

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:23-cv-03365-NRB**

Pro Publica, Inc. et al v. Food and Drug Administration
Assigned to: Judge Naomi Reice Buchwald
Cause: 05:552 Freedom of Information Act

Date Filed: 04/21/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Pro Publica, Inc.**

represented by **Jeremy Alexander Kutner**
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Plaintiff**PG Publishing Company**

represented by **Jeremy Alexander Kutner**
(See above for address)
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Sarah Matthews
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V.

Defendant**Food and Drug Administration**

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Date Filed	#	Docket Text
04/21/2023	<u>1</u>	FILING ERROR – DEFICIENT PLEADING – FILED AGAINST PARTY ERROR – COMPLAINT against Pro Publica, Inc., PG Publishing Company. (Filing Fee \$ 402.00, Receipt Number ANYSDC-27640003) Document filed by Pro Publica, Inc., PG Publishing Company..(Matthews, Sarah) Modified on 4/24/2023 (vf). (Entered: 04/21/2023)

04/21/2023	<u>2</u>	CIVIL COVER SHEET filed..(Matthews, Sarah) (Entered: 04/21/2023)
04/21/2023	<u>3</u>	FIRST RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Pro Publica, Inc...(Matthews, Sarah) (Entered: 04/21/2023)
04/21/2023	<u>4</u>	FIRST RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent BLOCK COMMUNICATIONS, INC. for PG Publishing Company. Document filed by PG Publishing Company..(Matthews, Sarah) (Entered: 04/21/2023)
04/21/2023	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Food and Drug Administration, re: <u>1</u> Complaint. Document filed by PG Publishing Company, Pro Publica, Inc...(Matthews, Sarah) (Entered: 04/21/2023)
04/24/2023		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Sarah Matthews to RE-FILE Document No. <u>1</u> Complaint. The filing is deficient for the following reason(s): the wrong party/parties whom the pleading is against were selected. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (vf) (Entered: 04/24/2023)
04/24/2023		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Naomi Reice Buchwald. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(vf) (Entered: 04/24/2023)
04/24/2023		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (vf) (Entered: 04/24/2023)
04/24/2023		Case Designated ECF. (vf) (Entered: 04/24/2023)
04/24/2023	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to Food and Drug Administration. (vf) (Entered: 04/24/2023)
04/24/2023	<u>7</u>	COMPLAINT against Food and Drug Administration. Document filed by Pro Publica, Inc., PG Publishing Company..(Matthews, Sarah) (Entered: 04/24/2023)
05/04/2023	<u>8</u>	NOTICE OF APPEARANCE by Christine Schessler Poscablo on behalf of Food and Drug Administration..(Poscablo, Christine) (Entered: 05/04/2023)
05/04/2023	<u>9</u>	AFFIDAVIT OF SERVICE (FOIA CASE). Food and Drug Administration served on 4/28/2023, answer due 5/30/2023. Service was made by Mail. Document filed by Pro Publica, Inc.; PG Publishing Company..(Matthews, Sarah) (Entered: 05/04/2023)
05/05/2023	<u>10</u>	NOTICE OF APPEARANCE by Jeremy Alexander Kutner on behalf of PG Publishing Company, Pro Publica, Inc...(Kutner, Jeremy) (Entered: 05/05/2023)
05/25/2023	<u>11</u>	ANSWER to <u>7</u> Complaint. Document filed by Food and Drug Administration..(Poscablo, Christine) (Entered: 05/25/2023)
07/28/2023	<u>12</u>	FIRST LETTER MOTION for Conference (<i>Initial</i>) addressed to Judge Naomi Reice Buchwald from Sarah Matthews dated July 28, 2023. Document filed by Pro Publica, Inc...(Matthews, Sarah) (Entered: 07/28/2023)
08/14/2023	<u>13</u>	STATUS REPORT. (<i>Joint</i>) Document filed by PG Publishing Company, Pro Publica, Inc...(Matthews, Sarah) (Entered: 08/14/2023)
08/15/2023		Minute Entry for proceedings held before Judge Naomi Reice Buchwald: Telephone Conference held on 8/15/2023. (ade) (Entered: 08/16/2023)

08/18/2023	<u>14</u>	LETTER addressed to Judge Naomi Reice Buchwald from Christine S. Poscablo dated August 18, 2023 re: Update on Timing for Processing of FOIA Request 764. Document filed by Food and Drug Administration..(Poscablo, Christine) (Entered: 08/18/2023)
08/23/2023	<u>15</u>	LETTER: addressed to Counsel from Naomi Reice Buchwald, United States District Judge dated 8/23/2023 re: The Court has considered the parties' respective positions outlined in their recent letters. See ECF Nos. 12–4. Having done so, we conclude that it is acceptable for FDA to review and provide the submitter with pre-disclosure notification on September 1, 2023. However, we also conclude that permitting the submitter 10 working days to complete its review and another 10 working days for the submitter and FDA to discuss any objections is sufficient. Finally, allowing 5 working days for the submitter to file suit in a United States District Court would result in production (assuming that no action is filed by the submitter) on October 11, 2023..(ama) (Entered: 08/23/2023)