

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-01242-APM**

EXELA PHARMA SCIENCES, LLC v. DEPARTMENT OF
HEALTH AND HUMAN SERVICES
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 05/02/2023
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

EXELA PHARMA SCIENCES, LLC

represented by **Edward M. Wenger**
HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK PLLC
2300 N Street, NW
Suite 643a
Washington, DC 20037
202-737-8808
Email: emwenger@holtzmanvogel.com
ATTORNEY TO BE NOTICED

Jason Brett Torchinsky
HOLTZMAN VOGEL PLLC
2300 N Street, NW
Suite 643a
Washington, DC 20037
202-737-8808
Email: jtorchinsky@holtzmanvogel.com
ATTORNEY TO BE NOTICED

V.

Defendant

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

represented by **Brian P. Hudak**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
601 D Street, NW
Washington, DC 20530
(202) 252-2549
Fax: (202) 252-2599
Email: brian.hudak@usdoj.gov
TERMINATED: 03/19/2024
LEAD ATTORNEY

Dimitar Georgiev-Rommel
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
Civil Division
601 D Street NW
Washington, DC 20530
202-815-8654
Email: dimitar.georgiev-rommel@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marsha Wellknown Yee
DOJ-USAO
Civil Division
601 D Street, NW
Washington, DC 20530
202-252-2539

Email: marshawyee@gmail.com
 TERMINATED: 02/10/2024
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/02/2023	<u>1</u>	COMPLAINT against DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 402 receipt number ADCDC-10042864) filed by EXELA PHARMA SCIENCES, LLC. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons HHS, # <u>3</u> Summons US Attorney General, # <u>4</u> Summons US Attorney Office – DC, # <u>5</u> Exhibit 1, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> Exhibit 4, # <u>9</u> Exhibit 5, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9, # <u>14</u> Exhibit 10, # <u>15</u> Exhibit 11, # <u>16</u> Exhibit 12, # <u>17</u> Exhibit 13, # <u>18</u> Exhibit 14, # <u>19</u> Exhibit 15, # <u>20</u> Exhibit 16, # <u>21</u> Exhibit 17, # <u>22</u> Exhibit 18, # <u>23</u> Exhibit 19, # <u>24</u> Exhibit 20, # <u>25</u> Exhibit 21, # <u>26</u> Exhibit 22, # <u>27</u> Exhibit 23, # <u>28</u> Exhibit 24, # <u>29</u> Exhibit 25, # <u>30</u> Exhibit 26, # <u>31</u> Exhibit 27, # <u>32</u> Exhibit 28, # <u>33</u> Exhibit 29, # <u>34</u> Exhibit 30)(Torchinsky, Jason) (Entered: 05/02/2023)
05/02/2023	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by EXELA PHARMA SCIENCES, LLC (Torchinsky, Jason) (Entered: 05/02/2023)
05/03/2023		Case Assigned to Judge Amit P. Mehta. (zljn) (Entered: 05/03/2023)
05/03/2023	<u>3</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zljn) (Entered: 05/03/2023)
05/11/2023	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 5/9/2023 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Torchinsky, Jason) (Entered: 05/11/2023)
05/11/2023	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/10/2023. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Torchinsky, Jason) (Entered: 05/11/2023)
05/11/2023	<u>6</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 5/3/2023. Answer due for ALL D.C. DEFENDANTS by 5/24/2023. (Attachments: # <u>1</u> Exhibit A)(Torchinsky, Jason) Modified on 5/26/2023 (zjm). (Entered: 05/11/2023)
05/11/2023	<u>7</u>	NOTICE of Appearance by Edward M. Wenger on behalf of EXELA PHARMA SCIENCES, LLC (Wenger, Edward) (Entered: 05/11/2023)
05/26/2023		NOTICE OF ERROR regarding <u>6</u> Summons Returned Executed as to DC Attorney General,. The following error(s) need correction: Please refile using event: Service of Process – Summons returned Executed in FOIA Case as to U.S. Attorney. Please refile. (zjm) (Entered: 05/26/2023)
05/26/2023	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/3/2023. Answer due for ALL FEDERAL DEFENDANTS by 6/2/2023. (Attachments: # <u>1</u> Exhibit A – Summons (US Atty Stamped))(Torchinsky, Jason) (Entered: 05/26/2023)
06/01/2023	<u>9</u>	NOTICE of Appearance by Marsha Wellknown Yee on behalf of DEPARTMENT OF HEALTH AND HUMAN SERVICES (Yee, Marsha) (Entered: 06/01/2023)
06/02/2023	<u>10</u>	ANSWER to Complaint by DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Yee, Marsha) (Entered: 06/02/2023)
06/05/2023	<u>11</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before June 16, 2023. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to

		Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 6/5/2023. (lcapm2) (Entered: 06/05/2023)
06/15/2023	<u>12</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 06/15/2023)
06/16/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by August 16, 2023, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 6/16/2023. (lcapm2) (Entered: 06/16/2023)
08/16/2023	<u>13</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 08/16/2023)
08/17/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by October 25, 2023, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 08/17/2023. (lcapm2) (Entered: 08/17/2023)
08/17/2023		Set/Reset Deadlines: Status Report due by 10/25/2023 (zjch,) (Entered: 08/17/2023)
10/25/2023	<u>14</u>	Joint STATUS REPORT by EXELA PHARMA SCIENCES, LLC. (Torchinsky, Jason) (Entered: 10/25/2023)
10/25/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by January 18, 2024, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 10/25/2023. (lcapm2) (Entered: 10/25/2023)
01/18/2024	<u>15</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 01/18/2024)
01/19/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by March 21, 2024, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 1/19/24. (lcapm2) (Entered: 01/19/2024)
02/10/2024	<u>16</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Brian P. Hudak on behalf of DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Marsha Yee (Hudak, Brian) (Entered: 02/10/2024)
03/19/2024	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Dimitar Georgiev-Rommel on behalf of DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Brian P. Hudak (Georgiev-Rommel, Dimitar) (Entered: 03/19/2024)
03/21/2024	<u>18</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Georgiev-Rommel, Dimitar) (Entered: 03/21/2024)
03/22/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by June 19, 2024, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 3/22/24. (lcapm2) (Entered: 03/22/2024)
03/22/2024		Set/Reset Deadlines: Joint Status Report due by 6/19/2024. (znbn) (Entered: 03/22/2024)
06/18/2024	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Georgiev-Rommel, Dimitar) (Entered: 06/18/2024)
06/20/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by July 25, 2024, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 6/20/24. (lcapm2) Modified on 6/20/2024 to correct deadline date (zakb). Modified on 6/24/2024 to correct deadline dat. (zakb). (Entered: 06/20/2024)
06/20/2024		Set/Reset Deadlines: Joint Status Report due by 7/25/2024. (zakb) (Entered: 06/20/2024)

07/25/2024	<u>20</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Georgiev–Rommel, Dimitar) (Entered: 07/25/2024)
07/26/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by August 28, 2024, which advises whether any disputed issues remain and, if so, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 7/26/24. (lcapm2) (Entered: 07/26/2024)
07/29/2024		Set/Reset Deadlines: Status Report due by 8/28/2024. (zakb) (Entered: 07/29/2024)
08/28/2024	<u>21</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Georgiev–Rommel, Dimitar) (Entered: 08/28/2024)
08/29/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by September 26, 2024, which advises whether any disputed issues remain and, if so, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 8/29/2024. (lcapm2) (Entered: 08/29/2024)
08/30/2024		Set/Reset Deadlines: Joint Status Report due by 9/26/2024 (zakb) (Entered: 08/30/2024)
09/26/2024	<u>22</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Georgiev–Rommel, Dimitar) (Entered: 09/26/2024)