

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:21-cv-03187-CKK**

NATIONAL PUBLIC RADIO, INC. et al v. UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Assigned to: Judge Colleen Kollar-Kotelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/06/2021  
Date Terminated: 12/19/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**NATIONAL PUBLIC RADIO, INC.**

represented by **Thomas R. Burke**  
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*LEAD ATTORNEY*  
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**Courtney Turco DeThomas**  
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**Plaintiff**

**SYDNEY LUPKIN**

represented by **Thomas R. Burke**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Courtney Turco DeThomas**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

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

represented by **Brenda A. Gonzalez Horowitz**  
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TERMINATED: 05/02/2022  
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Date Filed	#	Docket Text
12/06/2021	<u>1</u>	COMPLAINT <i>for Injunctive and Declaratory Relief for Violation of the Freedom of Information Act</i> against UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 402 receipt number ADCDC-8909552) filed by NATIONAL PUBLIC RADIO, INC., SYDNEY LUPKIN. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Civil Cover Sheet, # <u>7</u> Summons as to HHS, # <u>8</u> Summons as to HHS FOIA Officer, # <u>9</u> Summons as to DOJ, # <u>10</u> Summons as to USAO)(DeThomas, Courtney) (Entered: 12/06/2021)
12/06/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by SYDNEY LUPKIN, NATIONAL PUBLIC RADIO, INC. (DeThomas, Courtney) (Entered: 12/06/2021)
12/08/2021		Case Assigned to Judge Colleen Kollar-Kotelly. (zsb) (Entered: 12/08/2021)
12/09/2021	<u>3</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 12/9/21. (DM) (Entered: 12/09/2021)
12/09/2021	<u>4</u>	SUMMONS (4) Issued Electronically as to UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh, ) (Entered: 12/09/2021)
12/27/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/13/2021. (DeThomas, Courtney) Modified date of service on 12/29/2021 (znmw). (Entered: 12/27/2021)
12/27/2021	<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 12/13/2021. Answer due for ALL FEDERAL DEFENDANTS by 1/12/2022. (DeThomas, Courtney) Modified dates on 12/29/2021 (znmw). (Entered: 12/27/2021)
12/27/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 12/14/2021 (DeThomas, Courtney) (Entered: 12/27/2021)
12/27/2021	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. (DeThomas, Courtney) (Entered: 12/27/2021)
01/10/2022	<u>9</u>	NOTICE of Appearance by Brenda A. Gonzalez-Horowitz on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Gonzalez-Horowitz, Brenda) (Entered: 01/10/2022)
01/10/2022	<u>10</u>	Unopposed MOTION for Extension of Time to <i>File Response to Plaintiffs' Complaint</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez-Horowitz, Brenda) (Entered: 01/10/2022)
01/11/2022	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time to Respond to Plaintiffs' Complaint. Defendant's response to Plaintiffs' Complaint due by no later than FEBRUARY 11, 2022. Signed by Judge Colleen Kollar-Kotelly on 1/11/22. (lcckk3) (Entered: 01/11/2022)
01/11/2022		Set/Reset Deadlines: Answer to <u>1</u> Complaint due by 2/11/2022. (dot) (Entered: 01/12/2022)
02/08/2022	<u>12</u>	NOTICE of Appearance by Douglas C. Dreier on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Dreier, Douglas) (Entered: 02/08/2022)

02/08/2022	<u>13</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 02/08/2022)
02/08/2022		MINUTE ORDER. The Court is in receipt of Defendant's <u>13</u> Unopposed Motion for Extension of Time, in which Defendant seeks a 30-day extension of time to answer or otherwise respond to Plaintiff's Complaint. Defendant seeks this extension due to counsel's emergency personal leave. This is Defendant's second request for an extension to file a response to Plaintiff's Complaint. Plaintiff consents to the requested extension. The Court GRANTS Defendant's <u>13</u> Motion and ORDERS Defendant to answer or otherwise respond to Plaintiff's complaint by no later than MARCH 14, 2022. Signed by Judge Colleen Kollar-Kotelly on 2/8/22. (lcckk3) (Entered: 02/08/2022)
02/08/2022		Set/Reset Deadlines: Defendant to answer or otherwise respond to Plaintiff's complaint by 3/14/2022. (dot) (Entered: 02/09/2022)
02/10/2022	<u>14</u>	ENTERED IN ERROR..... MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Thomas R. Burke, Filing fee \$ 100, receipt number ADCDC-9037370. Fee Status: Fee Paid. by SYDNEY LUPKIN, NATIONAL PUBLIC RADIO, INC.. (Attachments: # <u>1</u> Certificate of Good Standing)(Burke, Thomas) Modified on 2/11/2022 (znmw). (Entered: 02/10/2022)
02/10/2022	<u>15</u>	DECLARATION Amended Declaration of Thomas R. Burke by SYDNEY LUPKIN, NATIONAL PUBLIC RADIO, INC. re <u>14</u> MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Thomas R. Burke, Filing fee \$ 100, receipt number ADCDC-9037370. Fee Status: Fee Paid. filed by SYDNEY LUPKIN, NATIONAL PUBLIC RADIO, INC.. (Burke, Thomas) (Entered: 02/10/2022)
02/11/2022		NOTICE OF ERROR re <u>14</u> Motion for Leave to Appear Pro Hac Vice; emailed to thomasburke@dwt.com, cc'd 10 associated attorneys -- The PDF file you docketed contained errors: 1. Invalid attorney signature, 2. Please refile document, 3. ENTERED IN ERROR; PACER login does not match signature; Motion must be filed by sponsoring attorney. (znmw, ) (Entered: 02/11/2022)
02/17/2022	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Thomas R. Burke, Filing fee \$ 100, previously paid, receipt number ADCDC-9037370 Fee Status: No Fee Paid. by SYDNEY LUPKIN, NATIONAL PUBLIC RADIO, INC.. (Attachments: # <u>1</u> Certificate of Good Standing)(DeThomas, Courtney) (Entered: 02/17/2022)
02/22/2022	<u>17</u>	Consent MOTION for Extension of Time to <i>File Response to Plaintiffs' Complaint</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 02/22/2022)
02/22/2022		MINUTE ORDER. The Court is in receipt of Defendant's <u>17</u> Consent Motion for Extension of Time, in which Defendant seeks an extension of time until May 4, 2022 to answer or otherwise respond to Plaintiff's Complaint because Defendant's lead counsel is on unexpected leave due to family matters. This is Defendant's third request for an extension of the same deadline. Plaintiffs consent to the requested extension. The Court GRANTS the <u>17</u> motion and ORDERS Defendant to answer or otherwise respond to the Complaint by no later than MAY 4, 2022. Signed by Judge Colleen Kollar-Kotelly on 2/22/22. (lcckk3) (Entered: 02/22/2022)
02/22/2022		MINUTE ORDER granting <u>16</u> Motion for Leave to Appear Pro Hac Vice with respect to Thomas R. Burke, in order for him to appear as co-counsel for Plaintiffs, CONTINGENT on said attorney filing a declaration certifying familiarity with this Court's Local Rules by no later than FEBRUARY 28, 2022. <b>Counsel shall promptly register for this Court's CM/ECF system and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions.</b> Signed by Judge Colleen Kollar-Kotelly on 2/22/22. (lcckk3) (Entered: 02/22/2022)
02/22/2022		Set/Reset Deadlines: Defendant to answer or otherwise respond to the Complaint by no later than 5/4/2022. (dot) (Entered: 02/23/2022)
02/23/2022	<u>18</u>	NOTICE of Appearance by Thomas R. Burke on behalf of SYDNEY LUPKIN, NATIONAL PUBLIC RADIO, INC. (Burke, Thomas) (Entered: 02/23/2022)

02/28/2022	<u>19</u>	DECLARATION of Thomas R. Burke Certifying Familiarity with the Courts Local Rules by SYDNEY LUPKIN, NATIONAL PUBLIC RADIO, INC. re Order on Motion for Leave to Appear Pro Hac Vice,,. (Burke, Thomas) (Entered: 02/28/2022)
05/02/2022	<u>20</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. Attorney Douglas C. Dreier terminated. (Dreier, Douglas) (Entered: 05/02/2022)
05/04/2022	<u>21</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Gonzalez-Horowitz, Brenda) (Entered: 05/04/2022)
05/05/2022	<u>22</u>	ORDER requiring the parties to meet and confer and file a Joint Status Report by JULY 8, 2022. Please see order for details. Signed by Judge Colleen Kollar-Kotelly on 5/5/22. (lcckk3) (Entered: 05/05/2022)
05/05/2022		Set/Reset Deadlines: Joint Meet & Confer Statement due by 7/8/2022. (dot) (Entered: 05/20/2022)
07/08/2022	<u>23</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 07/08/2022)
07/12/2022		MINUTE ORDER. The Court is in receipt of the parties' <u>23</u> Joint Status Report, in which Defendant indicates that it anticipates making a production of responsive records on August 12, 2022, at which time "it will have completed" its response to "both FOIA requests at issue in this case." As proposed by the parties, the Court ORDERS the parties to file another Joint Status Report by AUGUST 15, 2022 and every 60 days thereafter updating the Court on the status of Defendant's response to Plaintiffs' requests and, if necessary, proposing a schedule for further proceedings. If the parties require more immediate attention, they may file a status report between deadlines. Signed by Judge Colleen Kollar-Kotelly on 7/12/22. (lcckk3) (Entered: 07/12/2022)
07/12/2022		Set/Reset Deadlines: Status Report due by 8/15/2022 updating the Court on the status of Defendant's response to Plaintiffs' requests and, if necessary, proposing a schedule for further proceedings. (dot) (Entered: 07/12/2022)
08/15/2022	<u>24</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 08/15/2022)
10/17/2022	<u>25</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 10/17/2022)
12/16/2022	<u>26</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 12/16/2022)
02/17/2023	<u>27</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 02/17/2023)
04/17/2023	<u>28</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 04/17/2023)
06/05/2023	<u>29</u>	NOTICE of Change of Address by Thomas R. Burke (Burke, Thomas) (Entered: 06/05/2023)
06/16/2023	<u>30</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 06/16/2023)
08/18/2023	<u>31</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 08/18/2023)
10/13/2023	<u>32</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 10/13/2023)
12/15/2023	<u>33</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Gonzalez Horowitz, Brenda) (Entered: 12/15/2023)
12/19/2023		MINUTE ORDER. The Court is in receipt of the <u>33</u> Joint Status Report, in which the parties indicate that they have reached an agreement to resolve all outstanding disputes and anticipate finalizing and executing their agreement shortly; they indicate that they anticipate filing a notice of voluntary dismissal shortly. The Court ORDERS the

		parties to file a joint status report providing an update on the parties' plans for proceeding by no later than JANUARY 8, 2024 if the case has not yet been dismissed. Signed by Judge Colleen Kollar-Kotelly on 12/19/23. (lcckk3) (Entered: 12/19/2023)
12/19/2023		Set/Reset Deadlines: the parties to file a joint status report providing an update on the parties' plans for proceeding by no later than 1/8/2024. (dot) (Entered: 12/19/2023)
12/19/2023	<u>34</u>	STIPULATION of Dismissal by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Gonzalez Horowitz, Brenda) Modified on 12/20/2023 to correct event (zjm). (Entered: 12/19/2023)
12/19/2023	<u>35</u>	ORDER dismissing case with prejudice. Signed by Judge Colleen Kollar-Kotelly on 12/19/23. (lcckk3) (Entered: 12/19/2023)