

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-03118-JEB**

CENTER FOR INQUIRY, INC. v. DEPARTMENT OF
HEALTH AND HUMAN SERVICES et al
Assigned to: Chief Judge James E. Boasberg
Cause: 05:552 Freedom of Information Act

Date Filed: 11/26/2021
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

CENTER FOR INQUIRY, INC.

represented by **Aaron D. Green**
CENTER FOR INQUIRY
1629 K Street NW
Suite 300
Washington, DC 20006
202-733-5275
Email: agreen@centerforinquiry.org
ATTORNEY TO BE NOTICED

V.

Defendant

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

represented by **Brian J. Levy**
DOJ-USAO
601 D Street NW
Washington, DC 20530
(202) 252-6734
Email: brian.levy2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Anthony Quinn
DOJ-USAO
Civil Division
555 4th Street, NW
Washington, DC 20530
(202) 252-7558
Fax: (202) 252-2599
Email: tony.quinn2@usdoj.gov
TERMINATED: 07/18/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES FOOD AND DRUG
ADMINISTRATION**

represented by **Brian J. Levy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Anthony Quinn
(See above for address)
TERMINATED: 07/18/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 11/26/2021 | <u>1</u> | COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ADCDC-8890520) filed by CENTER FOR INQUIRY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Rule LCvR 26.1 Certificate)(Green, Aaron) (Entered: 11/26/2021) |
| 11/29/2021 | <u>2</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR INQUIRY (adh,) (Entered: 11/29/2021) |
| 11/29/2021 | | Case Assigned to Judge James E. Boasberg. (adh,) (Entered: 11/29/2021) |
| 11/29/2021 | <u>3</u> | SUMMONS (4) Issued Electronically as to DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(adh,) (Entered: 11/29/2021) |
| 01/21/2022 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/10/2022. Answer due for ALL FEDERAL DEFENDANTS by 2/9/2022. (Attachments: # <u>1</u> Exhibit cert. mail tracking info)(Green, Aaron) (Entered: 01/21/2022) |
| 01/21/2022 | <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 01/10/2022. (Attachments: # <u>1</u> Exhibit cert. mail tracking info)(Green, Aaron) (Entered: 01/21/2022) |
| 01/21/2022 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 1/11/2022 (Attachments: # <u>1</u> Exhibit cert. mail tracking info)(Green, Aaron) (Entered: 01/21/2022) |
| 02/06/2022 | <u>7</u> | NOTICE of Appearance by Thomas Anthony Quinn on behalf of All Defendants (Quinn, Thomas) (Entered: 02/06/2022) |
| 02/09/2022 | <u>8</u> | ANSWER to Complaint by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION.(Quinn, Thomas) (Entered: 02/09/2022) |
| 02/09/2022 | | MINUTE ORDER: The Court ORDERS that the parties shall confer and submit a proposed briefing schedule by February 23, 2022. So ORDERED by Judge James E. Boasberg on 2/9/2022. (lcjeb2) (Entered: 02/09/2022) |
| 02/09/2022 | | Set/Reset Deadlines: Proposed Briefing Schedule due by 2/23/2022. (znbn) (Entered: 02/10/2022) |
| 02/23/2022 | <u>9</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 02/23/2022) |
| 02/23/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>9</u> Joint Status Report and ORDERS that they shall file a further joint status report by March 31, 2022. So ORDERED by Judge James E. Boasberg on 2/23/2022. (lcjeb2) (Entered: 02/23/2022) |
| 02/23/2022 | | Set/Reset Deadlines: Status Report due by 3/31/2022. (znbn) (Entered: 02/24/2022) |
| 03/31/2022 | <u>10</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 03/31/2022) |
| 04/01/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>10</u> Joint Status Report and ORDERS that they shall file a further joint status report by May 2, 2022. So ORDERED by Judge James E. Boasberg on 04/01/2022. (lcjeb2) (Entered: 04/01/2022) |
| 04/01/2022 | | Set/Reset Deadlines: Joint Status Report due by 5/2/2022. (nbn) (Entered: 04/01/2022) |
| 05/02/2022 | <u>11</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 05/02/2022) |

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| 05/03/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>11</u> Joint Status Report and ORDERS that they shall file a further joint status report by June 3, 2022. So ORDERED by Judge James E. Boasberg on 5/3/2022. (lcjeb2) (Entered: 05/03/2022) |
| 05/03/2022 | | Set/Reset Deadlines: Status Report due by 6/3/2022. (znbn) (Entered: 05/03/2022) |
| 06/03/2022 | <u>12</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 06/03/2022) |
| 06/06/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>12</u> Joint Status Report and ORDERS that they shall file a further joint status report by July 1, 2022. So ORDERED by Judge James E. Boasberg on 6/6/2022. (lcjeb2) (Entered: 06/06/2022) |
| 06/06/2022 | | Set/Reset Deadlines: Status Report due by 7/1/2022. (nbn) (Entered: 06/06/2022) |
| 07/01/2022 | <u>13</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 07/01/2022) |
| 07/01/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>13</u> Joint Status Report and ORDERS that they shall file a further joint status report by August 12, 2022. So ORDERED by Judge James E. Boasberg on 7/1/2022. (lcjeb2) (Entered: 07/01/2022) |
| 07/01/2022 | | Set/Reset Deadlines: Joint Status Report due by 8/12/2022. (nbn) (Entered: 07/05/2022) |
| 08/12/2022 | <u>14</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 08/12/2022) |
| 08/12/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>14</u> Joint Status Report and ORDERS that they shall file a further joint status report by September 13, 2022. So ORDERED by Judge James E. Boasberg on 8/12/2022. (lcjeb2) (Entered: 08/12/2022) |
| 08/12/2022 | | Set/Reset Deadlines: Joint Status Report due by 9/13/2022 (lsj) (Entered: 08/12/2022) |
| 09/13/2022 | <u>15</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 09/13/2022) |
| 09/13/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>15</u> Joint Status Report and ORDERS that they shall file a further joint status report by October 13, 2022. So ORDERED by Judge James E. Boasberg on 9/13/2022. (lcjeb2) (Entered: 09/13/2022) |
| 09/13/2022 | | Set/Reset Deadlines: Joint Status Report due by 10/13/2022. (nbn) (Entered: 09/14/2022) |
| 10/13/2022 | <u>16</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 10/13/2022) |
| 10/13/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>16</u> Joint Status Report and ORDERS that they shall file a further joint status report by November 14, 2022. So ORDERED by Judge James E. Boasberg on 10/13/2022. (lcjeb2) (Entered: 10/13/2022) |
| 10/13/2022 | | Set/Reset Deadlines: Joint Status Report due by 11/14/2022 (nbn) (Entered: 10/13/2022) |
| 11/14/2022 | <u>17</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 11/14/2022) |
| 11/15/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>17</u> Joint Status Report and ORDERS that they shall file a further joint status report by December 14, 2022. So ORDERED by Judge James E. Boasberg on 7/15/2022. (lcjeb2) (Entered: 11/15/2022) |
| 11/15/2022 | | Set/Reset Deadlines: Joint Status Report due by 12/14/2022. (nbn) (Entered: 11/15/2022) |

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| 12/14/2022 | <u>18</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 12/14/2022) |
| 12/15/2022 | | MINUTE ORDER: The Court ADOPTS the parties' <u>18</u> Joint Status Report and ORDERS that they shall file a further joint status report by January 14, 2023. So ORDERED by Judge James E. Boasberg on 12/15/2022. (lcjeb2) (Entered: 12/15/2022) |
| 12/15/2022 | | Set/Reset Deadlines: Joint Status Report due by 1/14/2023. (nbn) (Entered: 12/15/2022) |
| 01/14/2023 | <u>19</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 01/14/2023) |
| 01/17/2023 | | MINUTE ORDER: The Court ORDERS that: 1) Defendants shall file a <i>Vaughn</i> Index by March 3, 2023, for any information withheld under FOIA Exemption 4 from the records located at Bates numbers FDACDER000515-616 and FDACBER000663-690; 2) Defendant shall file its motion for summary judgment by March 31, 2023; 3) Plaintiff shall file its opposition, and any cross-motion, by April 28, 2023; 4) Defendant shall file its reply, and any opposition to Plaintiff's cross-motion, by May 26, 2023; and 5) Plaintiff shall file its reply in support of its cross-motion by June 23, 2023. So ORDERED by Judge James E. Boasberg on 1/17/2023. (lcjeb2) (Entered: 01/17/2023) |
| 01/17/2023 | | Set/Reset Deadlines: <i>Vaughn</i> Index due by 3/3/2023. Summary Judgment motions due by 3/31/2023. Response to Motion for Summary Judgment due by 4/28/2023. Cross Motions due by 4/28/2023. Reply to Motion for Summary Judgment due by 5/26/2023. Response to Cross Motions due by 5/26/2023. Reply to Cross Motions due by 6/23/2023. (nbn) (Entered: 01/18/2023) |
| 03/02/2023 | <u>20</u> | NOTICE of Filing of <i>Vaughn</i> Index by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION (Attachments: # <u>1</u> Exhibit <i>Vaughn</i> index)(Quinn, Thomas) (Entered: 03/02/2023) |
| 03/28/2023 | <u>21</u> | Unopposed MOTION to Modify <i>Summary Judgment Briefing Schedule</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 03/28/2023) |
| 03/28/2023 | | MINUTE ORDER: The Court ORDERS that the Defendants' Unopposed <u>21</u> Motion for Modification of the Summary Judgment Briefing Schedule is GRANTED; and that: (1) Defendant shall file its motion for summary judgment by April 28, 2023; (2) Plaintiff shall file its opposition, and any cross-motion, by May 26, 2023; (3) Defendant shall file its reply, and any opposition to Plaintiff's cross-motion, by June 23, 2023; and (4) Plaintiff shall file its reply in support of its cross-motion by July 28, 2023. So ORDERED by Judge James E. Boasberg on 3/38/23. (lcjeb4) (Entered: 03/28/2023) |
| 03/29/2023 | | Set/Reset Deadlines: Summary Judgment motions due by 4/28/2023. Response to Motion for Summary Judgment due by 5/26/2023. Cross Motions due by 5/26/2023. Reply to Motion for Summary Judgment due by 6/23/2023. Response to Cross Motions due by 6/23/2023. Reply to Cross Motions due by 7/28/2023. (nbn) (Entered: 03/29/2023) |
| 04/24/2023 | <u>22</u> | Unopposed MOTION to Modify by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Quinn, Thomas) (Entered: 04/24/2023) |
| 04/24/2023 | | MINUTE ORDER: The Court ORDERS that: Defendants' <u>22</u> Unopposed Motion to Modify the Briefing Schedule is GRANTED and that (1) Defendants shall file their motion for summary judgment by May 12, 2023; (2) Plaintiff shall file its opposition, and any cross-motion, by June 9, 2023; (3) Defendants shall file their reply, and any opposition to Plaintiff's cross-motion, by July 7, 2023; and (4) Plaintiff shall file its reply in support of its cross-motion by August 11, 2023. So ORDERED by Chief Judge James E. Boasberg on 4/24/2023. (lcjeb4) (Entered: 04/24/2023) |

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| 04/24/2023 | | Set/Reset Deadlines: Summary Judgment motions due by 5/12/2023. Response to Motion for Summary Judgment due by 6/9/2023. Cross Motions due by 6/9/2023. Reply to Motion for Summary Judgment due by 7/7/2023. Response to Cross Motions due by 7/7/2023. Reply to Cross Motions due by 8/11/2023. (nbn) (Entered: 04/25/2023) |
| 05/12/2023 | <u>23</u> | MOTION for Summary Judgment , <i>Memorandum of Points and Authorities, Statement of Material Facts, and Proposed Order</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Declaration)(Quinn, Thomas) (Entered: 05/12/2023) |
| 05/15/2023 | <u>24</u> | NOTICE of Filing of Declarations and Exhibits by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION re <u>23</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Declaration, # <u>4</u> Exhibit, # <u>5</u> Declaration)(Quinn, Thomas) (Entered: 05/15/2023) |
| 06/02/2023 | <u>25</u> | Joint MOTION to Modify <i>the Summary Judgment Briefing Schedule</i> by CENTER FOR INQUIRY, INC.. (Green, Aaron) (Entered: 06/02/2023) |
| 06/02/2023 | | MINUTE ORDER: The Court ORDERS that 1) The parties' Joint <u>25</u> Motion to Modify is GRANTED; and 2) The Court ORDERS that Plaintiff shall file its Opposition and any Cross-Motion by July 10, 2023, Defendant shall file its Reply/Opposition by August 7, 2023, and Plaintiff shall file its Reply by September 4, 2023. So ORDERED by Chief Judge James E. Boasberg on 6/2/2023. (lcjeb4) (Entered: 06/02/2023) |
| 06/02/2023 | | Set/Reset Deadlines: Opposition and any Cross-Motion by July 10, 2023. Defendant shall file its Reply/Opposition by August 7, 2023. Plaintiff shall file its Reply by September 4, 2023. (nbn) (Entered: 06/05/2023) |
| 06/27/2023 | | Set/Reset Deadlines: Opposition and Cross Motion due by 7/31/2023. Reply and Response to Cross Motions due by 8/28/2023. Reply to Cross Motions due by 9/25/2023. (nbn) (Entered: 06/29/2023) |
| 06/28/2023 | <u>26</u> | Consent MOTION to Modify <i>the Summary Judgment Briefing Schedule</i> by CENTER FOR INQUIRY, INC.. (Green, Aaron) (Entered: 06/28/2023) |
| 06/28/2023 | | MINUTE ORDER: The Court ORDERS that: 1) The parties' Consent <u>26</u> Motion to Modify is GRANTED; and 2) The Court ORDERS that Plaintiff shall file its opposition and any cross-motion by July 31, 2023; Defendants shall file their reply and any opposition by August 28, 2023; and Plaintiff shall file its reply by September 25, 2023. So ORDERED by Chief Judge James E. Boasberg on 6/28/2023. (lcjeb4) (Entered: 06/28/2023) |
| 07/18/2023 | <u>27</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Brian J. Levy on behalf of DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION Substituting for attorney Thomas Anthony Quinn (Levy, Brian) (Entered: 07/18/2023) |
| 07/31/2023 | <u>28</u> | Memorandum in opposition to re <u>23</u> Motion for Summary Judgment, <i>and Cross-Motion for Summary Judgment</i> filed by CENTER FOR INQUIRY, INC.. (Attachments: # <u>1</u> Exhibit Attachments to Statement of Material Facts)(Green, Aaron) (Entered: 07/31/2023) |
| 07/31/2023 | <u>29</u> | Cross MOTION for Summary Judgment by CENTER FOR INQUIRY, INC.. (Attachments: # <u>1</u> Exhibit Attachments to Statement of Material Facts)(Green, Aaron) (Entered: 07/31/2023) |
| 07/31/2023 | <u>30</u> | NOTICE of Proposed Order re <u>29</u> <i>Proposed Order for Plaintiff's Cross Motion for Summary Judgment</i> by CENTER FOR INQUIRY, INC.. (Green, Aaron) Modified event title on 8/1/2023 (znmw). (Entered: 07/31/2023) |
| 08/10/2023 | <u>31</u> | Consent MOTION to Modify <i>the Briefing Schedule</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Levy, Brian) (Entered: 08/10/2023) |

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| 08/10/2023 | | MINUTE ORDER: The Court ORDERS that: 1) Defendants' Consent <u>31</u> Motion to Modify is GRANTED; and 2) The Court ORDERS that Defendants shall file their Reply in support of their <u>23</u> Motion and any Opposition to Plaintiff's <u>29</u> Cross-Motion by September 11, 2023; and Plaintiff shall file its reply by October 9, 2023. So ORDERED by Chief Judge James E. Boasberg on 8/10/2023. (lcjeb4) (Entered: 08/10/2023) |
| 08/10/2023 | | Set/Reset Deadlines: Opposition to Cross Motions due by 9/11/2023. Reply to Cross Motions due by 10/9/2023. (nbn) (Entered: 08/15/2023) |
| 09/04/2023 | <u>32</u> | Consent MOTION to Modify <i>the Briefing Schedule</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Levy, Brian) (Entered: 09/04/2023) |
| 09/05/2023 | | MINUTE ORDER: The Court ORDERS that: 1) The Consent <u>32</u> Motion to Modify the Briefing Schedule is GRANTED; and 2) Defendants shall file their reply and any opposition by September 25, 2023; and Plaintiff shall file its reply by October 23, 2023. So ORDERED by Chief Judge James E. Boasberg on 9/5/2023. (lcjeb4) (Entered: 09/05/2023) |
| 09/05/2023 | | Set/Reset Deadlines: Defendants reply and any opposition due by 9/25/2023. Plaintiff shall file its reply by 10/23/2023. (nbn) (Entered: 09/06/2023) |
| 09/25/2023 | <u>33</u> | Memorandum in opposition to re <u>29</u> Motion for Summary Judgment filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration, # <u>3</u> Exhibit to Perkins Decl, # <u>4</u> Declaration, # <u>5</u> Exhibit to Philips Supp Decl, # <u>6</u> Declaration)(Levy, Brian) (Entered: 09/25/2023) |
| 09/25/2023 | <u>34</u> | REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment , <i>Memorandum of Points and Authorities, Statement of Material Facts, and Proposed Order</i> filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit to Perkins Decl., # <u>3</u> Declaration, # <u>4</u> Exhibit to Philips Supp Decl, # <u>5</u> Declaration)(Levy, Brian) (Entered: 09/25/2023) |
| 10/19/2023 | <u>35</u> | Consent MOTION to Modify <i>the Summary Judgment Briefing Schedule</i> by CENTER FOR INQUIRY, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Green, Aaron) (Entered: 10/19/2023) |
| 10/20/2023 | | MINUTE ORDER: The Court ORDERS that: 1) The Consent <u>35</u> Motion to Modify the Briefing Schedule is GRANTED; and 2) Plaintiff shall file its reply by November 27, 2023. So ORDERED by Chief Judge James E. Boasberg on 10/20/2023. (lcjeb4) (Entered: 10/20/2023) |
| 10/20/2023 | | Set/Reset Deadlines: Replies due by 11/27/2023. (nbn) (Entered: 10/20/2023) |
| 11/22/2023 | <u>36</u> | Joint MOTION to Modify <i>the Briefing Schedule</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Levy, Brian) (Entered: 11/22/2023) |
| 11/27/2023 | | MINUTE ORDER: The Court ORDERS that: 1) The Joint <u>36</u> Motion to Modify Briefing Schedule is GRANTED; 2) Defendants shall file their corrected Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply in support of their Motion for Summary Judgment by December 18, 2023; and 3) Plaintiff shall file its Reply in support of its Cross-Motion by January 22, 2024. So ORDERED by Chief Judge James E. Boasberg on 11/27/2023. (lcjeb2) (Entered: 11/27/2023) |
| 11/27/2023 | | Set/Reset Deadlines: Summary Judgment motions due by 12/18/2023. Reply to Cross Motions due by 1/22/2024. (nbn) (Entered: 11/27/2023) |
| 12/18/2023 | <u>37</u> | MOTION for Summary Judgment <i>Memorandum of Points and Authorities, Statement of Material Facts, and Proposed Order (Corrected)</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Declaration Sarah Kotler, # <u>2</u> Declaration |

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| | | Howard Philips (Revised), # <u>3</u> Declaration William Shevin (Corrected), # <u>4</u> Declaration William Shevin (2d Supp), # <u>5</u> Exhibit 1 – Motion – Redline, # <u>6</u> Exhibit 2 – Philips (Redline, # <u>7</u> Exhibit 3 – Shevin (Redline))(Levy, Brian) (Entered: 12/18/2023) |
| 12/18/2023 | <u>38</u> | ERRATA re <i>Summary Judgment Motion Declarations and Exhibits</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION re <u>37</u> Motion for Summary Judgment,, (Attachments: # <u>1</u> Exhibit Kotler Declaration Exhibits, # <u>2</u> Exhibit Philips Declaration Exhibits)(Levy, Brian) (Entered: 12/18/2023) |
| 12/18/2023 | <u>39</u> | Memorandum in opposition to re <u>29</u> Motion for Summary Judgment filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration Perkins, # <u>3</u> Exhibit to Perkins Decl, # <u>4</u> Declaration Philips Supp., # <u>5</u> Exhibit to Philips Supp. Decl., # <u>6</u> Declaration Shevin Supp. (corrected), # <u>7</u> Declaration Shevin 2d Supp., # <u>8</u> Exhibit Mem of Law (Redline), # <u>9</u> Exhibit Shevin Supp (Redline))(Levy, Brian) (Entered: 12/18/2023) |
| 12/18/2023 | <u>40</u> | REPLY to opposition to motion re <u>37</u> MOTION for Summary Judgment <i>Memorandum of Points and Authorities, Statement of Material Facts, and Proposed Order (Corrected)</i> filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Declaration Perkins, # <u>2</u> Exhibit to Perkins Decl, # <u>3</u> Declaration Philips Supp., # <u>4</u> Exhibit to Philips Supp. Decl., # <u>5</u> Declaration Shevin Supp. (Corrected), # <u>6</u> Declaration Shevin 2d Supp., # <u>7</u> Exhibit Reply (redline), # <u>8</u> Exhibit Shevin Supp. (redline))(Levy, Brian) (Entered: 12/18/2023) |
| 01/18/2024 | <u>41</u> | Consent MOTION to Modify <i>the Summary Judgment Briefing Schedule</i> by CENTER FOR INQUIRY, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Green, Aaron) (Entered: 01/18/2024) |
| 01/18/2024 | | MINUTE ORDER: The Court ORDERS that: 1) The Consent <u>41</u> Motion to Modify Briefing Schedule is GRANTED; and 2) Plaintiff shall file its Reply in support of its Cross–Motion by January 29, 2024. So ORDERED by Chief Judge James E. Boasberg on 1/18/2024. (lcjeb4) (Entered: 01/18/2024) |
| 01/18/2024 | | Set/Reset Deadlines: Reply to Cross Motions due by 1/29/2024. (znbn) (Entered: 01/19/2024) |
| 01/29/2024 | <u>42</u> | Consent MOTION to Modify <i>the Summary Judgment Briefing Schedule</i> by CENTER FOR INQUIRY, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Green, Aaron) (Entered: 01/29/2024) |
| 01/29/2024 | | MINUTE ORDER: The Court ORDERS that Plaintiff's <u>42</u> Motion for Extension is GRANTED, and its Reply shall be due February 12, 2024. No further extensions shall be granted absent extraordinary circumstances. So ORDERED by Chief Judge James E. Boasberg on 1/29/2024. (lcjeb4) (Entered: 01/29/2024) |
| 01/29/2024 | | Set/Reset Deadlines: Reply due by 3/12/2024. (znbn) (Entered: 01/29/2024) |
| 02/12/2024 | <u>43</u> | REPLY to opposition to motion re <u>29</u> Cross MOTION for Summary Judgment filed by CENTER FOR INQUIRY, INC.. (Green, Aaron) (Entered: 02/12/2024) |
| 02/13/2024 | | MINUTE ORDER: The Court ORDERS that Plaintiff's <u>43</u> Reply is STRICKEN as violating the Court's Local Rule regarding excessive footnotes. Plaintiff shall refile a compliant brief with no more than 5 footnotes containing no more than 25 aggregate lines of text by February 14, 2024. So ORDERED by Chief Judge James E. Boasberg on 2/13/2024. (lcjeb4) (Entered: 02/13/2024) |
| 02/13/2024 | | Set/Reset Deadlines: Plaintiff shall refile a compliant brief with no more than 5 footnotes containing no more than 25 aggregate lines of text by 2/14/2024. (znbn) (Entered: 02/14/2024) |
| 02/14/2024 | <u>44</u> | REPLY to opposition to motion re <u>37</u> MOTION for Summary Judgment <i>Memorandum of Points and Authorities, Statement of Material Facts, and Proposed Order (Corrected)</i> filed re (<i>inaccessible</i>) Dkt No. 40 filed by CENTER FOR INQUIRY, INC.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit |

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| | | C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G)(Green, Aaron) (Entered: 02/14/2024) |
| 02/14/2024 | <u>45</u> | Consent MOTION for Leave to File <i>Sur-reply to Defendants' Corrected Reply</i> by CENTER FOR INQUIRY, INC.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Reply and Proposed Sur-Reply)(Green, Aaron) (Entered: 02/14/2024) |
| 02/15/2024 | <u>46</u> | ERRATA <i>Reply to Defendants' Corrected Opposition</i> by CENTER FOR INQUIRY, INC. re <u>29</u> Motion for Summary Judgment. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G)(Green, Aaron) (Entered: 02/15/2024) |
| 02/15/2024 | | MINUTE ORDER: The Court ORDERS that: (1) The Consent <u>45</u> Motion for Leave to File a Sur-Reply is GRANTED; and (2) The [45-2] Reply and Sur-Reply is deemed FILED. So ORDERED by Chief Judge James E. Boasberg on 2/15/2024. (lcjeb4) (Entered: 02/15/2024) |
| 02/15/2024 | <u>47</u> | SURREPLY to re <u>23</u> MOTION for Summary Judgment filed by CENTER FOR INQUIRY, INC. (zthh); Modified text and docketing event on 2/20/2024 (zthh). Modified text and docket entry relationship on 2/21/2024 (zthh). (Entered: 02/20/2024) |
| 03/14/2024 | <u>48</u> | ORDER: For the reasons set forth in the accompanying Memorandum Opinion, the Court ORDERS that: (1) Both [29, 37] Motions for Summary Judgment are GRANTED IN PART and DENIED IN PART; and (2) The parties shall submit a Joint Status Report by April 12, 2024. Signed by Chief Judge James E. Boasberg on 3/14/2024. (lcjeb3) (Entered: 03/14/2024) |
| 03/14/2024 | <u>49</u> | MEMORANDUM OPINION re. Order <u>48</u> on Cross-Motions for Summary Judgment. Signed by Chief Judge James E. Boasberg on 3/14/2024. (lcjeb3) (Entered: 03/14/2024) |
| 03/14/2024 | | Set/Reset Deadlines: Joint Status Report due by 4/12/2024. (znbn) (Entered: 03/14/2024) |
| 04/12/2024 | <u>50</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Levy, Brian) (Entered: 04/12/2024) |
| 04/12/2024 | | MINUTE ORDER: The Court ADOPTS the parties' <u>50</u> Joint Status Report and ORDERS that they shall file a further joint status report by May 15, 2024. So ORDERED by Chief Judge James E. Boasberg on 4/12/2024. (lcjeb4) (Entered: 04/12/2024) |
| 04/12/2024 | | Set/Reset Deadlines: Joint Status Report due by 5/15/2024. (znbn) (Entered: 04/14/2024) |
| 05/15/2024 | <u>51</u> | Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order Plaintiff's Proposed Order, # <u>2</u> Text of Proposed Order Defendants' Proposed Order)(Levy, Brian) (Entered: 05/15/2024) |
| 05/16/2024 | | MINUTE ORDER: The Court ORDERS that the parties shall submit a Joint Status Report by July 16, 2024. So ORDERED by Chief Judge James E. Boasberg on 5/16/2024. (lcjeb4) (Entered: 05/16/2024) |
| 05/16/2024 | | Set/Reset Deadlines: Joint Status Report due by 7/16/2024 (lsj) (Entered: 05/16/2024) |