

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:20-cv-01871-RBW**

SIDLEY AUSTIN (DC) LLP v. CENTERS FOR MEDICARE  
& MEDICAID SERVICES

Assigned to: Judge Reggie B. Walton  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/10/2020  
Date Terminated: 01/09/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**SIDLEY AUSTIN (DC) LLP**

represented by **Kyle J. Fiet**  
SIDLEY AUSTIN LLP  
1501 K Street, NW  
Washington, DC 20005  
202-736-8000  
Email: [kfiet@sidley.com](mailto:kfiet@sidley.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sean Christopher Griffin**  
SIDLEY AUSTIN LLP  
1501 K Street NW  
Washington, DC 20005  
202-736-8107  
Fax: 202-736-8711  
Email: [sgriffin@sidley.com](mailto:sgriffin@sidley.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William Anthony Sarraille**  
SIDLEY AUSTIN LLP  
1501 K Street, NW  
Washington, DC 20005  
202-736-8195  
Fax: 202-736-8711  
Email: [wsarraille@sidley.com](mailto:wsarraille@sidley.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**CENTERS FOR MEDICARE &  
MEDICAID SERVICES**

represented by **James O. Bickford**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
(202) 305-7632  
Fax: (202) 616-8470  
Email: [james.bickford@usdoj.gov](mailto:james.bickford@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael Leon Drezner**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Room 12210  
Washington, DC 20005

(202) 514-4505  
 Fax: (202) 616-8470  
 Email: [Michael.L.Drezner@usdoj.gov](mailto:Michael.L.Drezner@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joseph F. Carilli , Jr.**  
 600 19th Street NW  
 Washington, DC 20006  
 (771) 204-3506  
 Email: [carillijf@state.gov](mailto:carillijf@state.gov)  
**TERMINATED: 09/16/2020**

**Kathleene A. Molen**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 4th Street NW  
 Washington, DC 20530  
 (202) 803-1572  
 Email: [Kathleene.Molen@usdoj.gov](mailto:Kathleene.Molen@usdoj.gov)  
**TERMINATED: 08/22/2020**

Date Filed	#	Docket Text
07/10/2020	<u>1</u>	COMPLAINT against CENTERS FOR MEDICARE & MEDICAID SERVICES ( Filing fee \$ 400 receipt number ADCDC-7325109) filed by SIDLEY AUSTIN (DC) LLP. (Attachments: # <u>1</u> Declaration of Sean C. Griffin, # <u>2</u> Exhibit A to Declaration, # <u>3</u> Exhibit B to Declaration, # <u>4</u> Exhibit 1 to Complaint, # <u>5</u> Exhibit 2 to Complaint, # <u>6</u> Exhibit 3 to Complaint, # <u>7</u> Exhibit 4 to Complaint, # <u>8</u> Exhibit 5 to Complaint, # <u>9</u> Exhibit 6 to Complaint, # <u>10</u> Exhibit 7 to Complaint, # <u>11</u> Exhibit 8 to Complaint, # <u>12</u> Exhibit 9 to Complaint, # <u>13</u> Exhibit 10 to Complaint, # <u>14</u> Exhibit 11 to Complaint, # <u>15</u> Exhibit 12 to Complaint, # <u>16</u> Exhibit 13 to Complaint, # <u>17</u> Civil Cover Sheet, # <u>18</u> Summons 1, # <u>19</u> Summons 2, # <u>20</u> Summons 3)(Sarraille, William) (Entered: 07/10/2020)
07/13/2020		Case Assigned to Judge Reggie B. Walton. (adh, ) (Entered: 07/13/2020)
07/13/2020	<u>2</u>	SUMMONS (3) Issued Electronically as to CENTERS FOR MEDICARE & MEDICAID SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 07/13/2020)
07/30/2020	<u>3</u>	NOTICE of Appearance by Kathleene A. Molen on behalf of CENTERS FOR MEDICARE & MEDICAID SERVICES (Molen, Kathleene) (Entered: 07/30/2020)
08/03/2020	<u>4</u>	ENTERED IN ERROR.....NOTICE of Filing Proof of Service by SIDLEY AUSTIN (DC) LLP (Attachments: # <u>1</u> Declaration of A. Michaela Kabat, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(Sarraille, William); Modified on 8/3/2020 (zth). (Entered: 08/03/2020)
08/03/2020		NOTICE OF ERROR re <u>4</u> Notice (Other); emailed to wsarraille@sidley.com, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. The correct events can be found under Service of Process. (zth, ) (Entered: 08/03/2020)
08/04/2020	<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 7/20/2020. ( Answer due for ALL FEDERAL DEFENDANTS by 8/19/2020.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/20/20., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR MEDICARE & MEDICAID SERVICES served on 7/20/2020 (Attachments: # <u>1</u> Declaration of Michaela Kabat, # <u>2</u> Exhibit A - Certified Mail Receipt for US Attorney for the District of Columbia, # <u>3</u> Exhibit B - Certified Mail Receipt for US Attorney General, # <u>4</u> Exhibit C - Certified Mail Receipt for Centers for Medicare & Medicaid Services)(Sarraille, William) (Entered: 08/04/2020)

08/19/2020	<u>6</u>	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on August 19, 2020. (lcrbw1) (Entered: 08/19/2020)
08/19/2020	<u>7</u>	ANSWER to Complaint by CENTERS FOR MEDICARE & MEDICAID SERVICES.(Molen, Kathleene) (Entered: 08/19/2020)
08/19/2020		MINUTE ORDER. To ensure the expeditious resolution of this action, and because this qualifies as an exempted case under Local Civil Rule 16.3(b), it is hereby ORDERED that, on or before September 16, 2020, the parties shall file a joint proposed schedule governing further proceedings in this case. Signed by Judge Reggie B. Walton on August 19, 2020. (lcrbw1) (Entered: 08/19/2020)
08/20/2020		Set/Reset Deadlines: Joint proposed schedule due by 9/16/2020. (hs) (Entered: 08/20/2020)
08/22/2020	<u>8</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joseph F. Carilli, Jr on behalf of CENTERS FOR MEDICARE & MEDICAID SERVICES Substituting for attorney Kathleene A. Molen (Carilli, Joseph) (Entered: 08/22/2020)
09/02/2020	<u>9</u>	NOTICE of Appearance by Kyle J. Fiet on behalf of SIDLEY AUSTIN (DC) LLP (Fiet, Kyle) (Entered: 09/02/2020)
09/16/2020	<u>10</u>	NOTICE OF SUBSTITUTION OF COUNSEL by James O. Bickford on behalf of CENTERS FOR MEDICARE & MEDICAID SERVICES Substituting for attorney Joseph F. Carrilli, Jr. (Bickford, James) (Entered: 09/16/2020)
09/16/2020	<u>11</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Bickford, James) (Entered: 09/16/2020)
09/18/2020		MINUTE ORDER. Upon consideration of the parties' <u>11</u> Joint Status Report, and for good cause shown, it is hereby ORDERED that the parties shall submit a joint status report on or before October 16, 2020, regarding how they wish to proceed in this case. Signed by Judge Reggie B. Walton on September 18, 2020. (lcrbw1) (Entered: 09/18/2020)
09/22/2020		Set/Reset Deadlines: Joint Status Report due by 10/16/2020 (hs) (Entered: 09/22/2020)
10/16/2020	<u>12</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Bickford, James) (Entered: 10/16/2020)
10/21/2020		MINUTE ORDER. Upon consideration of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that, on or before November 16, 2020, the parties shall file an additional joint status report regarding how they wish to proceed in this case. Signed by Judge Reggie B. Walton on October 21, 2020. (lcrbw1) (Entered: 10/21/2020)
10/21/2020		Set/Reset Deadlines: Joint Status Report due by 11/16/2020 (hs) (Entered: 10/21/2020)
11/16/2020	<u>13</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Bickford, James) (Entered: 11/16/2020)
11/18/2020		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that, on November 24, 2020, at 2:00 p.m., the parties shall appear before the Court for a status conference via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on November 18, 2020. (lcrbw1) (Entered: 11/18/2020)
11/18/2020		Set/Reset Hearings: Status Conference set for 11/24/2020 at 02:00 PM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 11/18/2020)
11/20/2020	<u>14</u>	NOTICE of Appearance by Sean Christopher Griffin on behalf of SIDLEY AUSTIN (DC) LLP (Griffin, Sean) (Entered: 11/20/2020)
11/24/2020		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 11/24/2020. Status Report due by 1/6/2021. Status Conference set for 1/8/2021 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 11/24/2020)

11/24/2020	<u>15</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before January 6, 2021, the government shall file a status report advising the Court as to (1) the status of its searches regarding the plaintiff's five prioritized requests, including whether it has determined that there are no responsive records for any of the prioritized requests, and (2) the status of productions to the plaintiffs of records responsive to the plaintiff's prioritized requests, including anticipated dates for any future production. It is further ORDERED that the parties shall appear before the Court for a status conference on January 8, 2021, at 9:00 a.m., via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on November 24, 2020. (lcrbw1) (Entered: 11/24/2020)
01/06/2021	<u>16</u>	STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Bickford, James) (Entered: 01/06/2021)
01/06/2021	<u>17</u>	Consent MOTION to Continue <i>Status Conference</i> by SIDLEY AUSTIN (DC) LLP (Attachments: # <u>1</u> Text of Proposed Order)(Sarraille, William) (Entered: 01/06/2021)
01/06/2021		MINUTE ORDER. Upon consideration of the <u>17</u> Plaintiff's Consent Motion to Reschedule Status Conference, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the status conference currently scheduled for January 8, 2021, via teleconference, is CONTINUED to January 26, 2021, at 2:00 p.m. Signed by Judge Reggie B. Walton on January 6, 2021. (lcrbw1) (Entered: 01/06/2021)
01/06/2021		Set/Reset Hearings: Status Conference set for 1/26/2021 at 2:00 PM via teleconference before Judge Reggie B. Walton. (zgdf) (Entered: 01/06/2021)
01/26/2021	<u>18</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that the parties shall appear before the Court for a status conference on February 23, 2021, at 10:00 a.m., via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on January 26, 2021. (lcrbw1) (Entered: 01/26/2021)
01/26/2021		Minute Entry for telephonic proceedings held before Judge Reggie B. Walton: Status Conference held on 1/26/2021. Status Conference set for 2/23/2021 at 10:00 AM in Telephonic/VTC before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (zgdf) (Entered: 02/01/2021)
02/23/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 2/23/2021. (Court Reporter Cathryn Jones.) (hs) (Entered: 02/23/2021)
02/23/2021	<u>19</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that on or before March 5, 2021, the parties shall file a joint proposed briefing schedule governing the filing of dispositive motions. Signed by Judge Reggie B. Walton on February 23, 2021. (lcrbw1) (Entered: 02/23/2021)
02/23/2021		Set/Reset Deadlines: Joint Status Report due by 3/5/2021 (hs) (Entered: 02/23/2021)
03/05/2021	<u>20</u>	Joint MOTION for Extension of Time to File <i>Joint Status Report</i> by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Bickford, James) (Entered: 03/05/2021)
03/08/2021		MINUTE ORDER. Upon consideration of the parties' <u>20</u> Joint Motion for an Extension of Time, and for good cause shown, it is hereby ORDERED that, on or before March 9, 2021, the parties shall file a joint status report regarding how they wish to proceed in this case. Signed by Judge Reggie B. Walton on March 8, 2021. (lcrbw1) (Entered: 03/08/2021)
03/09/2021	<u>21</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Bickford, James) (Entered: 03/09/2021)
03/17/2021		MINUTE ORDER. Upon consideration of the parties' <u>21</u> Joint Status Report, it is hereby ORDERED that, on March 23, 2021, at 11:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on March 17, 2021. (lcrbw1) (Entered: 03/17/2021)

03/17/2021		Set/Reset Hearings: Status Conference set for 3/23/2021 at 11:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 03/17/2021)
03/23/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 3/23/2021. Status Conference set for 5/13/2021 at 01:00 PM by Telephonic/VTC before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 03/23/2021)
03/23/2021	<u>22</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before May 12, 2021, (1) the defendant shall provide to the plaintiff a list of the searches that were conducted in response to the plaintiff's five prioritized Freedom of Information Act ("FOIA") requests and (2) the parties shall meet and confer regarding the list. It is further ORDERED that, on May 13, 2021, at 1:00 p.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on March 23, 2021. (lcrbw1) (Entered: 03/23/2021)
05/13/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: A joint proposed schedule shall be submitted by 5/24/2021. Status Conference held on 5/13/2021. (Court Reporter Elizabeth Saint-Loft) (hs) (Entered: 05/13/2021)
05/14/2021	<u>23</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before May 24, 2021, the parties shall file a joint proposed briefing schedule for cross-motions for summary judgment regarding whether the documents that are in the possession of the third-party contractor are subject to the Freedom of Information Act. Signed by Judge Reggie B. Walton on May 14, 2021. (lcrbw1) (Entered: 05/14/2021)
05/17/2021		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 5/24/2021 (hs) (Entered: 05/17/2021)
05/24/2021	<u>24</u>	PROPOSED BRIEFING SCHEDULE ( <i>Filed Jointly</i> ) by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Bickford, James) (Entered: 05/24/2021)
05/26/2021	<u>25</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before July 9, 2021, the defendant shall file its motion for partial summary judgment. It is further ORDERED that, on or before July 30, 2021, the plaintiff shall file its cross-motion for partial summary judgment and opposition to the defendant's motion. It is further ORDERED that, on or before August 20, 2021, the defendant shall file its opposition to the plaintiff's cross-motion and reply in support of its motion. It is further ORDERED that, on or before September 10, 2021, the plaintiff shall file its reply in support of its cross-motion. It is further ORDERED that, on December 3, 2021, at 10:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). This status conference will serve as a target date for the resolution of the defendant's motion for partial summary judgment and the plaintiff's cross-motion for partial summary judgment. In the event that the Court is unable to resolve the motions by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on May 26, 2021. (lcrbw1) (Entered: 05/26/2021)
05/26/2021		Set/Reset Deadlines/Hearings: Status Conference set for 12/3/2021 at 10:00 AM by Telephonic/VTC before Judge Reggie B. Walton. Cross Motions due by 7/30/2021. Response to Cross Motions due by 8/20/2021. Summary Judgment motions due by 7/9/2021. Response to Motion for Summary Judgment due by 7/30/2021. Reply to Motion for Summary Judgment due by 8/20/2021. (hs) (Entered: 05/26/2021)
07/09/2021	<u>26</u>	STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Bickford, James) (Entered: 07/09/2021)
07/13/2021		MINUTE ORDER. Upon consideration of the defendant's <u>26</u> Status Report, it is hereby ORDERED that, on July 27, 2021, at 11:30 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on July 13, 2021. (lcrbw1) (Entered: 07/13/2021)
07/14/2021		Set/Reset Hearings: Status Conference set for 7/27/2021 at 11:30 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 07/14/2021)

07/23/2021	<u>27</u>	RESPONSE re <u>26</u> Status Report filed by SIDLEY AUSTIN (DC) LLP. (Attachments: # <u>1</u> Exhibit A–D)(Griffin, Sean) (Entered: 07/23/2021)
07/26/2021		MINUTE ORDER. Due to a change in the Court's calendar, it is hereby ORDERED that the status conference currently scheduled for July 27, 2021, at 11:30 a.m., is CONTINUED to July 27, 2021, at 12:30 p.m. The parties shall appear before the Court via teleconference, by calling 1–877–873–8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on July 26, 2021. (lcrbw1) (Entered: 07/26/2021)
07/26/2021		Set/Reset Hearings: Status Conference reset for 7/27/2021 at 12:30 PM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 07/26/2021)
07/27/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 7/27/2021. Status Conference continued for 8/5/2021 at 02:00 PM by Telephonic/VTC before Judge Reggie B. Walton. (Court Reporter Lisa Bankins) (hs) (Entered: 07/27/2021)
07/29/2021	<u>28</u>	ORDER. In accordance with the attached ORDER, it is hereby ORDERED that, on or before August 3, 2021, the parties shall meet and confer regarding a joint proposed schedule governing the processing and production of records responsive to the plaintiff's five prioritized requests. It is further ORDERED that, on or before August 3, 2021, at 5:00 p.m., the parties shall submit to the Court in writing a joint proposed schedule governing the processing and production of records responsive to the plaintiff's five prioritized requests. It is further ORDERED that, on August 5, 2021, at 2:00 p.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1–877–873–8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on July 29, 2021. (lcrbw1) (Entered: 07/29/2021)
08/03/2021		MINUTE ORDER. Due to a change in the Court's calendar, it is hereby ORDERED that the status conference currently scheduled for August 5, 2021, at 2:00 p.m., is CONTINUED to August 6, 2021, at 12:00 p.m. The parties shall appear before the Court via teleconference, by calling 1–877–873–8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on August 3, 2021. (lcrbw1) (Entered: 08/03/2021)
08/03/2021		Set/Reset Hearings: Status Conference reset for 8/6/2021 at 12:00 PM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 08/03/2021)
08/03/2021	<u>29</u>	Joint STATUS REPORT by SIDLEY AUSTIN (DC) LLP. (Griffin, Sean) (Entered: 08/03/2021)
08/06/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 8/6/2021. Written order will issue via Chambers. Status Conference set for 9/14/2021 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (Court Reporter Lisa Edwards) (hs) (Entered: 08/06/2021)
08/10/2021	<u>30</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before August 30, 2021, the defendant shall produce to the plaintiff any non–exempt portions of records responsive to the plaintiff's first prioritized request. It is further ORDERED that, on or before August 30, 2021, the defendant shall acquire possession of the records from the third–party contractor referred to in the defendant's <u>26</u> Status Report that are responsive to the plaintiff's second and third prioritized requests. It is further ORDERED that, on or before August 30, 2021, the defendant shall complete its searches for records responsive to the plaintiff's fourth prioritized request. It is further ORDERED that, on or before September 14, 2021, the parties shall meet and confer regarding the adequacy of the defendant's search in response to the plaintiff's fifth prioritized request. It is further ORDERED that, on September 14, 2021, at 9:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1–877–873–8017 and entering the Court's access code (8583213) followed by the pound key (#). The defendant shall be prepared to advise the Court as to the expected timeline for the processing and production of (1) the records responsive to the plaintiff's second and third prioritized requests; and (2) the records responsive to the plaintiff's fourth prioritized request. In the event that the defendant has not yet acquired possession of the documents responsive to the plaintiff's second and third prioritized requests by the hearing, an agency representative shall be present at the

		hearing and prepared to advise the Court as to why the records have not yet been acquired. Signed by Judge Reggie B. Walton on August 10, 2021. (lcrbw1) (Entered: 08/10/2021)
09/14/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 9/14/2021. A joint Status Report is due by 10/15/2021) (Court Reporter Cathryn Jones) (hs) (Entered: 09/14/2021)
09/15/2021	<u>31</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before October 15, 2021, the parties shall file a joint status report regarding how they wish to proceed in this case. Signed by Judge Reggie B. Walton on September 15, 2021. (lcrbw1) (Entered: 09/15/2021)
10/15/2021	<u>32</u>	Joint STATUS REPORT by SIDLEY AUSTIN (DC) LLP. (Fiet, Kyle) (Entered: 10/15/2021)
10/18/2021		MINUTE ORDER. Upon consideration of the parties' <u>32</u> Joint Status Report, it is hereby ORDERED that, on October 29, 2021, at 10:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on October 18, 2021. Signed by Judge Reggie B. Walton on October 18, 2021. (lcrbw1) (Entered: 10/18/2021)
10/18/2021		Set/Reset Hearings: Status Conference set for 10/29/2021 at 10:00 AM in by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 10/18/2021)
10/29/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference continued. Counsel for the Defendant failed to attend the hearing. A Show Cause Order will issue forthwith. Status Conference reset for 11/3/2021 at 11:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 10/29/2021)
10/29/2021	<u>33</u>	VACATED PURSANT TO ORDER FILED 10/31/2021.....ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before November 3, 2021, the defendant's counsel shall SHOW CAUSE in writing as to why he failed to appear at the October 29, 2021 status conference. It is further ORDERED that the status conference previously scheduled for October 29, 2021, is CONTINUED to November 3, 2021, at 11:00 a.m. The parties shall appear via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on October 29, 2021. (lcrbw1) Modified on 11/3/2021 (znmw). (Entered: 10/29/2021)
10/31/2021		Set/Reset Deadlines: Written Response to Show Cause Order due by 11/3/2021. (hs) (Entered: 10/31/2021)
11/02/2021	<u>34</u>	RESPONSE TO ORDER TO SHOW CAUSE by CENTERS FOR MEDICARE & MEDICAID SERVICES re <u>33</u> Order., filed by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Bickford, James) (Entered: 11/02/2021)
11/03/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 11/3/2021. Show Cause Order Issued on 10/29/2021 is VACATED. A written order will issue from chambers. Status Conference set for 12/17/2021 at 11:00 AM by Telephone/VTC before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (adh) (Entered: 11/03/2021)
11/03/2021	<u>35</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that the Court's <u>33</u> October 29, 2021 Order to Show Cause is VACATED. It is further ORDERED that, on or before December 3, 2021, the defendant shall submit to the Court an affidavit indicating (1) the number of documents responsive to the plaintiff's fourth prioritized request; (2) the number of other Freedom of Information Act ("FOIA") requests currently being processed by the defendant; (3) the relative priority of the plaintiff's FOIA request in comparison to the other FOIA requests currently being processed by the defendant, in terms of the date of submission of the FOIA request and the date on which litigation commenced regarding the request; (4) the defendant's estimate of the number of documents responsive to the plaintiff's fourth prioritized request that it can process each month, in light of its workload and staffing; (5) the status of the defendant's processing of the five remaining files responsive to the

		plaintiff's second and third prioritized requests; and (6) in the event that the defendant has not completed its processing of the five remaining files responsive to the plaintiff's second and third prioritized requests, the defendant's estimate of the additional time that it will need to process those files. It is further ORDERED that, on or before December 10, 2021, the plaintiff shall file its response, if any, to the defendant's filing. It is further ORDERED that, on December 17, 2021, at 11:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on November 3, 2021. (lcrbw1) (Entered: 11/03/2021)
11/04/2021		Set/Reset Deadlines: Defendants Affidavit due by 12/3/2021. Plaintiffs Response due by 12/17/2021. (adh) (Entered: 11/04/2021)
12/01/2021		MINUTE ORDER. In light of the vacatur of the briefing schedule for cross-motions for partial summary judgment set forth in the Court's May 26, 2021 <u>25</u> Order, it is hereby ORDERED that the status conference originally scheduled for December 3, 2021, as a target date for the resolution of the cross-motions is VACATED. Signed by Judge Reggie B. Walton on December 1, 2021. (lcrbw1) (Entered: 12/01/2021)
12/02/2021	<u>36</u>	Consent MOTION for Extension of Time to File <i>Affidavit and Supporting Brief</i> by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Bickford, James) (Entered: 12/02/2021)
12/03/2021		MINUTE ORDER. Upon consideration of the defendant's <u>36</u> Consent Motion for an Extension of Time, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that, on or before December 8, 2021, the defendant shall file the affidavit referred to in the Court's November 3, 2021 <u>35</u> Order. It is further ORDERED that, on or before December 15, 2021, the plaintiff shall file its response, if any, to the defendant's filing. Signed by Judge Reggie B. Walton on December 3, 2021. (lcrbw1) (Entered: 12/03/2021)
12/03/2021		Set/Reset Deadlines: Defendant's Affidavit due by 12/8/2021. Plaintiff's Response due by 12/15/2021. (adh, ) (Entered: 12/03/2021)
12/07/2021	<u>37</u>	NOTICE of Appearance by Michael Leon Drezner on behalf of CENTERS FOR MEDICARE & MEDICAID SERVICES (Drezner, Michael) (Entered: 12/07/2021)
12/08/2021	<u>38</u>	DECLARATION <i>and Brief in Support of Proposed Processing Rate</i> by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Attachments: # <u>1</u> Declaration)(Drezner, Michael) (Entered: 12/08/2021)
12/15/2021	<u>39</u>	RESPONSE re <u>38</u> Declaration <i>and Defendants Brief in Support of Proposed Processing Rate</i> filed by SIDLEY AUSTIN (DC) LLP. (Griffin, Sean) (Entered: 12/15/2021)
12/17/2021		MINUTE ORDER. Due to a change in the Court's schedule, it is hereby ORDERED that the status conference currently scheduled for December 17, 2021, is CONTINUED to January 5, 2022, at 11:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on December 17, 2021. (lcrbw1) (Entered: 12/17/2021)
12/17/2021		Set/Reset Hearings: Status Conference reset for 1/5/2022 at 11:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (adh) (Entered: 12/17/2021)
01/05/2022		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 1/5/2022. Status Conference continued for 1/13/2022 at 11:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (adh, ) (Entered: 01/05/2022)
01/06/2022	<u>40</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on January 13, 2022, at 11:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on January 6, 2022. (lcrbw1) (Entered: 01/06/2022)



01/06/2022		Set/Reset Hearings: Status Conference set for 1/13/2022 at 11:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (adh, ) (Entered: 01/06/2022)
01/13/2022		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 1/13/2022. Status Conference set for 4/26/2022 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (Court Reporter Cathryn Jones.) (adh, ) (Entered: 01/13/2022)
01/14/2022	<u>41</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before April 18, 2022, the defendant shall complete a review for responsiveness of the records it has retrieved in its searches in response to the plaintiff's fourth prioritized request. It is further ORDERED that the parties shall submit a joint status report every 45 days regarding how they wish to proceed in this case. It is further ORDERED that, on April 26, 2022, at 9:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on January 14, 2022. (lcrbw1) (Entered: 01/14/2022)
01/18/2022		Set/Reset Deadlines/Hearings: Defendant's review for responsiveness of the records due by 4/18/2022. Status Conference set for 4/26/2022 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (adh, ) (Entered: 01/18/2022)
02/28/2022	<u>42</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Drezner, Michael) (Entered: 02/28/2022)
04/14/2022	<u>43</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Drezner, Michael) (Entered: 04/14/2022)
04/26/2022		Minute Entry for proceedings held before Judge Reggie B. Walton: Telephonic Status Conference held on 4/26/2022. Parties directed to submit a Joint Status Report by 5/30/2022, and every 30 days thereafter. (Court Reporter Cathryn Jones.) (ztg) (Entered: 04/26/2022)
04/27/2022	<u>44</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, until otherwise ordered by the Court, the defendant shall, on a monthly basis, process at least five hundred (500) pages of the records responsive to the plaintiff's fourth prioritized request (unless fewer than five hundred (500) pages remain, in which case the remaining balance shall be processed) and produce to the plaintiff the non-exempt portions of these records, beginning on or before June 1, 2022, and thereafter on the first day of every month (or on the next business day if the first is not a business day or is a holiday) until production of the non-exempt portions of these records has been completed. It is further ORDERED that, on or before May 30, 2022, and every 30 days thereafter, the parties shall submit a joint status report regarding the status of the defendant's processing of the remaining records. Signed by Judge Reggie B. Walton on April 27, 2022. (lcrbw1) (Entered: 04/27/2022)
04/28/2022		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/30/2022. (zcdw) (Entered: 04/28/2022)
05/27/2022	<u>45</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Drezner, Michael) (Entered: 05/27/2022)
06/29/2022	<u>46</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Drezner, Michael) (Entered: 06/29/2022)
07/29/2022	<u>47</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Drezner, Michael) (Entered: 07/29/2022)
08/29/2022	<u>48</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Drezner, Michael) (Entered: 08/29/2022)
09/28/2022	<u>49</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Drezner, Michael) (Entered: 09/28/2022)
10/28/2022	<u>50</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES. (Drezner, Michael) (Entered: 10/28/2022)
11/28/2022	<u>51</u>	Joint STATUS REPORT by SIDLEY AUSTIN (DC) LLP. (Griffin, Sean) (Entered: 11/28/2022)

12/21/2022		MINUTE ORDER. In consideration of the parties' <u>51</u> Joint Status Report, and the parties' request for the Court to schedule a status conference, it is hereby ORDERED that, on January 13, 2023, at 9:30 a.m., the parties shall appear for a status conference via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on December 21, 2022. (lcrbw1) (Entered: 12/21/2022)
12/22/2022		Set/Reset Hearings: Status Conference set for 1/13/2023 at 9:30 AM Via Teleconference before Judge Reggie B. Walton. (mac) (Entered: 12/22/2022)
01/06/2023	<u>52</u>	STIPULATION of Dismissal by SIDLEY AUSTIN (DC) LLP. (Griffin, Sean) (Entered: 01/06/2023)
01/09/2023		MINUTE ORDER. Upon consideration of the parties <u>22</u> Stipulation of Dismissal, it is hereby ORDERED that this case is DISMISSED WITH PREJUDICE. It is further ORDERED that the status conference currently scheduled for January 13, 2023, is VACATED. It is further ORDERED that this case is CLOSED. Signed by Judge Reggie B. Walton on January 9, 2023. (lcrbw1) (Entered: 01/09/2023)