

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00866-CKK**

PROTECT THE PUBLIC'S TRUST v. NATIONAL
INSTITUTES OF HEALTH
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 03/31/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**PROTECT THE PUBLIC'S TRUST**

represented by **Gary Lawkowski**
DHILLON LAW GROUP, INC..
2121 Eisenhower Avenue
Suite 608
Alexandria, VA 22314
703-574-1654
Email: glawkowski@dhillonlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant**NATIONAL INSTITUTES OF
HEALTH**

represented by **Stephanie R. Johnson**
DOJ-USAO
601 D Street, NW
Washington, DC 20530
(202) 252-7874
Email: Stephanie.Johnson5@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 03/31/2022 | <u>1</u> | COMPLAINT against NATIONAL INSTITUTES OF HEALTH (Filing fee \$ 402 receipt number ADCDC-9140034) filed by PROTECT THE PUBLIC'S TRUST. (Attachments: # <u>1</u> Exhibit Exhibit A - FOIA #57539, # <u>2</u> Civil Cover Sheet Civil Cover Sheet, # <u>3</u> Summons Summons - U.S. Attorney's Office, # <u>4</u> Summons Summons - US Attorney General, # <u>5</u> Summons Summons - Agency General Counsel)(Lawkowski, Gary) (Entered: 03/31/2022) |
| 03/31/2022 | | Case Assigned to Judge Colleen Kollar-Kotelly. (zsb) (Entered: 03/31/2022) |
| 03/31/2022 | <u>2</u> | ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 3/31/2022. (DM) (Entered: 03/31/2022) |
| 04/05/2022 | <u>3</u> | SUMMONS (3) Issued Electronically as to NATIONAL INSTITUTES OF HEALTH, U.S. Attorney and U.S. Attorney General (znmw) (Additional attachment(s) added on 4/5/2022: # <u>1</u> Notice and Consent) (znmw). (Entered: 04/05/2022) |
| 05/03/2022 | <u>4</u> | NOTICE of Appearance by Stephanie R. Johnson on behalf of NATIONAL INSTITUTES OF HEALTH (Johnson, Stephanie) (Entered: 05/03/2022) |
| 06/01/2022 | <u>5</u> | MOTION to Dismiss by NATIONAL INSTITUTES OF HEALTH. (Johnson, Stephanie) (Entered: 06/01/2022) |
| 06/01/2022 | | MINUTE ORDER: The Court is in receipt of Defendant's <u>5</u> Motion to Dismiss. Plaintiff shall file its opposition on or before June 15, 2022 and Defendant shall file its reply on or before June 22, 2022 . Signed by Judge Colleen Kollar-Kotelly on June 1, 2022. (lcckk1) (Entered: 06/01/2022) |

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| 06/01/2022 | | Set/Reset Deadlines: Plaintiff's opposition to <u>5</u> due by 6/15/2022. Defendant's Reply to <u>5</u> due by 6/22/2022. (dot) (Entered: 06/02/2022) |
| 06/14/2022 | <u>6</u> | RESPONSE re <u>5</u> MOTION to Dismiss filed by PROTECT THE PUBLIC'S TRUST. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Lawkowski, Gary) (Entered: 06/14/2022) |
| 06/21/2022 | <u>7</u> | Unopposed MOTION for Extension of Time to File Response/Reply <i>TO PLAINTIFFS OPPOSITION</i> by NATIONAL INSTITUTES OF HEALTH. (Johnson, Stephanie) (Entered: 06/21/2022) |
| 06/22/2022 | | MINUTE ORDER: Before the Court is Defendant's <u>7</u> Unopposed Motion for Extension of Time to File a Reply to Plaintiff's Opposition. Counsel for Defendant represents that she requires additional time to confer with agency counsel in advance of filing a reply in support of Defendant's <u>5</u> Motion to Dismiss. Defendant requests an extension from June 22, 2022 to July 6, 2022 to file such a reply. As Plaintiff consents, and upon good cause shown, Defendant's <u>7</u> Unopposed Motion for Extension of Time to File a Reply to Plaintiff's Opposition is GRANTED . Defendant shall file its reply in support of its <u>5</u> Motion to Dismiss on or before July 6, 2022 . Signed by Judge Colleen Kollar-Kotelly on June 22, 2022. (lcckk1) (Entered: 06/22/2022) |
| 06/22/2022 | | Set/Reset Deadlines: Defendant's Reply to <u>5</u> due by 7/6/2022. (dot) (Entered: 06/22/2022) |
| 07/06/2022 | <u>8</u> | REPLY to opposition to motion re <u>6</u> Response to motion filed by NATIONAL INSTITUTES OF HEALTH. (Johnson, Stephanie) (Entered: 07/06/2022) |
| 07/12/2023 | <u>9</u> | NOTICE by PROTECT THE PUBLIC'S TRUST (Lawkowski, Gary) (Entered: 07/12/2023) |
| 07/12/2023 | <u>10</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PROTECT THE PUBLIC'S TRUST (Lawkowski, Gary) (Entered: 07/12/2023) |
| 02/26/2024 | | MINUTE ORDER: The Court directs the parties to file a joint status report on or before March 22, 2024 . Therein, the parties shall briefly state their respective positions on the pending <u>5</u> Motion to Dismiss. The parties shall also raise any new persuasive or binding case law for the Court's review. Signed by Judge Colleen Kollar-Kotelly on 2/26/2024. (lcckk1) (Entered: 02/26/2024) |
| 02/26/2024 | | Set/Reset Deadlines: Joint Status Report due by 3/22/2024. (dot) (Entered: 02/29/2024) |
| 03/21/2024 | <u>11</u> | Joint MOTION for Extension of Time to <i>Respond to Court's Minute Order</i> by NATIONAL INSTITUTES OF HEALTH. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Stephanie) (Entered: 03/21/2024) |
| 03/22/2024 | | MINUTE ORDER: The Court is in receipt of the parties' <u>11</u> Joint Motion for Extension of Time. Therein, the parties request additional time "to discuss the issues in this matter and determine whether the issues can be narrowed or resolved without judicial intervention" prior to filing a response to the Court's February 26, 2024 Minute Order. As the parties consent, and upon good cause shown, the Court shall GRANT the <u>11</u> Joint Motion for Extension of Time. The parties shall file a joint status report on or before April 30, 2024 . Signed by Judge Colleen Kollar-Kotelly on 3/22/2024. (lcckk1) (Entered: 03/22/2024) |
| 03/22/2024 | | Set/Reset Deadlines: Joint Status Report due by 4/30/2024. (dot) (Entered: 03/26/2024) |
| 04/30/2024 | <u>12</u> | Joint STATUS REPORT by NATIONAL INSTITUTES OF HEALTH. (Johnson, Stephanie) (Entered: 04/30/2024) |
| 05/01/2024 | | MINUTE ORDER: Pursuant to the parties' <u>12</u> Joint Status Report, which was reviewed by this Court, Defendant's <u>5</u> Motion to Dismiss shall be indicated as WITHDRAWN , without prejudice; Defendant's deadline to respond to the Complaint is currently STAYED ; and the parties shall file their next Joint Status Report by 7/31/2024. Signed by Judge Colleen Kollar-Kotelly on 5/1/2024. (DM) (Entered: 05/01/2024) |

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| 07/30/2024 | <u>13</u> | Joint STATUS REPORT by NATIONAL INSTITUTES OF HEALTH. (Johnson, Stephanie) (Entered: 07/30/2024) |
| 07/31/2024 | | MINUTE ORDER: The Court is in receipt of the parties' <u>13</u> Joint Status Report. Therein, Defendant explains that it has located 10,500 pages of potentially responsive records and it expects making its first release of records to Plaintiff in August 2024. The parties request leave to file another joint status report on or before October 1, 2024. The Court shall ADOPT the parties' suggestion. The Court directs the parties to file another joint status report on or before October 1, 2024 , updating the Court as to Defendant's processing of records, and, if necessary, every sixty (60) days thereafter. Signed by Judge Colleen Kollar-Kotelly on 7/31/2024. (lcckk1) (Entered: 07/31/2024) |
| 07/31/2024 | | Set/Reset Deadlines: Status Report due by 10/1/2024, updating the Court as to Defendant's processing of records, and, if necessary, every sixty (60) days thereafter. (dot) (Entered: 07/31/2024) |