

**U.S. District Court  
 District of Columbia (Washington, DC)  
 CIVIL DOCKET FOR CASE #: 1:20-cv-03282-RDM**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF  
 HEALTH AND HUMAN SERVICES et al  
 Assigned to: Judge Randolph D. Moss  
 Cause: 05:552 Freedom of Information Act

Date Filed: 11/13/2020  
 Date Terminated: 07/06/2022  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICAN OVERSIGHT**

represented by **Mehreen A Rasheed**  
 AMERICAN OVERSIGHT  
 1030 15th Street NW  
 Suite B255  
 Washington, DC 20005  
 202-848-1320  
 Email: [mehreen.rasheed@americanoversight.org](mailto:mehreen.rasheed@americanoversight.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Christine H. Monahan**  
 351 Tennessee Ave NE  
 Washington, DC 20002  
 202-492-9798  
 Email: [christine.monahan@gmail.com](mailto:christine.monahan@gmail.com)  
**TERMINATED: 06/03/2021**

V.

**Defendant**

**U.S. DEPARTMENT OF HEALTH  
 AND HUMAN SERVICES**

represented by **Jody D. Lowenstein**  
 U.S. DEPARTMENT OF JUSTICE  
 Federal Programs Branch  
 1100 L St. NW  
 Washington, DC 20005  
 202-598-9280  
 Email: [jody.d.lowenstein@usdoj.gov](mailto:jody.d.lowenstein@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**FOOD AND DRUG  
 ADMINISTRATION**

represented by **Jody D. Lowenstein**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**CENTERS FOR MEDICARE &  
 MEDICAID SERVICES**

represented by **Jody D. Lowenstein**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**CENTERS FOR DISEASE  
 CONTROL AND PREVENTION**

represented by **Jody D. Lowenstein**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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11/13/2020	<u>1</u>	COMPLAINT against CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 400 receipt number ADCDC-7830947) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons as to USAO, # <u>4</u> Summons as to USAG, # <u>5</u> Summons as to HHS, # <u>6</u> Summons as to FDA, # <u>7</u> Summons as to CMS)(Monahan, Christine) (Entered: 11/13/2020)
11/13/2020	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Monahan, Christine) (Entered: 11/13/2020)
11/13/2020		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 11/13/2020)
11/13/2020	<u>3</u>	SUMMONS (5) Issued Electronically as to CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 11/13/2020)
11/16/2020	<u>4</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 11/16/2020. (lcrdm1) (Entered: 11/16/2020)
12/02/2020	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/30/2020. ( Answer due for ALL FEDERAL DEFENDANTS by 12/30/2020.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/19/2020., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR MEDICARE & MEDICAID SERVICES served on 11/23/2020; FOOD AND DRUG ADMINISTRATION served on 11/16/2020; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 11/18/2020 (Monahan, Christine) (Entered: 12/02/2020)
12/30/2020	<u>6</u>	NOTICE of Appearance by Jody D. Lowenstein on behalf of All Defendants (Lowenstein, Jody) (Entered: 12/30/2020)
12/30/2020	<u>7</u>	ANSWER to Complaint by CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Lowenstein, Jody) (Entered: 12/30/2020)
01/02/2021		MINUTE ORDER: It is ORDERED that, on or before January 19, 2021, the parties shall confer and file a joint status report addressing (1) any documents still to be produced pursuant to FOIA; (2) an anticipated schedule for processing and producing any such documents; and (3) any substantive areas of disagreement between the parties. It is FURTHER ORDERED that the parties shall appear telephonically for an Initial Scheduling Conference on January 26, 2021, at 10:30 a.m., before Judge Randolph D. Moss. The parties can obtain a teleconference number and access code from the deputy clerk prior to the conference. Signed by Judge Randolph D. Moss on 1/2/2021. (lcrdm1) (Entered: 01/02/2021)
01/19/2021	<u>8</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Lowenstein, Jody) (Entered: 01/19/2021)
01/19/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>8</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before February 26, 2021. It is further ORDERED that the initial scheduling conference currently set for January 26, 2021 is VACATED and RESCHEDULED to March 5, 2021 at 3:30 p.m., to take place telephonically. The parties can obtain a teleconference number and access code from the deputy clerk prior to the conference. Signed by Judge Randolph D. Moss on 01/19/2021. (lcrdm1) (Entered: 01/19/2021)
02/08/2021	<u>9</u>	Unopposed MOTION for Leave to File <i>Amended Complaint</i> by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint, # <u>2</u> Exhibit Proposed Amended Complaint Redline, # <u>3</u> Exhibit Proposed Amended Complaint Exhibit A, # <u>4</u> Exhibit Proposed Amended Complaint Exhibit B, # <u>5</u> Exhibit Proposed Amended Complaint Exhibit C, # <u>6</u> Exhibit Proposed Amended Complaint Exhibit D,

		# <u>7</u> Exhibit Proposed Amended Complaint Exhibit E, # <u>8</u> Summons as to USAO, # <u>9</u> Summons as to USAG, # <u>10</u> Summons as to CDC)(Monahan, Christine) (Entered: 02/08/2021)
02/08/2021		MINUTE ORDER: Upon consideration of Plaintiff's unopposed motion for leave to amend the complaint, Dkt. <u>2</u> , it is hereby ORDERED that the motion is GRANTED. The amended complaint, Dkt. 9-1, and the accompanying amended exhibits are deemed FILED. Signed by Judge Randolph D. Moss on 02/08/2021. (lcrdm1) (Entered: 02/08/2021)
02/08/2021	<u>10</u>	AMENDED COMPLAINT against CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(ztd) (Entered: 02/09/2021)
02/09/2021	<u>11</u>	SUMMONS (1) Issued Electronically for Amended Complaint as to CENTERS FOR DISEASE CONTROL AND PREVENTION. (ztd) (Entered: 02/09/2021)
02/22/2021	<u>12</u>	ANSWER to <u>10</u> Amended Complaint, by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Lowenstein, Jody) (Entered: 02/22/2021)
02/26/2021	<u>13</u>	Joint STATUS REPORT by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Lowenstein, Jody) (Entered: 02/26/2021)
02/26/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>13</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before April 9, 2021. It is further ORDERED that the initial scheduling conference currently set for March 5, 2021 is VACATED and RESCHEDULED to April 19, 2021 at 10:00 a.m., to take place telephonically. The parties can obtain a teleconference number and access code from the deputy clerk prior to the conference. Signed by Judge Randolph D. Moss on 02/26/2021. (lcrdm1) (Entered: 02/26/2021)
03/04/2021	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/16/2021. ( Answer due for ALL FEDERAL DEFENDANTS by 3/18/2021.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/16/21., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR DISEASE CONTROL AND PREVENTION served on 3/4/2021 (Monahan, Christine) (Entered: 03/04/2021)
04/09/2021	<u>15</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A (Plaintiff))(Monahan, Christine) (Entered: 04/09/2021)
04/19/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Initial Scheduling Conference held on 4/19/2021. For the reasons stated on the record, Defendants shall file a Status Report by 5/14/2021. (Court Reporter: Jeff hook.) (kt) (Entered: 04/19/2021)
04/19/2021	<u>16</u>	<b>TRANSCRIPT OF TELEPHONIC INITIAL SCHEDULING CONFERENCE</b> before Judge Randolph D. Moss held on April 19, 2021. Page Numbers: 1 – 21. Date of Issuance: April 19, 2021. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a>  For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.  <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal

		<p>identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/10/2021. Redacted Transcript Deadline set for 5/20/2021. Release of Transcript Restriction set for 7/18/2021.(Hook, Jeff) (Entered: 04/19/2021)</p>
05/14/2021	<u>17</u>	STATUS REPORT by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Lowenstein, Jody) (Entered: 05/14/2021)
05/18/2021	<u>18</u>	STATUS REPORT by AMERICAN OVERSIGHT. (Monahan, Christine) (Entered: 05/18/2021)
05/19/2021		MINUTE ORDER: Upon consideration of the parties' status reports, Dkt. <u>17</u> and Dkt. <u>18</u> , it is hereby ORDERED that the parties shall file a joint status report on or before June 18, 2021. Signed by Judge Randolph D. Moss on 05/19/2021. (lcrdm1) (Entered: 05/19/2021)
06/02/2021	<u>19</u>	NOTICE of Appearance by Mehreen A Rasheed on behalf of AMERICAN OVERSIGHT (Rasheed, Mehreen) (Entered: 06/02/2021)
06/03/2021	<u>20</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN OVERSIGHT. Attorney Christine H. Monahan terminated. (Monahan, Christine) (Entered: 06/03/2021)
06/18/2021	<u>21</u>	Joint STATUS REPORT by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Lowenstein, Jody) (Entered: 06/18/2021)
07/17/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>21</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before August 6, 2021. Signed by Judge Randolph D. Moss on 07/17/2021. (lcrdm1) (Entered: 07/17/2021)
08/06/2021	<u>22</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Rasheed, Mehreen) (Entered: 08/06/2021)
08/11/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>22</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before October 5, 2021. Signed by Judge Randolph D. Moss on 08/11/21. (lcrdm1) (Entered: 08/11/2021)
10/05/2021	<u>23</u>	Joint STATUS REPORT by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Lowenstein, Jody) (Entered: 10/05/2021)
10/06/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>23</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before December 3, 2021. Signed by Judge Randolph D. Moss on 10/06/2021. (lcrdm1) (Entered: 10/06/2021)
12/03/2021	<u>24</u>	Joint STATUS REPORT by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Lowenstein, Jody) (Entered: 12/03/2021)
12/06/2021		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>24</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before February 1, 2022. Signed by Judge Randolph D. Moss on 12/6/2021. (lcrdm1) (Entered: 12/06/2021)

02/01/2022	<u>25</u>	Joint STATUS REPORT by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Lowenstein, Jody) (Entered: 02/01/2022)
02/04/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>25</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before April 4, 2022. Signed by Judge Randolph D. Moss on 2/4/2022. (lcrdm1) (Entered: 02/04/2022)
04/04/2022	<u>26</u>	Joint STATUS REPORT by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Lowenstein, Jody) (Entered: 04/04/2022)
04/09/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>26</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before June 3, 2022. Signed by Judge Randolph D. Moss on 4/9/2022. (lcrdm1) (Entered: 04/09/2022)
06/03/2022	<u>27</u>	Joint STATUS REPORT by CENTERS FOR DISEASE CONTROL AND PREVENTION, CENTERS FOR MEDICARE & MEDICAID SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Lowenstein, Jody) (Entered: 06/03/2022)
06/07/2022		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>27</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before August 2, 2022. Signed by Judge Randolph D. Moss on 6/7/2022. (lcrdm1) (Entered: 06/07/2022)
07/01/2022	<u>28</u>	STIPULATION of Dismissal <i>without prejudice</i> by AMERICAN OVERSIGHT. (Rasheed, Mehreen) (Entered: 07/01/2022)
07/05/2022		MINUTE ORDER: In light of the parties' stipulation of dismissal, Dkt. <u>28</u> , it is hereby ORDERED that the case is DISMISSED without prejudice. The Clerk of Court is directed to terminate this case. Signed by Judge Randolph D. Moss on 7/5/2022. (lcrdm1) (Entered: 07/05/2022)