

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:21-cv-01271-CJN**

CENTER FOR FOOD SAFETY v. FOOD AND DRUG  
ADMINISTRATION

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

Date Filed: 05/07/2021  
Date Terminated: 09/12/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CENTER FOR FOOD SAFETY**

represented by **Amy Luisa Van Saun**  
CENTER FOR FOOD SAFETY  
2009 NE Alberta Street  
Suite 207  
Portland, OR 97211  
(585) 747-0151  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES FOOD AND DRUG  
ADMINISTRATION**

represented by **Derek S. Hammond**  
U.S. DEPARTMENT OF JUSTICE  
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**TERMINATED: 07/18/2023**  
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Email: [thomas.duffey@usdoj.gov](mailto:thomas.duffey@usdoj.gov)  
 TERMINATED: 09/16/2022  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/07/2021	<u>1</u>	COMPLAINT against FOOD AND DRUG ADMINISTRATION ( Filing fee \$ 402 receipt number ADCDC-8435108) filed by CENTER FOR FOOD SAFETY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Kimbrell, George) (Entered: 05/07/2021)
05/07/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR FOOD SAFETY (Kimbrell, George) (Entered: 05/07/2021)
05/07/2021	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Victoria A. Yundt, Filing fee \$ 100, receipt number ADCDC-8435212. Fee Status: Fee Paid. by CENTER FOR FOOD SAFETY. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Kimbrell, George) (Entered: 05/07/2021)
05/10/2021		Case Assigned to Judge Carl J. Nichols. (adh, ) (Entered: 05/10/2021)
05/10/2021	<u>4</u>	SUMMONS (3) Issued Electronically as to FOOD AND DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 05/10/2021)
05/17/2021	<u>5</u>	STANDING ORDER. Signed by Judge Carl J. Nichols on May 17, 2021. (lccjn1) (Entered: 05/17/2021)
06/11/2021	<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 5/26/2021. ( Answer due for ALL FEDERAL DEFENDANTS by 6/25/2021.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/24/2021., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FOOD AND DRUG ADMINISTRATION served on 6/2/2021 (Attachments: # <u>1</u> Exhibit of Receipts Verifying Service)(Kimbrell, George) (Entered: 06/11/2021)
06/23/2021		MINUTE ORDER. The Court having considered Plaintiff's <u>3</u> Motion For Admission <i>Pro Hac Vice</i> of Victoria A. Yundt, and it appearing to the Court that the attorney referenced therein meets the requirements for <i>pro hac vice</i> admission under Local Civil Rule 83.2(d), it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Victoria A. Yundt is ADMITTED to practice before the Court <i>pro hac vice</i> . <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions.</b> Signed by Judge Carl J. Nichols on June 23, 2021. (lccjn1) (Entered: 06/23/2021)
06/25/2021	<u>7</u>	NOTICE of Appearance by Derek S. Hammond on behalf of All Defendants (Hammond, Derek) (Entered: 06/25/2021)
06/25/2021	<u>8</u>	ANSWER to Complaint by FOOD AND DRUG ADMINISTRATION.(Hammond, Derek) (Entered: 06/25/2021)
08/26/2021		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 September 16, 2021. The Joint Status Report shall address: (1) the status of Plaintiffs FOIA request; (2) the anticipated number of documents responsive to Plaintiffs 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 Plaintiffs request[s] and any discussions regarding whether Plaintiffs 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 August 26, 2021. (lccjn1) (Entered: 08/26/2021)

08/26/2021		Set/Reset Deadlines: Joint Status Report due by 9/16/2021. (zcal) (Entered: 08/27/2021)
09/16/2021	<u>9</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 09/16/2021)
09/17/2021		MINUTE ORDER. Upon consideration of the Parties' <u>9</u> Joint Status Report, it is ORDERED that the Parties shall file by November 16, 2021 an additional joint status report advising the Court of the status of this matter, including an estimated number of responsive records, a proposed production schedule, and a recommendation for further proceedings. Signed by Judge Carl J. Nichols on September 17, 2021. (lccjn1) (Entered: 09/17/2021)
09/17/2021	<u>10</u>	NOTICE of Appearance by Amy Luisa Van Saun on behalf of CENTER FOR FOOD SAFETY (Van Saun, Amy) (Entered: 09/17/2021)
09/17/2021		Set/Reset Deadlines: Joint Status Report due by 11/16/2021. (zcal) (Entered: 09/17/2021)
11/16/2021	<u>11</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 11/16/2021)
11/24/2021		MINUTE ORDER. Upon consideration of the <u>11</u> Joint Status Report, it is ORDERED the Parties shall file, by January 18, 2022, an additional joint status report, including a recommendation for further proceedings. Signed by Judge Carl J. Nichols on November 24, 2021. (lccjn1) (Entered: 11/24/2021)
11/24/2021		Set/Reset Deadlines: Joint Status Report due by 1/18/2022. (zcal) (Entered: 11/24/2021)
01/18/2022	<u>12</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 01/18/2022)
01/18/2022		MINUTE ORDER. Upon consideration of the <u>12</u> Joint Status Report, it is ORDERED that the Parties shall file, by March 18, 2022, an additional joint status report including a proposal for a production schedule and further proceedings in this matter. Signed by Judge Carl J. Nichols on January 18, 2022. (lccjn1) (Entered: 01/18/2022)
03/18/2022	<u>13</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 03/18/2022)
03/23/2022		MINUTE ORDER. Upon consideration of the <u>13</u> Joint Status Report, it is ORDERED that the Parties shall file, by May 17, 2022, an additional joint status report including a proposal for further proceedings in this matter. Signed by Judge Carl J. Nichols on March 23, 2022. (lccjn1) (Entered: 03/23/2022)
05/17/2022	<u>14</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Duffey, Thomas) (Entered: 05/17/2022)
05/19/2022		MINUTE ORDER. Upon consideration of the <u>14</u> Joint Status Report, it is ORDERED that the Parties shall file, by July 18, 2022, an additional joint status report, including a proposal for further proceedings. Signed by Judge Carl J. Nichols on May 19, 2022. (lccjn1) (Entered: 05/19/2022)
06/03/2022	<u>15</u>	NOTICE of Appearance by Thomas Duffey on behalf of FOOD AND DRUG ADMINISTRATION (Duffey, Thomas) (Entered: 06/03/2022)
07/18/2022	<u>16</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Duffey, Thomas) (Entered: 07/18/2022)
07/21/2022		MINUTE ORDER. Upon consideration of the <u>16</u> Joint Status Report, it is ORDERED that the parties shall file, by September 16, 2022, an additional joint status report, including a proposal for further proceedings. Signed by Judge Carl J. Nichols on July 21, 2022. (lccjn1) (Entered: 07/21/2022)
09/16/2022	<u>17</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 09/16/2022)
09/16/2022	<u>18</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to FOOD AND DRUG ADMINISTRATION. Attorney Thomas Duffey terminated. (Duffey, Thomas)

		(Entered: 09/16/2022)
09/19/2022		MINUTE ORDER. Upon consideration of the <u>17</u> Joint Status Report, it is ORDERED that the Parties shall file an additional joint status report by November 15, 2022, and every 60 days thereafter until either party moves for a briefing schedule for dispositive motions, files a dispositive motion, or the case is terminated. Signed by Judge Carl J. Nichols on September 19, 2022. (lccjn1) (Entered: 09/19/2022)
09/19/2022		Set/Reset Deadlines: Joint Status Report due by 11/15/2022. (zcal) (Entered: 09/22/2022)
11/15/2022	<u>19</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 11/15/2022)
01/17/2023	<u>20</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 01/17/2023)
03/17/2023	<u>21</u>	Joint STATUS REPORT by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 03/17/2023)
05/19/2023	<u>22</u>	Joint STATUS REPORT by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 05/19/2023)
05/19/2023	<u>23</u>	Joint STATUS REPORT by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Hammond, Derek) (Entered: 05/19/2023)
07/18/2023	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL by L'Shauntee J. Robertson on behalf of UNITED STATES FOOD AND DRUG ADMINISTRATION Substituting for attorney Derek Hammond (Robertson, L'Shauntee) (Entered: 07/18/2023)
07/18/2023	<u>25</u>	Joint STATUS REPORT by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Robertson, L'Shauntee) (Entered: 07/18/2023)
09/11/2023	<u>26</u>	STIPULATION of Dismissal by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Robertson, L'Shauntee) (Entered: 09/11/2023)