

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:21-cv-00084-H-MSB**

Pomares v. United States Department of Veterans Affairs
Assigned to: Judge Marilyn L. Huff
Referred to: Magistrate Judge Michael S. Berg
Case in other court: USCA, 23-55205
Cause: 05:0552fi Freedom of Information Act

Date Filed: 01/15/2021
Date Terminated: 01/06/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Maria A. Pomares

represented by **Gary J Aguirre**
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V.

Defendant

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Date Filed	#	Docket Text
01/15/2021	<u>1</u>	COMPLAINT against United States Department of Veterans Affairs (Filing fee \$ 402 receipt number ACASDC-15219718.), filed by Maria A. Pomares. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1) The new case number is 3:21-cv-84-H-MSB. Judge Marilyn L. Huff and Magistrate Judge Michael S. Berg are assigned to the case. (Aguirre, Gary)(mcb) (dsn) (Entered: 01/15/2021)
01/15/2021	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (mcb) (dsn) (Entered: 01/15/2021)
03/24/2021	<u>3</u>	SUMMONS Returned Executed by Maria A. Pomares. All Defendants served. (Aguirre, Gary) (jmr). (Entered: 03/24/2021)
03/30/2021	<u>4</u>	Joint MOTION for Extension of Time to File <i>Amended Complaint and Response</i> by United States Department of Veterans Affairs. (Church, Rebecca)Attorney Rebecca Grace Church added to party United States Department of Veterans Affairs(pty:dft) (jmr). (Entered: 03/30/2021)
03/31/2021	<u>5</u>	ORDER granting <u>4</u> Joint Motion for Extension of Time to File Amended Complaint. Plaintiff may file an amended complaint by May 3, 2021 and Defendant may file its response by June 14, 2021. Signed by Judge Marilyn L. Huff on 3/31/2021. (jmr) (Entered: 03/31/2021)
04/20/2021	<u>6</u>	AMENDED COMPLAINT <i>First Amended Complaint</i> against All Defendants, filed by Maria A. Pomares. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit Exhibits 1 through 68, # <u>3</u> Proof of Service) (Aguirre, Gary) (jmr). (Entered: 04/20/2021)
06/14/2021	<u>7</u>	ANSWER to <u>6</u> Amended Complaint by United States Department of Veterans Affairs.(Church, Rebecca) (jmr). (Entered: 06/14/2021)
06/14/2021	<u>8</u>	NOTICE AND ORDER for Early Neutral Evaluation Conference and Case Management Conference. Early Neutral Evaluation and Case Management Conference set for 7/20/2021 02:00 PM before Magistrate Judge Michael S. Berg via video conference. Joint Discovery Plan due 7/13/2021. Signed by Magistrate Judge Michael S. Berg on 6/14/2021.(jmr) (Entered: 06/15/2021)
06/24/2021	<u>9</u>	Ex Parte MOTION Appear Through Litigation Counsel re <u>8</u> Notice and Order for Early Neutral Evaluation conference, by United States Department of Veterans Affairs. (Church, Rebecca) (Entered: 06/24/2021)
06/24/2021	<u>10</u>	ORDER granting <u>9</u> Defendant's Unopposed Ex Parte Application to Appear through Litigation Counsel. Signed by Magistrate Judge Michael S. Berg on 6/24/2021. (jmr) (Entered: 06/24/2021)
06/25/2021	<u>11</u>	Joint MOTION for Discovery <i>to Vacate Discovery Deadlines</i> by United States Department of Veterans Affairs. (Church, Rebecca) (sjt). (Entered: 06/25/2021)
06/25/2021	<u>12</u>	ORDER granting <u>11</u> to Vacate Discovery Deadlines. Signed by Magistrate Judge Michael S. Berg on 6/25/2021. (sjt) (Entered: 06/25/2021)
07/20/2021	13	Minute Entry for proceedings held before Magistrate Judge Michael S. Berg: Zoom Early Neutral Evaluation Conference held on 7/20/2021; the case did not settle. Order to follow. (Plaintiff Attorney Gary Aguirre). (Defendant Attorney Rebecca Church). (no document attached) (jxb) (Entered: 07/20/2021)
07/20/2021	<u>14</u>	ORDER Continuing Case Management Conference. Case Management Conference reset for 9/9/2021 at 09:30 AM before Magistrate Judge Michael S. Berg via Zoom. Signed by Magistrate Judge Michael S. Berg on 7/20/2021.(jmr) (Entered: 07/20/2021)
08/20/2021	<u>15</u>	Order Continuing Case Management Conference. Case Management Conference reset for 9/8/2021 at 11:00 AM before Magistrate Judge Michael S. Berg via Zoom. Signed by Magistrate Judge Michael S. Berg on 8/20/2021.(jmr) (Entered: 08/20/2021)

09/01/2021	<u>16</u>	Joint MOTION to Continue <i>Case Management Conference</i> by United States Department of Veterans Affairs. (Church, Rebecca) (jmr). (Entered: 09/01/2021)
09/02/2021	<u>17</u>	ORDER granting <u>16</u> Joint Motion to Continue Case Management Conference. Case Management Conference reset for 11/10/2021 at 03:00 PM before Magistrate Judge Michael S. Berg. Signed by Magistrate Judge Michael S. Berg on 9/2/2021. (jmr) (Entered: 09/02/2021)
11/10/2021	18	Minute Entry for proceedings held before Magistrate Judge Michael S. Berg: Zoom Case Management Conference held on 11/10/2021. Scheduling order to follow. (Plaintiff Attorney Gary Aguirre). (Defendant Attorney Rebecca Church). (no document attached) (jxb) (Entered: 11/10/2021)
11/10/2021	<u>19</u>	SCHEDULING ORDER. Signed by Magistrate Judge Michael S. Berg on 11/10/2021.(dxf) (Entered: 11/12/2021)
01/26/2022	<u>20</u>	Joint MOTION Joint Motion to Modify Scheduling Order to Reschedule Filing Dates for Cross-Motions for Summary Judgment re <u>19</u> Scheduling Order by Maria A. Pomares. (Attachments: # <u>1</u> Proof of Service)(Aguirre, Gary) (jms). (Entered: 01/26/2022)
01/27/2022	<u>21</u>	ORDER granting <u>20</u> Motion Joint Motion to Modify Scheduling Order. Signed by Judge Marilyn L. Huff on 1/27/2022. (jms) (Entered: 01/27/2022)
03/12/2022	<u>22</u>	Joint MOTION for Extension of Time to File <i>Second Modification of Scheduling Order to Reschedule Dates for Filing Cross-Motions for Summary Judgment</i> by United States Department of Veterans Affairs. (Church, Rebecca) (jms). (Entered: 03/12/2022)
03/16/2022	<u>23</u>	ORDER granting <u>22</u> Motion for Extension of Time to File. Signed by Judge Marilyn L. Huff on 3/16/2022. (jms) (Entered: 03/16/2022)
03/29/2022	<u>24</u>	Joint MOTION for Extension of Time to File <i>Summary Judgment Briefing</i> by United States Department of Veterans Affairs. (Parker, Katherine)Attorney Katherine L. Parker added to party United States Department of Veterans Affairs(pty:dft)(jms). (Entered: 03/29/2022)
03/31/2022	<u>25</u>	ORDER granting <u>24</u> Third Joint Motion to Modify Scheduling Order. Signed by Judge Marilyn L. Huff on 3/30/2022. (jms) (Entered: 03/31/2022)
04/28/2022	<u>26</u>	Joint MOTION for Extension of Time to File (<i>Motion to Modify Summary Judgment Briefing Schedule</i>) by United States Department of Veterans Affairs. (Parker, Katherine)(ave). (Entered: 04/28/2022)
04/29/2022	<u>27</u>	ORDER granting <u>26</u> Fourth Joint Motion to Modify Scheduling Order. Signed by Judge Marilyn L. Huff on 4/29/2022. (sjt) (Entered: 04/29/2022)
05/27/2022	<u>28</u>	Joint MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by United States Department of Veterans Affairs. (Parker, Katherine) (jms). (Entered: 05/27/2022)
06/06/2022	<u>29</u>	ORDER granting <u>28</u> Fifth Motion to Modify Scheduling Order. Signed by Judge Marilyn L. Huff on 6/6/2022. (jms) (Entered: 06/07/2022)
07/18/2022	<u>30</u>	MOTION for Summary Judgment by United States Department of Veterans Affairs. (Attachments: # <u>1</u> Notice Notice of Lodgment of Exhibits, # <u>2</u> Exhibit EXHIBIT A (Gowins-Bellamy Decl. and Exhibits), # <u>3</u> Exhibit EXHIBIT B (Gowins-Bellamy Vaughn Index), # <u>4</u> Exhibit EXHIBIT C (Draves Decl., Exhibits, Vaughn), # <u>5</u> Exhibit EXHIBIT D (Jackson Declaration, Exhibits, Vaughn), # <u>6</u> Exhibit EXHIBIT E (James Decl., Exhibits, Vaughn), # <u>7</u> Exhibit EXHIBIT F (Short Decl., Exhibits, Vaughn), # <u>8</u> Exhibit EXHIBIT G (Williams Decl., Exhibits, Vaughn), # <u>9</u> Exhibit EXHIBIT H (Jones Decl, Exhibits, Vaughn), # <u>10</u> Exhibit EXHIBIT I (Parise 1st Decl, Exhibits, Vaughn), # <u>11</u> Exhibit EXHIBIT J PART ONE (Parise 2d Decl and First Half of Attachments), # <u>12</u> Exhibit EXHIBIT J PART TWO (Second Half of Attachments to Parise 2d Decl), # <u>13</u> Exhibit EXHIBIT K (Martin Decl., Exhibits, Vaughn))(Parker, Katherine) (Entered: 07/18/2022)
08/02/2022	31	NOTICE of Hearing on Motion <u>30</u> MOTION for Summary Judgment. On the Court's own motion, the Court reschedules the hearing on both parties' motions for summary

		judgment to 10/17/2022 10:30 AM before Judge Marilyn L. Huff, due to the Columbus Day holiday. The parties should continue to brief their motions in accordance with the Court's 6/6/2022 scheduling order (Doc. No. <u>28</u>). (no document attached) (rlw) (Entered: 08/02/2022)
08/09/2022	<u>32</u>	Joint MOTION for Extension of Time to File <i>Motion for Modification of Scheduling Order</i> by United States Department of Veterans Affairs. (Parker, Katherine) (ave). (Entered: 08/09/2022)
08/15/2022	<u>33</u>	ORDER granting <u>32</u> Sixth Joint Motion to Modify Scheduling Order Motion Hearing set for 11/14/2022 10:30 AM before Judge Marilyn L. Huff. Signed by Judge Marilyn L. Huff on 8/15/2022. (sjt) (Entered: 08/16/2022)
10/03/2022	<u>34</u>	MOTION for Summary Judgment by Maria A. Pomares. (Attachments: # <u>1</u> Declaration, # <u>2</u> Request for Judicial Notice, # <u>3</u> Notice Notice of Lodgment, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Exhibit, # <u>28</u> Exhibit, # <u>29</u> Exhibit, # <u>30</u> Exhibit, # <u>31</u> Exhibit, # <u>32</u> Exhibit, # <u>33</u> Exhibit, # <u>34</u> Proof of Service)(Aguirre, Gary) (jms). (Entered: 10/03/2022)
10/03/2022	<u>35</u>	RESPONSE in Opposition re <u>30</u> MOTION for Summary Judgment filed by Maria A. Pomares. (Attachments: # <u>1</u> Declaration, # <u>2</u> Notice Notice of Lodgment, # <u>3</u> Request for Judicial Notice, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Exhibit, # <u>28</u> Exhibit, # <u>29</u> Exhibit, # <u>30</u> Exhibit, # <u>31</u> Exhibit, # <u>32</u> Exhibit, # <u>33</u> Proof of Service, # <u>34</u> Exhibit)(Aguirre, Gary) (jms). (Entered: 10/03/2022)
10/17/2022	<u>36</u>	RESPONSE re <u>35</u> Response in Opposition to Motion,, <u>34</u> MOTION for Summary Judgment <i>Defendant's Reply in Support of VA's Summary Judgment Motion and Response in Opposition to Plaintiff's Summary Judgment Motion</i> filed by United States Department of Veterans Affairs. (Attachments: # <u>1</u> Declaration of Quanisha Jones, # <u>2</u> Declaration of Ruthlee Gowins–Bellamy, # <u>3</u> Declaration of Uriel Williams, # <u>4</u> Declaration of Katherine Parker)(Parker, Katherine) (jms). (Entered: 10/17/2022)
10/28/2022	<u>37</u>	REPLY – Other re <u>34</u> MOTION for Summary Judgment <i>Plaintiff's reply</i> filed by Maria A. Pomares. (Attachments: # <u>1</u> Proof of Service)(Aguirre, Gary) (jms). (Entered: 10/28/2022)
11/08/2022	<u>38</u>	NOTICE of Hearing on <u>30</u> , <u>34</u> Motions for Summary Judgment: Due to a conflict with the Court's calendar, the hearing set for 11/14/2022 at 10:30 AM is vacated and rescheduled for 11/28/2022 10:30 AM before Judge Marilyn L. Huff.(no document attached) (rlw) (Entered: 11/08/2022)
11/16/2022	<u>39</u>	NOTICE of Hearing (TIME CHANGE ONLY) on <u>30</u> , <u>34</u> Motions for Summary Judgment: Due to a conflict with the Court's calendar, the Motion Hearing is reset to 11/28/2022 01:30 PM before Judge Marilyn L. Huff. (no document attached) (rlw) (Entered: 11/16/2022)
11/23/2022	<u>40</u>	MOTION Telephonic Access to Hearing (<i>Unopposed</i>) by United States Department of Veterans Affairs. (Parker, Katherine) (fth). (Entered: 11/23/2022)
11/28/2022	<u>41</u>	Minute Entry for proceedings held before Judge Marilyn L. Huff: Motion Hearing held on 11/28/2022 re <u>30</u> MOTION for Summary Judgment filed by United States Department of Veterans Affairs, <u>34</u> MOTION for Summary Judgment filed by Maria A. Pomares. Order to Follow.(Court Reporter/ECR Lynnette Lawrence). (Plaintiff Attorney Gary Aguirre). (Defendant Attorney Katherine Parker). (no document attached) (rlw) (Entered: 11/28/2022)
12/14/2022	<u>42</u>	DECLARATION re <u>30</u> MOTION for Summary Judgment by Defendant United States Department of Veterans Affairs. (Attachments: # <u>1</u> Declaration)(Parker, Katherine) (jms). (Entered: 12/14/2022)
12/21/2022	<u>43</u>	Joint MOTION Extension of Time to File Reply by Maria A. Pomares. (Aguirre, Gary)(jms). (Entered: 12/21/2022)

12/27/2022	<u>44</u>	REPLY – Other re <u>30</u> MOTION for Summary Judgment , <u>42</u> Declaration, <u>34</u> MOTION for Summary Judgment <i>to Defendant's Supplemental Submission</i> filed by Maria A. Pomares. (Attachments: # <u>1</u> Proof of Service)(Aguirre, Gary) (jms). (Entered: 12/27/2022)
01/03/2023	<u>45</u>	NOTICE of Withdraw as Attorney by United States Department of Veterans Affairs. (Church, Rebecca) (jms). (Entered: 01/03/2023)
01/06/2023	<u>46</u>	ORDER (1) Granting <u>30</u> Defendant's Motion for Summary Judgment; (2) Denying <u>34</u> Plaintiff's Motion for Summary Judgment. Signed by Judge Marilyn L. Huff on 1/6/2023. (jms) (Entered: 01/06/2023)
03/03/2023	<u>47</u>	NOTICE OF APPEAL to the 9th Circuit as to <u>46</u> Order on Motion for Summary Judgment, by Maria A. Pomares. (Filing fee \$ 505 receipt number ACASDC-17634934.) (Notice of Appeal electronically transmitted to US Court of Appeals.) (Attachments: # <u>1</u> Proof of Service)(Aguirre, Gary)(smy1). (Entered: 03/03/2023)
03/06/2023	<u>48</u>	USCA Case Number 23-55205 for <u>47</u> Notice of Appeal to 9th Circuit, filed by Maria A. Pomares. (Attachments: # <u>1</u> Attention All Parties and Counsel, # <u>2</u> Case Opening Packet, # <u>3</u> Mediation Letter, # <u>4</u> Mediation Form)(smy1)(jrd) (Entered: 03/06/2023)
03/06/2023	<u>49</u>	USCA Time Schedule Order as to <u>47</u> Notice of Appeal to 9th Circuit, filed by Maria A. Pomares. (NOTICE TO PARTIES of deadlines regarding appellate transcripts: Appellant shall file transcript designation and ordering form with the US District Court, provide a copy of the form to the court reporter, and make payment arrangements with the court reporter on or by 4/3/2023 (see Ninth Circuit Rule 10-3.1); Due date for filing of transcripts in US District Court is 5/3/2023.). (smy1)(jrd) (Entered: 03/06/2023)