

**U.S. District Court  
 District of Columbia (Washington, DC)  
 CIVIL DOCKET FOR CASE #: 1:21-cv-00642-BAH**

CENTER FOR MEDICAL PROGRESS v. U.S.  
 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 Assigned to: Judge Beryl A. Howell  
 Cause: 05:552 Freedom of Information Act

Date Filed: 03/10/2021  
 Date Terminated: 08/07/2023  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CENTER FOR MEDICAL  
 PROGRESS**

represented by **Paul J. Orfanedes**  
 JUDICIAL WATCH, INC.  
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*ATTORNEY TO BE NOTICED*

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V.

**Defendant**

**U.S. DEPARTMENT OF HEALTH  
 AND HUMAN SERVICES**

represented by **John Moustakas**  
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 DISTRICT OF COLUMBIA  
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*ATTORNEY TO BE NOTICED*

**Michael A. Tilghman , II**  
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*TERMINATED: 09/13/2022*

Date Filed	#	Docket Text
03/10/2021	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 402 receipt number ADCDC-8294329) filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for US Attorney for DC, # <u>3</u> Summons for US Attorney General, # <u>4</u> Summons for U.S.

		Department of Health and Human Services)(Di Liberto, Meredith) (Entered: 03/10/2021)
03/10/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR MEDICAL PROGRESS (Di Liberto, Meredith) (Entered: 03/10/2021)
03/11/2021		NOTICE OF ERROR re <u>1</u> Complaint; emailed to mdiliberto@judicialwatch.org, cc'd -1 associated attorneys -- The PDF file you docketed contained errors: 1. Blank or missing coversheet. Please use the cover sheet at <a href="https://www.dcd.uscourts.gov/new-case-forms">https://www.dcd.uscourts.gov/new-case-forms</a> & file using the event Civil Cover Sheet., 2. Certificate of disclosure is blank (adh, ) (Entered: 03/11/2021)
03/12/2021	<u>3</u>	ERRATA ( <i>Corrected Civil Cover Sheet and Corrected Certificate Rule LCvR 26.1</i> ) by CENTER FOR MEDICAL PROGRESS re <u>1</u> Complaint, filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Certificate Rule LCvR 26.1)(Di Liberto, Meredith) (Entered: 03/12/2021)
03/12/2021		Case Assigned to Chief Judge Beryl A. Howell. (adh, ) (Entered: 03/12/2021)
03/12/2021	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 03/12/2021)
03/13/2021	<u>5</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on March 13, 2021. (lcbah1) (Entered: 03/13/2021)
04/07/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/26/2021. Answer due for ALL FEDERAL DEFENDANTS by 4/25/2021. (Attachments: # <u>1</u> Declaration of David Rothstein)(Di Liberto, Meredith) (Entered: 04/07/2021)
04/07/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/02/21. (Attachments: # <u>1</u> Declaration of David Rothstein)(Di Liberto, Meredith) (Entered: 04/07/2021)
04/07/2021	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 4/7/2021 (Attachments: # <u>1</u> Declaration of David Rothstein)(Di Liberto, Meredith) (Entered: 04/07/2021)
04/26/2021	<u>9</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Tilghman, Michael) (Entered: 04/26/2021)
05/10/2021	<u>10</u>	Joint STATUS REPORT by CENTER FOR MEDICAL PROGRESS. (Di Liberto, Meredith) (Entered: 05/10/2021)
05/10/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>10</u> Joint Status Report, the parties to submit a joint status report by July 16, 2021. Signed by Chief Judge Beryl A. Howell on May 10, 2021. (lcbah1) (Entered: 05/10/2021)
05/10/2021		Set/Reset Deadlines: Joint Status Report due by 7/16/2021. (ztg) (Entered: 05/10/2021)
07/08/2021	<u>11</u>	NOTICE of Appearance by Paul J. Orfanedes on behalf of CENTER FOR MEDICAL PROGRESS (Orfanedes, Paul) (Entered: 07/08/2021)
07/16/2021	<u>12</u>	Joint STATUS REPORT by CENTER FOR MEDICAL PROGRESS. (Di Liberto, Meredith) (Entered: 07/16/2021)
07/16/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>12</u> Joint Status Report, the parties to submit a joint status report by August 16, 2021. Signed by Chief Judge Beryl A. Howell on July 16, 2021. (lcbah1) (Entered: 07/16/2021)
07/16/2021		Set/Reset Deadlines: Joint Status Report due by 8/16/2021. (ztg) (Entered: 07/16/2021)
08/16/2021	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Tilghman, Michael) (Entered: 08/16/2021)

08/18/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>13</u> Joint Status Report, the parties to submit a joint status report by October 15, 2021. Signed by Chief Judge Beryl A. Howell on August 18, 2021. (lcbah1) (Entered: 08/18/2021)
08/19/2021		Set/Reset Deadlines: Joint Status Report due by 10/15/2021. (ztg) (Entered: 08/19/2021)
10/15/2021	<u>14</u>	Joint STATUS REPORT by CENTER FOR MEDICAL PROGRESS. (Di Liberto, Meredith) (Entered: 10/15/2021)
10/18/2021		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>14</u> Joint Status Report, the parties to submit, by October 27, 2021, a joint status report advising the Court whether any disputes remain between the parties and, if so, proposing a schedule to govern further proceedings. Signed by Chief Judge Beryl A. Howell on October 18, 2021. (lcbah1) (Entered: 10/18/2021)
10/19/2021		Set/Reset Deadlines: Joint Status Report due by 10/27/2021. (ztg) (Entered: 10/19/2021)
10/27/2021	<u>15</u>	Joint STATUS REPORT by CENTER FOR MEDICAL PROGRESS. (Di Liberto, Meredith) (Entered: 10/27/2021)
10/27/2021		MINUTE ORDER (paperless) ISSUING, in light of the parties' <u>15</u> Joint Status Report, the following SCHEDULING ORDER to govern the timing of further proceedings in this matter: (1) by December 6, 2021, defendant shall file its motion for summary judgment; (2) by January 12, 2022, plaintiff shall file its cross-motion for summary judgment and its combined opposition to defendant's motion for summary judgment and memorandum in support of its cross-motion; (3) by February 14, 2022, defendant shall file its combined opposition to plaintiff's cross-motion for summary judgment and reply in support of its own motion for summary judgment; and (4) by March 11, 2022, plaintiff shall file its reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on October 27, 2021. (lcbah1) (Entered: 10/27/2021)
10/28/2021		Set/Reset Deadlines: Summary Judgment motion due by 12/6/2021; cross-motion and opposition to motion for summary judgment due by 1/12/2022; opposition to cross-motion and reply to opposition to motion for summary judgment due by 2/14/2022; reply to opposition to cross-motion due by 3/11/2022. (ztg) (Entered: 10/28/2021)
12/03/2021	<u>16</u>	Unopposed MOTION for Extension of Time to <i>File Defendants Motion for Summary Judgment</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 12/03/2021)
12/06/2021		MINUTE ORDER (paperless) GRANTING, the defendant's <u>16</u> Unopposed Motion for Extension of Time to File and MODIFYING the SCHEDULING ORDER as follows: (1) by December 13, 2021, defendant shall file its motion for summary judgment; (2) by January 19, 2022, plaintiff shall file its cross-motion for summary judgment and its combined opposition to defendant's motion for summary judgment and memorandum in support of its cross-motion; (3) by February 21, 2022, defendant shall file its combined opposition to plaintiff's cross-motion for summary judgment and reply in support of its own motion for summary judgment; and (4) by March 18, 2022, plaintiff shall file its reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on December 6, 2021. (lcbah1) (Entered: 12/06/2021)
12/07/2021		Set/Reset Deadlines: Summary judgment motion due by 12/13/2021; cross-motion and opposition to motion for summary judgment due by 1/19/2022; opposition to cross-motion and reply to opposition to motion for summary judgment 2/21/2022; reply to opposition to cross-motion due by 3/18/2022. (ztg) (Entered: 12/07/2021)
12/13/2021	<u>17</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Defendant's Statement of Undisputed Material Facts, # <u>3</u> Declaration of Gorka Garcia-Malene, # <u>4</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 12/13/2021)
01/19/2022	<u>18</u>	Memorandum in opposition to re <u>17</u> MOTION for Summary Judgment ( <i>With Response to Def's Statement of Material Facts</i> ) filed by CENTER FOR MEDICAL PROGRESS.

		(Attachments: # <u>1</u> Declaration of Meredith Di Liberto, # <u>2</u> Exhibit 1 to Di Liberto Declaration, # <u>3</u> Exhibit 2 to Di Liberto Declaration, # <u>4</u> Exhibit 3 to Di Liberto Declaration, # <u>5</u> Exhibit 4 to Di Liberto Declaration, # <u>6</u> Exhibit 5 to Di Liberto Declaration, # <u>7</u> Exhibit 6 to Di Liberto Declaration, # <u>8</u> Exhibit 7 to Di Liberto Declaration, # <u>9</u> Exhibit 8 to Di Liberto Declaration, # <u>10</u> Exhibit 9 to Di Liberto Declaration, # <u>11</u> Exhibit 10 to Di Liberto Declaration, # <u>12</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 01/19/2022)
01/19/2022	<u>19</u>	Cross MOTION for Summary Judgment ( <i>with Plf's Statement of Material Facts</i> ) by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto, # <u>2</u> Exhibit 1 to Di Liberto Declaration, # <u>3</u> Exhibit 2 to Di Liberto Declaration, # <u>4</u> Exhibit 3 to Di Liberto Declaration, # <u>5</u> Exhibit 4 to Di Liberto Declaration, # <u>6</u> Exhibit 5 to Di Liberto Declaration, # <u>7</u> Exhibit 6 to Di Liberto Declaration, # <u>8</u> Exhibit 7 to Di Liberto Declaration, # <u>9</u> Exhibit 8 to Di Liberto Declaration, # <u>10</u> Exhibit 9 to Di Liberto Declaration, # <u>11</u> Exhibit 10 to Di Liberto Declaration, # <u>12</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 01/19/2022)
02/21/2022	<u>20</u>	REPLY to opposition to motion re <u>17</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Tilghman, Michael) (Entered: 02/21/2022)
02/21/2022	<u>21</u>	Memorandum in opposition to re <u>19</u> Cross MOTION for Summary Judgment ( <i>with Plf's Statement of Material Facts</i> ) filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Defendant's Response to Plaintiff's Further Statement of Material Facts, # <u>6</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 02/21/2022)
03/18/2022	<u>22</u>	REPLY to opposition to motion re <u>19</u> Cross MOTION for Summary Judgment ( <i>with Plf's Statement of Material Facts</i> ) filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (Second)(w/ Exhibits 1–10))(Di Liberto, Meredith) (Entered: 03/18/2022)
08/19/2022		MINUTE ORDER (paperless) DIRECTING defendant, by noon August 23, 2022, to supplement the record, by submitting (1) a Vaughn Index that reflects the justification for any withholding, with a sequentially numbered separate entry for each document withheld, in full or part, and the following information, at a minimum: (a) the document number; (b) the Bates stamp number range for the withheld document or portion of document, or, if no Bates stamp is available, the CM/ECF document number and page number range stamped on any previously submitted document; (c) the document description, including type of document (e.g., email, email attachment, or document), date and title, if applicable; (d) the author(s); (e) the recipient(s); (f) whether document withheld in full or part; (g) the statutory authority for the withholding; and (h) the reason the exemption applies to the document; (2) clarification of whether defendant is conceding summary judgment to plaintiff for withholdings made, in whole or in part, pursuant to Exemption 5, given defendant's failure to address in any declaration or briefing such withholdings, <i>see</i> Pl.'s Mem. Supp. Cross–Mot. Summ. J. & Opp'n Def.'s Mot. Summ. J. ("Pl.'s Opp'n") at 4 n.3, ECF No. 19; and (3) clarification of defendant's position whether the public domain doctrine precludes withholdings under Exemption 4 or Exemption 6 for each item plaintiff identifies as being publicly available, <i>see</i> Pl.'s Reply Supp. Cross–Mot. Summ. J. at 2–5, 7–8, 10, ECF No. 22. Signed by Chief Judge Beryl A. Howell on August 19, 2022. (lcbah1) (Entered: 08/19/2022)
08/22/2022		Set/Reset Deadlines: Defendant's supplement due by 8/23/2022. (hmc) (Entered: 08/22/2022)
08/23/2022	<u>23</u>	NOTICE of Defendant's Supplement to the Record by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES re Order,,,,, (Attachments: # <u>1</u> Vaughn Index, # <u>2</u> Third Declaration of Gorka Garcia–Malene)(Tilghman, Michael) (Entered: 08/23/2022)
08/23/2022	<u>24</u>	MOTION for Extension of Time to <i>to Supplement the Record Nunc Pro Tunc</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 08/23/2022)

08/23/2022		MINUTE ORDER (paperless) DIRECTING, in light of the concessions made by defendant in the <u>23</u> Notice of Defendant's Supplement to the Record and its plan to release a revised production to plaintiff, defendant to produce, by 5pm on August 26, 2022, an accurate and precise Vaughn Index that reflects for each withholding (1) the category of withheld information to which it belongs, e.g., category one: salary information pertaining to University of Pittsburgh staff, and (2) whether the information is no longer withheld because it has been released in a revised production and the reason for its release. Defendant's submission of a Vaughn Index that fails to identify withholdings that are no longer applicable and that fails to identify which withholding corresponds to its own identified categories places a significant burden on the Court to search through all of the entries in the 68–page Index to identify the withholdings that are no longer in dispute and frustrates the Court's efforts to make definitive rulings on disputed categories of withheld information. Signed by Chief Judge Beryl A. Howell on August 23, 2022. (lcbah1) (Entered: 08/23/2022)
08/24/2022		MINUTE ORDER (paperless) GRANTING defendant's <u>24</u> Motion for Extension of Time to Supplement the Record and EXTENDING the deadline for defendant to file the supplement requested by the Court's August 19, 2022 Order to 12:15 pm, August 23, 2022. Signed by Chief Judge Beryl A. Howell on August 24, 2022. (lcbah1) (Entered: 08/24/2022)
08/24/2022		Set/Reset Deadlines: Defendant's Vaughn Index due by 5 pm on 8/26/2022. (hmc) (Entered: 08/24/2022)
08/26/2022	<u>25</u>	NOTICE of Defendant's Filing of Revised Vaughn Index by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Revised Vaughn Index)(Tilghman, Michael) (Entered: 08/26/2022)
09/03/2022	<u>26</u>	ORDER GRANTING IN PART and DENYING IN PART defendant's <u>17</u> Motion for Summary Judgment; and DENYING plaintiff's <u>19</u> Cross–Motion for Summary Judgment. See Order for further details. Signed by Chief Judge Beryl A. Howell on September 3, 2022. (lcbah1) (Entered: 09/03/2022)
09/03/2022	<u>27</u>	MEMORANDUM OPINION regarding defendant's <u>17</u> Motion for Summary Judgment and plaintiff's <u>19</u> Cross–Motion for Summary Judgment. Signed by Chief Judge Beryl A. Howell on September 3, 2022. (lcbah1) (Entered: 09/03/2022)
09/06/2022		Set/Reset Deadlines: Joint Status Report due by 9/15/2022. (ztg) (Entered: 09/06/2022)
09/13/2022	<u>28</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Tilghman (Moustakas, John) (Entered: 09/13/2022)
09/15/2022	<u>29</u>	STATUS REPORT ( <i>Plaintiff's Status Report</i> ) by CENTER FOR MEDICAL PROGRESS. (Di Liberto, Meredith) (Entered: 09/15/2022)
09/17/2022		MINUTE ORDER (paperless) ISSUING, in light of plaintiff's <u>29</u> Status Report, the following SCHEDULING ORDER to govern the timing of further proceedings in this matter: (1) by November 14, 2022, plaintiff shall file its motion for summary judgment; (2) by December 12, 2022, defendant shall file its cross–motion for summary judgment and its combined opposition to plaintiff's motion for summary judgment and memorandum in support of its cross–motion; (3) by January 9, 2023, plaintiff shall file its combined opposition to defendant's cross–motion for summary judgment and reply in support of its own cross motion for summary judgment; and (4) by January 30, 2023, defendant shall file its reply in support of its cross–motion for summary judgment. Signed by Chief Judge Beryl A. Howell on September 17, 2022. (lcbah1) Modified to correct date on 9/19/2022 (ztg). (Entered: 09/17/2022)
09/19/2022		Set/Reset Deadlines: Summary Judgment motion due by 11/14/2022; cross–motion and opposition to motion for summary judgment due by 12/12/2022; opposition to cross–motion and reply to opposition to motion for summary judgment due by 1/9/2023; reply to opposition to cross–motion due by 1/30/2023.(ztg) (Entered: 09/19/2022)
09/29/2022	<u>30</u>	MOTION to Alter Judgment as to <u>26</u> Order on Motion for Summary Judgment,,, <u>27</u> Memorandum & Opinion , MOTION to Amend/Correct <u>26</u> Order on Motion for Summary Judgment,,, <u>27</u> Memorandum & Opinion , MOTION for Reconsideration re <u>26</u> Order on Motion for Summary Judgment,,, <u>27</u> Memorandum & Opinion by

		CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 09/29/2022)
10/03/2022		MINUTE ORDER (paperless) DIRECTING defendant, by October 11, 2022, to file any response to plaintiff's <u>30</u> Motion to Alter or Amend, and plaintiff, by October 18, 2022, to file any reply in support of its motion. Signed by Chief Judge Beryl A. Howell on October 3, 2022. (lcbah1) (Entered: 10/03/2022)
10/03/2022		Set/Reset Deadlines: Response to <u>30</u> Motion to Alter or Amend due by 10/11/2022; reply due by 10/18/2022. (ztg) (Entered: 10/03/2022)
10/12/2022	<u>31</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>Motion to Alter or Amend</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 10/12/2022)
10/12/2022		MINUTE ORDER (paperless) GRANTING defendant's <u>31</u> Consent Motion for Extension of Time to File Response, and DIRECTING defendant, by October 18, 2022, to file any response to plaintiff's <u>30</u> Motion to Alter or Amend, and plaintiff, by October 25, 2022, to file any reply in support of its motion. Signed by Chief Judge Beryl A. Howell on October 12, 2022. (lcbah1) (Entered: 10/12/2022)
10/13/2022		Set/Reset Deadlines: Defendant's response, if any, to plaintiff's <u>30</u> Motion to Alter or Amend due by 10/18/2022; plaintiff's reply, if any, due by 10/25/2022. (ztg) (Entered: 10/13/2022)
10/19/2022	<u>32</u>	Consent MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 10/19/2022)
10/20/2022		MINUTE ORDER (paperless) GRANTING defendant's <u>32</u> Consent Motion for Extension of Time to File Response, and DIRECTING defendant, by October 28, 2022, to file any response to plaintiff's <u>30</u> Motion to Alter or Amend, and plaintiff, by November 4, 2022, to file any reply in support of its motion. Signed by Chief Judge Beryl A. Howell on October 20, 2022. (lcbah1) (Entered: 10/20/2022)
10/20/2022		Set/Reset Deadlines: Response to <u>30</u> Motion to Alter or Amend due by 10/28/2022; reply due by 11/4/2022. (ztg) (Entered: 10/20/2022)
10/28/2022	<u>33</u>	Consent MOTION for Extension of Time to File Response/Reply <i>Motion to Alter or Amend</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 10/28/2022)
10/28/2022		MINUTE ORDER (paperless) GRANTING defendant's <u>33</u> Consent Motion for Extension of Time to File Response, and DIRECTING defendant, by November 7, 2022, to file any response to plaintiff's <u>30</u> Motion to Alter or Amend, and plaintiff, by November 14, 2022, to file any reply in support of its motion. Signed by Chief Judge Beryl A. Howell on October 28, 2022. (lcbah1) (Entered: 10/28/2022)
10/31/2022		Set/Reset Deadlines: Response to <u>30</u> Motion to Alter or Amend due by 11/7/2022, reply due by 11/14/2022. (ztg) (Entered: 10/31/2022)
11/04/2022	<u>34</u>	Memorandum in opposition to re <u>30</u> MOTION to Alter Judgment as to <u>26</u> Order on Motion for Summary Judgment,,, <u>27</u> Memorandum & Opinion MOTION to Amend/Correct <u>26</u> Order on Motion for Summary Judgment,,, <u>27</u> Memorandum & Opinion MOTION for Reconsideration re <u>26</u> Order on Motion for Summary Judgment,,, <u>27</u> Memorandum & Opinion filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit Fourth Declaration of Gorka Garcia-Malene)(Moustakas, John) Modified docket event/text on 11/7/2022 (zed). (Entered: 11/04/2022)
11/14/2022	<u>35</u>	MOTION for Summary Judgment by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Statement of Facts (Plaintiff's Statement of Undisputed Material Facts), # <u>2</u> Declaration of Meredith Di Liberto (Third) with Exhibits 1-6, # <u>3</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 11/14/2022)
11/14/2022	<u>36</u>	REPLY to opposition to motion re <u>30</u> MOTION to Alter Judgment as to <u>26</u> Order on Motion for Summary Judgment,,, <u>27</u> Memorandum & Opinion MOTION to Amend/Correct <u>26</u> Order on Motion for Summary Judgment,,, <u>27</u> Memorandum &

		Opinion MOTION for Reconsideration re <u>26</u> Order on Motion for Summary Judgment,, <u>27</u> Memorandum & Opinion filed by CENTER FOR MEDICAL PROGRESS. (Di Liberto, Meredith) (Entered: 11/14/2022)
11/16/2022	<u>37</u>	MEMORANDUM AND ORDER DENYING plaintiff's <u>30</u> Motion for Reconsideration. See Order for further details. Signed by Chief Judge Beryl A. Howell on November 16, 2022. (lcbah1) (Entered: 11/16/2022)
12/12/2022	<u>38</u>	MOTION for Extension of Time to File Response/Reply to Plaintiff's Motion for Summary Judgment by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 12/12/2022)
12/13/2022		MINUTE ORDER (paperless) GRANTING defendant's <u>38</u> Motion for Extension of Time to File Opposition to Plaintiff's Motion for Summary Judgment, and MODIFYING the scheduling order issued September 17, 2022, as follows: (1) by January 26, 2023 defendant shall file its cross-motion for summary judgment and its combined opposition to plaintiff's <u>35</u> Motion for Summary Judgment and memorandum in support of its cross-motion; (2) by February 23, 2023, plaintiff shall file its combined opposition to defendant's cross-motion for summary judgment and reply in support of its own <u>35</u> Motion for Summary Judgment; and (3) by March 16, 2023, defendant shall file its reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on December 13, 2022. (lcbah1) Modified on 12/14/2022 to edit numbering (hmc). (Entered: 12/13/2022)
12/14/2022		Set/Reset Deadlines: Defendant's cross-motion and combined opposition to plaintiff's motion for summary judgment due by 1/26/2023. Plaintiff's combined opposition to defendant's cross-motion for summary judgment and reply in support of its own motion for summary judgment due by 2/23/2023. Defendant's reply in support of its cross-motion for summary judgment due by 3/16/2023. (hmc) (Entered: 12/14/2022)
02/02/2023	<u>39</u>	MOTION for Extension of Time to File Response/Reply , MOTION for Extension of Time to File by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 02/02/2023)
02/03/2023	<u>40</u>	RESPONSE re <u>39</u> MOTION for Extension of Time to File Response/Reply MOTION for Extension of Time to File filed by CENTER FOR MEDICAL PROGRESS. (Di Liberto, Meredith) (Entered: 02/03/2023)
02/03/2023		MINUTE ORDER (paperless) GRANTING, <i>nunc pro tunc</i> , defendant's <u>39</u> Motion for Extension of Time to File Opposition to Plaintiff's Motion for Summary Judgment, and MODIFYING the scheduling order issued September 17, 2022 and previously modified on December 13, 2022, as follows: (1) by February 13, 2023 defendant shall file its cross-motion for summary judgment and its combined opposition to plaintiff's <u>35</u> Motion for Summary Judgment and memorandum in support of its cross-motion; (2) by March 6, 2023, plaintiff shall file its combined opposition to defendant's cross-motion for summary judgment and reply in support of its own <u>35</u> Motion for Summary Judgment; and (3) by March 27, 2023, defendant shall file its reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on February 2, 2023. (lcbah1) (Entered: 02/03/2023)
02/03/2023		Set/Reset Deadlines: Cross-motion and opposition to motion for summary judgment due by 2/13/2023; opposition to cross-motion and reply to opposition to motion for summary judgment due by 3/6/2023; reply to opposition to cross-motion due by 3/27/2023. (ztg) (Entered: 02/03/2023)
02/13/2023	<u>41</u>	MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 02/14/2023)
02/14/2023		MINUTE ORDER (paperless) GRANTING defendant's <u>41</u> Motion for Extension of time to File Opposition to Plaintiff's Motion for Summary Judgment, and MODIFYING the scheduling order issued September 17, 2022 and previously modified on December 13, 2022 and February 3, 2023, as follows: (1) by February 14, 2023 defendant shall file its cross-motion for summary judgment and its combined opposition to plaintiff's <u>35</u> Motion for Summary Judgment and memorandum in support of its cross-motion; (2) by March 7, 2023, plaintiff shall file its combined opposition to defendant's cross-motion for summary judgment and reply in support of its own <u>35</u> Motion for Summary Judgment; and (3) by March 28, 2023, defendant shall

		file its reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on February 14, 2023. (lcbah1) (Entered: 02/14/2023)
02/14/2023	<u>42</u>	Memorandum in opposition to re <u>41</u> Motion for Extension of Time to File Response/Reply filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Declaration Fifth NIH Decl and Ex A, Ex B)(Moustakas, John) (Entered: 02/14/2023)
02/14/2023	<u>43</u>	MOTION for Summary Judgment <i>Cross Motion and Opposition</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Declaration Fifth NIH Decl, Ex A, Ex. B (Vaugh Index))(Moustakas, John) (Entered: 02/14/2023)
02/15/2023	<u>44</u>	Cross MOTION for Summary Judgment <i>and Cross Motion (inclg Order, Response to Statement of Facts)</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Declaration Fifth NIH Declaration, Ex A, Ex B)(Moustakas, John) (Entered: 02/15/2023)
02/15/2023		Set/Reset Deadlines: Plaintiff's combined opposition to defendant's cross-motion for summary judgment and reply in support of its own <u>35</u> Motion for Summary Judgment due by 3/7/2023; defendant's reply in support of its cross-motion for summary judgment due by 3/28/2023. (ztg) (Entered: 02/15/2023)
02/15/2023	<u>45</u>	Memorandum in opposition to re <u>43</u> Motion for Summary Judgment filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (See Docket Entry <u>44</u> to view document). (zed) (Entered: 02/21/2023)
03/07/2023	<u>46</u>	REPLY to opposition to motion re <u>35</u> MOTION for Summary Judgment ( <i>Plaintiff's Reply in Support of Plaintiff's Motion for Summary Judgment</i> ) filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (with Exhibits 1-4))(Di Liberto, Meredith) (Entered: 03/07/2023)
03/07/2023	<u>47</u>	Memorandum in opposition to re <u>44</u> Motion for Summary Judgment ( <i>Plaintiff's Opposition to Defendant's Cross-Motion for Summary Judgment</i> ) filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (with Exhibits 1-4), # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 03/07/2023)
03/27/2023	<u>48</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>44</u> Cross MOTION for Summary Judgment <i>and Cross Motion (inclg Order, Response to Statement of Facts (NB: Partial Consent Motion))</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 03/27/2023)
03/28/2023	<u>49</u>	Memorandum in opposition to re <u>48</u> Motion for Extension of Time to File Response/Reply, filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 03/28/2023)
03/28/2023		MINUTE ORDER (paperless) GRANTING defendant's <u>48</u> Motion for Extension of Time and DIRECTING defendant to file its reply in support of its <u>44</u> Cross-Motion for Summary Judgment by April 27, 2023. Signed by Judge Beryl A. Howell on March 28, 2023. (lcbah1) (Entered: 03/28/2023)
03/29/2023		Set/Reset Deadlines: Defendant's reply in support of its <u>44</u> Cross-Motion for Summary Judgment due by 4/27/2023. (ztg) (Entered: 03/29/2023)
04/27/2023	<u>50</u>	Unopposed MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 04/27/2023)
05/02/2023		MINUTE ORDER (paperless) GRANTING defendant's <u>50</u> Motion for Extension of Time and DIRECTING defendant to file its reply in support of its <u>44</u> Cross-Motion for Summary Judgment by May 31, 2023. Signed by Judge Beryl A. Howell on May 2, 2023. (lcbah1) Modified to correct typo on 5/2/2023 (ztg). (Entered: 05/02/2023)
05/02/2023		Set/Reset Deadlines: Defendant's reply in support of its <u>44</u> Cross-Motion for Summary Judgment due by 5/31/2023. (ztg) (Entered: 05/02/2023)



05/30/2023	<u>51</u>	MOTION for Extension of Time to File Response/Reply <i>in Support of Defendant's Cross Motion for (Renewed) Summary Judgment</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Moustakas, John) (Entered: 05/30/2023)
05/31/2023	<u>52</u>	Memorandum in opposition to re <u>51</u> Motion for Extension of Time to File Response/Reply filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 05/31/2023)
05/31/2023		MINUTE ORDER (paperless) GRANTING defendant's <u>51</u> Motion for Extension of Time and DIRECTING defendant to file its reply in support of its <u>44</u> Cross-Motion for Summary Judgment by June 7, 2023. Signed by Judge Beryl A. Howell on May 31, 2023. (lcbah1) (Entered: 05/31/2023)
06/01/2023		Set/Reset Deadlines: Defendant's reply in support of its <u>44</u> Cross-Motion for Summary Judgment due by 6/7/2023. (ztg) (Entered: 06/01/2023)
06/07/2023	<u>53</u>	REPLY to opposition to motion re <u>43</u> MOTION for Summary Judgment <i>Cross Motion and Opposition</i> filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit)(Moustakas, John) (Entered: 06/08/2023)
06/08/2023	<u>54</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Exhibit)(Moustakas, John) (Entered: 06/08/2023)
06/10/2023	<u>55</u>	ERRATA by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES re <u>53</u> Reply to opposition to Motion. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Moustakas, John) (Entered: 06/10/2023)
06/15/2023		<p>MINUTE ORDER (paperless) GRANTING the government's <u>54</u> unopposed Motion to Seal ("Gov't's Mot."), pursuant to the factors identified in <i>United States v. Hubbard</i>, 650 F.2d 293 (D.C. Cir. 1980) <i>see also Metlife, Inc. v. Fin. Stability Oversight Council</i>, 865 F.3d 661, 665 (D.C. Cir. 2017) (listing the <i>Hubbard</i> factors as follows: (1) the need for public access to the documents at issue; (2) the extent of previous public access to the documents; (3) the fact that someone has objected to disclosure, and the identity of that person; (4) the strength of any property and privacy interests asserted; (5) the possibility of prejudice to those opposing disclosure; and (6) the purposes for which the documents were introduced during the judicial proceedings.).</p> <p>The exhibit that the government seeks to file under seal contains "the names, addresses, titles, and other identifying information for persons and locations associated with fetal tissue research," and it asserts that their identities must be protected "to guard against 'fetal tissue-related violence and harassment.'" Gov't's Mot. at 2 (quoting <u>27</u> Sept. 3, 2022 Memorandum Opinion ("Sept. 3 Mem. Op.") at 32). As previously explained in the Sept. 3 Mem. Op., the "names, job titles, location of tissue procurement sites, and other identifying information of University of Pittsburgh employees" were properly withheld under FOIA exemption 6 because defendant "established a substantial privacy interest in the withheld information due to the justified and articulable risk of harassment and violence that University of Pittsburgh employees, third-party supporters, and clients." Sept. 3 Mem. Op. at 30, 34. For the same reasons, <i>Hubbard</i> factors 4 and 5 weigh strongly against disclosure. Additionally, <i>Hubbard</i> factors 1, 2, and 3 weigh against disclosure because the public has a <i>de minimis</i> need to the private information of these persons and locations associated with fetal tissue research, the public otherwise lacks access to this information, and the government has objected to its disclosure. Signed by Judge Beryl A. Howell on June 15, 2023. (lcbah4) (Entered: 06/15/2023)</p>
08/07/2023	<u>56</u>	ORDER DENYING plaintiff's <u>35</u> Motion for Summary Judgment and GRANTING defendant's <u>43</u> <u>44</u> Cross-Motion for Summary Judgment. See Order for further details. The Clerk of the Court is directed to close this case. Signed by Judge Beryl A. Howell on August 7, 2023. (lcbah2) (Entered: 08/07/2023)
08/07/2023	<u>57</u>	MEMORANDUM OPINION regarding plaintiff's <u>35</u> Motion for Summary Judgment and defendant's <u>43</u> <u>44</u> Cross-Motion for Summary Judgment. Signed by Judge Beryl A. Howell on August 7, 2023. (lcbah2) (Entered: 08/07/2023)