

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-01196-TSC

FAMILY HEALTHCARE NETWORK v. CENTERS FOR
 MEDICARE AND MEDICAID SERVICES
 Assigned to: Judge Tanya S. Chutkan
 Cause: 05:552 Freedom of Information Act

Date Filed: 04/29/2022
 Date Terminated: 06/14/2023
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

**FAMILY HEALTHCARE
 NETWORK**

represented by **Edward T. Waters**
 FELDESMAN TUCKER LEIFER
 FIDELL LLP
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ATTORNEY TO BE NOTICED

V.

Defendant

**CENTERS FOR MEDICARE AND
 MEDICAID SERVICES (CMS)**

represented by **Patricia K. McBride**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
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Date Filed	#	Docket Text
04/29/2022	<u>1</u>	COMPLAINT against CENTERS FOR MEDICARE AND MEDICAID SERVICES (Filing fee \$ 402 receipt number ADCDC-9205025) filed by FAMILY HEALTHCARE NETWORK. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Waters, Edward) (Entered: 04/29/2022)
05/02/2022		Case Assigned to Judge Tanya S. Chutkan. (zmh) (Entered: 05/02/2022)
05/02/2022		NOTICE OF ERROR re <u>1</u> Complaint; emailed to ewaters@ftlf.com, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Missing summonses--government. When naming a government agent or agency as a defendant, you must supply a summons for each defendant & two additional summonses for the U.S. Attorney & U.S. Attorney General. Please submit using the event Request for Summons to Issue., 2. Missing/incorrect summonses. Please submit using the event Request for Summons to issue. (zmh,) (Entered: 05/02/2022)
05/02/2022	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint filed by FAMILY HEALTHCARE NETWORK. Related document: <u>1</u> Complaint filed by FAMILY HEALTHCARE NETWORK. (Attachments: # <u>1</u> Summons)(Waters, Edward) (Entered: 05/02/2022)

05/02/2022	<u>3</u>	ENTERED IN ERROR.....SUMMONS (3) Issued Electronically as to CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(znmw) Modified on 5/11/2022 (znmw). (Entered: 05/02/2022)
05/11/2022		NOTICE OF ERROR regarding <u>3</u> Summons Issued Electronically. The following error(s) need correction: Other – Incorrect summonses were issued. Please refile correct FOIA summonses to be reissued. (znmw) (Entered: 05/11/2022)
05/16/2022	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint filed by FAMILY HEALTHCARE NETWORK. Related document: <u>1</u> Complaint filed by FAMILY HEALTHCARE NETWORK. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Waters, Edward) (Entered: 05/16/2022)
05/16/2022	<u>5</u>	SUMMONS (3) Issued Electronically as to CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(znmw) (Entered: 05/16/2022)
06/23/2022	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 6/22/2022. Answer due for ALL D.C. DEFENDANTS by 7/13/2022. (Waters, Edward) (Entered: 06/23/2022)
07/06/2022	<u>7</u>	NOTICE of Appearance by Patricia K. McBride on behalf of All Defendants (McBride, Patricia) (Entered: 07/06/2022)
07/18/2022	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/27/2022. (Waters, Edward) (Entered: 07/18/2022)
07/18/2022	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS) served on 6/23/2022 (Waters, Edward) (Entered: 07/18/2022)
07/21/2022	<u>10</u>	ANSWER to Complaint by CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS).(McBride, Patricia) (Entered: 07/21/2022)
07/21/2022		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than September 6, 2022. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 7/21/22. (DJS) (Entered: 07/21/2022)
07/26/2022		Set/Reset Deadlines: Joint Status Report due by 9/6/2022. (tb) (Entered: 07/26/2022)
09/06/2022	<u>11</u>	Unopposed MOTION for Extension of Time to by CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). (McBride, Patricia) (Entered: 09/06/2022)
09/09/2022		MINUTE ORDER granting <i>nunc pro tunc</i> <u>11</u> Motion for Extension of Time. The parties' Joint Status Report, <i>see</i> July 21, 2022 Min. Order, is now due September 19, 2022 . Signed by Judge Tanya S. Chutkan on 9/9/2022. (lcac) (Entered: 09/09/2022)
09/12/2022		Set/Reset Deadlines: Joint Status Report due by 9/19/2022. (tb) (Entered: 09/12/2022)
09/20/2022	<u>12</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). (McBride, Patricia) (Entered: 09/20/2022)
10/03/2022		MINUTE ORDER: It does not appear from the parties' <u>12</u> Joint Status Report that they have meaningfully conferred about an appropriate timeline for and the possibility of producing requests or communications regarding the two Sierra View facilities. <i>See</i> JSR 9. The parties are therefore ORDERED to meet and confer as to this issue, and update the court on their positions via Joint Status Report on or before November 22,

		2022. That Joint Status Report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 10/3/2022. (lcac) (Entered: 10/03/2022)
10/04/2022		Set/Reset Deadlines: Joint Status Report due by 11/22/2022. (tb) (Entered: 10/04/2022)
11/17/2022	<u>13</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). (McBride, Patricia) (Entered: 11/17/2022)
01/26/2023	<u>14</u>	Joint MOTION for Leave to File by CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). (McBride, Patricia) (Entered: 01/26/2023)
01/30/2023		MINUTE ORDER: The parties' <u>14</u> Motion for Leave to File is hereby GRANTED. The parties next joint status report shall be due no later than April 10, 2023, and a status conference is hereby set for April 12, 2023, at 10:00 AM in Courtroom 9. In the joint status report Defendant shall describe all efforts taken to locate any responsive pages regarding the Sierra Strathmore Facility and the parties shall set forth their positions regarding whether this case should proceed to summary judgment briefing, and if so, propose a schedule. Signed by Judge Tanya S. Chutkan on 1/30/2023. (lcja) (Entered: 01/30/2023)
01/31/2023		Set/Reset Deadlines/Hearings: Joint Status Report due by 4/10/2023. Status Conference set for 4/12/2023 at 10:00 AM in Courtroom 9– In Person before Judge Tanya S. Chutkan. (tb) (Entered: 01/31/2023)
04/10/2023	<u>15</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). (McBride, Patricia) (Entered: 04/10/2023)
04/10/2023		MINUTE ORDER: Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before May 31, 2023. It is further ORDERED that the status conference in this matter scheduled for April 12, 2023 is cancelled. Signed by Judge Tanya S. Chutkan on 4/10/2023. (lcja) (Entered: 04/10/2023)
04/11/2023		Set/Reset Deadlines: Joint Status Report due by 5/31/2023. (tb) (Entered: 04/11/2023)
05/31/2023	<u>16</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). (McBride, Patricia) (Entered: 05/31/2023)
06/01/2023		Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the Parties will file a joint status report on or before June 16, 2023, proposing a path forward in this case or seeking dismissal. If seeking dismissal, then the parties shall file a stipulation of dismissal; otherwise, the report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 06/01/2023. (lcja) (Entered: 06/01/2023)
06/04/2023		Set/Reset Deadlines/Hearings: Joint Status Report due by 6/16/2023. (zcdw) (Entered: 06/04/2023)
06/14/2023	<u>17</u>	STIPULATION of Dismissal by CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). (McBride, Patricia) (Entered: 06/14/2023)