

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:22-cv-00587-TSC-ZMF**

REUTERS NEWS & MEDIA INC. v. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Assigned to: Judge Tanya S. Chutkan  
Referred to: Magistrate Judge Zia M. Faruqui  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/03/2022  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****REUTERS NEWS & MEDIA INC.**

represented by **Merrick Jason Wayne**  
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V.

**Defendant****U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

represented by **Bradley Silverman**  
DOJ-USAO  
Civil Division  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/03/2022	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 402 receipt number ADCDC-9079857) filed by REUTERS NEWS & MEDIA INC.. (Attachments: # <u>1</u> Exhibit Ex 1-6, # <u>2</u> Civil Cover Sheet, # <u>3</u>

		Summons)(Topic, Matthew) (Entered: 03/03/2022)
03/03/2022	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of REUTERS NEWS & MEDIA INC. (Topic, Matthew) (Entered: 03/03/2022)
03/03/2022	<u>3</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by REUTERS NEWS & MEDIA INC. (Topic, Matthew) (Entered: 03/03/2022)
03/04/2022		Case Assigned to Judge Tanya S. Chutkan. (zsb) (Entered: 03/04/2022)
03/08/2022	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(znmw) (Entered: 03/08/2022)
04/12/2022	<u>5</u>	NOTICE of Appearance by Bradley Silverman on behalf of All Defendants (Silverman, Bradley) (Entered: 04/12/2022)
04/13/2022	<u>6</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Silverman, Bradley) (Entered: 04/13/2022)
04/14/2022		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 5/26/22. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 7/14/22. (DJS) (Entered: 04/14/2022)
04/19/2022		Set/Reset Deadlines: Joint Status Report due by 5/26/2022 (tb) (Entered: 04/19/2022)
05/26/2022	<u>7</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 05/26/2022)
07/22/2022		MINUTE ORDER: Having considered the parties' joint status report, it is hereby ordered that the parties shall file another joint report by August 26, 2022 and every 60 days thereafter. To the extent 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 7/22/22. (DJS) (Entered: 07/22/2022)
07/26/2022		Set/Reset Deadlines: Joint Report due by 8/26/2022. (tb) (Entered: 07/26/2022)
08/26/2022	<u>8</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 08/26/2022)
10/25/2022	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 10/25/2022)
12/26/2022	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 12/26/2022)
02/22/2023	<u>11</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of REUTERS NEWS & MEDIA INC. (Wayne, Merrick) (Entered: 02/22/2023)
02/22/2023	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 02/22/2023)
02/22/2023		RESOLVED...NOTICE of Provisional/Government Not Certified Status re NOTICE of Appearance by Merrick Jason Wayne on behalf of BUZZFEED INC., JASON LEOPOLD (Wayne, Merrick),  Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local

		<p>Civil Rule 83.9, you must immediately correct your membership status by following the appropriate instructions on this page of our website:  <a href="https://www.dcd.uscourts.gov/attorney-renewal">https://www.dcd.uscourts.gov/attorney-renewal</a>.</p> <p>Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 3/1/2023. (zbaj) Modified on 2/23/2023 (znmw). Modified on 3/2/2023 (zbaj). (Entered: 02/22/2023)</p>
04/24/2023	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 04/24/2023)
06/23/2023	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 06/23/2023)
08/22/2023	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 08/22/2023)
10/20/2023	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 10/20/2023)
10/24/2023		MINUTE ORDER SETTING BRIEFING SCHEDULE: Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ordered that the parties shall adhere to the following briefing schedule: Plaintiff's Motion for Summary Judgment due November 20, 2023. Defendant's Opposition and combined Cross-Motion due December 20, 2023. Plaintiff's Reply and combined-Response due January 22, 2024. Defendant's Reply due February 22, 2024. Signed by Judge Tanya S. Chutkan on 10/24/2023. (lcd) (Entered: 10/24/2023)
10/24/2023		Set/Reset Deadlines: Plaintiff's Motion for Summary Judgment due November 20, 2023. Defendant's Opposition and combined Cross-Motion due December 20, 2023. Plaintiff's Reply and Combined-Response due January 22, 2024. Defendant's Reply due February 22, 2024. (ztl) (Entered: 11/16/2023)
11/20/2023	<u>17</u>	NOTICE of Appearance by Stephen Stich Match on behalf of REUTERS NEWS & MEDIA INC. (Match, Stephen) (Entered: 11/20/2023)
11/20/2023	<u>18</u>	WITHDRAWN PURSUANT TO NOTICE FILED ON 5/13/2024.....MOTION for Summary Judgment by REUTERS NEWS & MEDIA INC.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Taylor Decl, # <u>4</u> Declaration Wayne Decl, # <u>5</u> Text of Proposed Order)(Match, Stephen) Modified on 5/14/2024 (zed). (Entered: 11/20/2023)
12/19/2023	<u>19</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 12/19/2023)
12/19/2023	<u>20</u>	RESPONSE re <u>18</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 12/19/2023)
12/20/2023	<u>21</u>	WITHDRAWN PURSUANT TO NOTICE FILED ON 5/13/2024.....Amended MOTION for Summary Judgment by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) Modified on 5/14/2024 (zed). (Entered: 12/20/2023)
12/20/2023	<u>22</u>	RESPONSE re <u>18</u> MOTION for Summary Judgment ( <i>Amended</i> ) filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 12/20/2023)
01/22/2024	<u>23</u>	Memorandum in opposition to re <u>21</u> Motion for Summary Judgment filed by REUTERS NEWS & MEDIA INC.. (Attachments: # <u>1</u> Statement of Facts Plaintiff's Statement of Additional Undisputed Material Facts, # <u>2</u> Declaration Second Taylor Decl, # <u>3</u> Declaration Second Wayne Decl)(Match, Stephen) (Entered: 01/22/2024)
01/22/2024	<u>24</u>	REPLY to opposition to motion re <u>21</u> Amended MOTION for Summary Judgment filed by REUTERS NEWS & MEDIA INC.. (Attachments: # <u>1</u> Statement of Facts Plaintiff's Statement of Additional Undisputed Material Facts, # <u>2</u> Declaration Second Taylor Decl, # <u>3</u> Declaration Second Wayne Decl)(Match, Stephen) (Entered: 01/22/2024)

01/23/2024		MINUTE ORDER: Denying as Moot Defendant's <u>19</u> Motion for Summary Judgment, in light of Defendant's <u>21</u> Amended Motion for Summary Judgment. Defendant's <u>21</u> will serve as their operative Summary Judgment Cross-Motion. Signed by Judge Tanya S. Chutkan on 01/23/2024. (lcd) (Entered: 01/23/2024)
01/24/2024	<u>25</u>	Unopposed MOTION for Leave to File by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Ex. A – Defendant's Statement of Undisputed Material Facts, # <u>2</u> Ex. B – Defendant's Response to Plaintiff's Statement of Undisputed Material Facts)(Silverman, Bradley) (Entered: 01/24/2024)
01/25/2024		MINUTE ORDER: Granting Defendant's <u>25</u> Unopposed Motion for Leave to File. The Clerk of the Court shall enter ECF Nos. 25–1 and 25–2 as separate ECF Entries entitled "Defendant's Statement of Undisputed Material Facts" and "Defendant's Response to Plaintiff's Statement of Undisputed Material Facts," respectively. Signed by Judge Tanya S. Chutkan on 01/25/2024. (lcd) (Entered: 01/25/2024)
01/25/2024	<u>26</u>	Defendant's Statement of Undisputed Material Facts by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (zjm) (Entered: 01/26/2024)
01/25/2024	<u>27</u>	Defendant's Response to Plaintiff's Statement of Undisputed Material Facts by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (zjm) (Entered: 01/26/2024)
02/05/2024	<u>28</u>	Consent MOTION for Leave to File <i>Updated Reply/Cross Opposition Brief</i> by REUTERS NEWS & MEDIA INC.. (Match, Stephen) (Entered: 02/05/2024)
02/05/2024		MINUTE ORDER: Granting Plaintiff's <u>28</u> Plaintiff's Consent Motion for Leave to File Updated Reply/Cross–Opposition. Plaintiff's Updated Reply/Cross–Opposition is due by February 9, 2024. Signed by Judge Tanya S. Chutkan on 02/05/2024. (lcd) (Entered: 02/05/2024)
02/09/2024	<u>29</u>	Memorandum in opposition to re <u>21</u> Motion for Summary Judgment filed by REUTERS NEWS & MEDIA INC.. (Attachments: # <u>1</u> Statement of Facts Response to SUMF)(Match, Stephen) (Entered: 02/09/2024)
02/09/2024	<u>30</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by REUTERS NEWS & MEDIA INC.. (Attachments: # <u>1</u> Statement of Facts Response to SUMF)(Match, Stephen) Modified on 2/13/2024 to correct docket link (zjm). (Entered: 02/09/2024)
02/19/2024	<u>31</u>	Consent MOTION for Extension of Time to <i>File Reply</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 02/19/2024)
02/20/2024		MINUTE ORDER: Granting Defendant's <u>31</u> Consent Motion for Extension. Defendant's Reply in Support of its Cross–Motion for Summary Judgment due by March 11, 2024. Signed by Judge Tanya S. Chutkan on 02/20/2024. (lcd) (Entered: 02/20/2024)
02/20/2024		Set/Reset Deadlines: Defendant's Reply to Cross Motions due by 3/11/2024. (zcell) (Entered: 02/20/2024)
03/05/2024	<u>32</u>	Unopposed MOTION for Extension of Time to <i>File Reply</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 03/05/2024)
03/06/2024		MINUTE ORDER: Granting Defendant's <u>32</u> Unopposed Motion for Extension. Defendant's Reply in Support of its Cross–Motion for Summary Judgment due by March 25, 2024. Signed by Judge Tanya S. Chutkan on 03/06/2024. (lcd) (Entered: 03/06/2024)
03/06/2024		Set/Reset Deadlines: Reply to Cross Motions due by 3/25/2024. (lsj) (Entered: 03/06/2024)
03/19/2024	<u>33</u>	Consent MOTION for Extension of Time to <i>File Reply</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 03/19/2024)
03/19/2024		MINUTE ORDER: Granting Defendant's <u>33</u> Consent Motion for Extension. Defendant's Reply in Support of its Cross–Motion for Summary Judgment is due by May 24, 2024. Signed by Judge Tanya S. Chutkan on 03/19/2024. (lcd) (Entered: 03/19/2024)

		03/19/2024)
03/19/2024		Set/Reset Deadlines: Replies due by 5/24/2024. (lsj) (Entered: 03/19/2024)
05/13/2024	<u>34</u>	NOTICE OF WITHDRAWAL OF MOTION by REUTERS NEWS & MEDIA INC. (Match, Stephen) (Entered: 05/13/2024)
05/13/2024		MINUTE ORDER: Upon consideration of the parties' <u>34</u> Notice of Withdrawal of Motion, it is hereby ORDERED that the parties shall file a Joint Status Report by June 21, 2024 apprising the court as to the status of their conferrals. Signed by Judge Tanya S. Chutkan on 05/13/2024. (lcd) (Entered: 05/13/2024)
05/14/2024		Set/Reset Deadlines: Joint Status Report due by 6/21/2024. (zed) (Entered: 05/14/2024)
06/21/2024	<u>35</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 06/21/2024)
06/25/2024		MINUTE ORDER: Upon consideration of the parties' <u>35</u> Joint Status Report, it is hereby ORDERED that the parties shall file a subsequent Joint Status Report by July 22, 2024. Signed by Judge Tanya S. Chutkan on 06/25/2024. (lcd) (Entered: 06/25/2024)
07/22/2024	<u>36</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 07/22/2024)
07/23/2024		MINUTE ORDER: Upon consideration of the parties' <u>36</u> Joint Status Report, it is hereby ORDERED that the parties shall file a subsequent Joint Status Report by August 22, 2024. Signed by Judge Tanya S. Chutkan on 07/23/2024. (lcd) (Entered: 07/23/2024)
08/22/2024	<u>37</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 08/22/2024)
08/26/2024		MINUTE ORDER OF REFERRAL TO MAGISTRATE JUDGE: Upon consideration of the parties' <u>37</u> Joint Status Report, it is hereby ORDERED that this case is REFERRED to a Magistrate Judge for purposes of resolving any existing or future disputes consistent with the <u>37</u> JSR. The Magistrate Judge will be randomly assigned by the Clerk's Office. It is FURTHER ORDERED that any future filings related to this matter shall have the initials of the presiding judge and the magistrate judge following the case number in the caption. The parties are reminded that, by statute, 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Civil Rule 73.1, they may consent to referral of this action to the Magistrate Judge for all purposes. Signed by Judge Tanya S. Chutkan on 08/26/2024. (lcd) (Entered: 08/26/2024)
09/04/2024		CASE RANDOMLY REFERRED to Magistrate Judge Zia M. Faruqui for Full Case Management. (znmw) (Entered: 09/04/2024)
09/09/2024		NOTICE of Hearing:Status Conference set for 9/18/2024 at 10:00 AM in Telephonic/VTC before Magistrate Judge Zia M. Faruqui. The parties shall file their position statements of no more than 5 pages one week prior to the status conference.(lcvs) (Entered: 09/09/2024)
09/11/2024	<u>38</u>	MEMORANDUM re Notice of Hearing by REUTERS NEWS & MEDIA INC.. (Wayne, Merrick) Modified event title on 9/12/2024 (znmw). (Entered: 09/11/2024)
09/11/2024	<u>39</u>	MEMORANDUM re Notice of Hearing by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Silverman, Bradley) (Entered: 09/11/2024)
09/18/2024		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Status Conference held and Concluded on 9/18/2024. Minute Order Forthcoming. Court Reporter FTR-GOLD; FTR Time Frame: Ctrm 4: [10:14:43-11:25:15]. (ztl) (Entered: 09/18/2024)
09/18/2024		MINUTE ORDER: It is hereby ORDERED that 1) Defendant shall provide the other side with a declaration including the information discussed at the September 18 hearing no later than November 4, 2024 and shall notify the Court when they have done so, and 2) the parties shall meet and confer to deliberate the topics that were discussed at the September 18 hearing. Signed by Magistrate Judge Zia M. Faruqui on

		September 18, 2024. (lcvs) (Entered: 09/18/2024)
09/18/2024		Set/Reset Deadlines: Defendant shall provide the other side with a declaration including the information discussed at the September 18 hearing and notify the Court that they have done so by 11/4/2024. (lcvs) (Entered: 09/18/2024)