

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:22-cv-81371-RLR**

Goetz et al v. U.S. Food and Drug Administration
Assigned to: Judge Robin L. Rosenberg
Referred to: Magistrate Judge Bruce E. Reinhart
Lead case: 9:20-md-02924-RLR
Member case: (View Member Case)
Case in other court: California Northern, 3:22-cv-04768
Cause: 05:0552 Freedom of Information Act

Date Filed: 09/06/2022
Date Terminated: 08/12/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**James E Goetz**

represented by **Robert Brent Wisner**
Baum Hedlund Aristei & Goldman PC
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ATTORNEY TO BE NOTICED

Plaintiff**Baum Hedlund Aristei and Goldman, PC, a Professional Corporation**

represented by **Robert Brent Wisner**
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V.

Defendant**U.S. Food and Drug Administration**

represented by **Carlos Javier Raurell**
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Date Filed	#	Docket Text
08/19/2022	<u>1</u>	COMPLAINT against U.S. Food and Drug Administration (Filing fee \$ 402, receipt number ACANDC-17458189.). Filed by James E Goetz, Baum Hedlund Aristei and Goldman, PC, a Professional Corporation. (Attachments: # <u>1</u> Exhibit 1-FOIA Request, # <u>2</u> Exhibit 2-Correspondence with FDA, # <u>3</u> Exhibit 3-FOIA Appeal, # <u>4</u> Exhibit 4-FDA Appeal Denial, # <u>5</u> Exhibit 5-Goetz Complaint, # <u>6</u> Exhibit 6-MDL Order re Spaulding Subpoena, # <u>7</u> Exhibit 7-MDL Order re Objections to Order re Spaulding Subpoena, # <u>8</u> Civil Cover Sheet)(Wisner, Robert) (Filed on 8/19/2022) (Entered: 08/19/2022)
08/19/2022	<u>2</u>	Proposed Summons. (Wisner, Robert) (Filed on 8/19/2022) (Entered: 08/19/2022)
08/19/2022	3	Case assigned to Magistrate Judge Thomas S. Hixson. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening .

		Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 9/2/2022. (mbc, COURT STAFF) (Filed on 8/19/2022) (Entered: 08/19/2022)
08/19/2022	<u>4</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 11/10/2022. Initial Case Management Conference set for 11/17/2022 10:00 AM in San Francisco, Courtroom G, 15th Floor. (kmg, COURT STAFF) (Filed on 8/19/2022) (Entered: 08/22/2022)
08/22/2022	<u>5</u>	Summons Issued as to U.S. Food and Drug Administration, U.S. Attorney and U.S. Attorney General, (kmg, COURT STAFF) (Filed on 8/22/2022) (Entered: 08/22/2022)
08/25/2022	<u>6</u>	CERTIFICATE OF SERVICE by Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, James E Goetz re <u>1</u> Complaint,, <u>2</u> Proposed Summons (Wisner, Robert) (Filed on 8/25/2022) (Entered: 08/25/2022)
08/29/2022	<u>7</u>	SUMMONS Returned Executed by James E Goetz, Baum Hedlund Aristei and Goldman, PC, a Professional Corporation. U.S. Food and Drug Administration served on 8/23/2022, answer due 10/24/2022. (Wisner, Robert) (Filed on 8/29/2022) (Entered: 08/29/2022)
09/06/2022	<u>8</u>	CONDITIONAL TRANSFER ORDER (CTO-9) by MDL Panel on 9/2/2022. (wsn, COURT STAFF) (Filed on 9/6/2022) (Entered: 09/06/2022)
09/06/2022	<u>9</u>	Case transferred in from California Northern; Case Number 3:22-cv-04768. Electronic file including transfer order and docket sheet received. .(pes). (Entered: 09/06/2022)
09/06/2022	10	Judge Assignment to Judge Robin L. Rosenberg and Magistrate Judge Bruce E. Reinhart (pes) (Entered: 09/06/2022)
09/06/2022	11	MDL Transfer In Case Receipt from District of Southern District of Florida. Case Number 3:22-cv-04768 with documents 1-8. Assigned FLSD Case Number 9:22-cv-81371-RLR. Re: FLSD MDL Case Number 9:20-md-2924-RLR. Clerks Note: JPML notified (pes) (Entered: 09/06/2022)
09/22/2022	<u>12</u>	ANSWER and Affirmative Defenses to Complaint by U.S. Food and Drug Administration. Attorney Carlos Javier Raurell added to party U.S. Food and Drug Administration (pty:dft). (Raurell, Carlos) (Entered: 09/22/2022)
12/14/2022	13	PAPERLESS ORDER SETTING STATUS CONFERENCE. The Court will hold a status conference with the parties in this case on December 20, 2022, at 3:00 p.m. The parties should come prepared to discuss the status of the dispute. The status conference will be conducted by Zoom. The Court will e-mail the parties Zoom login information prior to the status conference. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 12/14/2022)
12/20/2022	14	PAPERLESS ORDER. At the status conference held on December 20, 2022, the FDA withdrew its venue challenge and agreed to proceed before the Court in this case. The parties are working toward resolving their dispute. In pursuit of such a resolution, the parties shall file jointly a status report by January 12, 2023, at 3:00 p.m. EST. The Court will hold a status conference with the parties on January 17, 2023, at 2:00 p.m. EST. The status conference will be conducted by Zoom. The Court will e-mail the parties Zoom login information prior to the status conference. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 12/20/2022)
12/20/2022	15	PAPERLESS Minute Entry for proceedings held before Judge Robin L. Rosenberg: Status Conference held on 12/20/2022. Total time in court: 25 minutes. Attorney Appearance(s): Robert Brent Wisner, Carlos Javier Raurell, Court Reporter: Pauline Stipes, 561-803-3434 / Pauline_Stipes@flsd.uscourts.gov. (mg) (Entered: 12/20/2022)
01/12/2023	<u>16</u>	STATUS REPORT by U.S. Food and Drug Administration (Raurell, Carlos) (Entered: 01/12/2023)

01/12/2023	<u>17</u>	STATUS REPORT by Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, James E Goetz (Attachments: # <u>1</u> Exhibit 1)(Wisner, Robert) (Entered: 01/12/2023)
01/17/2023	18	PAPERLESS Minute Entry for proceedings held before Judge Robin L. Rosenberg: Status Conference held on 1/17/2023. Total time in court: 1 hour(s). Court Reporter: Ilona Lupowitz, 305-523-5737 / Ilona_lupowitz@flsd.uscourts.gov. (mg) (Entered: 01/17/2023)
01/17/2023	19	PAPERLESS ORDER. At the status conference held on January 17, 2023, the parties informed the Court that they had not reached a resolution of their dispute and agreed that the Court must intervene in this case. But the parties disagreed as to how the Court should intervene. Therefore, the parties shall meet and confer to discuss the most productive procedural next steps in the litigation. No later than Monday, January 23, the parties shall file a report explaining (1) how the case should proceed procedurally and (2) should the case proceed as a party suggests, the legal determinations that the Court will have to make (e.g., the legal standard for an Open America stay of proceedings and/or a MSJ) and the factual record required to support those legal determinations (e.g., FDA affidavits). If the parties file individually, each party may file no more than 5 pages of briefing. If the parties file jointly, the parties may file no more than 10 pages of briefing. The parties should also apprise the Court of any agreement as to FDA's rolling review and production of 500 records each month while motion practice is pursued. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 01/17/2023)
01/23/2023	<u>20</u>	NOTICE by U.S. Food and Drug Administration re <u>19</u> Order,,,, of Agreement as to Processing Schedule (Raurell, Carlos) (Entered: 01/23/2023)
02/03/2023	<u>21</u>	NOTICE by U.S. Food and Drug Administration re <u>20</u> Notice (Other) (Raurell, Carlos) (Entered: 02/03/2023)
02/14/2023	22	PAPERLESS ORDER. On January 23, 2023, the FDA filed a Notice <u>20</u> , informing the Court that the parties had reached an agreement on a production schedule and that they would file a joint stipulation to that effect. The parties have yet to file a joint stipulation. On or before March 1, 2023, the parties shall file a joint stipulation memorializing their agreement and explaining whether, pursuant to their agreement, the case can be stayed and administratively closed. In the alternative, if the parties cannot file a joint stipulation by March 1, the parties shall file a report explaining (1) how the case should proceed procedurally and (2) should the case proceed as a party suggests, the legal determinations that the Court will have to make (e.g., the legal standard for an Open America stay of proceedings and/or a MSJ) and the factual record required to support those legal determinations (e.g., FDA affidavits). Additional requirements for the report are listed in the paperless order at docket entry 19. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 02/14/2023)
03/01/2023	<u>23</u>	STIPULATION re <u>22</u> Order,,,, by U.S. Food and Drug Administration (Raurell, Carlos) (Entered: 03/01/2023)
03/03/2023	24	PAPERLESS ORDER. The Court has reviewed the <u>23</u> Stipulation filed by U.S. Food and Drug Administration. Pursuant to the parties' agreement, the parties shall file a joint status report by no later than 5:00 p.m. on Friday, April 14, 2023 advising the Court whether the parties have reached an agreement on a narrowed FOIA request, or, if the parties are unable to reach an agreement, advising the Court regarding the appropriate procedural mechanism for adjudicating this case. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 03/03/2023)
03/03/2023		Set/Reset Deadlines/Hearings per order de#24. Status Report due by 4/14/2023. (drz) (Entered: 03/03/2023)
04/14/2023	<u>25</u>	STATUS REPORT (JOINT) IN RESPONSE TO PAPERLESS ORDER (ECF No. 24) by U.S. Food and Drug Administration (Raurell, Carlos) (Entered: 04/14/2023)
04/17/2023	26	PAPERLESS ORDER. The Court has reviewed the <u>25</u> Joint Status Report. Pursuant to the parties' agreement, the parties shall file a joint status report by no later than 5:00 p.m. on Friday, April 28, 2023 advising the Court on progress made in this case, whether the parties have reached an agreement on a narrowed FOIA request, or, if the parties are unable to reach an agreement, advising the Court regarding the appropriate procedural mechanism for adjudicating this case. Signed by Judge Robin L. Rosenberg

		(ccr) (Entered: 04/17/2023)
04/17/2023		Set Deadlines Per DE#26. Status Report due by 4/28/2023. (cqs) (Entered: 04/17/2023)
04/28/2023	<u>27</u>	STATUS REPORT <i>IN RESPONSE TO PAPERLESS ORDER, ECF No. 26</i> by U.S. Food and Drug Administration (Raurell, Carlos) (Entered: 04/28/2023)
04/28/2023	28	PAPERLESS ORDER. The Court has reviewed the <u>27</u> Joint Status Report. Pursuant to the parties' agreement, the parties shall file a joint status report by no later than 5:00 p.m. on Wednesday, May 31, 2023 advising the Court on progress made in this case. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 04/28/2023)
04/28/2023		Set/Reset Deadlines/Hearings per order de#28. Status Report due by 5/31/2023. (drz) (Entered: 04/28/2023)
05/31/2023	<u>29</u>	STATUS REPORT <i>in Response to Paperless Order ECF No 28</i> by U.S. Food and Drug Administration (Raurell, Carlos) (Entered: 05/31/2023)
06/01/2023	30	PAPERLESS ORDER. This case was filed in August of 2022. Since January 2023, the parties have been working to resolve this case. In pursuit of a resolution, from time to time the parties have filed joint status reports informing the Court of the progress they have made in resolving this case. The Court has reviewed the parties' most recent joint status report found at docket entry 29. In the joint status report, the parties inform the Court that the Court may have to adjudicate the FDA's assertion of FOIA exemptions for some responsive records to allow the parties to proceed in this case. Consequently, in light of the joint status report and the age of this case, the Court concludes that the time has come to set deadlines for dispositive motions. The Court sets a deadline of Thursday, June 15, 2023, at 5:00 p.m. est for both parties to file all dispositive motions and/or a motion to stay. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 06/01/2023)
06/01/2023		Set/Reset Deadlines/Hearings per DE 30 Order. Dispositive Motions due by 6/15/2023. Motions due by 6/15/2023. (amb) (Entered: 06/01/2023)
06/08/2023	<u>31</u>	Unopposed MOTION for Extension of Time to file Response to Paperless Order, ECF No. 30 re 30 Order,, by Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, James E Goetz. Responses due by 6/22/2023 (Wisner, Robert) (Entered: 06/08/2023)
06/08/2023	32	PAPERLESS ORDER granting <u>31</u> Motion for Extension of Time. The Court set a deadline of Thursday, June 15, 2023, for both parties to file all dispositive motions and/or a motion to stay. In the Motion for Extension of Time at docket entry 31, the Plaintiffs request a one-week extension. The Court grants the Motion. Accordingly, the deadline for both parties to file all dispositive motions and/or a motion to stay is June 22, 2023. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 06/08/2023)
06/08/2023		Set/Reset Deadlines/Hearings per order de#32. Dispositive Motions due by 6/22/2023. (drz) (Entered: 06/08/2023)
06/15/2023	<u>33</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 32 Order on Motion for Extension of Time, 30 Order,, by U.S. Food and Drug Administration. (Raurell, Carlos) (Entered: 06/15/2023)
06/15/2023	34	PAPERLESS ORDER granting <u>33</u> Motion for Extension of Time. Signed by Judge Robin L. Rosenberg (ccr) (Entered: 06/15/2023)
06/22/2023	<u>35</u>	Defendant's MOTION to Stay <i>Proceedings Pending Completion of its Production Obligations</i> by U.S. Food and Drug Administration. Responses due by 7/6/2023 (Raurell, Carlos) (Entered: 06/22/2023)
06/22/2023	<u>36</u>	Plaintiff's MOTION for Summary Judgment <i>Partial</i> by Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, James E Goetz. Responses due by 7/6/2023 (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Declaration of Adam M. Foster, # <u>3</u> Exhibit 1 – Meet and Confer Email Ending 4/20/23, # <u>4</u> Exhibit 2 – Meet and Confer Email Ending 4/21/23, # <u>5</u> Exhibit 3 – Meet and Confer Email Ending 4/26/23, # <u>6</u> Exhibit 4 – Meet and Confer Email Ending 5/1/23, # <u>7</u> Exhibit 5 – Meet and Confer Email Ending 5/30/23, # <u>8</u> Exhibit 6 – Meet and Confer Email Ending 6/9/23, # <u>9</u>

		Exhibit 7 – Excel spreadsheet with Sample of Redaction Issues, # <u>10</u> Exhibit 8 – Excel spreadsheet with Disputed Redactions, # <u>11</u> Exhibit 9 – Excel spreadsheet with All Subject Exemptions, # <u>12</u> Exhibit 10 – 85–Page Sample Redaction, # <u>13</u> Exhibit 11 – 52–Page Sample Redaction, # <u>14</u> Exhibit 12 – Sample logo PDF files produced by the FDA, # <u>15</u> Text of Proposed Order)(Wisner, Robert) (Entered: 06/22/2023)
07/06/2023	<u>37</u>	RESPONSE in Opposition re <u>35</u> Defendant's MOTION to Stay <i>Proceedings Pending Completion of its Production Obligations</i> filed by Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, James E Goetz. Replies due by 7/13/2023. (Attachments: # <u>1</u> Declaration of Adam M. Foster, # <u>2</u> Exhibit 1 – Meet and Confer Email Ending 42023, # <u>3</u> Exhibit 2 – Meet and Confer Email Ending 42123, # <u>4</u> Exhibit 3 – Meet and Confer Email Ending 42623, # <u>5</u> Exhibit 4 – Meet and Confer Email Ending 5123, # <u>6</u> Exhibit 5 – Meet and Confer Email Ending 53023, # <u>7</u> Exhibit 6 – Meet and Confer Email Ending 6923, # <u>8</u> Exhibit 7 – Excel spreadsheet with Sample of Redaction Issues, # <u>9</u> Exhibit 8 – Excel spreadsheet with Disputed Redactions, # <u>10</u> Exhibit 9 – Excel spreadsheet with All Subject Exemptions, # <u>11</u> Exhibit 10 – 85–Page Sample Redaction, # <u>12</u> Exhibit 11 – 52–Page Sample Redaction, # <u>13</u> Exhibit 12 – Sample logo PDF files produced by the FDA)(Wisner, Robert) (Entered: 07/06/2023)
07/09/2023	<u>38</u>	Joint MOTION for Extension of Time to File Response/Reply/Answer as to <u>37</u> Response in Opposition to Motion,,,, <u>36</u> Plaintiff's MOTION for Summary Judgment <i>Partial</i> , <u>35</u> Defendant's MOTION to Stay <i>Proceedings Pending Completion of its Production Obligations</i> by U.S. Food and Drug Administration. (Raurell, Carlos) (Entered: 07/09/2023)
07/10/2023	<u>39</u>	ORDER granting <u>38</u> Motion for Extension of Time to File Response/Reply to Motion. Defendant shall file its reply in support of its Motion to Stay (ECF No. 35), and its response to Plaintiffs Motion for Partial Summary Judgment on or before Friday, July 14, 2023. Plaintiff shall file its reply in support of its Motion for Partial Summary Judgment (ECF No. 36) on or before Friday, July 28, 2023. Responses due by 7/14/2023 Replies due by 7/28/2023. Signed by Judge Robin L. Rosenberg on 7/10/2023. <i>See attached document for full details.</i> (pc) (Entered: 07/10/2023)
07/14/2023	<u>40</u>	RESPONSE in Opposition re <u>36</u> Plaintiff's MOTION for Summary Judgment <i>Partial and REPLY to in support of Defendant's MOTION to Stay</i> filed by U.S. Food and Drug Administration. Replies due by 7/21/2023. (Raurell, Carlos) (Entered: 07/14/2023)
07/14/2023	<u>41</u>	Defendant's RESPONSE to <u>36</u> Plaintiff's MOTION for Summary Judgment <i>Partial (STATEMENT OF MATERIAL FACTS)</i> by U.S. Food and Drug Administration. (Raurell, Carlos) (Entered: 07/14/2023)
07/14/2023	<u>42</u>	NOTICE by U.S. Food and Drug Administration re <u>40</u> Response in Opposition to Motion, <i>of Filing Declaration of Elizabeth Jungman</i> (Attachments: # <u>1</u> Exhibit Declaration of Elizabeth Jungman) (Raurell, Carlos) (Entered: 07/14/2023)
07/28/2023	<u>43</u>	REPLY to Response to Motion re <u>36</u> Plaintiff's MOTION for Summary Judgment <i>Partial</i> filed by Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, James E Goetz. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Declaration of Adam M. Foster, # <u>3</u> Exhibit 13 – Florian Study (2021), # <u>4</u> Exhibit 14 – Email from Dr. Strauss to multiple FDA recipients (6–7–2021), # <u>5</u> Exhibit 15 – JAMA Editors Comments, # <u>6</u> Exhibit 16 – Email between Dr. Florian and Korvick (6–28–2021), # <u>7</u> Exhibit 17 – Email amongst Dr. Strauss and multiple FDA recipients (2–19–2021), # <u>8</u> Exhibit 18 – Email from Dr. Strauss to multiple FDA recipients (2–24–2020), # <u>9</u> Exhibit 19 – Email from Dr. Florian to multiple FDA recipients (2–1–2021))(Wisner, Robert) (Entered: 07/28/2023)
08/23/2023	44	PAPERLESS ORDER SETTING STATUS CONFERENCE:The Court has reviewed the Defendant's Motion to Stay Proceedings <u>35</u> , the Plaintiffs' Motion for Partial Summary Judgment <u>36</u> , and the parties' responsive briefings. The Court will conduct a Zoom status conference with the parties on Wednesday, September 6, 2023, at 10:30 a.m. est. The parties shall be prepared to discuss: (1) the current FOIA production status, (2) any new agreements between the parties, (3) Plaintiffs' ongoing need for the documents, and (4) the Defendant's response to date. The Court will email the parties the Zoom login information before the status conference. Signed by Judge Robin L. Rosenberg (tfn) (Entered: 08/23/2023)

09/06/2023	45	PAPERLESS Minute Entry for proceedings held before Judge Robin L. Rosenberg: Status Conference held on 9/6/2023. Total time in court: 45 minutes. Court Reporter: Pauline Stipes, 561-803-3434 / Pauline_Stipes@flsd.uscourts.gov. (mg) (Entered: 09/06/2023)
09/14/2023	<u>46</u>	ORDER REFERRING CASE to United States Magistrate Judge Bruce E. Reinhart for appropriate disposition of all pretrial motions related to discovery, including in camera review of redacted or withheld documents.. Signed by Judge Robin L. Rosenberg on 9/14/2023. <i>See attached document for full details.</i> (drz) (Entered: 09/15/2023)
09/15/2023	47	PAPERLESS Order setting Telephonic Status Conference Re: Discovery Matters for 9/18/2023 at 11:30 AM before Magistrate Judge Bruce E. Reinhart. Counsel shall appear telephonically using the following conference call instructions: Dial 1-888-557-8511; Enter access code 4098267#; and Enter security code 1234#. Signed by Magistrate Judge Bruce E. Reinhart on 9/15/2023. (kso) (Entered: 09/15/2023)
09/15/2023	<u>48</u>	STANDING DISCOVERY ORDER FOR MAGISTRATE JUDGE BRUCE REINHART. Signed by Magistrate Judge Bruce E. Reinhart on 9/15/2023. <i>See attached document for full details.</i> (drz) (Entered: 09/15/2023)
09/18/2023	49	<p>PAPERLESS Minute Entry for proceedings held before Magistrate Judge Bruce E. Reinhart: Telephonic Status Conference Re: Discovery Matters held on 9/18/2023. Total time in court: 28 minutes. (Digital BER_1_9.18.2023).</p> <p>MINUTE ORDER. The parties have a dispute regarding certain documents that are being withheld by the Defendant on the basis of a FOIA exemption ("Withheld Documents"). See ECF Nos. <u>36</u> , <u>40</u> , <u>43</u> . For the reasons stated on the record, the parties shall adhere to the following deadlines:</p> <p>(1) On or before September 25, 2023, at 5:00 pm Eastern Time, the parties shall confer and select ten of the Withheld Documents for submission to the Court for in camera review. To the extent the parties cannot mutually agree on the ten documents that will be submitted to the Court, each side may select five documents.</p> <p>(2) On or before October 4, 2023, at 5:00 pm Eastern Time, Defendant shall file a Vaughn Index for the ten documents that are selected. By the same date, the Defendant shall provide copies of the ten documents to the Court for in camera review via email to reinhart@flsd.uscourts.gov or by USAfx.</p> <p>(3) On or before October 16, 2023, at 5:00 pm Eastern Time, Defendant shall file a partial motion for summary judgment regarding the application of a FOIA exemption to the ten documents.</p> <p>(4) On or before October 23, 2023, at 5:00 pm Eastern Time, Plaintiffs shall file their response to Defendant's motion.</p> <p>(5) On or before October 30, 2023, at 5:00 pm Eastern Time, Defendant shall file its reply.</p> <p>Signed by Magistrate Judge Bruce E. Reinhart on 9/18/2023. (kso) (Entered: 09/18/2023)</p>
10/02/2023	<u>50</u>	Unopposed MOTION for Extension of Time to file Vaughn Index and Submit Documents for In Camera Review re 49 Minute Order,,,,,, Status Conference,,,,,, by U.S. Food and Drug Administration. Responses due by 10/16/2023 (Raurell, Carlos) (Entered: 10/02/2023)
10/03/2023	51	PAPERLESS ORDER granting <u>50</u> Unopposed Motion for Extension of Time. Defendant shall file its Vaughn index and submit the ten documents selected by the parties to the Court on or before October 6, 2023. Signed by Magistrate Judge Bruce E. Reinhart on 10/3/2023. (kso) (Entered: 10/03/2023)
10/06/2023	<u>52</u>	NOTICE by U.S. Food and Drug Administration re 49 Minute Order,,,,,, Status Conference,,,,,, of Filing Vaughn Index and of Ex Parte Submission (Attachments: # <u>1</u> Exhibit Vaughn Index) (Raurell, Carlos) (Entered: 10/06/2023)
10/10/2023	<u>53</u>	DEFENDANT'S NOTICE OF (1) FILING REVISED VAUGHN INDEX IN SUPPORT OF FDA'S FORTHCOMING MOTION FOR PARTIAL SUMMARY JUDGMENT AND (2) SUBMISSION OF UNDERLYING RECORD TO MARGISTRATE JUDGE by U.S. Food and Drug Administration re 49 Minute

		Order, Status Conference, <u>52</u> Notice (Other) D (Attachments: # <u>1</u> Exhibit Revised Vaughn Index) (Raurell, Carlos) Modified text on 10/10/2023 (drz). (Entered: 10/10/2023)
10/13/2023	<u>54</u>	Unopposed MOTION for Extension of Time for Briefing re 49 Minute Order,,,,,, Status Conference,,,,,, by U.S. Food and Drug Administration. Responses due by 10/27/2023 (Raurell, Carlos) (Entered: 10/13/2023)
10/13/2023	<u>55</u>	PAPERLESS ORDER granting <u>54</u> Unopposed Motion for 3–Day Extension of Briefing Deadlines. The parties shall adhere to the following amended deadlines: (1) On or before October 19, 2023, at 5:00 pm Eastern Time, Defendant shall file its partial motion for summary judgment regarding the application of a FOIA exemption to the ten documents. (2) On or before October 26, 2023, at 5:00 pm Eastern Time, Plaintiffs shall file their response to Defendant's motion. (3) On or before November 2, 2023, at 5:00 pm Eastern Time, Defendant shall file its reply. Signed by Magistrate Judge Bruce E. Reinhart on 10/13/2023. (kso) (Entered: 10/13/2023)
10/19/2023	<u>56</u>	Defendant's MOTION for Partial Summary Judgment by U.S. Food and Drug Administration. Responses due by 11/2/2023 (Attachments: # <u>1</u> Exhibit 2d Jungman Decl., # <u>2</u> Exhibit Revised Vaughn Index)(Raurell, Carlos) (Entered: 10/19/2023)
10/19/2023	<u>57</u>	Statement of: Material Facts by U.S. Food and Drug Administration re <u>56</u> Defendant's MOTION for Partial Summary Judgment (Attachments: # <u>1</u> Exhibit 2d Jungman Declaration, # <u>2</u> Exhibit Vaughn Index)(Raurell, Carlos) (Entered: 10/19/2023)
10/26/2023	<u>58</u>	RESPONSE in Opposition re <u>56</u> Defendant's MOTION for Partial Summary Judgment filed by Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, James E Goetz. Replies due by 11/2/2023. (Attachments: # <u>1</u> Plaintiffs' Statement of Material Facts, # <u>2</u> Declaration of Harrison E. James, # <u>3</u> Exhibit 1 – Florian Study (2021), # <u>4</u> Exhibit 2 – Email from Dr. Strauss to multiple FDA recipients (6–7–2021), # <u>5</u> Exhibit 3 – JAMA Editors Comments, # <u>6</u> Exhibit 4 – Email between Dr. Florian and Korvick (6–28–2021), # <u>7</u> Exhibit 5 – Email amongst Dr. Strauss and multiple FDA recipients (2–19–2021), # <u>8</u> Exhibit 6 – Email from Dr. Strauss to multiple FDA recipients (2–24–2020), # <u>9</u> Exhibit 7 – Email from Dr. Florian to multiple FDA recipients (2–1–2021))(Wisner, Robert) (Entered: 10/26/2023)
10/31/2023	<u>59</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>58</u> Response in Opposition to Motion,,, <u>56</u> Defendant's MOTION for Partial Summary Judgment by U.S. Food and Drug Administration. (Raurell, Carlos) (Entered: 10/31/2023)
10/31/2023	<u>60</u>	PAPERLESS ORDER granting <u>59</u> Defendant's Unopposed Motion for 1–Week Extension of Time to File Reply in support of its Motion for Partial Summary Judgment. Reply due by 11/9/2023. Signed by Magistrate Judge Bruce E. Reinhart on 10/31/2023. (kso) (Entered: 10/31/2023)
11/09/2023	<u>61</u>	Defendant's REPLY to Response to Motion re <u>56</u> Defendant's MOTION for Partial Summary Judgment filed by U.S. Food and Drug Administration. (Attachments: # <u>1</u> Exhibit 2d Revised Vaughn Index)(Raurell, Carlos) (Entered: 11/09/2023)
11/09/2023	<u>62</u>	Defendant's REPLY to <u>57</u> Statement, <u>58</u> Response in Opposition to Motion,,, (<i>REPLY STATEMENT OF FACTS</i>) by U.S. Food and Drug Administration. (Raurell, Carlos) (Entered: 11/09/2023)
12/18/2023	<u>63</u>	REPORT AND RECOMMENDATIONS re <u>56</u> Defendant's MOTION for Partial Summary Judgment filed by U.S. Food and Drug Administration Recommending that the District Court GRANT the FDAs Motion for Partial Summary Judgment (ECF No. <u>56</u>) and find that it properly redacted and/or withheld the ten documents submitted for in camera review under FOIA Exemption 5.. Signed by Magistrate Judge Bruce E. Reinhart on 12/18/2023. <i>See attached document for full details.</i> (nan) (Entered: 12/19/2023)

12/19/2023	<u>64</u>	NOTICE by U.S. Food and Drug Administration re <u>63</u> REPORT AND RECOMMENDATIONS re <u>56</u> Defendant's MOTION for Partial Summary Judgment filed by U.S. Food and Drug Administration Recommending I RECOMMEND that the District Court GRANT the FDAs Motion for Partial Summary Judgment (ECF <i>NOTICE OF NO OBJECTION</i> (Raurell, Carlos) (Entered: 12/19/2023)
12/22/2023	<u>65</u>	NOTICE by Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, James E Goetz re <u>63</u> REPORT AND RECOMMENDATIONS re <u>56</u> Defendant's MOTION for Partial Summary Judgment filed by U.S. Food and Drug Administration Recommending I RECOMMEND that the District Court GRANT the FDAs Motion for Partial Summary Judgment (ECF <i>PLAINTIFFS' NOTICE OF NO OBJECTION</i> (Wisner, Robert) (Entered: 12/22/2023)
01/04/2024	<u>66</u>	ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION re <u>35</u> Motion to Stay filed by U.S. Food and Drug Administration, <u>36</u> Motion for Summary Judgment,, filed by James E Goetz, Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, <u>63</u> Report and Recommendations, ; denying as moot <u>35</u> Motion to Stay; denying as moot <u>36</u> Motion for Summary Judgment; granting <u>63</u> Report and Recommendations on <u>35</u> Motion to Stay filed by U.S. Food and Drug Administration, <u>36</u> Motion for Summary Judgment,, filed by James E Goetz, Baum Hedlund Aristei and Goldman, PC, a Professional Corporation, <u>63</u> Report and Recommendations,. Certificate of Appealability: No Ruling Signed by Judge Robin L. Rosenberg on 1/3/2024. <i>See attached document for full details.</i> (nan) (Entered: 01/04/2024)
08/12/2024	<u>67</u>	ORDER ADMINISTRATIVELY CLOSING CASE Signed by Judge Robin L. Rosenberg on 8/12/2024. <i>See attached document for full details.</i> (nan) (Entered: 08/12/2024)