

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:24-cv-03112-AGT**

Pistorino v. U.S. Department of Health and Human Services  
Assigned to: Magistrate Judge Alex G. Tse  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/22/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****James C. Pistorino**

represented by **James Charles Pistorino**  
Parrish Law Offices  
224 Lexington Drive  
Menlo Park, CA 94205  
(650) 400-0043  
Email: [james@dparrishlaw.com](mailto:james@dparrishlaw.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. Department of Health and Human Services**

represented by **Pamela T. Johann**  
United States Attorney's Office  
450 Golden Gate Avenue  
Box 36055  
San Francisco, CA 94102  
(415) 436-7025  
Fax: (415) 436-7234  
Email: [pamela.johann@usdoj.gov](mailto:pamela.johann@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/22/2024	<u>1</u>	COMPLAINT against U.S. Department of Health and Human Services ( Filing fee \$ 405, receipt number ACANDC-19441798.). Filed by James Charles Pistorino. (Pistorino, James) (Filed on 5/22/2024) (Entered: 05/22/2024)
05/22/2024	<u>2</u>	Civil Cover Sheet by James Charles Pistorino . (Pistorino, James) (Filed on 5/22/2024) (Entered: 05/22/2024)
05/22/2024	<u>3</u>	Proposed Summons. (Pistorino, James) (Filed on 5/22/2024) (Entered: 05/22/2024)
05/22/2024	<u>4</u>	Certificate of Interested Entities by James Charles Pistorino (Pistorino, James) (Filed on 5/22/2024) (Entered: 05/22/2024)
05/23/2024	<u>5</u>	Case assigned to Magistrate Judge Alex G. Tse.  Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a> .  Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a> . Upon receipt, the summons will be issued and returned electronically. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 6/6/2024. (wsm, COURT STAFF) (Filed on 5/23/2024) (Entered: 05/23/2024)

05/23/2024		<u>Electronic filing error</u> . Defendant name differs from complaint. [err102]  Defendant name on Summons must be identical to the Complaint. This filing will not be processed by the clerks office. Please correct and re-file in its entirety.  Re: <u>3</u> Proposed Summons filed by James C. Pistorino (anj, COURT STAFF) (Filed on 5/23/2024) (Entered: 05/23/2024)
05/23/2024	<u>6</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 8/16/2024. Initial Case Management Conference set for 8/23/2024 02:00 PM in San Francisco, – Videoconference Only.</b> (anj, COURT STAFF) (Filed on 5/23/2024) (Entered: 05/23/2024)
05/23/2024	<u>7</u>	Proposed Summons. (Pistorino, James) (Filed on 5/23/2024) (Entered: 05/23/2024)
05/24/2024	<u>8</u>	Summons Issued as to U.S. Department of Health and Human Services(anj, COURT STAFF) (Filed on 5/24/2024) (Entered: 05/24/2024)
06/11/2024	<u>9</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by James C. Pistorino.. (Pistorino, James) (Filed on 6/11/2024) (Entered: 06/11/2024)
06/21/2024	<u>10</u>	STIPULATION to Extend Time to Respond to Complaint filed by U.S. Department of Health and Human Services. (Johann, Pamela) (Filed on 6/21/2024) Modified on 6/24/2024 (anj, COURT STAFF). (Entered: 06/21/2024)
07/29/2024	<u>11</u>	MOTION to Dismiss filed by U.S. Department of Health and Human Services. Motion to Dismiss Hearing set for 9/6/2024 10:00 AM in San Francisco, Courtroom A, 15th Floor. Responses due by 8/12/2024. Replies due by 8/19/2024. (Attachments: # <u>1</u> Proposed Order)(Johann, Pamela) (Filed on 7/29/2024) (Entered: 07/29/2024)
07/29/2024	<u>12</u>	Request for Judicial Notice re <u>11</u> MOTION to Dismiss Request for Consideration of Documents Incorporated by Reference filed by U.S. Department of Health and Human Services. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Related document(s) <u>11</u> ) (Johann, Pamela) (Filed on 7/29/2024) Modified on 7/30/2024 (anj, COURT STAFF). (Entered: 07/29/2024)
07/30/2024	<u>13</u>	CLERK'S NOTICE TO DEFENDANT Re: Consent or Declination. Defendant shall file a consent or declination to proceed before a magistrate judge by 8/5/2024. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: <a href="http://cand.uscourts.gov/civilforms">http://cand.uscourts.gov/civilforms</a> . (shy, COURT STAFF) (Filed on 7/30/2024) (Entered: 07/30/2024)
08/01/2024	<u>14</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by U.S. Department of Health and Human Services.. (Johann, Pamela) (Filed on 8/1/2024) (Entered: 08/01/2024)
08/05/2024	<u>15</u>	ADR Clerks Notice re: Non-Compliance with Court Order. The parties have failed to file an ADR Certification as required by the Initial Case Management Scheduling Order. Counsel shall comply promptly with the requirements of ADR L.R. 3-5(b) and shall file the ADR Certification. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (cmf, COURT STAFF) (Filed on 8/5/2024) (Entered: 08/05/2024)
08/07/2024	<u>16</u>	Stipulated request and Proposed Order to Continue Case Management Conference filed by U.S. Department of Health and Human Services. (Attachments: # <u>1</u> Declaration of Pamela T. Johann)(Johann, Pamela) (Filed on 8/7/2024) Modified on 8/7/2024 (anj, COURT STAFF). (Entered: 08/07/2024)
08/12/2024	<u>17</u>	<b>ORDER granting Request to Continue Initial Case Management Conference signed by Magistrate Judge Alex G. Tse: granting <u>16</u> Stipulation. Initial Case Management Conference continued to 10/25/2024 at 2:00 PM before Magistrate Judge Alex G. Tse – Videoconference Only.</b> (shy, COURT STAFF) (Filed on 8/12/2024) (Entered: 08/12/2024)
08/12/2024	<u>18</u>	OPPOSITION/RESPONSE (re <u>11</u> MOTION to Dismiss ) filed by James C. Pistorino. (Attachments: # <u>1</u> Declaration Pistorino Declaration)(Pistorino, James) (Filed on 8/12/2024) (Entered: 08/12/2024)

08/15/2024	<u>19</u>	CLERK'S NOTICE RESCHEDULING MOTION HEARING. The parties are hereby notified that the hearing on <u>11</u> motion to dismiss is rescheduled to 9/6/2024 at 2:00 PM in San Francisco, Courtroom A, 15th Floor before Magistrate Judge Alex G. Tse. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (shy, COURT STAFF) (Filed on 8/15/2024) (Entered: 08/15/2024)
08/19/2024	<u>20</u>	REPLY (re <u>11</u> MOTION to Dismiss ) filed by U.S. Department of Health and Human Services. (Johann, Pamela) (Filed on 8/19/2024) Modified on 8/20/2024 (anj, COURT STAFF). (Entered: 08/19/2024)
09/03/2024	<u>21</u>	<b>ORDER on Motion to Dismiss by Magistrate Judge Alex G. Tse: granting <u>11</u> Motion to Dismiss. (shy, COURT STAFF) (Filed on 9/3/2024) (Entered: 09/03/2024)</b>