

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01673-TSC**

VANDA PHARMACEUTICALS INC. v. FOOD AND DRUG
ADMINISTRATION
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 06/08/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**VANDA PHARMACEUTICALS INC.**

represented by **Charles H. Seidell**
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V.

Defendant**FOOD AND DRUG
ADMINISTRATION**

represented by **Benton Gregory Peterson**
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| Date Filed | # | Docket Text |
|------------|----------|--|
| 06/08/2023 | <u>1</u> | COMPLAINT against FOOD AND DRUG ADMINISTRATION (Filing fee \$ 402 receipt number ADCDC-10127873) filed by VANDA PHARMACEUTICALS INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons)(Hughes, Paul) (Entered: 06/08/2023) |

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| 06/08/2023 | <u>2</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by VANDA PHARMACEUTICALS INC. (Hughes, Paul) (Entered: 06/08/2023) |
| 06/09/2023 | | Case Assigned to Judge Tanya S. Chutkan. (zcb) (Entered: 06/09/2023) |
| 06/09/2023 | <u>3</u> | SUMMONS (3) Issued Electronically as to FOOD AND DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 06/09/2023) |
| 06/15/2023 | <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 6/9/2023. Answer due for ALL FEDERAL DEFENDANTS by 7/9/2023. (Hughes, Paul) (Entered: 06/15/2023) |
| 07/10/2023 | <u>5</u> | ANSWER to Complaint by FOOD AND DRUG ADMINISTRATION.(Peterson, Benton) (Entered: 07/10/2023) |
| 07/17/2023 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than August 30, 2023. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 7/17/23. (lcsr) (Entered: 07/17/2023) |
| 08/30/2023 | <u>6</u> | Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Peterson, Benton) (Entered: 08/30/2023) |
| 08/31/2023 | <u>7</u> | ERRATA by FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Exhibit)(Peterson, Benton) (Entered: 08/31/2023) |
| 09/01/2023 | | MINUTE ORDER: Having considered the parties' joint status report <u>6</u> , it is hereby ordered that the parties shall file another joint status report by November 15, 2023 and every 60 days thereafter updating the court on the status of the case. To the extent that the parties propose a change in the status quo, the report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 9/1/23. (lca) (Entered: 09/01/2023) |
| 09/01/2023 | | Set/Reset Deadlines: Joint Status Report due by 11/15/2023, and every 60 days thereafter. (zed) (Entered: 09/01/2023) |
| 10/19/2023 | <u>8</u> | NOTICE of Appearance by Charles H. Seidell on behalf of VANDA PHARMACEUTICALS INC. (Seidell, Charles) (Entered: 10/19/2023) |
| 11/15/2023 | <u>9</u> | Joint STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 11/15/2023) |
| 01/16/2024 | <u>10</u> | Joint STATUS REPORT by VANDA PHARMACEUTICALS INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Hughes, Paul) (Entered: 01/16/2024) |
| 03/18/2024 | <u>11</u> | Joint STATUS REPORT by VANDA PHARMACEUTICALS INC.. (Hughes, Paul) (Entered: 03/18/2024) |
| 05/20/2024 | <u>12</u> | Joint STATUS REPORT by VANDA PHARMACEUTICALS INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Hughes, Paul) (Entered: 05/20/2024) |
| 07/31/2024 | | MINUTE ORDER: On September 1, 2023, this court entered an order directing the parties in this FOIA action to file a joint status report by 11/15/23 and every 60 days thereafter. The parties filed their last report on 5/20/2024 and have not sought to be relieved from the obligation of filing reports. Accordingly, the parties shall file a joint status report by 8/15/24 and every 60 days thereafter. If the parties propose a change in the status quo, the report shall be accompanied by a proposed order. Failure to comply with this order may result in dismissal of this action without further notice for failure |

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| | | to prosecute. Signed by Judge Tanya S. Chutkan on 7/31/2024. (lca) (Entered: 07/31/2024) |
| 08/08/2024 | <u>13</u> | Joint STATUS REPORT by VANDA PHARMACEUTICALS INC.. (Hughes, Paul) (Entered: 08/08/2024) |
| 08/08/2024 | <u>14</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Joshua Ontell on behalf of FOOD AND DRUG ADMINISTRATION Substituting for attorney AUSA Benton Peterson (Ontell, Joshua) (Entered: 08/08/2024) |