

**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:22-cv-01981-TPB-JSS**

State of Florida et al v. Food and Drug Administration et al
Assigned to: Judge Thomas P. Barber
Referred to: Magistrate Judge Julie S. Sneed
Cause: 05:0552 Freedom of Information Act

Date Filed: 08/29/2022
Date Terminated: 10/06/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

State of Florida

represented by **James Hamilton Percival , II**
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Plaintiff

**Florida Agency for Health Care
Administration**

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V.

Defendant

Food and Drug Administration

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Defendant

**Department of Health and Human
Services**

represented by **Olivia R. Hussey Scott**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James W Harlow
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly Ruthsatz Stephens
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Robert M Califf
*in his official capacity as Commissioner
of Food and Drugs*

represented by **Olivia R. Hussey Scott**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James W Harlow
(See above for address)
ATTORNEY TO BE NOTICED

Kimberly Ruthsatz Stephens
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ATTORNEY TO BE NOTICED

Defendant

Xavier Becerra
*in his official capacity as Secretary of
Health and Human Services*

represented by **Olivia R. Hussey Scott**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James W Harlow
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Kimberly Ruthsatz Stephens
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 08/29/2022 | <u>1</u> | COMPLAINT for Declaratory and Injunctive Relief against All Defendants (Filing fee \$402 receipt number AFLMDC-19936840) filed by All Plaintiffs. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Proposed Summons)(Sheeran, Andrew) (Entered: 08/29/2022) |
| 08/29/2022 | 2 | NEW CASE ASSIGNED to Judge Thomas P. Barber and Magistrate Judge Julie S. Sneed. New case number: 8:22-cv-1981-TPB-JSS. (SJB) (Entered: 08/29/2022) |
| 08/30/2022 | 3 | NOTICE to Counsel of Local Rule 1.07(c), Local Rule 3.02(a)(2), and Local Rule 3.03. – Local Rule 1.07(c) requires lead counsel to <i>promptly</i> file a Notice of a Related Action that identifies and describes any related action pending in the Middle District or elsewhere. – Local Rule 3.02(a)(2) requires the parties in every civil proceeding, except those described in subsection (d), to file a case management report (CMR) using the uniform form at www.flmd.uscourts.gov . The CMR must be filed (1) within forty days after any defendant appears in an action originating in this court, (2) within forty days after the docketing of an action removed or transferred to this court, or (3) within seventy days after service on the United States attorney in an action against the United States, its agencies or employees. Judges may have a special CMR form for certain types of cases. These forms can be found at www.flmd.uscourts.gov under the Forms tab for each judge. |

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| | | <p>–Local Rule 3.03 requires each party to file a disclosure statement with the first appearance that identifies (1) each person that has or might have an interest in the outcome, (2) each entity with publicly traded shares or debt potentially affected by the outcome, (3) each additional entity likely to actively participate, and (4) each person arguably eligible for restitution. The disclosure statement must include this certification – <i>I certify that, except as disclosed, I am unaware of an actual or potential conflict of interest affecting the district judge or the magistrate judge in this action, and I will immediately notify the judge in writing within fourteen days after I know of a conflict.</i> (Signed by Deputy Clerk). (SRC) (Entered: 08/30/2022)</p> |
| 08/30/2022 | <u>4</u> | NOTICE informing the parties that they may consent to the jurisdiction of a United States magistrate judge by filing Form AO 85 Notice, Consent, and Reference of a Civil Action to a Magistrate Judge using the event Consent to Jurisdiction of US Magistrate Judge . (Signed by Deputy Clerk). (SRC) (Entered: 08/30/2022) |
| 08/30/2022 | <u>5</u> | SUMMONS issued as to Department of Health and Human Services, Food and Drug Administration, U.S. Attorney and U.S. Attorney General. (LSS) (Entered: 08/30/2022) |
| 08/30/2022 | <u>6</u> | CERTIFICATE of interested persons and corporate disclosure statement by Florida Agency for Health Care Administration, State of Florida. (Sheeran, Andrew) (Entered: 08/30/2022) |
| 08/31/2022 | <u>7</u> | AMENDED COMPLAINT for Declaratory and Injunctive Relief against All Defendants filed by All Plaintiffs. (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> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Proposed Summons)(Sheeran, Andrew) (Entered: 08/31/2022) |
| 08/31/2022 | <u>8</u> | SUMMONS issued as to Xavier Becerra, Robert M Califf, Department of Health and Human Services, Food and Drug Administration, U.S. Attorney and U.S. Attorney General. (LSS) (Entered: 08/31/2022) |
| 08/31/2022 | <u>9</u> | PROOF of service by Florida Agency for Health Care Administration (Sheeran, Andrew) (Entered: 08/31/2022) |
| 09/01/2022 | <u>10</u> | NOTICE of Lead Counsel Designation by Andrew T. Sheeran on behalf of Florida Agency for Health Care Administration. Lead Counsel: Andrew T. Sheeran. (Sheeran, Andrew) (Entered: 09/01/2022) |
| 09/02/2022 | <u>11</u> | NOTICE by State of Florida of <i>Lead Counsel Designation</i> (Percival, James) (Entered: 09/02/2022) |
| 09/28/2022 | <u>12</u> | NOTICE of Appearance by James W Harlow on behalf of Xavier Becerra, Robert M Califf, Department of Health and Human Services, Food and Drug Administration (Harlow, James) (Entered: 09/28/2022) |
| 09/28/2022 | <u>13</u> | Unopposed MOTION for Extension of Time to File Answer by All Defendants. (Scott, Olivia) (Entered: 09/28/2022) |
| 09/30/2022 | <u>14</u> | Unopposed MOTION for R. Trent McCotter to appear pro hac vice by Florida Agency for Health Care Administration. (Sheeran, Andrew) Motions referred to Magistrate Judge Julie S. Sneed. (Entered: 09/30/2022) |
| 09/30/2022 | <u>15</u> | Unopposed MOTION for Jonathan Berry to appear pro hac vice by Florida Agency for Health Care Administration. (Sheeran, Andrew) Motions referred to Magistrate Judge Julie S. Sneed. (Entered: 09/30/2022) |
| 09/30/2022 | <u>16</u> | Unopposed MOTION for Jared M. Kelson to appear pro hac vice by Florida Agency for Health Care Administration. (Sheeran, Andrew) Motions referred to Magistrate Judge Julie S. Sneed. (Entered: 09/30/2022) |
| 09/30/2022 | <u>17</u> | Unopposed MOTION for C. Boyden Gray to appear pro hac vice by Florida Agency for Health Care Administration. (Sheeran, Andrew) Motions referred to Magistrate Judge Julie S. Sneed. (Entered: 09/30/2022) |

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| 09/30/2022 | 18 | ENDORSED ORDER: Defendants' "Unopposed Motion for an Extension of Time to Respond to the Amended Complaint" (Doc. 13) is granted. Defendants may file their response to the complaint on or before November 7, 2022. Signed by Judge Thomas P. Barber on 9/30/2022. (ANL) (Entered: 09/30/2022) |
| 09/30/2022 | <u>19</u> | ORDER granting <u>14</u> Motion to Appear Pro Hac Vice for R. Trent McCotter. Signed by Magistrate Judge Julie S. Sneed on 9/30/2022. (SMC) (Entered: 09/30/2022) |
| 09/30/2022 | <u>20</u> | ORDER granting <u>15</u> Motion to Appear Pro Hac Vice for Jonathan Berry. Signed by Magistrate Judge Julie S. Sneed on 9/30/2022. (SMC) (Entered: 09/30/2022) |
| 09/30/2022 | <u>21</u> | ORDER granting <u>16</u> Motion to Appear Pro Hac Vice for Jared M. Kelson. Signed by Magistrate Judge Julie S. Sneed on 9/30/2022. (SMC) (Entered: 09/30/2022) |
| 09/30/2022 | <u>22</u> | ORDER granting <u>17</u> Motion to Appear Pro Hac Vice for C. Boyden Gray. Signed by Magistrate Judge Julie S. Sneed on 9/30/2022. (SMC) (Entered: 09/30/2022) |
| 09/30/2022 | <u>23</u> | NOTICE of Appearance by Kimberly Ruthsatz Stephens on behalf of Xavier Becerra, Robert M Califf, Department of Health and Human Services, Food and Drug Administration (Stephens, Kimberly) (Entered: 09/30/2022) |
| 10/05/2022 | | PRO HAC VICE FEES paid by attorney Jared M. Kelson Esq (Filing fee \$150 receipt number TPA067312.) Related document: <u>16</u> Unopposed MOTION for Jared M. Kelson to appear pro hac vice . (ARC) (Entered: 10/05/2022) |
| 10/05/2022 | | PRO HAC VICE FEES paid by attorney Jonathan Berry Esq (Filing fee \$150 receipt number TPA067311.) Related document: <u>15</u> Unopposed MOTION for Jonathan Berry to appear pro hac vice . (ARC) (Entered: 10/05/2022) |
| 10/05/2022 | | PRO HAC VICE FEES paid by attorney R. Trent McCotter (Filing fee \$150 receipt number TPA067310.) Related document: <u>14</u> Unopposed MOTION for R. Trent McCotter to appear pro hac vice . (ARC) (Entered: 10/05/2022) |
| 10/05/2022 | | PRO HAC VICE FEES paid by attorney C. Boyden Gray Esq (Filing fee \$150 receipt number TPA067309.) Related document: <u>17</u> Unopposed MOTION for C. Boyden Gray to appear pro hac vice . (ARC) (Entered: 10/05/2022) |
| 10/06/2022 | <u>24</u> | NOTICE of Lead Counsel Designation by R. Trent McCotter on behalf of Florida Agency for Health Care Administration. Lead Counsel: R. Trent McCotter. (McCotter, R.) (Entered: 10/06/2022) |