

**U.S. District Court
Northern District of Texas (Fort Worth)
CIVIL DOCKET FOR CASE #: 4:23-cv-00369-O**

America First Policy Institute v. U.S. Department of Health and
Human Services
Assigned to: Judge Reed C. O'Connor
Cause: 05:552 Freedom of Information Act

Date Filed: 04/17/2023
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

America First Policy Institute

represented by **Jessica Elizabeth Hart Steinmann**
America First Policy Institute
1001 Pennsylvania Avenue NW
Suite 530
Washington DC, DC 20004
832-535-7332
Email: jessica.elizabeth.hart@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charles W Fillmore
The Fillmore Law Firm LLP
201 Main Street
Suite 700
Fort Worth, TX 76102
817-332-2351
Fax: 817-870-1859
Email: chad@fillmorefirm.com
ATTORNEY TO BE NOTICED

H Dustin Fillmore , III
The Fillmore Law Firm
201 Main Street
Suite 700
Fort Worth, TX 76102
817-332-2351
Fax: 817-870-1859
Email: dusty@fillmorefirm.com
ATTORNEY TO BE NOTICED

Jase Panebianco
Brown Rudnick
601 13th St NW,
Suite 600
Washington, DC 20005
631-710-8306
Email: jpanebianco@americafirstpolicy.com
TERMINATED: 09/13/2024
PRO HAC VICE

V.

Defendant

**US Department of Health and Human
Services**

represented by **Daniel M Riess**
US Department of Justice – Civil Division
1100 L Street NW
Washington, DC 20005
202/353-3098
Fax: 202/616-8460
Email: Daniel.Riess@usdoj.gov
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kenneth Yeatts Turnbull

Unites States Department of Justice, Civil
Division
Federal Programs Branch
1100 L. Street NW
Suite 12012
Washington, DC 20005
202-305-1864
Email: kenneth.y.turnbull@usdoj.gov
TERMINATED: 03/15/2024

Date Filed	#	Docket Text
04/17/2023	<u>1</u>	COMPLAINT against U.S. Department of Health and Human Services filed by America First Policy Institute. (Filing fee \$402; Receipt number ATXNDC-13668577) Clerk to issue summons(es) for federal defendant(s). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> and <u>Judge Specific Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Steinmann, Jessica) (Entered: 04/17/2023)
04/17/2023	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by America First Policy Institute. (Clerk QC note: No affiliate entered in ECF). (Steinmann, Jessica) (Entered: 04/17/2023)
04/18/2023	<u>3</u>	New Case Notes: A filing fee has been paid. File to: Judge O Connor. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. Attorneys are further reminded that, if necessary, they must comply with Local Rule 83.10(a) within 14 days or risk the possible dismissal of this case without prejudice or without further notice. (saw) (Entered: 04/18/2023)
04/18/2023	<u>4</u>	Summons issued as to U.S. Department of Health and Human Services, U.S. Attorney, and U.S. Attorney General. (saw) (Entered: 04/18/2023)
04/19/2023	<u>5</u>	ADDITIONAL ATTACHMENTS to <u>1</u> Complaint,,, by Plaintiff America First Policy Institute. (Steinmann, Jessica) (Entered: 04/19/2023)
05/01/2023	<u>6</u>	NOTICE of Attorney Appearance by Jessica Elizabeth Hart Steinmann for H. Dustin Fillmore III on behalf of America First Policy Institute. (Steinmann, Jessica) (Entered: 05/01/2023)
05/25/2023	<u>7</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number ATXNDC-13769041) filed by America First Policy Institute (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Proposed Order)Attorney Jase Panebianco added to party America First Policy Institute(pty:pla) (Panebianco, Jase) (Entered: 05/25/2023)
05/26/2023	<u>8</u>	AMENDED DOCUMENT by America First Policy Institute. Amendment to <u>7</u> Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number ATXNDC-13769041). <i>Amended Application for Admission Pro Hac Vice</i> . (Panebianco, Jase) (Entered: 05/26/2023)
06/12/2023	<u>9</u>	ELECTRONIC ORDER granting <u>7</u> Application for Admission Pro Hac Vice of Jase Panebianco. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCrR 49.2(g). (Ordered by Judge Reed C. O'Connor on 6/12/2023) (chmb) (Entered: 06/12/2023)

06/15/2023	<u>10</u>	NOTICE of Attorney Appearance by Kenneth Yeatts Turnbull on behalf of US Department of Health and Human Services. (Filer confirms contact info in ECF is current.) (Turnbull, Kenneth) (Entered: 06/15/2023)
06/15/2023	<u>11</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by US Department of Health and Human Services. (Clerk QC note: No affiliate entered in ECF). (Turnbull, Kenneth) (Entered: 06/15/2023)
06/15/2023	<u>12</u>	ANSWER to <u>1</u> Complaint,,,, filed by US Department of Health and Human Services. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. Attorneys are further reminded that, if necessary, they must comply with Local Rule 83.10(a) within 14 days or risk the possible dismissal of this case without prejudice or without further notice. (Turnbull, Kenneth) (Entered: 06/15/2023)
06/16/2023	<u>13</u>	ORDER REQUIRING SCHEDULING CONFERENCE AND REPORT FOR CONTENTS OF SCHEDULING ORDER: Lead counsel for each party (or a designee attorney with appropriate authority) and any unrepresented party (except for a prisoner litigant proceeding pro se) shall confer (the "Scheduling Conference") as soon as practicable, but in any event no later than June 30, 2023. The Joint Report, shall be filed on or before July 14, 2023. (See order for specifics) (Ordered by Judge Reed C. O'Connor on 6/16/2023) (fba) (Entered: 06/16/2023)
07/14/2023	<u>14</u>	Joint STATUS REPORT filed by US Department of Health and Human Services. (Attachments: # <u>1</u> Proposed Order) (Turnbull, Kenneth) (Entered: 07/14/2023)
08/07/2023	<u>15</u>	AGREED SCHEDULING ORDER: Defendant shall make an initial production of documents on July 31, 2023. Thereafter, Defendant shall process potentially responsive documents at the rate of 500 pages per month and produce non-exempt portions of any responsive records on a rolling monthly basis, starting on August 31, 2023, and continuing thereafter until the production is complete. Defendant shall complete the production on October 31, 2023. The parties shall submit joint status reports concerning the status of Defendants progress every sixty days, beginning on September 14, 2023. On December 14, 2023, the parties shall submit a status report informing the Court whether any disputes remain and, if so, a proposed schedule for summary judgment briefing. See order for additional details. (Ordered by Judge Reed C. O'Connor on 8/7/2023) (sre) (Entered: 08/07/2023)
09/14/2023	<u>16</u>	Joint STATUS REPORT filed by US Department of Health and Human Services. (Turnbull, Kenneth) (Entered: 09/14/2023)
09/14/2023	<u>17</u>	Agreed MOTION to Amend/Correct <u>15</u> Order Setting Deadline/Hearing,,,, Modify Hearings/Deadlines,,, <i>Scheduling Order</i> filed by US Department of Health and Human Services (Attachments: # <u>1</u> Proposed Order Agreed Proposed Order) (Turnbull, Kenneth) (Entered: 09/14/2023)
09/19/2023	<u>18</u>	ORDER: Before the Court is the Joint Motion to Amend Scheduling Order (ECF No. <u>17</u>), filed September 14, 2023. The Motion is hereby GRANTED. The amended deadlines are as follows: – (a) August 30, 2024: Deadline for Defendant to complete its processing of documents (not including any consultations requiring the input of other agencies or components) and production of the responsive and releasable portions thereof; – (b) October 29, 2024: Deadline for the parties to confer regarding any Plaintiff challenges, if any, to Defendants responses to Plaintiffs FOIA requests; (c) November 12, 2024: Deadline for the parties to submit a status report informing the Court whether any additional time is needed to produce documents subject to consultations, whether any disputes remain and, if so, a proposed schedule for summary judgment briefing. (Ordered by Judge Reed C. O'Connor on 9/19/2023) (sre) (Entered: 09/19/2023)
11/13/2023	<u>19</u>	Joint STATUS REPORT filed by US Department of Health and Human Services. (Turnbull, Kenneth) (Entered: 11/13/2023)
01/12/2024	<u>20</u>	Joint STATUS REPORT filed by US Department of Health and Human Services. (Turnbull, Kenneth) (Entered: 01/12/2024)

03/12/2024	<u>21</u>	Joint STATUS REPORT filed by US Department of Health and Human Services. (Turnbull, Kenneth) (Entered: 03/12/2024)
03/14/2024	<u>22</u>	Unopposed MOTION to Withdraw as Attorney , Unopposed MOTION to Substitute Attorney, added attorney Daniel M Riess,Daniel M Riess for US Department of Health and Human Services. Motion() filed by US Department of Health and Human Services with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (Riess, Daniel) (Entered: 03/14/2024)
03/15/2024	<u>23</u>	ORDER granting <u>22</u> Motion to Withdraw as Attorney. Having reviewed Defendant's Unopposed Motion to Withdraw and Substitute Counsel, the Court hereby GRANTS the motion. The Court approves the withdrawal of Kenneth Y. Turnbull as counsel for the Defendant United States Department of Health and Human Services in this matter, and orders that Daniel Riess will be substituted as counsel for Defendant. (Ordered by Judge Reed C. O'Connor on 3/15/2024) (sre) (Entered: 03/15/2024)
05/13/2024	<u>24</u>	Joint STATUS REPORT filed by America First Policy Institute. (Panebianco, Jase) (Entered: 05/13/2024)
07/12/2024	<u>25</u>	Joint STATUS REPORT filed by US Department of Health and Human Services. (Riess, Daniel) (Entered: 07/12/2024)
09/10/2024	<u>26</u>	Joint STATUS REPORT filed by US Department of Health and Human Services. (Riess, Daniel) (Entered: 09/10/2024)
09/12/2024	<u>27</u>	Unopposed MOTION to Withdraw as Attorney filed by America First Policy Institute (Attachments: # <u>1</u> Affirmation of Service, # <u>2</u> Proposed Order Proposed Order) (Panebianco, Jase) (Entered: 09/12/2024)
09/13/2024	<u>28</u>	ORDER: Before the Court is Mr. Jase Panebianco's Unopposed <u>27</u> Motion to Withdraw. The Court determines that the Motion should be, and is hereby, GRANTED. Accordingly, the Court ORDERS that Mr. Panebianco is withdrawn as counsel of record in this matter. (Ordered by Judge Reed C. O'Connor on 9/13/2024) (mmw) (Entered: 09/16/2024)