

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-03572-CKK**

INFORMED CONSENT ACTION NETWORK v. FOOD AND
DRUG ADMINISTRATION
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 11/23/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**INFORMED CONSENT ACTION
NETWORK**

represented by **Aaron Siri**
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TERMINATED: 05/17/2023
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V.

Defendant

**UNITED STATES FOOD AND DRUG
ADMINISTRATION**

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Date Filed	#	Docket Text
11/23/2022	<u>1</u>	COMPLAINT against FOOD AND DRUG ADMINISTRATION (Filing fee \$ 402 receipt number ADCDC-9693832) filed by INFORMED CONSENT ACTION NETWORK. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Civil Cover Sheet, # <u>4</u>

		Summons FDA, # <u>5</u> Summons USAG, # <u>6</u> Summons USAO)(Farnsworth, Colin) (Entered: 11/23/2022)
11/23/2022	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by INFORMED CONSENT ACTION NETWORK (Farnsworth, Colin) (Entered: 11/23/2022)
11/23/2022	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Aaron Siri, Filing fee \$ 100, receipt number ADCDC–9693921. Fee Status: Fee Paid. by INFORMED CONSENT ACTION NETWORK. (Farnsworth, Colin) (Entered: 11/23/2022)
11/23/2022	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Elizabeth A. Brehm, Filing fee \$ 100, receipt number ADCDC–9693931. Fee Status: Fee Paid. by INFORMED CONSENT ACTION NETWORK. (Farnsworth, Colin) (Entered: 11/23/2022)
11/28/2022		Case Assigned to Judge Colleen Kollar–Kotelly. (zcb) (Entered: 11/28/2022)
11/28/2022	<u>5</u>	SUMMONS (3) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 11/28/2022)
11/29/2022	<u>6</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR–KOTELLY. Signed by Judge Colleen Kollar–Kotelly on 11/29/22. (DM) (Entered: 11/29/2022)
12/06/2022	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FOOD AND DRUG ADMINISTRATION served on 12/1/2022 (Farnsworth, Colin) (Entered: 12/06/2022)
12/06/2022	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/05/2022. (Farnsworth, Colin) (Entered: 12/06/2022)
12/06/2022	<u>9</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/28/2022. (Farnsworth, Colin) Modified on 12/7/2022 (zjm). (Entered: 12/06/2022)
12/07/2022		NOTICE OF ERROR regarding <u>9</u> Summons Returned Executed as to U.S. Attorney General. The following error(s) need correction: Please refile using event: Service of process – Summons Returned Executed in FOIA case as to U.S. Attorney.(zjm) (Entered: 12/07/2022)
12/08/2022		MINUTE ORDER granting <u>3</u> Motion for Leave to Appear Pro Hac Vice as to Aaron Siri. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a) Click for instructions. Signed by Judge Colleen Kollar–Kotelly on December 8, 2022. (lcckk1) (Entered: 12/08/2022)
12/08/2022		MINUTE ORDER granting <u>4</u> Motion for Leave to Appear Pro Hac Vice as to Elizabeth Brehm. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a) Click for instructions. Signed by Judge Colleen Kollar–Kotelly on December 8, 2022. (lcckk1) (Entered: 12/08/2022)
12/09/2022	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/28/2022. Answer due for ALL FEDERAL DEFENDANTS by 12/28/2022. (Farnsworth, Colin) (Entered: 12/09/2022)
12/21/2022	<u>11</u>	NOTICE of Appearance by Douglas C. Dreier on behalf of FOOD AND DRUG ADMINISTRATION (Dreier, Douglas) (Entered: 12/21/2022)
12/21/2022	<u>12</u>	Consent MOTION for Extension of Time to <i>File Response to Plaintiff's Complaint</i> by FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 12/21/2022)
12/26/2022		MINUTE ORDER: The Court is in receipt of Defendant's <u>12</u> Consent Motion for Extension of Time to Respond. In light of office–wide delays at the United States Attorney's Office for the District of Columbia, Defendant requests the Court extend Defendant's deadline to answer from December 28, 2022 to January 27, 2023. As

		Plaintiff consents, and upon good cause shown, Defendant's <u>12</u> Consent Motion for Extension of Time to Respond is GRANTED . Defendant shall answer or otherwise respond to Plaintiff's complaint on or before January 27, 2023 . Signed by Judge Colleen Kollar-Kotelly on December 26, 2022. (lcckk1) (Entered: 12/26/2022)
12/26/2022		Set/Reset Deadlines: Defendant shall answer or otherwise respond to Plaintiff's complaint on or before 1/27/2023. (dot) (Entered: 12/26/2022)
12/27/2022		Set/Reset Deadlines: Answer due by 1/27/2023. (kt) (Entered: 12/27/2022)
01/27/2023	<u>13</u>	ANSWER to Complaint by FOOD AND DRUG ADMINISTRATION.(Dreier, Douglas) (Entered: 01/27/2023)
01/30/2023	<u>14</u>	ORDER directing parties to file joint status report on or before February 24, 2023. Signed by Judge Colleen Kollar-Kotelly on January 30, 2023. (lcckk1) (Entered: 01/30/2023)
01/30/2023		Set/Reset Deadlines: Joint Status Report due by 2/24/2023. (dot) (Entered: 01/31/2023)
02/01/2023	<u>15</u>	NOTICE of Appearance by Aaron Siri on behalf of INFORMED CONSENT ACTION NETWORK (Siri, Aaron) (Entered: 02/01/2023)
02/01/2023	<u>16</u>	NOTICE of Appearance by Elizabeth Ann Brehm on behalf of INFORMED CONSENT ACTION NETWORK (Brehm, Elizabeth) (Entered: 02/01/2023)
02/24/2023	<u>17</u>	Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 02/24/2023)
02/26/2023		MINUTE ORDER: The Court is in receipt of the parties' <u>17</u> Joint Status Report. In consideration thereof, the parties shall file another joint status report on or before May 27, 2023 and, if necessary, every ninety days thereafter. Signed by Judge Colleen Kollar-Kotelly on February 26, 2023. (lcckk1) (Entered: 02/26/2023)
02/27/2023		Set/Reset Deadlines: Joint Status Report due by 5/27/2023 and, if necessary, every ninety days thereafter. (dot) (Entered: 02/27/2023)
05/17/2023	<u>18</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to INFORMED CONSENT ACTION NETWORK. Attorney Colin M. Farnsworth terminated. (Brehm, Elizabeth) (Entered: 05/17/2023)
05/23/2023	<u>19</u>	Joint STATUS REPORT by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 05/23/2023)
07/10/2023	<u>20</u>	SCHEDULING AND PROCEDURES ORDER: Dispositive Motion due by 7/13/2023; Response to Dispositive Motion due by 8/14/2023; Reply to Dispositive Motion due by 9/14/2023. Cross Motion due by 8/14/2023; Response to Cross Motion due by 9/14/2023; Reply to Cross Motion due by 9/28/2023. See Order for details. The Court VACATES its February 26, 2023 Minute Order requiring Status Reports every 90 days. Signed by Judge Colleen Kollar-Kotelly on 7/10/23. (DM) (Entered: 07/10/2023)
07/13/2023	<u>21</u>	MOTION for Summary Judgment by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Beth Brockner Ryan, # <u>4</u> Declaration of John Hyder, # <u>5</u> Declaration of Narayan Nair, M.D., # <u>6</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 07/13/2023)
08/14/2023	<u>22</u>	Cross MOTION for Summary Judgment by INFORMED CONSENT ACTION NETWORK. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Elizabeth A. Brehm, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Brehm, Elizabeth) (Entered: 08/14/2023)
09/14/2023	<u>23</u>	Memorandum in opposition to re <u>22</u> Motion for Summary Judgment filed by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Statement of Facts – Response, # <u>2</u> Text of Proposed Order)(Dreier, Douglas) (Entered: 09/14/2023)

09/14/2023	<u>24</u>	REPLY to opposition to motion re <u>21</u> MOTION for Summary Judgment – <i>Duplicate of ECF No. 23</i> filed by UNITED STATES FOOD AND DRUG ADMINISTRATION. (Dreier, Douglas) (Entered: 09/14/2023)
09/28/2023	<u>25</u>	REPLY to opposition to motion re <u>22</u> Cross MOTION for Summary Judgment filed by INFORMED CONSENT ACTION NETWORK. (Brehm, Elizabeth) (Entered: 09/28/2023)
08/30/2024	<u>26</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part Defendant's <u>21</u> Motion for Summary Judgment and granting in part and denying in part Plaintiff's <u>22</u> Cross–Motion for Summary Judgment. Signed by Judge Colleen Kollar–Kotelly on 8/30/2024. (lcckk1) (Entered: 08/30/2024)
08/30/2024		Set/Reset Deadlines: Defendant's Vaughn Index due by 10/18/2024. (dot) (Entered: 09/02/2024)