

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01712-JMC**

GOVERNMENT ACCOUNTABILITY & OVERSIGHT v.
CENTERS FOR MEDICARE & MEDICAID SERVICES et al
Assigned to: Judge Jia M. Cobb
Cause: 05:552 Freedom of Information Act

Date Filed: 06/13/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**GOVERNMENT ACCOUNTABILITY
& OVERSIGHT**

represented by **Christopher Cochran Horner**
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V.

Defendant

**UNITED STATES CENTERS FOR
MEDICARE & MEDICAID
SERVICES**

represented by **Sean Michael Tepe**
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TERMINATED: 11/09/2023
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Defendant

**UNITED STATES DEPARTMENT OF
HEALTH & HUMAN SERVICES**

represented by **Sean Michael Tepe**
(See above for address)
TERMINATED: 11/09/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tabitha Bartholomew
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/13/2023	<u>1</u>	COMPLAINT <i>Under the Freedom of Information Act</i> against CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH & HUMAN SERVICES (Filing fee \$ 402 receipt number ADCDC-10134938) filed by GOVERNMENT ACCOUNTABILITY & OVERSIGHT. (Attachments: # <u>1</u> Summons to HHS, # <u>2</u> Summons to US Attorney's Office (Civil Process Clerk), # <u>3</u> Summons to US Attorney General, # <u>4</u> Summons to CMS, # <u>5</u> Civil Cover Sheet)(Hardin, Matthew) (Entered: 06/13/2023)
06/13/2023		Case Assigned to Judge Jia M. Cobb. (zcb) (Entered: 06/13/2023)
06/13/2023	<u>2</u>	SUMMONS (5) Issued Electronically as to CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 06/13/2023)
06/19/2023	<u>3</u>	NOTICE of Appearance by Christopher Cochran Horner on behalf of GOVERNMENT ACCOUNTABILITY & OVERSIGHT (Horner, Christopher) (Entered: 06/19/2023)
07/11/2023	<u>4</u>	NOTICE of Appearance by Sean Michael Tepe on behalf of All Defendants (Tepe, Sean) (Entered: 07/11/2023)
07/12/2023	<u>5</u>	Consent MOTION for Extension of Time to File Answer <i>or Otherwise Respond</i> by CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH & HUMAN SERVICES. (Tepe, Sean) (Entered: 07/12/2023)
07/12/2023		MINUTE ORDER granting <u>5</u> Motion for Extension of Time to Answer: The Court ORDERS that Defendants' Motion is GRANTED. Defendants' Answer to Plaintiff's Complaint is due on July 28, 2023. Signed by Judge Jia M. Cobb on July 12, 2023. (lcjmc1) (Entered: 07/12/2023)
07/28/2023	<u>6</u>	ANSWER to Complaint by CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH & HUMAN SERVICES.(Tepe, Sean) (Entered: 07/28/2023)
07/31/2023		MINUTE ORDER: The Court ORDERS the Parties to confer and submit a joint proposed schedule for further proceedings, which shall include a proposed schedule for the processing and release of responsive records or for briefing dispositive motions, by August 14, 2023. Signed by Judge Jia M. Cobb on July 31, 2023. (lcjmc1) (Entered: 07/31/2023)
08/14/2023	<u>7</u>	STATUS REPORT by GOVERNMENT ACCOUNTABILITY & OVERSIGHT. (Hardin, Matthew) (Entered: 08/14/2023)
08/21/2023	<u>8</u>	SCHEDULING ORDER re <u>7</u> Joint Status Report: In light of the Parties dispute regarding the production of documents, this Court hereby ORDERS that Defendants process at least 500 documents per month, which is a typical rate of processing in FOIA cases. The Court is willing to revisit this issue following the Parties upcoming joint status report, which will be due October 25, 2023. If Defendants believe that 500 documents per month is not feasible going forward, or that any increased rate requested by Plaintiff in the next status report is not feasible, they should provide more detail to justify their position in the upcoming status report. Likewise, Plaintiff may provide more information justifying its requested rate of production if it is not satisfied with the current rate set by this Court. See document for more details. Signed by Judge Jia M. Cobb on August 21, 2023. (lcjmc1) (Entered: 08/21/2023)
08/21/2023		Set/Reset Deadlines: Joint Status Report due by 10/25/2023.(zgf) (Entered: 08/25/2023)

10/25/2023	<u>9</u>	Joint STATUS REPORT by CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH & HUMAN SERVICES. (Tepe, Sean) (Entered: 10/25/2023)
11/02/2023		MINUTE ORDER: It is hereby ORDERED that there shall be a status conference on November 9, 2023 at 10 AM before Judge Jia M. Cobb to address the disputes raised in the prior joint status reports. The status conference will be conducted via video conference call and the Court shall provide all information necessary to access the hearing. Signed by Judge Jia M. Cobb on November 2, 2023. (lcjmc1) (Entered: 11/02/2023)
11/09/2023		Minute Entry for proceedings held before Judge Jia M. Cobb: Status Conference held on 11/9/2023. Interim Joint Status Report due by 12/8/2023. (Court Reporter: Stacy Johns) (zgf) (Entered: 11/09/2023)
11/09/2023	<u>10</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Tabitha Bartholomew on behalf of All Defendants Substituting for attorney SEAN TEPE (Bartholomew, Tabitha) (Entered: 11/09/2023)
12/08/2023	<u>11</u>	Interim STATUS REPORT by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES. (Bartholomew, Tabitha) (Entered: 12/08/2023)
01/23/2024	<u>12</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by GOVERNMENT ACCOUNTABILITY & OVERSIGHT. (Hardin, Matthew) (Entered: 01/23/2024)
01/26/2024	<u>13</u>	Joint STATUS REPORT by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES. (Bartholomew, Tabitha) (Entered: 01/26/2024)
01/30/2024		MINUTE ORDER granting <u>12</u> Consent Motion for Extension of Time to File Joint Status Report: The Court hereby ORDERS that the Motion is GRANTED, <i>nunc pro tunc</i> . Signed by Judge Jia M. Cobb on January 30, 2024. (lcjmc1) (Entered: 01/30/2024)
02/13/2024		MINUTE ORDER re <u>13</u> Joint Status Report: The Court has reviewed the Parties' status report. If Plaintiff is requesting that the Court order that the processing rate be increased, Plaintiff should be specific in the next status report about the rate it is requesting and why it believes that rate is justified. Defendants can include their position in the same report. Signed by Judge Jia M. Cobb on February 13, 2024. (lcjmc1) (Entered: 02/13/2024)
04/23/2024	<u>14</u>	Joint STATUS REPORT by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES. (Bartholomew, Tabitha) (Entered: 04/23/2024)
07/25/2024	<u>15</u>	Joint STATUS REPORT by UNITED STATES CENTERS FOR MEDICARE & MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES. (Bartholomew, Tabitha) (Entered: 07/25/2024)