

**U.S. District Court  
Northern District of Texas (Amarillo)  
CIVIL DOCKET FOR CASE #: 2:23-cv-00102-Z**

Freedom Coalition of Doctors for Choice v. Centers for Disease  
Control and Prevention et al  
Assigned to: Judge Matthew J. Kacsmaryk  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/16/2023  
Jury Demand: None  
Nature of Suit: 895 Other Statutes:  
Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Freedom Coalition of Doctors for  
Choice**

represented by **John Clay Sullivan**  
S|L Law PLLC  
610 Uptown Boulevard, Suite 2000  
Cedar Hill, TX 75104  
469-523-1351  
Fax: 469-613-0891  
Email: [john.sullivan@the-sl-lawfirm.com](mailto:john.sullivan@the-sl-lawfirm.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Aaron Siri**  
Siri & Glimstad LLP  
745 Fifth Ave.  
Suite 500  
New York, NY 10151  
888-747-4529  
Fax: 646-417-5967  
Email: [aaron@sirillp.com](mailto:aaron@sirillp.com)  
**ATTORNEY TO BE NOTICED**

**Christopher D Wiest**  
50 E Rivercenter Blvd  
Suite 1280  
Covington, KY 41011  
513-257-1895  
Email: [chris@cwiestlaw.com](mailto:chris@cwiestlaw.com)  
**ATTORNEY TO BE NOTICED**

**Elizabeth A Brehm**  
Siri & Glimstad LLP  
745 Fifth Avenue, Suite 500  
New York, NY 10151  
888-747-4529  
Fax: 646-417-5967  
Email: [ebrehm@sirillp.com](mailto:ebrehm@sirillp.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Centers for Disease Control and  
Prevention**

represented by **Sarah Elizabeth Delaney-DOJ**  
US Attorney's Office  
1100 Commerce Street  
Suite 300  
Dallas, TX 75242-1699  
214-659-8730  
Fax: 214-659-8807  
Email: [sarah.delaney@usdoj.gov](mailto:sarah.delaney@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****U.S. Department of Health and Human Services**represented by **Sarah Elizabeth Delaney–DOJ**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/16/2023	<u>1</u>	COMPLAINT against All Defendants filed by Freedom Coalition of Doctors for Choice. (Filing fee \$402; Receipt number ATXNDC–13822908) 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 <a href="#">Judges Copy Requirements</a> and <a href="#">Judge Specific Requirements</a> 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 <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E, # <u>6</u> Exhibit(s) F, # <u>7</u> Exhibit(s) G, # <u>8</u> Exhibit(s) H, # <u>9</u> Cover Sheet) (Sullivan, John) (Entered: 06/16/2023)
06/19/2023	<u>2</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number ATXNDC–13823429) filed by Freedom Coalition of Doctors for Choice (Attachments: # <u>1</u> Exhibit(s) Exhibit – Other Admissions, # <u>2</u> Exhibit(s) Exhibit – Ohio Cert of Good Standing, # <u>3</u> Exhibit(s) Exhibit – Kentucky Cert of Good Standing, # <u>4</u> Exhibit(s) Exhibit A, # <u>5</u> Proposed Order Proposed Order) Attorney Christopher D Wiest added to party Freedom Coalition of Doctors for Choice(pty:pla) (Wiest, Christopher) (Entered: 06/19/2023)
06/20/2023	<u>3</u>	New Case Notes: A filing fee has been paid. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (No magistrate judge assigned). Clerk to provide copy to plaintiff if not received electronically. (awc) (Entered: 06/20/2023)
06/20/2023	<u>4</u>	Summons issued as to Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, U.S. Attorney, and U.S. Attorney General. (awc) (Entered: 06/20/2023)
06/23/2023	<u>5</u>	MOTION to Proceed without Local Counsel filed by Freedom Coalition of Doctors for Choice (Sullivan, John) (Entered: 06/23/2023)
06/26/2023	<u>6</u>	ORDER granting <u>5</u> MOTION to Proceed without Local Counsel. (Ordered by Judge Matthew J. Kacsmayk on 6/26/2023) (nht) (Entered: 06/26/2023)
06/26/2023	<u>7</u>	ORDER granting <u>2</u> Application for Admission Pro Hac Vice of Christopher D Wiest. 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 Matthew J. Kacsmayk on 6/26/2023) (nht) (Entered: 06/26/2023)
07/11/2023	<u>8</u>	MOTION for Summary Judgment filed by Freedom Coalition of Doctors for Choice (Wiest, Christopher) (Entered: 07/11/2023)
07/11/2023	<u>9</u>	Brief/Memorandum in Support filed by Freedom Coalition of Doctors for Choice re <u>8</u> MOTION for Summary Judgment (Wiest, Christopher) (Entered: 07/11/2023)
07/11/2023	<u>10</u>	Appendix in Support filed by Freedom Coalition of Doctors for Choice re <u>8</u> MOTION for Summary Judgment (Wiest, Christopher) (Entered: 07/11/2023)
07/11/2023	<u>11</u>	SUMMONS Returned Executed as to Centers for Disease Control and Prevention ; served on 7/7/2023; U.S. Department of Health and Human Services ; served on 7/7/2023. (Wiest, Christopher) (Entered: 07/11/2023)

07/14/2023	<u>12</u>	SUMMONS Returned Executed. (Wiest, Christopher) (Entered: 07/14/2023)
07/31/2023	<u>13</u>	NOTICE of Attorney Appearance by Sarah Elizabeth Delaney–DOJ on behalf of Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. (Filer confirms contact info in ECF is current.) (Delaney–DOJ, Sarah) (Entered: 07/31/2023)
07/31/2023	<u>14</u>	MOTION Under Rule 56(d) to Defer Consideration of or Deny Plaintiff's Motion for Summary Judgment, or, in the Alternative,, MOTION for Extension of Time to File Response/Reply to <u>8</u> MOTION for Summary Judgment ( ) filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services with Brief/Memorandum in Support. (Attachments: # <u>1</u> Declaration(s)) (Delaney–DOJ, Sarah) (Entered: 07/31/2023)
08/07/2023	<u>15</u>	MOTION to Dismiss filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services with Brief/Memorandum in Support. (Delaney–DOJ, Sarah) (Entered: 08/07/2023)
08/07/2023	<u>16</u>	Appendix in Support filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services re <u>15</u> MOTION to Dismiss (Delaney–DOJ, Sarah) (Entered: 08/07/2023)
08/07/2023	<u>17</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. (Clerk QC note: No affiliate entered in ECF). (Delaney–DOJ, Sarah) (Entered: 08/07/2023)
08/21/2023	<u>18</u>	MEMORANDUM OF LAW in Opposition filed by Freedom Coalition of Doctors for Choice re: <u>14</u> MOTION Under Rule 56(d) to Defer Consideration of or Deny Plaintiff's Motion for Summary Judgment, or, in the Alternative,MOTION for Extension of Time to File Response/Reply to <u>8</u> MOTION for Summary Judgment (Sullivan, John) Modified title on 8/22/2023 (daa). (Entered: 08/21/2023)
08/28/2023	<u>19</u>	RESPONSE filed by Freedom Coalition of Doctors for Choice re: <u>15</u> MOTION to Dismiss (Sullivan, John) (Entered: 08/28/2023)
08/28/2023	<u>20</u>	Appendix in Support filed by Freedom Coalition of Doctors for Choice re <u>19</u> Response/Objection to <i>Defendants' Motion to Dismiss</i> (Attachments: # <u>1</u> Exhibit(s) 1 – Declaration of Richard Bartlett, M.D.) (Sullivan, John) (Entered: 08/28/2023)
09/05/2023	<u>21</u>	REPLY filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services re: <u>14</u> MOTION Under Rule 56(d) to Defer Consideration of or Deny Plaintiff's Motion for Summary Judgment, or, in the Alternative,MOTION for Extension of Time to File Response/Reply to <u>8</u> MOTION for Summary Judgment (Delaney–DOJ, Sarah) (Entered: 09/05/2023)
09/11/2023	<u>22</u>	REPLY filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services re: <u>15</u> MOTION to Dismiss (Delaney–DOJ, Sarah) (Entered: 09/11/2023)
11/03/2023	<u>23</u>	ORDER: Defendants' Motion to Dismiss for improper venue is DENIED because the Court finds that Plaintiff has carried its burden to establish that its principal place of business, indeed its only place of business, is in Amarillo, Texas. Defendants' Rule 56 Motion is DENIED, insofar as it moves the Court to deny or defer consideration of Plaintiff's Summary Judgment Motion as premature or to conduct discovery, because the Court has determined venue is proper. For the same reason, discovery into venue is also DENIED. Finally, Defendants' request for twenty–one (21) days extension to respond to Plaintiff's Motion for Summary Judgment is GRANTED. Defendants are ORDERED to file their response to Plaintiff's Motion for Summary Judgment within twenty one (21) days of this Order, with any reply thereto due fourteen (14) days after Defendants' response is filed. re: <u>14</u> MOTION Under Rule 56(d), Motion for Extension of Time to File Response, <u>15</u> Motion to Dismiss (Ordered by Judge Matthew J. Kacsmark on 11/3/2023) (cmk) (Entered: 11/03/2023)
11/08/2023	<u>24</u>	MOTION (Unopposed) to Set Briefing Schedule for Cross–Motions for Summary Judgment filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services with Brief/Memorandum in Support. (Delaney–DOJ, Sarah) (Entered: 11/08/2023)

11/13/2023	<u>25</u>	ORDER granting <u>24</u> MOTION (Unopposed) to Set Briefing Schedule for Cross-Motions for Summary Judgment: (SEE ORDER FOR DEADLINES). (Ordered by Judge Matthew J. Kacsmaryk on 11/13/2023) (cmk) (Entered: 11/13/2023)
11/17/2023	<u>26</u>	ANSWER to <u>1</u> Complaint,,,,, filed by Centers for Disease Control and Prevention, U.S. 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: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Delaney-DOJ, Sarah) (Entered: 11/17/2023)
11/24/2023	<u>27</u>	Cross MOTION for Summary Judgment filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services (Delaney-DOJ, Sarah) (Entered: 11/24/2023)
11/24/2023	<u>28</u>	RESPONSE filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services re: <u>8</u> MOTION for Summary Judgment (Delaney-DOJ, Sarah) (Entered: 11/24/2023)
11/24/2023	<u>29</u>	Brief/Memorandum in Support filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services re <u>28</u> Response/Objection, <u>27</u> Cross MOTION for Summary Judgment (Delaney-DOJ, Sarah) (Entered: 11/24/2023)
11/24/2023	<u>30</u>	Appendix in Support filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services re <u>27</u> Cross MOTION for Summary Judgment (Delaney-DOJ, Sarah) (Entered: 11/24/2023)
12/04/2023	<u>31</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number ATXNDC-14216403) filed by Freedom Coalition of Doctors for Choice (Attachments: # <u>1</u> Proposed Order)Attorney Aaron Siri added to party Freedom Coalition of Doctors for Choice(pty:pla) (Siri, Aaron) (Entered: 12/04/2023)
12/04/2023	<u>32</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing (Filing fee \$100; Receipt number ATXNDC-14216427) filed by Freedom Coalition of Doctors for Choice (Attachments: # <u>1</u> Proposed Order)Attorney Elizabeth A Brehm added to party Freedom Coalition of Doctors for Choice(pty:pla) (Brehm, Elizabeth) (Entered: 12/04/2023)
12/06/2023	<u>33</u>	ORDER deferring ruling on <u>31</u> Application for Admission Pro Hac Vice of Aaron Siri: Plaintiff is ORDERED, within fourteen (14) days, on or before December 20, 2023, to: (1) retain local counsel and notify the Court in compliance with Local Civil Rule 83.10; or (2) move for leave to proceed without local counsel, showing good cause for an exception from Local Civil Rule 83.10. (Ordered by Judge Matthew J. Kacsmaryk on 12/6/2023) (cmk) (Entered: 12/06/2023)
12/06/2023	<u>34</u>	ORDER deferring ruling on <u>32</u> Application for Admission Pro Hac Vice of Elizabeth Brehm: Plaintiff is ORDERED, within fourteen (14) days, on or before December 20, 2023, to: (1) retain local counsel and notify the Court in compliance with Local Civil Rule 83.10; or (2) move for leave to proceed without local counsel, showing good cause for an exception from Local Civil Rule 83.10. (Ordered by Judge Matthew J. Kacsmaryk on 12/6/2023) (cmk) (Entered: 12/06/2023)
12/08/2023	<u>35</u>	REPLY filed by Freedom Coalition of Doctors for Choice re: <u>8</u> MOTION for Summary Judgment , <u>27</u> Cross MOTION for Summary Judgment (Sullivan, John) (Entered: 12/08/2023)
12/08/2023	<u>36</u>	Appendix in Support filed by Freedom Coalition of Doctors for Choice re <u>35</u> Reply <i>in Support of Plaintiffs' Motion for Summary Judgment and Response to Defendants' Cross-Motion for Summary Judgment</i> (Sullivan, John) (Entered: 12/08/2023)
12/13/2023	<u>37</u>	MOTION Proceed without Local Counsel filed by Freedom Coalition of Doctors for Choice (Siri, Aaron) (Entered: 12/13/2023)
12/14/2023	<u>38</u>	ORDER granting <u>37</u> Motion; <u>31</u> Application for Admission Pro Hac Vice of Aaron Siri. 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).; <u>32</u> Application for Admission Pro Hac Vice of Elizabeth

		Brehm. 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 Matthew J. Kacsmaryk on 12/14/2023) (nht) (Entered: 12/15/2023)
12/29/2023	<u>39</u>	REPLY filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services re: <u>27</u> Cross MOTION for Summary Judgment (Delaney–DOJ, Sarah) (Entered: 12/29/2023)
01/05/2024	<u>40</u>	MEMORANDUM ORDER AND OPINION: See Order for Specifics. re: <u>8</u> Motion for Summary Judgment filed by Freedom Coalition of Doctors for Choice, <u>27</u> Motion for Summary Judgment filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services (Ordered by Judge Matthew J. Kacsmaryk on 1/5/2024) (vls) (Main Document 40 replaced on 1/5/2024) (vls). (Main Document 40 replaced on 1/8/2024) (vls). (Entered: 01/05/2024)
01/08/2024	<u>41</u>	Notice re <u>40</u> Memorandum Opinion and Order (vls) (Entered: 01/08/2024)
01/12/2024	<u>42</u>	Joint MOTION for Extension of Time to File Motion for Attorneys' Fees filed by Freedom Coalition of Doctors for Choice (Attachments: # <u>1</u> Proposed Order) (Sullivan, John) (Entered: 01/12/2024)
01/18/2024	<u>43</u>	ORDER granting <u>42</u> Motion for Extension of Time to File. The Court therefore GRANTS the Motion and ORDERS that Plaintiffs file a motion for attorneys' fees and costs no later than March 17, 2025 at 11:59 p.m. CST. (Ordered by Judge Matthew J. Kacsmaryk on 1/18/2024) (nht) (Entered: 01/18/2024)
04/01/2024	<u>44</u>	Joint STATUS REPORT filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. (Delaney–DOJ, Sarah) (Entered: 04/01/2024)
05/17/2024	<u>45</u>	MOTION and NOTICE of <i>Correspondence to the Court</i> filed by Freedom Coalition of Doctors for Choice (Brehm, Elizabeth) Modified – added motion on 6/27/2024 (nht). (Entered: 05/17/2024)
06/26/2024	<u>46</u>	Joint STATUS REPORT filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. (Delaney–DOJ, Sarah) (Entered: 06/26/2024)
06/27/2024	<u>47</u>	ORDER denying <u>45</u> MOTION and NOTICE of Correspondence to the Court (Ordered by Judge Matthew J. Kacsmaryk on 6/27/2024) (nht) (Entered: 06/27/2024)
09/24/2024	<u>48</u>	Joint STATUS REPORT filed by Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. (Delaney–DOJ, Sarah) (Entered: 09/24/2024)