPONSE in Opposition re <u>33</u> MOTION to Change Venue , <u>34</u> MOTION to Change Venue filed by Justin Hart. (Reader, Mallory) (jrm). (Entered: 11/29/2021)
12/13/2021	<u>37</u>	REPLY to Response to Motion re <u>34</u> MOTION to Change Venue filed by Twitter, Inc. (Patchen, Jonathan)(jrm). (Entered: 12/13/2021)
12/13/2021	<u>38</u>	REPLY to Response to Motion re <u>33</u> MOTION to Change Venue filed by Facebook, Inc. (Cornell, Melissa) Modified on 12/14/2021 (jrm). (Entered: 12/13/2021)
01/06/2022	<u>39</u>	ORDER Approving Withdrawal of Mallory Reader as Counsel for Plaintiff (Doc. <u>35</u>). Attorney Mallory Elizabeth Reader terminated. Signed by Judge Thomas J. Whelan on 1/6/2022. (jrm) (Entered: 01/06/2022)
01/25/2022	<u>40</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 213 receipt number ACASDC–16508632.) (Application to be reviewed by Clerk.) (Suhr, Daniel) (rmc). (Entered: 01/25/2022)
01/25/2022	<u>41</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 213 receipt number ACASDC–16508644.) (Application to be reviewed by Clerk.) (McQuaid, James) (rmc). (Entered: 01/25/2022)
01/25/2022	<u>42</u>	MOTION to Substitute Attorney by Justin Hart. (Kelsey, Brian)(jrm). (Entered: 01/25/2022)

01/26/2022	<u>43</u>	ORDER Approving the Pro Hac Vice Application of Daniel Robert Suhr, re <u>40</u> Request to Appear Pro Hac Vice. Signed by Judge Thomas J. Whelan on 1/25/2022.(rmc) (Entered: 01/26/2022)
01/26/2022	<u>44</u>	ORDER Approving the Pro Hac Vice Application of James McQuaid, re <u>41</u> Request to Appear Pro Hac Vice. Signed by Judge Thomas J. Whelan on 1/25/2022.(rmc) (Entered: 01/26/2022)
02/02/2022	<u>45</u>	Order Granting Defendants Facebook and Twitters Motions to Transfer Venue to the Northern District of California [Docs. <u>33</u> , <u>34</u>]. Signed by Judge Thomas J. Whelan on 2/2/2022. (jrm) (Entered: 02/02/2022)
02/03/2022	<u>47</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 5/3/2022. Initial Case Management Conference set for 5/10/2022 at 1:30 PM in Oakland. (wsn, COURT STAFF) (Filed on 2/3/2022) (Entered: 02/07/2022)
02/07/2022	<u>46</u>	Case transferred in from District of California Southern; Case Number 3:21-cv-01543. Original file certified copy of transfer order and docket sheet received. (Entered: 02/07/2022)
02/07/2022	<u>48</u>	CLERK'S NOTICE Re: Consent or Declination: Plaintiffs and Defendants shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . Consent/Declination due by 2/22/2022. (wft, COURT STAFF) (Filed on 2/7/2022) (Entered: 02/07/2022)
02/10/2022	<u>49</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 317, receipt number ACANDC-16889846.) filed by Twitter Inc.. (Gottlieb, Michael) (Filed on 2/10/2022) (Entered: 02/10/2022)
02/10/2022	<u>50</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 317, receipt number ACANDC-16889866.) filed by Twitter Inc.. (Goverski, Meryl) (Filed on 2/10/2022) (Entered: 02/10/2022)
02/11/2022	<u>51</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 317, receipt number ACANDC-16895242.) filed by Justin Hart. (Suhr, Daniel) (Filed on 2/11/2022) (Entered: 02/11/2022)
02/14/2022	<u>52</u>	NOTICE of Withdrawal and Substitution of Counsel for Defendant Facebook, Inc.; Proposed Order by Jacob Marcus Heath (Heath, Jacob) (Filed on 2/14/2022) Modified on 2/15/2022 (gba, COURT STAFF). (Entered: 02/14/2022)
02/15/2022	<u>53</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Twitter Inc... (Patchen, Jonathan) (Filed on 2/15/2022) (Entered: 02/15/2022)
02/16/2022	54	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. <i>This is a text only docket entry; there is no document associated with this notice.</i> (wft, COURT STAFF) (Filed on 2/16/2022) (Entered: 02/16/2022)