

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:23-cv-03282-ABJ**

INFORMED CONSENT ACTION NETWORK v. FOOD AND DRUG ADMINISTRATION et al  
Assigned to: Judge Amy Berman Jackson  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/02/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**INFORMED CONSENT ACTION NETWORK**

represented by **Richard Scott Pietrowski**  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**FOOD AND DRUG ADMINISTRATION**  
*"FDA"*

represented by **Sam Escher**  
DOJ-USAO  
Civil Division  
601 D Street NW  
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Email: [sam.escher@usdoj.gov](mailto:sam.escher@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
*"DHS"*

represented by **Sam Escher**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/02/2023	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 402 receipt number ADCDC-10467858) filed by INFORMED CONSENT ACTION NETWORK. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Civil Cover Sheet, # <u>8</u> Summons to FDA, # <u>9</u> Summons to HHS, # <u>10</u> Summons to USAG, # <u>11</u> Summons to USAO)(Brehm, Elizabeth) (Entered: 11/02/2023)

		11/02/2023)
11/02/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by INFORMED CONSENT ACTION NETWORK (Brehm, Elizabeth) (Entered: 11/02/2023)
11/02/2023	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– R. Scott Pietrowski, Filing fee \$ 100, receipt number ADCDC–10467927. Fee Status: Fee Paid. by INFORMED CONSENT ACTION NETWORK. (Brehm, Elizabeth) (Entered: 11/02/2023)
11/03/2023		NOTICE OF ERROR re <u>3</u> Motion for Leave to Appear Pro Hac Vice; emailed to ebrehm@sirillp.com, cc'd <u>3</u> associated attorneys -- The PDF file you docketed contained errors: 1. Need Pro Hac Vice Letter of Good Standing (cb, ) (Entered: 11/03/2023)
11/03/2023	<u>4</u>	ERRATA by INFORMED CONSENT ACTION NETWORK re <u>3</u> Motion for Leave to Appear Pro Hac Vice. (Brehm, Elizabeth) (Entered: 11/03/2023)
11/03/2023		Case Assigned to Judge Amy Berman Jackson. (zcb) (Entered: 11/03/2023)
11/03/2023	<u>5</u>	SUMMONS (4) Issued Electronically as to DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 11/03/2023)
11/21/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FOOD AND DRUG ADMINISTRATION served on 11/13/2023 (Pietrowski, Richard) (Entered: 11/21/2023)
11/21/2023	<u>7</u>	ERRATA by INFORMED CONSENT ACTION NETWORK re <u>6</u> Summons Returned Executed as to Federal Defendant. (Brehm, Elizabeth) (Entered: 11/21/2023)
11/21/2023	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 11/13/2023 (Brehm, Elizabeth) (Entered: 11/21/2023)
11/21/2023	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/14/2023. (Brehm, Elizabeth) (Entered: 11/21/2023)
11/21/2023	<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 11/6/2023. Answer due for ALL FEDERAL DEFENDANTS by 12/6/2023. (Brehm, Elizabeth) (Entered: 11/21/2023)
12/06/2023	<u>11</u>	ANSWER to Complaint by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION.(Escher, Sam) (Entered: 12/06/2023)
12/06/2023		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant must file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before January 3, 2024. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/6/2023. (lcabj2) (Entered: 12/06/2023)
12/22/2023	<u>12</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Escher, Sam) (Entered: 12/22/2023)
12/26/2023		MINUTE ORDER. In light of the <u>12</u> joint status report, the parties are ORDERED to file another joint status report by February 2, 2024. Signed by Judge Amy Berman Jackson on 12/26/2023. (lcabj2) (Entered: 12/26/2023)
01/08/2024		MINUTE ORDER granting <u>3</u> Motion for Leave of R. Scoot Pietrowski to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer.

		<b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> Signed by Judge Amy Berman Jackson on 1/8/24. (DMK) (Entered: 01/08/2024)
01/08/2024	<u>13</u>	NOTICE of Appearance by Richard Scott Pietrowski on behalf of INFORMED CONSENT ACTION NETWORK (Pietrowski, Richard) (Entered: 01/08/2024)
02/01/2024	<u>14</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Escher, Sam) (Entered: 02/01/2024)
02/08/2024		MINUTE ORDER. In light of the <u>14</u> joint status report, the parties are ORDERED to file another joint status report by March 5, 2024. Signed by Judge Amy Berman Jackson on 2/8/2024. (lcabj2) (Entered: 02/08/2024)
02/29/2024	<u>15</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Escher, Sam) (Entered: 02/29/2024)
03/01/2024		MINUTE ORDER. In light of the <u>15</u> joint status report, the parties are ORDERED to file another joint status report by April 9, 2024. Signed by Judge Amy Berman Jackson on 3/1/2024. (lcabj2) (Entered: 03/01/2024)
03/22/2024	<u>16</u>	MOTION to Amend/Correct <u>1</u> Complaint, by INFORMED CONSENT ACTION NETWORK. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Memorandum in Support, # <u>3</u> Text of Proposed Order)(Pietrowski, Richard) (Entered: 03/22/2024)
03/22/2024		MINUTE ORDER granting <u>16</u> Motion to Amend Complaint. It is ORDERED that plaintiff's <u>16</u> motion to amend its complaint is GRANTED. The Clerk of Court is directed to docket the [16-1] proposed amended complaint. Defendants must respond to the amended complaint by April 22, 2024. SO ORDERED. Signed by Judge Amy Berman Jackson on 3/22/2024. (lcabj2) (Entered: 03/22/2024)
03/22/2024	<u>17</u>	AMENDED COMPLAINT against DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION filed by INFORMED CONSENT ACTION NETWORK.(zdp) (Entered: 03/26/2024)
04/22/2024	<u>18</u>	ANSWER to <u>17</u> Amended Complaint by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION.(Escher, Sam) (Entered: 04/22/2024)
04/22/2024		MINUTE ORDER. MINUTE ORDER. Before the Court in this FOIA case are an amended complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant must file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before May 13, 2024. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/22/2024. (lcabj2) (Entered: 04/22/2024)
05/05/2024	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Escher, Sam) (Entered: 05/05/2024)
05/17/2024		MINUTE ORDER. In light of the parties' Joint Status Report <u>19</u> , it is ORDERED that defendants' Open America motion is due June 13, 2024, plaintiff's opposition is due July 11, 2024, and defendants' reply is due August 1, 2024. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/17/24. (DMK) (Entered: 05/17/2024)
05/17/2024		Set/Reset Deadlines: Motion due by 6/13/2024. (zkh) (Entered: 05/17/2024)
06/13/2024	<u>20</u>	MOTION to Stay by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Burk Declaration, # <u>2</u> PHMPT II Order, # <u>3</u> Text of Proposed Order)(Escher, Sam) (Entered: 06/13/2024)
07/11/2024	<u>21</u>	RESPONSE re <u>20</u> MOTION to Stay filed by INFORMED CONSENT ACTION NETWORK. (Attachments: # <u>1</u> Text of Proposed Order)(Pietrowski, Richard) (Entered: 07/11/2024)

08/01/2024	<u>22</u>	REPLY to opposition to motion re <u>20</u> MOTION to Stay filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Attachment A – Kotler Declaration)(Escher, Sam) (Entered: 08/01/2024)
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