

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-03555-CKK**

US RIGHT TO KNOW v. US DEPARTMENT OF HEALTH
AND HUMAN SERVICES et al
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 11/22/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**US RIGHT TO KNOW**

represented by **Matthew D. Hardin**
HARDIN LAW OFFICE
1725 I Street NW
Suite 300
Washington, DC 20006
(202) 802-1948
Email: MatthewDHardin@gmail.com
ATTORNEY TO BE NOTICED

V.

Defendant**UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES**

represented by **Benton Gregory Peterson**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2534
Fax: (202) 252-2599
Email: benton.peterson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**NATIONAL LIBRARY OF
MEDICINE**

represented by **Benton Gregory Peterson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/22/2022	<u>1</u>	COMPLAINT against NATIONAL LIBRARY OF MEDICINE, US DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 402 receipt number ADCDC-9689624) filed by US RIGHT TO KNOW. (Attachments: # <u>1</u> Summons Proposed to USAG, USAO, and Agency/Agencies, # <u>2</u> Civil Cover Sheet, # <u>3</u> Exhibit A (FOIA Request), # <u>4</u> Exhibit B (FOIA response), # <u>5</u> Exhibit C (Administrative Appeal), # <u>6</u> Exhibit D (Administrative Appeal Acknowledgement))(Hardin, Matthew) (Entered: 11/22/2022)
11/23/2022		Case Assigned to Judge Colleen Kollar-Kotelly. (zljn) (Entered: 11/23/2022)
11/23/2022	<u>2</u>	SUMMONS (4) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zljn) (Entered: 11/23/2022)
11/29/2022	<u>3</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 11/29/2022. (DM) (Entered: 11/29/2022)

12/21/2022	<u>4</u>	Consent MOTION for Extension of Time to File by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 12/21/2022)
12/21/2022		MINUTE ORDER. The Court is in receipt of Defendants' <u>4</u> Consent Motion for Extension of Time to Respond to Plaintiff's Complaint. Defendants' reason for extension is a high caseload; this is Defendants' first request for an extension and Plaintiff consents. Defendants' <u>4</u> Motion is in contravention of the Court's <u>3</u> Standing Order, ordering that motions for extensions of time must be filed at least four business days prior to the first affected deadline. Notwithstanding this violation, the Court GRANTS Defendants' <u>4</u> Motion and ORDERS Defendants to respond to Plaintiff's Complaint by no later than JANUARY 20, 2023. Signed by Judge Colleen Kollar-Kotelly on 12/21/22. (lcckk3) (Entered: 12/21/2022)
12/21/2022		Set/Reset Deadlines: Answer due by 1/20/2023. (dot) (Entered: 01/03/2023)
01/20/2023	<u>5</u>	ANSWER to Complaint by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Peterson, Benton) (Entered: 01/20/2023)
01/23/2023	<u>6</u>	ORDER regarding meet and confer and Joint Status Report proposing a schedule for proceeding, due by no later than MARCH 6, 2023. Plaintiff is also ordered to file proof of service with the Court by JANUARY 30, 2023. See Order for more details. Signed by Judge Colleen Kollar-Kotelly on 1/23/23. (lcckk3) (Entered: 01/23/2023)
01/23/2023		Set/Reset Deadlines: Joint Meet & Confer Statement due by 3/6/2023. Time to effectuate service upon party due by 1/30/2023. (dot) (Entered: 01/23/2023)
01/25/2023	<u>7</u>	AMENDED COMPLAINT against NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES filed by US RIGHT TO KNOW. (Attachments: # <u>1</u> Exhibit A (FOIA Request), # <u>2</u> Exhibit B (FOIA Denial), # <u>3</u> Exhibit C (Administrative Appeal), # <u>4</u> Exhibit D (correspondence))(Hardin, Matthew) (Entered: 01/25/2023)
01/25/2023		MINUTE ORDER. The Court VACATES the <u>6</u> Order and ORDERS that Defendant shall respond to Plaintiff's <u>7</u> Amended Complaint by MARCH 27, 2023. Signed by Judge Colleen Kollar-Kotelly on 1/25/23. (lcckk3) (Entered: 01/25/2023)
01/25/2023		Set/Reset Deadlines: Answer to Amended Complaint due by 3/27/2023. (dot) (Entered: 01/27/2023)
01/31/2023		MINUTE ORDER. The Court ordered Plaintiff to file proof of service with the Court by January 30, 2023. That deadline has passed with no such filing. The Court ORDERS Plaintiff to file proof of service with the Court, or show good cause for failure to do so, by no later than FEBRUARY 8, 2023. Signed by Judge Colleen Kollar-Kotelly on 1/31/23. (lcckk3) (Entered: 01/31/2023)
01/31/2023		Set/Reset Deadlines: Time to effectuate service upon party due by 2/8/2023. (dot) (Entered: 01/31/2023)
02/01/2023	<u>8</u>	RESPONSE TO ORDER OF THE COURT re Order, filed by US RIGHT TO KNOW. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit A (Acknowledgement of Service), # <u>3</u> Exhibit B (Policies of US Attorney), # <u>4</u> Exhibit C (email), # <u>5</u> Exhibit D (email))(Hardin, Matthew) (Entered: 02/01/2023)
02/02/2023		MINUTE ORDER. The Court is in receipt of the <u>8</u> Response to Order to Show Cause, in which Plaintiff provides information regarding its attempts at service. Plaintiff's counsel indicates that he has "repeatedly reached out to the assigned Assistant United States Attorney to try to resolve the discrepancies regarding service" and that "[i]n the absence of an agreement and in an abundance of caution, it appears undersigned counsel may be forced to re-serve" the Defendants. Plaintiff then asks for the Court to extend time to provide proof of service. The Court ORDERS Plaintiff to file proof of service with the Court, or show good cause for failure to do so, by no later than FEBRUARY 28, 2023. Signed by Judge Colleen Kollar-Kotelly on 2/2/23. (lcckk3) (Entered: 02/02/2023)

02/02/2023		Set/Reset Deadlines: Time to effectuate service upon party due by 2/28/2023. (dot) (Entered: 02/08/2023)
02/06/2023	<u>9</u>	STIPULATION re <u>1</u> Complaint, <u>6</u> Order, <i>relating to service of process</i> by US RIGHT TO KNOW. (Hardin, Matthew) (Entered: 02/06/2023)
03/27/2023	<u>10</u>	ANSWER to <u>7</u> Amended Complaint, by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Peterson, Benton) (Entered: 03/27/2023)
03/28/2023	<u>11</u>	ORDER regarding meet and confer and Joint Status Report proposing a schedule for proceeding, due by no later than MAY 5, 2023. Signed by Judge Colleen Kollar-Kotelly on 3/28/23. (lcckk3) (Entered: 03/28/2023)
03/28/2023		Set/Reset Deadlines: Joint Status Report proposing a schedule for proceeding, due by no later than 5/5/2023. (dot) (Entered: 03/28/2023)
05/05/2023	<u>12</u>	Joint STATUS REPORT by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Peterson, Benton) (Entered: 05/05/2023)
05/08/2023		MINUTE ORDER. The Court is in receipt of the <u>12</u> Joint Status Report, in which Defendants provide an update on the status of their search for records responsive to Plaintiff's FOIA request. More specifically, Defendants notified Plaintiff that it did not have any responsive records in June 2022. "Plaintiff asserts that it administratively appealed the Department's 'no records' assertion prior to filing suit, but Defendant never ruled on the appeal and Plaintiff was not made aware of the Defendant's position as set forth herein until a draft version of this report was shared with Plaintiff." The parties are attempting to resolve these differences. Per the parties' request, the Court ORDERS the parties to submit another Joint Status Report by JULY 11, 2023 providing an update. Signed by Judge Colleen Kollar-Kotelly on 5/8/23. (lcckk3) (Entered: 05/08/2023)
05/08/2023		Set/Reset Deadlines: The parties to submit another Joint Status Report by 7/11/2023 providing an update. (dot) (Entered: 05/08/2023)
07/11/2023	<u>13</u>	Joint STATUS REPORT by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Peterson, Benton) (Entered: 07/11/2023)
07/12/2023		MINUTE ORDER. The Court is in receipt of the <u>13</u> Joint Status Report, in which the parties indicate that "Plaintiff has discussed its concerns with Defendant" and "Defendant plans to produce a draft declaration to Plaintiff on or about August 9, 2023." Per the parties' suggestion, the Court ORDERS the parties to file another Joint Status Report by no later than AUGUST 11, 2023 providing an update about the status of this case and to set a schedule for proceeding, if appropriate. Signed by Judge Colleen Kollar-Kotelly on 7/12/23. (lcckk3) (Entered: 07/12/2023)
07/12/2023		Set/Reset Deadlines: Joint Status Report due by 8/11/2023 (zglw) (Entered: 07/12/2023)
08/09/2023	<u>14</u>	Joint STATUS REPORT by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Peterson, Benton) (Entered: 08/09/2023)
08/11/2023		MINUTE ORDER. The Court is in receipt of the <u>14</u> Joint Status Report, in which the parties indicate that "Plaintiff's preliminary view is that this case is now ripe for either settlement or dispositive briefing, and that the parties should confer for approximately 30 days to determine appropriate next steps." Accordingly, the Court ORDERS the parties to file a Joint Status Report by no later than SEPTEMBER 11, 2023 providing an update about whether the parties will proceed with either settlement or dispositive briefing. Signed by Judge Colleen Kollar-Kotelly on 8/11/23. (lcckk3) (Entered: 08/11/2023)
08/11/2023		Set/Reset Deadlines: Joint Status Report due by 10/11/2023 providing an update including, if relevant, whether the parties will proceed with either settlement or dispositive briefing. (dot) (Entered: 09/20/2023)

09/11/2023	<u>15</u>	Joint STATUS REPORT by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Peterson, Benton) (Entered: 09/11/2023)
09/11/2023		MINUTE ORDER. The Court is in receipt of the <u>15</u> Joint Status Report, in which the parties indicate that "the parties are currently determining whether what, if any, issues remain in this litigation." Accordingly, the Court ORDERS the parties to file a Joint Status Report by no later than OCTOBER 11, 2023 providing an update including, if relevant, whether the parties will proceed with either settlement or dispositive briefing. Signed by Judge Colleen Kollar-Kotelly on 9/11/23. (lcckk3) (Entered: 09/11/2023)
09/11/2023	<u>16</u>	NOTICE of Error Relating to Joint Status Report by US RIGHT TO KNOW re <u>15</u> Status Report (Attachments: # <u>1</u> Exhibit A (authentic version of status report with Plaintiff's edits), # <u>2</u> Exhibit B (transmission email explaining the basis for Plaintiff's edits))(Hardin, Matthew) (Entered: 09/11/2023)
09/12/2023	<u>17</u>	ERRATA by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES re <u>16</u> Notice (Other),. (Attachments: # <u>1</u> Exhibit)(Peterson, Benton) (Entered: 09/12/2023)
10/11/2023	<u>18</u>	Joint STATUS REPORT by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Peterson, Benton) (Entered: 10/11/2023)
10/11/2023		MINUTE ORDER. The Court is in receipt of the <u>18</u> Joint Status Report, in which the parties indicate that they are currently engaged in settlement discussions. Per the parties' request, the Court ORDERS the parties to file another Joint Status Report by NOVEMBER 14, 2023 providing an update on the status of their negotiations or how they otherwise plan to proceed with the litigation. Signed by Judge Colleen Kollar-Kotelly on 10/11/23. (lcckk3) (Entered: 10/11/2023)
10/11/2023		Set/Reset Deadlines: Joint Status Report due by 11/14/2023 providing an update on the status of their negotiations or how they otherwise plan to proceed with the litigation. (dot) (Entered: 10/16/2023)
11/14/2023	<u>19</u>	STIPULATION of Dismissal by NATIONAL LIBRARY OF MEDICINE, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit)(Peterson, Benton) (Entered: 11/14/2023)
11/14/2023	<u>20</u>	ORDER dismissing case with prejudice. Signed by Judge Colleen Kollar-Kotelly on 11/14/23. (lcckk3) (Entered: 11/14/2023)