

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01508-CKK**

INFORMED CONSENT ACTION NETWORK v. FOOD AND DRUG ADMINISTRATION
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 05/25/2023
Date Terminated: 10/02/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

INFORMED CONSENT ACTION NETWORK

represented by **Aaron Siri**
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V.

Defendant

FOOD AND DRUG ADMINISTRATION

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Date Filed	#	Docket Text
05/25/2023	<u>1</u>	COMPLAINT against FOOD AND DRUG ADMINISTRATION (Filing fee \$ 402 receipt number ADCDC-10096119) filed by INFORMED CONSENT ACTION NETWORK. (Attachments: # <u>1</u> Exhibit 101, # <u>2</u> Exhibit 102, # <u>3</u> Exhibit 103, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons to US Attorney, # <u>6</u> Summons to FDA, # <u>7</u> Summons to USAG)(Brehm, Elizabeth) (Entered: 05/25/2023)
05/25/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by INFORMED CONSENT ACTION NETWORK (Brehm, Elizabeth) (Entered: 05/25/2023)
05/25/2023	<u>3</u>	NOTICE of Appearance by Aaron Siri on behalf of INFORMED CONSENT ACTION NETWORK (Siri, Aaron) (Entered: 05/25/2023)

05/26/2023		Case Assigned to Judge Colleen Kollar-Kotelly. (zljn) (Entered: 05/26/2023)
05/26/2023	<u>4</u>	SUMMONS (3) Issued Electronically as to FOOD AND DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zljn) (Entered: 05/26/2023)
06/07/2023	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/27/2023. Answer due for ALL FEDERAL DEFENDANTS by 6/26/2023. (Brehm, Elizabeth) (Entered: 06/07/2023)
06/07/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/02/2023. (Brehm, Elizabeth) (Entered: 06/07/2023)
06/07/2023	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FOOD AND DRUG ADMINISTRATION served on 6/2/2023 (Brehm, Elizabeth) (Entered: 06/07/2023)
06/08/2023	<u>8</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 6/8/2023. (DM) (zdot). (Entered: 06/08/2023)
06/20/2023	<u>9</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 06/20/2023)
06/26/2023		MINUTE ORDER: The Court is in receipt of Defendant's <u>9</u> Consent Motion for Extension of Time to Respond. In light of substantial caseloads at the United States Attorney's Office for the District of Columbia, defense counsel requests an extension of time, from June 26, 2023 to July 26, 2023, to answer. As Plaintiff consents, and upon good cause shown, Defendant's <u>9</u> Consent Motion for Extension of Time to Respond is GRANTED . Defendant shall answer or otherwise respond to Plaintiff's complaint on or before July 26, 2023 . Signed by Judge Colleen Kollar-Kotelly on June 24, 2023. (lcckk1) (Entered: 06/26/2023)
06/26/2023		Set/Reset Deadlines: Defendant shall answer or otherwise respond to Plaintiff's complaint on or before 7/26/2023. (dot) (Entered: 06/29/2023)
07/26/2023	<u>10</u>	ANSWER to Complaint by FOOD AND DRUG ADMINISTRATION.(Escher, Sam) (Entered: 07/26/2023)
07/28/2023	<u>11</u>	ORDER directing parties to file joint status report on or before August 25, 2023 . Signed by Judge Colleen Kollar-Kotelly on July 28, 2023. (lcckk1) (Entered: 07/28/2023)
07/28/2023		Set/Reset Deadlines: Joint Status Report due by 8/25/2023. (dot) (Entered: 07/28/2023)
08/25/2023	<u>12</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Escher, Sam) (Entered: 08/25/2023)
08/31/2023		MINUTE ORDER: Upon consideration of the parties' <u>12</u> Joint Status Report, the parties shall file their next joint status report on or before October 27, 2023 and, if necessary, another joint status report every ninety days thereafter. Signed by Judge Colleen Kollar-Kotelly on August 31, 2023. (lcckk1) (Entered: 08/31/2023)
08/31/2023		Set/Reset Deadlines: Joint Status Report due by 10/27/2023 and, if necessary, another joint status report every ninety days thereafter. (dot) (Entered: 09/18/2023)
09/14/2023	<u>13</u>	MOTION to Stay by FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Suzann Burk, # <u>3</u> Attach. A – PHMPT 2 Order, # <u>4</u> Text of Proposed Order)(Escher, Sam) (Entered: 09/14/2023)
09/14/2023		MINUTE ORDER: The Court is in receipt of Defendant's <u>13</u> Motion for an Eighteen-Month Stay. Plaintiff shall file their opposition on or before September 29, 2023 and Defendant may file its reply on or before October 6, 2023 . Signed by Judge Colleen Kollar-Kotelly on September 14, 2023. (lcckk1) (Entered: 09/14/2023)

09/14/2023		Set/Reset Deadlines: Plaintiff's opposition to <u>13</u> due by 9/29/2023. Defendant's Reply to <u>13</u> due by 10/6/2023. (dot) (Entered: 09/18/2023)
09/25/2023	<u>14</u>	Joint MOTION to Modify <i>Scheduling Order</i> by FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Plaintiff's Proposed Order, # <u>2</u> Defendant's Proposed Order)(Escher, Sam) (Entered: 09/25/2023)
09/26/2023		MINUTE ORDER: The Court is in receipt of the parties' 23 Joint Motion to Modify Scheduling Order. The parties propose two distinct extensions of time to the Court's briefing schedule on Defendant's pending <i>Open America</i> motion. Plaintiff requests a ten-day extension of time for both its opposition and Defendant's reply. Defendant, relying on competing deadlines in other FOIA cases, requests a two-week extension for Plaintiff's response and a one-month extension for Defendant's reply. Given what appears to be a large set of documents in Defendant's custody and a strong likelihood that many of them are covered by various exemptions, the Court cannot conclude that Plaintiff would suffer any serious prejudice by a longer extension for Defendant's reply. Accordingly, the Court GRANTS the parties' <u>14</u> Joint Motion to Modify Scheduling Order and adopts Defendant's proposal. Plaintiff shall file its opposition to Defendant's <u>13</u> Motion for an Eighteen-Month Stay on or before October 6, 2023 , and Defendant shall file its reply on or before November 3, 2023 . Signed by Judge Colleen Kollar-Kotelly on September 26, 2023. (lcckk1) Modified on Modified on 9/26/2023 (dot). (Entered: 09/26/2023)
09/26/2023		Set/Reset Deadlines: Plaintiff's opposition to <u>13</u> due by 10/6/2023. Defendant's Reply to <u>13</u> due by 11/3/2023. (dot) (Entered: 09/26/2023)
10/02/2023	<u>15</u>	STIPULATION of Dismissal <i>without Prejudice</i> by INFORMED CONSENT ACTION NETWORK. (Brehm, Elizabeth) (Entered: 10/02/2023)
10/03/2023	<u>16</u>	ORDER dismissing case without prejudice. The Clerk of Court is respectfully directed to close this case. Signed by Judge Colleen Kollar-Kotelly on October 3, 2023. (lcckk1) (Entered: 10/03/2023)