

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:21-cv-00641-RBW**

CENTER FOR MEDICAL PROGRESS v. U.S.  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Assigned to: Judge Reggie B. Walton  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/10/2021  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CENTER FOR MEDICAL  
PROGRESS**

represented by **Paul J. Orfanedes**  
JUDICIAL WATCH, INC.  
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V.

**Defendant**

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

represented by **Daniel Patrick Schaefer**  
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*TERMINATED: 11/04/2022*  
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TERMINATED: 01/09/2024

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TERMINATED: 09/06/2022

Date Filed	#	Docket Text
03/10/2021	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 402 receipt number ADCDC-8294278) filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for US Attorney for DC, # <u>3</u> Summons for US Attorney General, # <u>4</u> Summons for U.S. Department of Health and Human Services)(Di Liberto, Meredith) (Entered: 03/10/2021)
03/10/2021	<u>2</u>	ENTERED IN ERROR.....LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR MEDICAL PROGRESS (Di Liberto, Meredith) Modified on 3/15/2021 (znmw). (Entered: 03/10/2021)
03/11/2021		NOTICE OF ERROR re <u>1</u> Complaint; emailed to mdiliberto@judicialwatch.org, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Blank or missing coversheet. Please use the cover sheet at <a href="https://www.dcd.uscourts.gov/new-case-forms">https://www.dcd.uscourts.gov/new-case-forms</a> & file using the event Civil Cover Sheet., 2. Form filed as fillable PDF. Please file form in a non-fillable PDF format., 3. <b>COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied.</b> (zsb, ) (Entered: 03/11/2021)
03/11/2021		NOTICE OF ERROR re <u>2</u> LCvR 26.1 Certificate of Disclosure - Corporate Affiliations/Financial Interests; emailed to mdiliberto@judicialwatch.org, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Missing 26.1 Disclosure(s). Please submit using the event LCvR 26.1 Certificate of Disclosure-Corporate Affiliations/Financial Interests., 2. Form filed as fillable PDF. Please file form in a non-fillable PDF format., 3. <b>COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied.</b> (zsb, ) (Entered: 03/11/2021)
03/12/2021	<u>3</u>	ERRATA ( <i>Corrected Civil Cover Sheet and Corrected Certificate Rule LCvR 26.1</i> ) by CENTER FOR MEDICAL PROGRESS re <u>1</u> Complaint, filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Certificate Rule LCvR 26.1)(Di Liberto, Meredith) (Entered: 03/12/2021)
03/12/2021		Case Assigned to Judge Reggie B. Walton. (adh, ) (Entered: 03/12/2021)
03/12/2021	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh, ) (Entered: 03/12/2021)
04/02/2021	<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 3/26/2021. Answer due for ALL FEDERAL DEFENDANTS by 4/25/2021. (Attachments: # <u>1</u> Declaration of David Rothstein)(Di Liberto, Meredith) (Entered: 04/02/2021)
04/02/2021	<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 04/02/21. (Attachments: # <u>1</u> Declaration of David Rothstein)(Di Liberto, Meredith) (Entered: 04/02/2021)
04/02/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 4/1/2021

		(Attachments: # <u>1</u> Declaration of David Rothstein)(Di Liberto, Meredith) (Entered: 04/02/2021)
04/26/2021	<u>8</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Tilghman, Michael) (Entered: 04/26/2021)
04/27/2021	<u>9</u>	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on April 27, 2021. (lcrbw1) (Entered: 04/27/2021)
04/27/2021		MINUTE ORDER. To ensure the expeditious resolution of this action, and because this qualifies as an exempted case under Local Civil Rule 16.3(b), it is hereby ORDERED that, on or before May 25, 2021, the parties shall file a joint proposed briefing schedule governing further proceedings. Signed by Judge Reggie B. Walton on April 27, 2021. (lcrbw1) (Entered: 04/27/2021)
04/27/2021		Set/Reset Deadlines: Proposed Briefing Schedule due by 5/25/2021 (hs) (Entered: 04/27/2021)
05/25/2021	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Tilghman, Michael) (Entered: 05/25/2021)
05/26/2021	<u>11</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before July 16, 2021, the defendant shall file its motion for summary judgment. It is further ORDERED that, on or before August 16, 2021, the plaintiff shall file its cross-motion for summary judgment and opposition to the defendant's motion. It is further ORDERED that, on or before September 15, 2021, the defendant shall file its opposition to the plaintiff's cross-motion and reply in support of its motion. It is further ORDERED that, on or before September 29, 2021, the plaintiff shall file its reply in support of its cross-motion. It is further ORDERED that, on December 22, 2021, at 10:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). This status conference will serve as a target date for the resolution of the defendant's motion for summary judgment and the plaintiff's cross-motion for summary judgment. In the event that the Court is unable to resolve the motions by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on May 26, 2021. (lcrbw1) (Entered: 05/26/2021)
05/27/2021		Set/Reset Deadlines/Hearings: Cross Motions due by 8/16/2021. Response to Cross Motions due by 9/15/2021. Reply to Cross Motions due by 9/29/2021. Summary Judgment motions due by 7/16/2021. Response to Motion for Summary Judgment due by 8/16/2021. Reply to Motion for Summary Judgment due by 9/15/2021. Status Conference set for 12/22/2021 at 10:00 AM in Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 05/27/2021)
07/08/2021	<u>12</u>	NOTICE of Appearance by Paul J. Orfanedes on behalf of CENTER FOR MEDICAL PROGRESS (Orfanedes, Paul) (Entered: 07/08/2021)
07/15/2021	<u>13</u>	Consent MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 07/15/2021)
07/16/2021	<u>14</u>	ORDER. See attached Order for details. Signed by Judge Reggie B. Walton on July 16, 2021. (lcrbw1) (Entered: 07/16/2021)
07/19/2021		Set/Reset Deadlines/Hearings: Summary Judgment motion due by 8/30/2021. Response to Motion for Summary Judgment due by 9/29/2021. Reply to Motion for Summary Judgment due by 10/29/2021. Status Conference reset for 2/21/2022 at 10:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 07/19/2021)
08/30/2021	<u>15</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Defendant's Statement of Undisputed Material Facts, # <u>3</u> Exhibit Index, # <u>4</u> Exhibit 1 (Declaration of Gorka Garcia-Malene), # <u>5</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 08/30/2021)

09/29/2021	<u>16</u>	Memorandum in opposition to re <u>15</u> MOTION for Summary Judgment ( <i>With Response to Def's Statement of Facts</i> ) filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (with Exhibits), # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 09/29/2021)
09/29/2021	<u>17</u>	Cross MOTION for Summary Judgment ( <i>with Plf's Statement of Material Facts</i> ) by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (with Exhibits), # <u>2</u> Text of Proposed Order)(Di Liberto, Meredith) (Entered: 09/29/2021)
10/29/2021	<u>18</u>	Consent MOTION for Extension of Time to <i>File Opposition and Reply Brief</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 10/29/2021)
11/01/2021		MINUTE ORDER. Upon consideration of the <u>18</u> Defendant's Consent Motion for Extension of Time to File Defendant's Opposition and Reply Brief, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that (1) the defendant shall file its combined reply in support of its motion and opposition to the plaintiff's cross-motion on or before November 5, 2021 and (2) the plaintiff shall file its reply in support of its cross-motion on or before November 19, 2021. Signed by Judge Reggie B. Walton on November 1, 2021. (lcrbw1) (Entered: 11/01/2021)
11/01/2021		Set/Reset Deadlines: Response to Cross Motions due by 11/5/2021. Reply to Cross Motion due by 11/19/2021. Reply in support of Motion for Summary Judgment due by 11/5/2021. (hs) (Entered: 11/01/2021)
11/05/2021	<u>19</u>	REPLY to opposition to motion re <u>15</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit 1 (Second Declaration of Gorka Garcia-Malene))(Tilghman, Michael) (Entered: 11/05/2021)
11/05/2021	<u>20</u>	Memorandum in opposition to re <u>17</u> Cross MOTION for Summary Judgment ( <i>with Plf's Statement of Material Facts</i> ) filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit Second Declaration of Gorka Garcia-Malene), # <u>3</u> Defendant's Response to Plaintiff's Further Statement of Facts, # <u>4</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 11/05/2021)
11/19/2021	<u>21</u>	REPLY to opposition to motion re <u>15</u> MOTION for Summary Judgment ( <i>in Support of Plaintiff's Cross-Motion for Summary Judgment</i> ) filed by CENTER FOR MEDICAL PROGRESS. (Attachments: # <u>1</u> Declaration of Meredith Di Liberto (Second) (w/ Exhibits 1-4))(Di Liberto, Meredith) (Entered: 11/19/2021)
02/03/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for February 21, 2022, is CONTINUED to May 16, 2022, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on February 3, 2022. (lcrbw1) (Entered: 02/03/2022)
02/04/2022		Set/Reset Hearings: Status Conference reset for 5/16/2022 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (adh, ) (Entered: 02/04/2022)
05/11/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for May 16, 2022, is CONTINUED to August 15, 2022, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on May 11, 2022. (lcrbw1) (Entered: 05/11/2022)
05/11/2022		Set/Reset Deadlines/Hearings: Telephonic Status Conference reset for 8/15/2022 at 9:00 AM before Judge Reggie B. Walton. (zcdw) (Entered: 05/11/2022)
08/11/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for August 15, 2022, is CONTINUED to November 7, 2022, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling

		1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on August 11, 2022. (lcrbw1) (Entered: 08/11/2022)
08/12/2022		Set/Reset Hearings: Status Conference set for 11/7/2022 at 9:00 AM in Telephonic/VTC before Judge Reggie B. Walton. (mac) (Entered: 08/12/2022)
09/06/2022	<u>22</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Daniel Patrick Schaefer on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Michael A. Tilghman II (Schaefer, Daniel) (Entered: 09/06/2022)
11/04/2022	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Daniel P. Schaefer (Moustakas, John) (Entered: 11/04/2022)
11/07/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for November 7, 2022, is CONTINUED to February 6, 2023, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on November 7, 2022. (lcrbw1) (Entered: 11/07/2022)
11/07/2022		Set/Reset Hearings: Status Conference set for 2/6/2023 at 9:00 AM Via Teleconference before Judge Reggie B. Walton. (mac) (Entered: 11/07/2022)
02/02/2023		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for February 6, 2023, is CONTINUED to May 8, 2023, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on February 2, 2023. (lcrbw1) (Entered: 02/02/2023)
05/05/2023		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for May 8, 2023, 2023, is CONTINUED to July 31, 2023, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on May 5, 2023. (lcrbw1) (Entered: 05/05/2023)
07/26/2023		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for July 31, 2023, is CONTINUED to October 30, 2023, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on July 26, 2023. (lcrbw1) (Entered: 07/26/2023)
10/25/2023		MINUTE ORDER. The Court requiring additional time to consider the pending cross-motions in this case, it is hereby ORDERED that the status conference scheduled for October 30, 2023, is CONTINUED to January 29, 2024, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). This status conference will serve as a target date for the Court's resolution of the pending cross-motions. In the event that the Court is unable to resolve the motion by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on October 25, 2023. (lcrbw1) (Entered: 10/25/2023)
01/09/2024	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Tabitha Bartholomew on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney John Moustakas (Bartholomew, Tabitha) (Entered: 01/09/2024)
01/22/2024		MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for January 29, 2024, is CONTINUED to April 30, 2024, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). In the

	<p>event that the Court is unable to resolve the motions by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on January 22, 2024. (lcrbw1) (Entered: 01/22/2024)</p>
04/29/2024	<p>MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for April 30, 2024, is CONTINUED to July 30, 2024, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). In the event that the Court is unable to resolve the motions by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on April 29, 2024. (lcrbw1) (Entered: 04/29/2024)</p>
07/23/2024	<p>MINUTE ORDER. The Court requiring additional time to consider the pending motions in this case, it is hereby ORDERED that the status conference currently scheduled for July 30, 2024, is CONTINUED to October 30, 2024, at 9:00 a.m. The parties shall appear before the Court via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). In the event that the Court is unable to resolve the motions by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on July 23, 2024. (lcrbw1) (Entered: 07/23/2024)</p>