

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:21-cv-10420-LAK**

The New York Times Company et al v. United States
Department of Health And Human Services
Assigned to: Judge Lewis A. Kaplan
Cause: 05:552 Freedom of Information Act

Date Filed: 12/07/2021
Date Terminated: 11/28/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

The New York Times Company

represented by **Sum Yi Jessica Hui**
United States Court of Appeals for the
Second Circuit
157 Church Street
New Haven, CT 06510
203-773-7986
Email: jess.hui@nytimes.com
TERMINATED: 08/17/2022
ATTORNEY TO BE NOTICED

David Edward McCraw
The New York Times Company (10018)
620 Eighth Avenue
New York, NY 10018
(212) 556-4031
Fax: (212) 556-1009
Email: mccraw@nytimes.com
ATTORNEY TO BE NOTICED

Plaintiff

Mark Walker

represented by **Sum Yi Jessica Hui**
(See above for address)
TERMINATED: 08/17/2022
ATTORNEY TO BE NOTICED

David Edward McCraw
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Department of Health
And Human Services**

represented by **Christine Schessler Poscablo**
U.S. Attorney Office SDNY
86 Chambers Street
New York, NY 10007
(212)-637-2674
Fax: (212)-637-0033
Email: christine.poscablo@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natasha Waglow Teleanu
United States Attorney's Office, SDNY
86 Chambers Street, 3rd fl.
New York, NY 10007
212-637-2528
Fax: 212-637-2786

Date Filed	#	Docket Text
12/07/2021	<u>1</u>	COMPLAINT against United States Department of Health And Human Services. (Filing Fee \$ 402.00, Receipt Number CNYSDC-25430741) Document filed by The New York Times Company, Mark Walker..(McCraw, David) (Entered: 12/07/2021)
12/07/2021		ADD PARTY FOR PLEADING. Defendants/Respondents United States Department of Health And Human Services added. Party added pursuant to <u>1</u> Complaint. Document filed by The New York Times Company, Mark Walker. Related document: <u>1</u> Complaint..(McCraw, David) (Entered: 12/07/2021)
12/07/2021	<u>2</u>	CIVIL COVER SHEET filed..(McCraw, David) (Entered: 12/07/2021)
12/07/2021	<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 The New York Times Company, Mark Walker..(McCraw, David) (Entered: 12/07/2021)
12/07/2021	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The New York Times Company..(McCraw, David) (Entered: 12/07/2021)
12/08/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Lewis A. Kaplan. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . 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 https://nysd.uscourts.gov/rules/ecf-related-instructions ..(jgo) (Entered: 12/08/2021)
12/08/2021		Magistrate Judge Barbara C. Moses 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: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (jgo) (Entered: 12/08/2021)
12/08/2021		Case Designated ECF. (jgo) (Entered: 12/08/2021)
12/08/2021	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Health And Human Services, U.S. Attorney and U.S. Attorney General..(jgo) (Entered: 12/08/2021)
12/13/2021	<u>6</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). All such motions. Referred to Magistrate Judge Barbara C. Moses. So Ordered. (Signed by Judge Lewis A. Kaplan on 12/9/21) (yv) Modified on 12/28/2021 (yv). (Entered: 12/13/2021)
12/13/2021	<u>7</u>	ORDER REGARDING GENERAL PRETRIAL MANAGEMENT: The above-referenced action has been referred to Magistrate Judge Barbara Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, and for report and recommendation on dispositive motions, if any, pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). All pretrial motions and applications, including those related to scheduling and discovery must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at https://nysd.uscourts.gov/hon-barbara-moses . Parties and counsel are cautioned: Once a discovery schedule has been issued, all discovery must be initiated in time to be concluded by the close of discovery set by the Court. Court conferences and hearings may be conducted by teleconference, videoconference, or in person. Teleconferences are held on the Court's AT&T line. If a teleconference is scheduled, the parties are directed to call (888) 557-8511 and enter

		the access code 7746387 a few minutes before the scheduled time and further set forth in this Order. (Signed by Magistrate Judge Barbara C. Moses on 12/13/2021) (rro) (Entered: 12/13/2021)
12/14/2021	<u>8</u>	CERTIFICATE OF SERVICE (FOIA CASE). United States Department of Health And Human Services served on 12/8/2021, answer due 1/7/2022. Service was made by EMAIL. Document filed by The New York Times Company; Mark Walker..(McCraw, David) (Entered: 12/14/2021)
01/07/2022	<u>9</u>	ANSWER to <u>1</u> Complaint. Document filed by United States Department of Health And Human Services..(Teleanu, Natasha) (Entered: 01/07/2022)
02/23/2022	<u>10</u>	NOTICE OF APPEARANCE by Sum Yi Jessica Hui on behalf of The New York Times Company, Mark Walker..(Hui, Sum Yi Jessica) (Entered: 02/23/2022)
02/25/2022	<u>11</u>	ORDER SCHEDULING INITIAL CASE MANAGEMENT CONFERENCE: It appearing to the Court that no initial case management conference has yet taken place in this action, it is hereby ORDERED that an initial conference in accordance with Fed. R. Civ. P. 16 will be held on April 13, 2022, at 11:00 a.m., in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007. At the conference, the parties must be prepared to discuss the subjects set forth in Fed. R. Civ. P. 16(b) and (c). It is further ORDERED that counsel shall meet and confer in accordance with Fed. R. Civ. P.26(f) no later than 21 days prior to the initial case management conference. No later than one week (seven calendar days) prior to the conference, the parties shall file a Pre-Conference Statement, via ECF, signed by counsel for all parties. The Statement, which will constitute the written report required by Fed. R. Civ. P. 26(f)(2), shall contain the following information: as further set forth herein. Initial Conference set for 4/13/2022 at 11:00 AM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Barbara C. Moses. (Signed by Magistrate Judge Barbara C. Moses on 2/25/2022) (kv) (Entered: 02/25/2022)
04/06/2022	<u>12</u>	PRE-CONFERENCE STATEMENT . Document filed by United States Department of Health And Human Services..(Teleanu, Natasha) (Entered: 04/06/2022)
04/12/2022	<u>13</u>	ORDER: The parties shall not amend their pleadings, or join additional parties, absent leave of the Court. Any motion to amend or to join additional parties pursuant to Fed. R. Civ. P. 15(a) shall be filed no later than April 22, 2022. Any motion to amend or to join additional parties filed after the deadline in this paragraph will be subject to the "good cause" standard in Fed. R. Civ. P. 16(b)(4). The parties do not anticipate any discovery. The parties report that they are conferring with regard to plaintiffs' FOIA requests but are not yet in a position to propose a production schedule to the Court. Consequently, the conference scheduled for April 13, 2022is ADJOURNED to May 9, 2022, at 12:00 noon, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. No later than May 2, 2022, the parties shall submit a joint status letter updating the Court on the progress of the case, including the schedule of production, and shall propose a schedule for the filing of summary judgment motions if necessary. Any application for extension or adjournment of the time limits, deadlines or conferences set forth above must be made by letter-motion, in accordance with this Courts Individual Practices as soon as the need for the extension or adjournment is reasonably apparent to the party making the application. Applications made after the expiration of the deadline in question may be summarily denied. (Motions due by 4/22/2022., Initial Conference set for 5/9/2020 at 12:00 PM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Barbara C. Moses.) (Signed by Magistrate Judge Barbara C. Moses on 4/12/2022) (rro) (Entered: 04/12/2022)
04/13/2022	<u>14</u>	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by The New York Times Company, United States Department of Health And Human Services, Mark Walker. (Case No Longer Referred to Magistrate Judge.) IT IS ORDERED: This case is referred to a United states magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. (Signed by Judge Lewis A. Kaplan on 4/12/22).(yv) (Entered: 04/13/2022)
05/02/2022	<u>15</u>	STATUS REPORT. Document filed by United States Department of Health And Human Services..(Teleanu, Natasha) (Entered: 05/02/2022)

05/04/2022	<u>16</u>	MEMO ENDORSEMENT on re: <u>15</u> Status Report filed by United States Department of Health And Human Services. ENDORSEMENT: Application GRANTED to the extent that the conference scheduled for May 9, 2022 is hereby ADJOURNED to June 7, 2022, at 10:00 a.m., in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. No later than May 31, 2022, the parties shall submit a joint status letter updating the Court on the progress of the case, including the schedule of production, and shall propose a schedule for the filing of summary judgment motions if necessary. SO ORDERED. (Initial Conference set for 6/7/2022 at 10:00 AM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Barbara C. Moses.) (Signed by Magistrate Judge Barbara C. Moses on 5/4/2022) (rro) (Entered: 05/04/2022)
05/16/2022	<u>17</u>	STATUS REPORT. Document filed by United States Department of Health And Human Services..(Teleanu, Natasha) (Entered: 05/16/2022)
05/18/2022	<u>18</u>	ORDER: The Court has received and reviewed the parties' joint status letter dated May 16, 2022. (Dkt. No. 17.) It is hereby ORDERED that: No later than April 24, 2023, defendant United States Department of Health and Human Services (HHS) shall file its motion for summary judgment. Alternatively, the parties shall file a joint status letter, by the same deadline, informing the Court that they do not intend to file motions for summary judgment. No later than May 22, 2023, plaintiffs shall file their opposition brief and any cross-motion for summary judgment. No later than June 12, 2023, HHS shall file its opposition to plaintiffs' summary judgment motion and its reply brief. No later than June 26, 2023, plaintiffs shall file their reply brief. It is further ORDERED that the conference scheduled for June 7, 2022 is ADJOURNED sine die. SO ORDERED., (Cross Motions due by 5/22/2023., Motions due by 4/24/2023., Responses due by 6/12/2023, Replies due by 6/26/2023.) (Signed by Magistrate Judge Barbara C. Moses on 5/18/2022) (ama) (Entered: 05/18/2022)
08/08/2022	<u>19</u>	MOTION for S.Y. Jessica Hui to Withdraw as Attorney . Document filed by The New York Times Company, Mark Walker..(Hui, Sum Yi Jessica) (Entered: 08/08/2022)
08/17/2022		ORDER granting <u>19</u> Motion to Withdraw as Attorney. Attorney Sum Yi Jessica Hui terminated (HEREBY ORDERED by Judge Lewis A. Kaplan)(Text Only Order) (Kaplan, Lewis) (Entered: 08/17/2022)
10/14/2022	<u>20</u>	NOTICE OF APPEARANCE by Christine Schessler Poscablo on behalf of United States Department of Health And Human Services..(Poscablo, Christine) (Entered: 10/14/2022)
10/14/2022	<u>21</u>	LETTER MOTION to Substitute Attorney. Old Attorney: Natasha Waglow Teleanu, New Attorney: Christine Schessler Poscablo addressed to Magistrate Judge Barbara C. Moses from Natasha W. Teleanu dated October 14, 2022. Document filed by United States Department of Health And Human Services..(Teleanu, Natasha) (Entered: 10/14/2022)
10/19/2022	<u>22</u>	ORDER granting <u>21</u> Letter Motion to Substitute Attorney. SO ORDERED. Attorney Natasha Waglow Teleanu terminated. (Signed by Judge Lewis A. Kaplan on 10/19/2022) (tro) (Entered: 10/19/2022)
11/21/2022	<u>23</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – SIGNATURE ERROR – STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) United States Department of Health And Human Services and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by United States Department of Health And Human Services. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers) ...(Poscablo, Christine) Modified on 11/22/2022 (tp). (Entered: 11/21/2022)
11/22/2022		***NOTICE TO ATTORNEY REGARDING DEFICIENT VOLUNTARY DISMISSAL. Notice to Attorney Christine Poscablo. RE-FILE Document No. <u>23</u> Stipulation of Voluntary Dismissal. The filing is deficient for the following reason(s): the stipulation of voluntary dismissal was not signed by all parties who have appeared. Re-file the document using the event type Stipulation of Voluntary Dismissal found under the event list Other Documents – select the correct filer/filers – select the correct party/parties the voluntary dismissal is

		against – and attach the correct signed (scanned <i>ink</i> signature image) PDF. (tp) (Entered: 11/22/2022)
11/23/2022	<u>24</u>	STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above–captioned action is voluntarily dismissed, with prejudice against the defendant(s) United States Department of Health And Human Services and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by United States Department of Health And Human Services. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers)... (Poscablo, Christine) (Entered: 11/23/2022)