

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-03126-CJN**

WHEATLAND v. DEPARTMENT OF HEALTH & HUMAN SERVICES

Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 11/29/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**RAND WHEATLAND**

represented by **Lance Quaranto**
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V.

Defendant**DEPARTMENT OF HEALTH & HUMAN SERVICES**

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TERMINATED: 01/12/2023
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Date Filed	#	Docket Text
11/29/2021	<u>1</u>	COMPLAINT against DEPARTMENT OF HEALTH & HUMAN SERVICES (Filing fee \$ 402 receipt number ADCDC-8893421) filed by RAND WHEATLAND. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Stotter, Daniel) (Entered: 11/29/2021)
11/30/2021		Case Assigned to Judge Carl J. Nichols. (adh,) (Entered: 11/30/2021)

11/30/2021	<u>2</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 11/30/2021)
12/03/2021	<u>3</u>	STANDING ORDER. Signed by Judge Carl J. Nichols on December 3, 2021. (lccjn2) (Entered: 12/03/2021)
12/24/2021	<u>4</u>	NOTICE of Appearance by Bradley Silverman on behalf of DEPARTMENT OF HEALTH & HUMAN SERVICES (Silverman, Bradley) (Entered: 12/24/2021)
01/05/2022	<u>5</u>	ANSWER to Complaint by DEPARTMENT OF HEALTH & HUMAN SERVICES.(Silverman, Bradley) (Entered: 01/05/2022)
01/10/2022		MINUTE ORDER. Before the Court in this Freedom of Information Act case are a Complaint and an Answer. According to Local Civil Rule 16.3, the requirements of Federal Rule of Civil Procedure 26(f) are inapplicable. It is hereby ORDERED that the Parties shall confer and file a Joint Status Report on or before 2/10/2022. The Joint Status Report shall address: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); (5) the possibility of prioritizing documents responsive to Plaintiff's request[s] and any discussions regarding whether Plaintiff's request[s] can be narrowed; and (6) whether the Parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on January 10, 2022. (lccjn2) Modified on 1/10/2022 to correct date(zcal). (Entered: 01/10/2022)
01/10/2022		Set/Reset Deadlines: Joint Status Report due by 2/10/2022. (zcal) (Entered: 01/11/2022)
02/03/2022	<u>6</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Silverman, Bradley) (Entered: 02/03/2022)
02/08/2022		MINUTE ORDER. Upon review of the <u>6</u> Joint Status Report, it is ORDERED that the following schedule shall control summary judgment briefing: (1) Defendant's motion for summary judgment shall be filed on or before March 18, 2022; (2) Plaintiff's response to Defendant's motion for summary judgment and cross-motion for summary judgment shall be filed on or before April 22, 2022; (3) Defendant's reply in support of the motion for summary judgment and the response to Plaintiff's cross-motion for summary judgment shall be filed on or before May 27, 2022; and (4) Plaintiff's reply in support of the cross-motion for summary judgment shall be filed on or before July 1, 2022. Signed by Judge Carl J. Nichols on February 8, 2022. (lccjn2) (Entered: 02/08/2022)
02/08/2022		Set/Reset Deadlines: Summary Judgment motions due by 3/18/2022. Response to Motion for Summary Judgment due by 4/22/2022. Cross Motions due by 4/22/2022. Response to Cross Motions due by 5/27/2022. Reply to Motion for Summary Judgment due by 5/27/2022. Reply to Cross Motions due by 7/1/2022. (zcal) (Entered: 02/08/2022)
03/14/2022	<u>7</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment And Subsequent Briefing</i> by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Silverman, Bradley) (Entered: 03/14/2022)
03/17/2022		MINUTE ORDER. Upon review of the <u>7</u> Consent Motion for Extension of Time to Modify the Summary Judgment Briefing Schedule, it is ORDERED that the Motion is GRANTED. It is further ORDERED that Defendant's Motion for Summary Judgment is due on or before April 1, 2022; Plaintiff's Response in Opposition to Motion and Cross-Motion for Summary Judgment is due on or before May 6, 2022; Defendant's Reply in Support of Motion and Opposition to Cross-Motion is due on or before June 10, 2022; and Plaintiff's Reply in Support of the Cross-Motion is due on or before July 22, 2022. Signed by Judge Carl J. Nichols on March 17, 2022. (lccjn2) (Entered: 03/17/2022)
03/17/2022		Set/Reset Deadlines: Summary Judgment motions due by 4/1/2022. Response to Motion for Summary Judgment due by 5/6/2022. Cross Motions due by 5/6/2022. Response to Cross Motions due by 6/10/2022. Reply to Motion for Summary Judgment due by 6/10/2022. Reply to Cross Motions due by 7/22/2022. (zcal)

		(Entered: 03/17/2022)
03/27/2022	<u>8</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment And Subsequent Briefing</i> by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Silverman, Bradley) (Entered: 03/27/2022)
04/01/2022		MINUTE ORDER. Upon review of <u>12</u> the Consent Motion for an Extension of Time, it is ORDERED that the Motion is GRANTED. It is further ORDERED that Defendant shall file a motion for summary judgment on or before April 5, 2022; Plaintiff shall file a response and a cross motion for summary judgment on or before May 10, 2022; Defendant may file a reply in support of the motion and an opposition to the cross-motion on or before June 14, 2022; and Plaintiff may file a reply in support of the cross-motion on or before July 26, 2022. Signed by Judge Carl J. Nichols on April 1, 2022. (lccjn2) (Entered: 04/01/2022)
04/01/2022	<u>9</u>	NOTICE of Appearance by Lance Quaranto on behalf of RAND WHEATLAND (Quaranto, Lance) (Main Document 9 replaced on 4/1/2022) (zeg). (Entered: 04/01/2022)
04/01/2022		Set/Reset Deadlines: Cross Motions due by 5/10/2022. Response to Cross Motions due by 6/14/2022. Reply to Cross Motions due by 7/26/2022. Summary Judgment motions due by 4/5/2022. Response to Motion for Summary Judgment due by 5/10/2022. Reply to Motion for Summary Judgment due by 6/14/2022. (zcal) (Entered: 04/04/2022)
04/04/2022	<u>10</u>	Joint MOTION to Clarify <i>Briefing Schedule</i> by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Silverman, Bradley) (Entered: 04/04/2022)
04/05/2022		MINUTE ORDER. Upon consideration of the <u>10</u> Joint Motion for Clarification, it is ORDERED that the parties shall follow the schedule set out in the Court's Order entered on April 1, 2022. Signed by Judge Carl J. Nichols on April 5, 2022. (lccjn2) (Entered: 04/05/2022)
04/05/2022	<u>11</u>	MOTION for Summary Judgment by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Gorka Garcia-Malene, # <u>4</u> Text of Proposed Order)(Silverman, Bradley) (Entered: 04/05/2022)
04/08/2022	<u>12</u>	Unopposed MOTION for Extension of Time to File Response/Reply by RAND WHEATLAND. (Stotter, Daniel) (Entered: 04/08/2022)
04/11/2022		MINUTE ORDER. Upon review of the <u>12</u> Consent Motion for an Extension of Time, it is ORDERED that the GRANTED. It is further ORDERED that Plaintiff shall file his combined Opposition to Defendant's Motion for Summary Judgment on or before May 24, 2022, Defendant shall file the combined Reply in support of Defendant's Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment on or before June 28,2022; and Plaintiff shall file his Reply in support of Plaintiff's Cross Motion for Summary Judgment on or before August 9, 2022. Signed by Judge Carl J. Nichols on April 11, 2022. (lcjw) (Entered: 04/11/2022)
04/11/2022		Set/Reset Deadlines: Reply to Cross Motions due by 8/9/2022. Response to Motion for Summary Judgment due by 5/24/2022. Reply to Motion for Summary Judgment due by 6/28/2022. (zcal) (Entered: 04/11/2022)
05/24/2022	<u>13</u>	MOTION for Summary Judgment by RAND WHEATLAND. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Rand Wheatland & Exhibits, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 05/24/2022)
05/24/2022	<u>14</u>	RESPONSE re <u>11</u> MOTION for Summary Judgment filed by RAND WHEATLAND. (Attachments: # <u>1</u> Declaration Rand Wheatland & Exhibits, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 05/24/2022)
06/28/2022	<u>15</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment filed by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Silverman, Bradley) (Entered: 06/28/2022)
06/28/2022	<u>16</u>	RESPONSE re <u>13</u> MOTION for Summary Judgment filed by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Silverman, Bradley) (Entered: 06/28/2022)

08/09/2022	<u>17</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by RAND WHEATLAND. (Stotter, Daniel) Modified docket relationship on 8/10/2022 (zed). (Entered: 08/09/2022)
01/12/2023	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by L'Shauntee J. Robertson on behalf of All Defendants (Robertson, L'Shauntee) (Entered: 01/12/2023)
03/08/2023	<u>19</u>	ORDER. Signed by Judge Carl J. Nichols on March 8, 2023. (lccjn2) (Entered: 03/08/2023)
03/14/2023	<u>20</u>	NOTICE of Intention to File Supplemental Briefing by DEPARTMENT OF HEALTH & HUMAN SERVICES (Robertson, L'Shauntee) (Entered: 03/14/2023)
03/16/2023		MINUTE ORDER. Upon review of the Defendant's <u>20</u> Notice of Intention to File Supplemental Briefing, it is ORDERED that the Defendant shall file its supplemental brief on or before April 14, 2023, the Plaintiff shall file his response on or before April 28, 2023, and the Defendant shall file a reply, if any, on or before May 5, 2023. It is further ORDERED that the case is STAYED until May 5, 2023. Signed by Judge Carl J. Nichols on March 16, 2023. (lccjn2) (Entered: 03/16/2023)
04/14/2023	<u>21</u>	SUPPLEMENTAL MEMORANDUM to re <u>11</u> MOTION for Summary Judgment <i>Motion for Summary Judgment</i> filed by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit Garcia-Malene Declaration)(Robertson, L'Shauntee) Modified to add link on 4/20/2023 (znmw). (Entered: 04/14/2023)
04/27/2023	<u>22</u>	SUPPLEMENTAL MEMORANDUM to <i>Plaintiff's Response To Defendant's Supplemental Briefing</i> filed by RAND WHEATLAND. (Attachments: # <u>1</u> Declaration of Daniel J. Stotter & Ex. A)(Stotter, Daniel) (Entered: 04/27/2023)
05/09/2023	<u>23</u>	Consent MOTION for Leave to File <i>Reply Out of Time</i> by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Robertson, L'Shauntee) (Entered: 05/09/2023)
05/10/2023		MINUTE ORDER. Upon review of Defendant's <u>23</u> Consent Motion for Leave to File Reply Out of Time, it is ORDERED that the Motion is GRANTED. It is further ORDERED that Defendant shall file a reply on or before May 11, 2023. Signed by Judge Carl J. Nichols on May 10, 2023. (lccjn2) (Entered: 05/10/2023)
05/11/2023	<u>24</u>	RESPONSE re <u>22</u> Supplemental Memorandum filed by DEPARTMENT OF HEALTH & HUMAN SERVICES. (Robertson, L'Shauntee) (Entered: 05/11/2023)