

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-04707-PKC**

Lambda Legal Defense and Education Fund, Inc. v. United
States Department of Health And Human Services
Assigned to: Judge P. Kevin Castel
Cause: 05:552 Freedom of Information Act

Date Filed: 05/22/2019
Date Terminated: 05/27/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**Lambda Legal Defense and Education
Fund, Inc.**

represented by **Omar Gonzalez-Pagan**
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V.

Defendant

**United States Department of Health
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Date Filed	#	Docket Text
05/22/2019	<u>1</u>	COMPLAINT against United States Department of Health And Human Services. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16931619) Document filed by Lambda Legal Defense and Education Fund, Inc.. (Attachments: # <u>1</u> Exhibit A - 2018.04.27 FOIA Request to HHS and CMS re Nondiscrimination Policies, # <u>2</u> Exhibit B - 2018.04.27 FOIA Request to HHS and CMS re Nondiscrimination Policies, # <u>3</u> Exhibit C - 2018.09.14 Response from HHS re Nondiscrimination Policies Request - No Records, # <u>4</u> Exhibit D - 2018.12.05 Letter to HHS FOIA Liaison re FOIA Requests, # <u>5</u> Exhibit E - 2018.12.13 Administrative Appeal of HHS FOIA Requests, # <u>6</u> Exhibit F - 2018.04.27 FOIA Request to HHS re Outside Organizations, # <u>7</u> Exhibit G - 2018.05.10 Clarification Letter from HHS re Outside Organizations Request, # <u>8</u> Exhibit H - 2018.05.10 Clarification Response to HHS re Outside Organizations Request, # <u>9</u> Exhibit I - 2018.04.27 FOIA Request to HHS re HHS Officials, # <u>10</u> Exhibit J - 2018.05.01 Acknowledgement Letter from HHS re HHS Officials Request)(Wesneski, Joshua) (Entered: 05/22/2019)
05/22/2019	<u>2</u>	CIVIL COVER SHEET filed. (Wesneski, Joshua) (Entered: 05/22/2019)
05/22/2019	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Health and Human Services, re: <u>1</u> Complaint,,,,. Document filed by Lambda Legal Defense and Education Fund, Inc.. (Wesneski, Joshua) (Entered: 05/22/2019)
05/22/2019	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Lambda Legal Defense and Education Fund, Inc..(Wesneski, Joshua) (Entered: 05/22/2019)
05/23/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge P. Kevin Castel. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pc) (Entered: 05/23/2019)
05/23/2019		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pc) (Entered: 05/23/2019)
05/23/2019		Case Designated ECF. (pc) (Entered: 05/23/2019)
05/23/2019	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Health And Human Services. (pc) (Entered: 05/23/2019)
05/23/2019	<u>6</u>	NOTICE OF APPEARANCE by Omar Gonzalez-Pagan on behalf of Lambda Legal Defense and Education Fund, Inc.. (Gonzalez-Pagan, Omar) (Entered: 05/23/2019)
05/28/2019	<u>7</u>	ORDER INITIAL PRETRIAL CONFERENCE: Initial Conference set for 7/19/2019 at 11:45 AM in Courtroom 11D, 500 Pearl Street, New York, NY 10007 before Judge P. Kevin Castel. So Ordered. (Signed by Judge P. Kevin Castel on 5/28/2019) (js) (Entered: 05/28/2019)
06/06/2019	<u>8</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,,,,. United States Department of Health And Human Services served on 5/23/2019, answer due 6/13/2019. Service was made by Certified Mail. Document filed by Lambda Legal Defense and Education Fund, Inc.. (Wesneski, Joshua) (Entered: 06/06/2019)

06/06/2019	<u>9</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,,,,. United States Department of Health And Human Services served on 5/24/2019, answer due 6/14/2019. Service was accepted by Haojun Li, Civil Clerk, United States Attorney's Office, Southern District of New York. Document filed by Lambda Legal Defense and Education Fund, Inc.. (Wesneski, Joshua) (Entered: 06/06/2019)
06/10/2019	<u>10</u>	MOTION for Veronica Till Goodson to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17053331. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Lambda Legal Defense and Education Fund, Inc.. (Attachments: # <u>1</u> Declaration of Veronica Till Goodson, # <u>2</u> Exhibit A – Certificate of Good Standing, District of Columbia, # <u>3</u> Exhibit B – Certificate of Good Standing, California, # <u>4</u> Text of Proposed Order)(Till Goodson, Veronica) (Entered: 06/10/2019)
06/11/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>10</u> MOTION for Veronica Till Goodson to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17053331. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 06/11/2019)
06/11/2019	<u>11</u>	ORDER granting <u>10</u> Motion for Veronica Till Goodson to Appear Pro Hac Vice (HEREBY ORDERED by Judge P. Kevin Castel)(Text Only Order) (Nacanther, Florence) (Entered: 06/11/2019)
06/13/2019	<u>12</u>	NOTICE OF APPEARANCE by Danielle Judith Levine on behalf of United States Department of Health And Human Services. (Levine, Danielle) (Entered: 06/13/2019)
06/17/2019	<u>13</u>	LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint,,,, addressed to Judge P. Kevin Castel from Danielle J. Levine dated June 17, 2019. Document filed by United States Department of Health And Human Services.(Levine, Danielle) (Entered: 06/17/2019)
06/18/2019	<u>14</u>	NOTICE OF APPEARANCE by Anthony Jan-Huan Sun on behalf of United States Department of Health And Human Services. (Sun, Anthony) (Entered: 06/18/2019)
06/18/2019	<u>15</u>	ORDER granting <u>13</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint. Time to answer extended to July 24. Conference adjourned from July 19 to Sept. 3, 2019 at 2:30 p.m. SO ORDERED. United States Department of Health And Human Services answer due 7/24/2019 (Signed by Judge P. Kevin Castel on 6/17/2019) (kv) (Entered: 06/18/2019)
06/18/2019		Set/Reset Hearings: Initial Conference set for 9/3/2019 at 02:30 PM before Judge P. Kevin Castel. (kv) (Entered: 06/18/2019)
07/24/2019	<u>16</u>	ANSWER to <u>1</u> Complaint,,,,. Document filed by United States Department of Health And Human Services.(Levine, Danielle) (Entered: 07/24/2019)
08/27/2019		NOTICE: The time for the Initial Conference set for September 3, 2019 is changed from 2:30 p.m. to 3:45 p.m. in Courtroom 11D. (Nacanther, Florence) (Entered: 08/27/2019)
08/29/2019	<u>17</u>	JOINT LETTER MOTION to Adjourn Conference -- <i>Request to Adjourn the Initial Conference</i> addressed to Judge P. Kevin Castel from Veronica Till Goodson dated August 29, 2019. Document filed by Lambda Legal Defense and Education Fund, Inc..(Till Goodson, Veronica) (Entered: 08/29/2019)
08/30/2019	<u>18</u>	ORDER granting <u>17</u> Letter Motion to Adjourn Conference: Application granted. IPTC adjourned until September 23, 2019 at 11:15 AM. (Initial Conference set for 9/23/2019 at 11:15 AM before Judge P. Kevin Castel.) (Signed by Judge P. Kevin Castel on 8/30/2019) (jwh) (Entered: 08/30/2019)
09/16/2019	<u>19</u>	JOINT LETTER MOTION for Extension of Time to File / <i>Relief from the requirement to submit a civil case management plan</i> addressed to Judge P. Kevin Castel from Veronica Till Goodson dated September 16, 2019. Document filed by Lambda Legal Defense and Education Fund, Inc..(Till Goodson, Veronica) (Entered: 09/16/2019)
09/20/2019	<u>20</u>	NOTICE OF APPEARANCE by Shireen Barday on behalf of Lambda Legal Defense and Education Fund, Inc.. (Barday, Shireen) (Entered: 09/20/2019)

09/23/2019		Minute Entry for proceedings held before Judge P. Kevin Castel: Initial Pretrial Conference held on 9/23/2019. See, Order Following Pretrial Conference. (Nacanther, Florence) (Entered: 09/23/2019)
09/23/2019	<u>21</u>	ORDER FOLLOWING PRETRIAL CONFERENCE terminating <u>19</u> Letter Motion for Extension of Time to File: As a result of a Pre-Trial Conference held before the Court today, the following is ORDERED: 1. The Court was briefed on the rolling review and production process outlined in plaintiff's letter of September 16, 2019. 2. The parties shall report to the Court no later than December 22, 2019 and every 90 days thereafter. If there is a material deficiency in the review and production process, plaintiff may bring it to the Court's attention after prior consultation with counsel for defendants.. (Signed by Judge P. Kevin Castel on 9/23/2019) (jwh) (Entered: 09/23/2019)
12/19/2019	<u>22</u>	STATUS REPORT. Document filed by United States Department of Health And Human Services.(Levine, Danielle) (Entered: 12/19/2019)
03/20/2020	<u>23</u>	STATUS REPORT. Document filed by Lambda Legal Defense and Education Fund, Inc...(Till Goodson, Veronica) (Entered: 03/20/2020)
06/19/2020	<u>24</u>	STATUS REPORT. Document filed by United States Department of Health And Human Services..(Levine, Danielle) (Entered: 06/19/2020)
07/20/2020	<u>25</u>	CONSENT LETTER addressed to Judge P. Kevin Castel from Veronica Till Goodson dated July 20, 2020 re: scheduling update for the production of documents. Document filed by Lambda Legal Defense and Education Fund, Inc...(Orlowski, Victoria) (Entered: 07/20/2020)
07/21/2020	<u>26</u>	MEMO ENDORSEMENT on re: <u>25</u> Letter filed by Lambda Legal Defense and Education Fund, Inc. ENDORSEMENT: Update the Court within 30 days. (Signed by Judge P. Kevin Castel on 7/21/2020) (jwh) (Entered: 07/22/2020)
08/21/2020	<u>27</u>	STATUS REPORT. Document filed by Lambda Legal Defense and Education Fund, Inc...(Till Goodson, Veronica) (Entered: 08/21/2020)
08/31/2020	<u>28</u>	LETTER MOTION for Conference addressed to Judge P. Kevin Castel from Veronica Till Goodson dated August 31, 2020. Document filed by Lambda Legal Defense and Education Fund, Inc...(Till Goodson, Veronica) (Entered: 08/31/2020)
08/31/2020	<u>29</u>	ORDER granting <u>28</u> Letter Motion for Conference. A teleconference will be held September 24, 2020 at 2:00 p.m. The call-in information for this teleconference is: Dial-in: (888) 363-4749 Access Code: 3667981 SO ORDERED.. (Signed by Judge P. Kevin Castel on 8/31/2020) Telephone Conference set for 9/24/2020 at 02:00 PM before Judge P. Kevin Castel. (ks) (Entered: 08/31/2020)
09/04/2020	<u>30</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge P. Kevin Castel from Danielle J. Levine dated September 4, 2020 re: <u>28</u> LETTER MOTION for Conference addressed to Judge P. Kevin Castel from Veronica Till Goodson dated August 31, 2020. . Document filed by United States Department of Health And Human Services. (Attachments: # <u>1</u> Declaration of Brandon Gaylord).(Levine, Danielle) (Entered: 09/04/2020)
09/24/2020	31	Minute Entry for proceedings held before Judge P. Kevin Castel: Case Management Conference held on 9/24/2020. The Court orders that the balance of the 6,500 pages of the plaintiffs 937 request be produced by January 29, 2021. (Nacanther, Florence) (Entered: 09/24/2020)
01/29/2021	<u>32</u>	ENDORSED LETTER addressed to Judge P. Kevin Castel from DANIELLE J. LEVINE/ANTHONY J. SUN dated 1/28/2021 re: HHS requests an extension from January 29, 2021, to February 12, 2021, to complete the processing of the balance of the 6,500 pages set forth in the Courts September 24, 2020 Minute Order. ENDORSEMENT: Application GRANTED. (Signed by Judge P. Kevin Castel on 1/29/2021) (jwh) (Entered: 01/29/2021)
04/01/2022	<u>33</u>	ORDER: Let the parties show cause in writing within 14 days of this Order why the action ought not be dismissed for lack of a present case or controversy or for mootness. SO ORDERED. (Signed by Judge P. Kevin Castel on 4/1/2022) (vfr) (Entered: 04/01/2022)

04/14/2022	<u>34</u>	CONSENT LETTER addressed to Judge P. Kevin Castel from Veronica Till Goodson dated April 14, 2022 re: Response to the Court's April 1, 2022 Order [Dkt. No. 33]. Document filed by Lambda Legal Defense and Education Fund, Inc...(Till Goodson, Veronica) (Entered: 04/14/2022)
04/19/2022	<u>35</u>	MEMO ENDORSEMENT: on re: <u>34</u> Letter filed by Lambda Legal Defense and Education Fund, Inc. ENDORSEMENT: There will be a conference before this Court on May 24 at 11:00 a.m. SO ORDERED., (Status Conference set for 5/24/2022 at 11:00 AM before Judge P. Kevin Castel.) (Signed by Judge P. Kevin Castel on 4/19/2022) (ama) (Entered: 04/19/2022)
05/24/2022		Minute Entry for proceedings held before Judge P. Kevin Castel: Case Management Conference held on 5/24/2022. Appearing for plaintiff: Veronica Till Goodson, Appearing for defendant: Anthony Sun. Parties to file stipulation and proposed order by June 10, 2022. (Nacanthaer, Florence) (Entered: 05/24/2022)
05/27/2022	<u>36</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Department of Health And Human Services..(Sun, Anthony) (Entered: 05/27/2022)
05/27/2022	<u>37</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: IT IS HEREBY STIPULATED AND AGREED, by and between the patties, as follows: 1. Plaintiff hereby releases and discharges HHS and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that Plaintiff asserted, or could have asserted, in this litigation arising out of the FOIA requests. 2. HHS shall pay to Plaintiff the sum of TWENTY-THREE THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$23,500.00) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiff agrees to accept as full payment of any attorneys' fees and costs Plaintiff has incurred or will incur in this action for services performed up to the date of this Stipulation and Order. 3. This action is hereby dismissed with prejudice and without costs or fees other than as provided in paragraph 2 of this Stipulation and Order, provided that the Court shall retain jurisdiction over any issues that may arise relating to this Stipulation and Order. As further set forth by this Order. Any pending motion should be terminated and the case closed. SO ORDERED. (Signed by Judge P. Kevin Castel on 5/27/2022) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 05/27/2022)