

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-02323-ACR**

FUNCTIONAL GOVERNMENT INITIATIVE v. U.S. FOOD
AND DRUG ADMINISTRATION
Assigned to: Judge Ana C. Reyes
Cause: 05:552 Freedom of Information Act

Date Filed: 08/10/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**FUNCTIONAL GOVERNMENT
INITIATIVE**

represented by **Jeremiah Lee Morgan**
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ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. FOOD AND DRUG
ADMINISTRATION**

represented by **Fithawi Berhane**
U.S. ATTORNEY'S OFFICE
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/10/2023	<u>1</u>	COMPLAINT against U.S. FOOD AND DRUG ADMINISTRATION (Filing fee \$ 402 receipt number ADCDC-10269183) filed by FUNCTIONAL GOVERNMENT INITIATIVE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Morgan, Jeremiah) (Entered: 08/10/2023)
08/11/2023		Case Assigned to Judge Ana C. Reyes. (zrtw) (Entered: 08/11/2023)
08/11/2023	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE filed by FUNCTIONAL GOVERNMENT INITIATIVE. Related document: <u>1</u> Complaint, filed by FUNCTIONAL GOVERNMENT INITIATIVE. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Morgan, Jeremiah) (Entered: 08/11/2023)
08/14/2023	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. FOOD AND DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrtw) (Entered: 08/14/2023)
10/06/2023	<u>4</u>	NOTICE of Appearance by Fithawi Berhane on behalf of U.S. FOOD AND DRUG ADMINISTRATION (Berhane, Fithawi) (Entered: 10/06/2023)
10/06/2023	<u>5</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by U.S. FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Berhane, Fithawi) (Entered: 10/06/2023)
10/10/2023		MINUTE ORDER. Upon consideration of Defendant's <u>6</u> Consent Motion for Extension of Time to Respond, and for good cause shown and the entire record herein, it is hereby ORDERED that Defendant's Motion is GRANTED, and it is further

		ORDERED that Defendant shall respond to the Complaint in this action on or before October 25, 2023. Signed by Judge Ana C. Reyes on 10/10/2023. (lcacr1) (Entered: 10/10/2023)
10/11/2023		Set/Reset Deadlines/Hearings: Response to Complaint due by 10/25/2023. (zcdw) (Entered: 10/11/2023)
10/20/2023	<u>6</u>	ANSWER to Complaint by U.S. FOOD AND DRUG ADMINISTRATION.(Berhane, Fithawi) (Entered: 10/20/2023)
10/20/2023		MINUTE ORDER. Plaintiff filed this Freedom of Information Act ("FOIA") action on August 10, 2023. Dkt 1. Defendant filed its Answer on October 20, 2023. Dkt. 5. Cases filed under FOIA are exempt from the requirements of Federal Rule of Civil Procedure 26(f) and Local Civil Rule 16.3. <i>See</i> LCvR 16.3(b)(10). Accordingly, it is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report on or before November 3, 2023. The Joint Status Report should address, among other things: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for a stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Counsel shall not contact Chambers directly concerning scheduling or other matters, as Chambers personnel will not handle questions relating to the status or scheduling of pending matters, except in case of an emergency. In an emergency, Chambers can be reached at (202) 354-3350. Signed by Judge Ana C. Reyes on 10/20/2023. (lcacr1) (Entered: 10/20/2023)
10/25/2023		Set/Reset Deadlines/Hearings: Joint Status Report due by 11/3/2023. (zcdw) (Entered: 10/25/2023)
11/03/2023	<u>7</u>	Joint STATUS REPORT by U.S. FOOD AND DRUG ADMINISTRATION. (Berhane, Fithawi) (Entered: 11/03/2023)
11/03/2023		MINUTE ORDER. Upon consideration of the parties' <u>7</u> Joint Status Report, it is ORDERED that the parties shall submit another joint status report on or before January 5, 2024. Signed by Judge Ana C. Reyes on 11/3/2023.(lcacr1) (Entered: 11/03/2023)
11/05/2023		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/5/2024. (zcdw) (Entered: 11/05/2023)
01/05/2024	<u>8</u>	Joint STATUS REPORT by FUNCTIONAL GOVERNMENT INITIATIVE. (Morgan, Jeremiah) (Entered: 01/05/2024)
01/06/2024		MINUTE ORDER directing the parties to file a joint status report on or before March 5, 2024, and every 60 days thereafter. SO ORDERED. Signed by Judge Ana C. Reyes on 1/6/2024. (lcacr1) (Entered: 01/06/2024)
01/08/2024		Set/Reset Deadlines/Hearings: Joint Status Report due by 3/5/2024. (zcdw) (Entered: 01/08/2024)
03/05/2024	<u>9</u>	Joint STATUS REPORT by U.S. FOOD AND DRUG ADMINISTRATION. (Berhane, Fithawi) (Entered: 03/05/2024)
05/06/2024	<u>10</u>	Joint STATUS REPORT by FUNCTIONAL GOVERNMENT INITIATIVE. (Morgan, Jeremiah) (Entered: 05/06/2024)
07/05/2024	<u>11</u>	Joint STATUS REPORT by U.S. FOOD AND DRUG ADMINISTRATION. (Berhane, Fithawi) (Entered: 07/05/2024)
08/13/2024	<u>12</u>	NOTICE of Corporate Status by FUNCTIONAL GOVERNMENT INITIATIVE (Morgan, Jeremiah) (Entered: 08/13/2024)
08/13/2024	<u>13</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by FUNCTIONAL GOVERNMENT INITIATIVE (Morgan, Jeremiah) (Entered: 08/13/2024)
09/03/2024	<u>14</u>	Joint STATUS REPORT by FUNCTIONAL GOVERNMENT INITIATIVE. (Morgan, Jeremiah) (Entered: 09/03/2024)