

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:21-cv-00884-KAW**

US Right to Know v. United States Food & Drug Administration et al
Assigned to: Magistrate Judge Kandis A. Westmore
Cause: 05:552 Freedom of Information Act

Date Filed: 02/04/2021
Date Terminated: 06/30/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

US Right to Know

represented by **Daniel C. Snyder**
Public Justice
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

V.

Defendant

United States Food & Drug Administration

represented by **Jevechius Doherty Bernardoni**
DOJ-USAO
Northern District of California
1301 Clay Street
Suite 340s
Oakland, CA 94612
510-637-3721
Fax: 510-637-3724
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Julie Bibb Davis
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Albany, CA 94706
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TERMINATED: 07/29/2021
LEAD ATTORNEY

Defendant

United States Department of Health & Human Services

represented by **Jevechius Doherty Bernardoni**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie Bibb Davis
(See above for address)

TERMINATED: 07/29/2021
LEAD ATTORNEY

Date Filed	#	Docket Text
02/04/2021	<u>1</u>	COMPLAINT against All Defendants. [Filing fee of \$402.00 paid, Receipt # 0971-15533876] Filed by US Right to Know. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet)(Beaton, Laura) (Filed on 2/4/2021) Modified on 2/4/2021 (bwS, COURT STAFF). (Entered: 02/04/2021)
02/04/2021	<u>2</u>	Proposed Summons. (Beaton, Laura) (Filed on 2/4/2021) (Entered: 02/04/2021)
02/04/2021	<u>3</u>	Proposed Summons. (Beaton, Laura) (Filed on 2/4/2021) (Entered: 02/04/2021)
02/04/2021	<u>4</u>	Proposed Summons. (Beaton, Laura) (Filed on 2/4/2021) (Entered: 02/04/2021)
02/04/2021	<u>5</u>	Proposed Summons. (Beaton, Laura) (Filed on 2/4/2021) (Entered: 02/04/2021)
02/04/2021	<u>6</u>	Corporate Disclosure Statement by US Right to Know. (Beaton, Laura) (Filed on 2/4/2021) Modified on 2/5/2021 (bnsS, COURT STAFF). (Entered: 02/04/2021)
02/04/2021	7	Case assigned to Magistrate Judge Kandis A. Westmore. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 2/18/2021. (bwS, COURT STAFF) (Filed on 2/4/2021) (Entered: 02/04/2021)
02/05/2021	<u>8</u>	Summons Issued as to United States Department of Health & Human Services, United States Food & Drug Administration, U.S. Attorney and U.S. Attorney General (bnsS, COURT STAFF) (Filed on 2/5/2021) (Entered: 02/05/2021)
02/05/2021		<u>Electronic filing error</u> . Incorrect event used. The Correct Event is Certificate of Interested Entities, Corporate Disclosure Statement, or Rule 7.1 Disclosures [err101] Corrected by Clerk's Office. No further action is necessary. Re: <u>6</u> Statement filed by US Right to Know (bnsS, COURT STAFF) (Filed on 2/5/2021) (Entered: 02/05/2021)
02/05/2021	<u>9</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 5/4/2021. Initial Case Management Conference set for 5/11/2021 01:30 PM. (bnsS, COURT STAFF) (Filed on 2/5/2021) (Entered: 02/05/2021)
02/09/2021	<u>10</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by US Right to Know.. (Beaton, Laura) (Filed on 2/9/2021) (Entered: 02/09/2021)
02/18/2021	<u>11</u>	SUMMONS Returned Executed (FOIA) by US Right to Know. All Defendants. (Beaton, Laura) (Filed on 2/18/2021) (Entered: 02/18/2021)
02/23/2021	<u>12</u>	Certificate of Interested Entities by US Right to Know (Beaton, Laura) (Filed on 2/23/2021) (Entered: 02/23/2021)
02/24/2021		<u>Electronic filing error</u> . REMINDER : Case division and case location information are incorrect. In the future, please be sure that the case number is correctly reflected on your documents as Oakland Division and the case number should be 4:221-cv-00884 KAW. [err102] Re: <u>12</u> Certificate of Interested Entities filed by US Right to Know (bnsS, COURT STAFF) (Filed on 2/24/2021) (Entered: 02/24/2021)
03/09/2021	<u>13</u>	ANSWER to Complaint by United States Department of Health & Human Services, United States Food & Drug Administration. (Davis, Julie) (Filed on 3/9/2021) (Entered: 03/09/2021)

03/09/2021	<u>14</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by United States Department of Health & Human Services, United States Food & Drug Administration.. (Davis, Julie) (Filed on 3/9/2021) (Entered: 03/09/2021)
03/11/2021	15	CLERK'S NOTICE. The Initial Case Management Conference is rescheduled to 5/11/2021 at 11:00am . <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (dtmS, COURT STAFF) (Filed on 3/11/2021) (Entered: 03/11/2021)
04/08/2021	<u>16</u>	MOTION for leave to appear in Pro Hac Vice <i>Daniel C. Snyder</i> (Filing fee \$ 317, receipt number 0971-15812304.) filed by US Right to Know. (Snyder, Daniel) (Filed on 4/8/2021) (Entered: 04/08/2021)
04/08/2021	<u>17</u>	Order by Magistrate Judge Kandis A. Westmore granting <u>16</u> Motion for Pro Hac Vice as to Daniel C. Snyder.(dtmS, COURT STAFF) (Filed on 4/8/2021) (Entered: 04/08/2021)
04/19/2021	<u>18</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Beaton, Laura) (Filed on 4/19/2021) (Entered: 04/19/2021)
05/03/2021	<u>19</u>	STIPULATION WITH PROPOSED ORDER <i>REQUEST TO CONTINUE CMC</i> filed by United States Department of Health & Human Services, United States Food & Drug Administration, and US Right to Know. (Davis, Julie) (Filed on 5/3/2021) Modified on 5/4/2021 (bnsS, COURT STAFF). (Entered: 05/03/2021)
05/06/2021	<u>20</u>	ORDER by Magistrate Judge Kandis A. Westmore Granting <u>19</u> STIPULATED REQUEST TO CONTINUE CMC.Joint Case Management Statement due by 7/13/2021. Initial Case Management Conference set for 7/20/2021 01:30 PM in Oakland, - To be determined.(amgS, COURT STAFF) (Filed on 5/6/2021) (Entered: 05/06/2021)
07/01/2021	21	CLERK'S NOTICE CONTINUING INITIAL CASE MANAGEMENT CONFERENCE. Notice is hereby given that the initial case management conference previously scheduled for 7/20/2021 at 1:30 p.m. is continued to 8/10/2021 at 1:30 p.m. An updated joint case management statement is due by 8/3/2021. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Case Management Statement due by 8/3/2021. Initial Case Management Conference set for 8/10/2021 01:30 PM in Oakland, - To be determined. (amgS, COURT STAFF) (Filed on 7/1/2021) (Entered: 07/01/2021)
07/23/2021	<u>22</u>	STIPULATION filed by United States Department of Health & Human Services, United States Food & Drug Administration. (Davis, Julie) (Filed on 7/23/2021) (Entered: 07/23/2021)
07/26/2021	<u>23</u>	ORDER Granting <u>22</u> STIPULATED REQUEST TO CONTINUE CMC. Joint Case Management Statement due by 10/26/2021. Initial Case Management Conference set for 11/2/2021 11:00 AM in Oakland, - To be determined. Signed by Judge Kandis A. Westmore on 7/26/2021. (amgS, COURT STAFF) (Filed on 7/26/2021) (Entered: 07/26/2021)
07/29/2021	<u>24</u>	NOTICE of Substitution of Counsel by Jevetchius Doherty Bernardoni (Bernardoni, Jevetchius) (Filed on 7/29/2021) (Entered: 07/29/2021)
10/26/2021	<u>25</u>	CASE MANAGEMENT STATEMENT filed by United States Department of Health & Human Services, United States Food & Drug Administration. (Bernardoni, Jevetchius) (Filed on 10/26/2021) (Entered: 10/26/2021)
10/29/2021	26	CLERK'S NOTICE CONTINUING INITIAL CASE MANAGEMENT CONFERENCE. Initial Case Management Conference is continued from 11/2/2021 to 1/25/2022 01:30 PM in Oakland, - To be determined. Joint Case Management Statement due by 1/18/2022. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (wft, COURT STAFF) (Filed on 10/29/2021) (Entered: 10/29/2021)
11/04/2021	<u>27</u>	STIPULATION WITH PROPOSED ORDER filed by United States Department of Health & Human Services, United States Food & Drug Administration. (Bernardoni, Jevetchius) (Filed on 11/4/2021) (Entered: 11/04/2021)

11/08/2021	<u>28</u>	ORDER by Judge KANDIS A. WESTMORE granting <u>27</u> Stipulation. (jjo, COURT STAFF) (Filed on 11/8/2021) (Entered: 11/08/2021)
01/18/2022	<u>29</u>	STIPULATION WITH PROPOSED ORDER filed by United States Department of Health & Human Services, United States Food & Drug Administration. (Bernardoni, Jevechius) (Filed on 1/18/2022) (Entered: 01/18/2022)
01/20/2022	<u>30</u>	Order by Magistrate Judge Kandis A. Westmore granting <u>29</u> Stipulation. Joint Case Management Statement due by 8/9/2022. Initial Case Management Conference set for 8/16/2022 01:30 PM in Oakland, – To be determined. (wft, COURT STAFF) (Filed on 1/20/2022) (Entered: 01/20/2022)
04/25/2022	<u>31</u>	NOTICE of Change of Address by Jevechius Doherty Bernardoni (Bernardoni, Jevechius) (Filed on 4/25/2022) (Entered: 04/25/2022)
08/09/2022	<u>32</u>	STIPULATION WITH PROPOSED ORDER re <u>30</u> Order on Stipulation, filed by United States Department of Health & Human Services, United States Food & Drug Administration. (Bernardoni, Jevechius) (Filed on 8/9/2022) (Entered: 08/09/2022)
08/12/2022	<u>33</u>	<p>Order by Magistrate Judge Kandis A. Westmore granting <u>32</u> Stipulation. Joint Case Management Statement due by 11/1/2022. Initial Case Management Conference set for 11/8/2022 01:30 PM in Oakland, this proceeding will be held via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/kaw</p> <p>General Order 58. Per sons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p>(wft, COURT STAFF) (Filed on 8/12/2022) (Entered: 08/12/2022)</p>
09/26/2022	<u>34</u>	STIPULATION WITH PROPOSED ORDER re <u>33</u> Order on Stipulation,,, filed by United States Department of Health & Human Services, United States Food & Drug Administration. (Bernardoni, Jevechius) (Filed on 9/26/2022) (Entered: 09/26/2022)
09/28/2022	<u>35</u>	Order as Modified by Magistrate Judge Kandis A. Westmore granting <u>34</u> Stipulation. Status Report due by 1/27/2023. (wft, COURT STAFF) (Filed on 9/28/2022) (Entered: 09/28/2022)
11/21/2022	<u>36</u>	MOTION to Substitute Attorney filed by US Right to Know. (Snyder, Daniel) (Filed on 11/21/2022) (Entered: 11/21/2022)
01/27/2023	<u>37</u>	STATUS REPORT by United States Department of Health & Human Services, United States Food & Drug Administration. (Bernardoni, Jevechius) (Filed on 1/27/2023) (Entered: 01/27/2023)
02/03/2023	38	CLERK'S NOTICE: Parties are directed to file a joint status report by 5/4/2023. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (wft, COURT STAFF) (Filed on 2/3/2023) (Entered: 02/03/2023)
05/04/2023	<u>39</u>	STATUS REPORT by United States Department of Health & Human Services, United States Food & Drug Administration. (Bernardoni, Jevechius) (Filed on 5/4/2023) (Entered: 05/04/2023)
05/05/2023	<u>40</u>	ORDER TO FILE DISMISSAL WITHIN 60 DAYS re <u>39</u> , Signed by Judge Kandis A. Westmore on 5/5/2023. Plaintiff to File Dismissal by 7/5/2023. (wft, COURT STAFF) (Filed on 5/5/2023) (Entered: 05/05/2023)
06/29/2023	<u>41</u>	STIPULATION <i>Rule 41 Stipulation of Dismissal with Prejudice</i> filed by US Right to Know. (Snyder, Daniel) (Filed on 6/29/2023) (Entered: 06/29/2023)