

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:94-cv-00169-RMU**

PUBLIC CITIZEN HEAL. v. FDA
Assigned to: Judge Ricardo M. Urbina
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 02/01/1994
Date Terminated: 02/03/1997
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**PUBLIC CITIZEN HEALTH
RESEARCH GROUP**

represented by **Lucinda A Sikes**
PUBLIC CITIZEN LITIGATION GROUP
1600 20th Street, NW
Washington, DC 20009-1001
(202) 588-1000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

FOOD & DRUG ADMINISTRATION

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2561
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

ANESTA CORPORATION

represented by **Craig Alan Hoover**
HOGAN LOVELLS
555 13th Street, NW
Washington, DC 20004-1161
(202) 637-5694
Fax: 202-637-5910
Email: craig.hoover@hoganlovells.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

ABBOTT LABORATORIES

represented by **Craig Alan Hoover**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/01/1994	1	COMPLAINT filed (cjp) (Entered: 02/02/1994)

02/01/1994		SUMMONS issued to federal party(s) defendant FDA , and non-parties: U.S. Attorney and U.S. Attorney General (3). (cjp) Modified on 02/02/1994 (Entered: 02/02/1994)
02/14/1994	2	RETURN OF SERVICE/AFFIDAVIT executed upon defendant FDA on 2/3/94 by certified mail; Attachment (1) (ab) (Entered: 02/15/1994)
02/14/1994	3	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney General on 2/3/94 by certified mail; Attachment (1) (ab) (Entered: 02/15/1994)
02/14/1994	4	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney on 2/1/94 in person; Attachment (1) (ab) (Entered: 02/15/1994)
03/03/1994	11	ANSWER TO COMPLAINT [1-1] by defendant FDA (ab) (Entered: 04/18/1994)
03/03/1994		CALENDARED (ab) (Entered: 04/18/1994)
03/14/1994	5	ORDER by Judge Norma H. Johnson : status hearing set for 2:30 p.m. 4/8/94 (N) (adc) (Entered: 03/16/1994)
03/30/1994	7	MOTION filed for ANESTA CORPORATION, ABBOTT LABORATORIES to intervene as defendants ; attachments (3), EXHIBIT (ANSWER) (dmb) (Entered: 04/06/1994)
04/04/1994	6	INTERROGATORIES filed by plaintiff to defendant (bjl) (Entered: 04/06/1994)
04/07/1994	8	MOTION filed by defendant FDA for protective order prohibiting all discovery ; attachment (2) (dmb) (Entered: 04/08/1994)
04/08/1994		STATUS HEARING held before Judge Norma H. Johnson : oral motion by plaintiff to admit Chris Healy pro hac vice for this case; granted. Motion by plaintiff to intervene; granted Reporter: Gloria Williams (adc) (Entered: 04/12/1994)
04/11/1994	9	ORDER by Judge Norma H. Johnson : granting motion for ANESTA CORPORATION, ABBOTT LABORATORIES to intervene as defendants [7-1] (N) (adc) (Entered: 04/12/1994)
04/11/1994	14	ANSWER TO COMPLAINT [1-1] by intervenor-defendant ANESTA CORPORATION, intervenor-defendant ABBOTT LABORATORIES . (lpp) (Entered: 04/25/1994)
04/13/1994	10	MOTION filed by intervenor-defendants ANESTA CORPORATION, and ABBOTT LABORATORIES for protective order ; exhibit A. (bm) (Entered: 04/14/1994)
04/14/1994	12	ORDER by Judge Norma H. Johnson : that the defendants must file their motion for summary judgment and accompanying Vaughn affidavit on or before 5/25/94; plaintiff must file its response to defendants' dispositive motion, and any cross-motion for summary judgment within 30 days of the filing of defendants' motion; defendants must file their response to plaintiff's opposition to defendants' dispositive motion and to plaintiff's cross-motion for summary judgment within 20 days of plaintiff's filing; plaintiff must file its reply to defendants' opposition to plaintiff's dispositive motion within 15 days of the filing of defendants' opposition (N) (adc) (Entered: 04/18/1994)
04/18/1994	13	RESPONSE by plaintiff PUBLIC CITIZEN HEAL. in opposition to motion for protective order [10-1] by ABBOTT LABORATORIES, ANESTA CORPORATION, motion for protective order prohibiting all discovery [8-1] by FDA; exhibits (3). (EXHIBIT C filed under seal in room 1800) (bm) Modified on 10/17/1996 (Entered: 04/19/1994)
04/25/1994		MAILED ADR brochure and Meet and Confer list sent to Defendnat-intervenors Anesta Corporation and Abbott Laboratories . (lpp) (Entered: 04/25/1994)
04/28/1994	15	REPLY by intervenor-defendants to opposition by plaintiff to motion for a protective order. (bjl) (Entered: 04/29/1994)
04/28/1994	16	MEMORANDUM OF POINTS AND AUTHORITIES IN REPLY by defendant to plaintiff's opposition to defendant's motion for protective order. (bjl) (Entered: 04/29/1994)

05/25/1994	17	JOINT MOTION by defendant FDA, intervenor-defendant ANESTA CORPORATION for summary judgment ; declarations (3); exhibits (3). (Bulky Pleading) (bm) (Entered: 05/26/1994)
05/27/1994	18	ORDER by Judge Norma H. Johnson : granting motion for protective order [10-1] by ABBOTT LABORATORIES, ANESTA CORPORATION and motion for protective order prohibiting all discovery [8-1] by FDA; all discovery be, and hereby is, stayed until further order of the Court (N) (adc) (Entered: 05/31/1994)
05/27/1994	19	NOTICE OF FILING by defendant FDA; exhibit D to joint motion for summary judgment. (bm) (Entered: 05/31/1994)
06/22/1994	20	MOTION filed by plaintiff PUBLIC CITIZEN HEAL. to extend time to 7/6/94 in which to file its opposition to defendants' motion for summary judgment (bm) (Entered: 06/23/1994)
06/23/1994	21	ORDER by Judge Norma H. Johnson : granting motion to extend time to 7/6/94 in which to file its opposition to defendants' motion for summary judgment [20-1] by PUBLIC CITIZEN HEAL. (N) (adc) (Entered: 06/24/1994)
07/01/1994	22	REASSIGNMENT OF CIVIL CASE from Judge Johnson to Judge Ricardo M. Urbina by direction of the Calendar Committee. Emergency matters will continue to be handled by Judge Johnson until Judge Urbina takes the oath of office. (N) (mln) (Entered: 07/05/1994)
07/06/1994	23	CROSS MOTIONS by plaintiff(s) PUBLIC CITIZEN HEAL. for summary judgment ; exhibits (9) (adc) (Entered: 07/07/1994)
07/14/1994	24	MOTION filed by defendant FDA to extend time to 8/4/94 to respond to cross-motion for summary judgment (dcn) (Entered: 07/18/1994)
07/18/1994	25	ORDER by Judge Norma H. Johnson : granting motion to extend time to 8/4/94 in which defendants must respond to plaintiff's cross-motion for summary judgment[24-1] by FDA (N) (adc) (Entered: 07/20/1994)
08/04/1994	26	RESPONSE by defendant FDA, intervenor-defendant ANESTA CORPORATION, intervenor-defendant ABBOTT LABORATORIES in opposition to cross motion for summary judgment [23-1] by PUBLIC CITIZEN HEAL; Declaration (1) (dbw) (Entered: 08/05/1994)
08/04/1994	27	REPLY by defendant FDA, intervenor-defendant ANESTA CORPORATION, intervenor-defendant ABBOTT LABORATORIES to opposition to joint motion for summary judgment [17-1] by ANESTA CORPORATION, FDA; Declaration (1) (dbw) (Entered: 08/05/1994)
08/10/1994		SCHEDULING NOTICE: status hearing set for 9:15 10/3/94 ; (jwd) (Entered: 08/10/1994)
08/19/1994	28	REPLY by plaintiff(s) PUBLIC CITIZEN HEAL. to defendant's and defendant-intervenors' opposition to cross motion for summary judgment [23-1] by PUBLIC CITIZEN HEAL.; Declaration (1), Exhibit (1) (EXHIBIT 1 Supplemental Declaration FILED UNDER SEAL IN ROOM 1800) (dbw) Modified on 10/17/1996 (Entered: 08/22/1994)
09/16/1994	29	MOTION filed by intervenor-defendant ANESTA CORPORATION, intervenor-defendant ABBOTT LABORATORIES for protective order (dbw) (Entered: 09/19/1994)
09/30/1994	30	MEMORANDUM by plaintiff(s) PUBLIC CITIZEN HEAL. in opposition to motion for protective order [29-1] by ABBOTT LABORATORIES, ANESTA CORPORATION; Exhibit (1) (dbw) (Entered: 10/03/1994)
10/03/1994		STATUS HEARING before Judge Ricardo M. Urbina : defendant given five days to file a reply to plaintiff memorandum in opposition to motion of defendant for summary judgment; motion to be decided on the pladings. If a hearing is necessary, parties will be contacted by telephone; oral motion to admit Christopher Healy pro hac vice, Hogan and Hartson, Columbia Square, 555 13th Street, N.W., Washington, D. C.20004-1109, granted. Reporter: William McAllister (jwd) Modified on 01/05/1996 (Entered: 10/03/1994)

10/03/1994	31	NOTICE OF FILING by plaintiff(s) PUBLIC CITIZEN HEAL. of amended certificate of service. (dbw) (Entered: 10/03/1994)
10/11/1994	32	REPLY by intervenor-defendant ANESTA CORPORATION, intervenor-defendant ABBOTT LABORATORIES to plaintiff's opposition to motion for protective order [29-1] by ABBOTT LABORATORIES, ANESTA CORPORATION (dbw) (Entered: 10/12/1994)
07/13/1995	33	NOTICE OF CHANGE OF ADDRESS by Lucinda A Sikes representing plaintiff PUBLIC CITIZEN HEAL. . New address: PUBLIC CITIZEN LITIGATION GROUP, 1600 20th Street, N.W., Washington, DC 20009-1001, (202) 588 1000. (bjsp) (Entered: 07/13/1995)
10/17/1996	34	MEMORANDUM ORDER by Judge Ricardo M. Urbina : granting motion for protective order [29-1] by ABBOTT LABORATORIES, ANESTA CORPORATION, denying cross motion for summary judgment [23-1] by PUBLIC CITIZEN HEAL., denying joint motion for summary judgment [17-1] by ANESTA CORPORATION, FDA; directing the following portions of the court record in case be sealed: Exhibit "C" to Plaintiff's Memorandum of Points and Authorities in Opposition to Defendant's and Defendant-Intervenors' Motion for a Protective Order 4/20/94 and exhibit I to the Supplemental Declaration of Darrell R. Abernethy, M.D., in Support of Plaintiff's Reply to Defendant's and Defendant-Intervenors' Opposition to Plaintiff's Cross-Motion for summary Judgment filed with this court on 8/19/94; to conduct the trial in this matter in the most efficient manner: parties are to submit findings of fact and conclusions of law, no later than 1/27/97; court will treat the submitted declarations and affidavits as the direct testimony of each respective declarant/affiant; party or parties contesting a proffered declaration or affidavit will be accorded a total of forty-five (45) minutes to cross-examination the declarant/affiant; party offering the declaration/affidavit will be accorded a brief re-direct examination of the declarant/affiant; party's witness may refer to the declarations/affidavit during the trial; parties will provide the court with notice no later than 1/30/97 with respect to all declarants/affiants they intend to cross-examine at trial; scheduling hearing for 2/3/97 at 10:00 a.m. (2 days) (N) (jwd) Modified on 01/06/1997 (Entered: 10/17/1996)
01/10/1997	35	MOTION filed by plaintiff PUBLIC CITIZEN HEAL. for reconsideration of the Court's 10/17/96 order RE: protective order [34-1] (bjsp) (Entered: 01/13/1997)
02/03/1997	36	STIPULATED ORDER by Judge Ricardo M. Urbina : of dismissal of case with prejudice; court shall retain jurisdiction over this case to decide any request for attorney's fees, should one be brought by plaintiff (N) (jwd) (Entered: 02/03/1997)
02/14/1997	37	MOTION filed by plaintiff PUBLIC CITIZEN HEAL. for attorney fee against FDA (bjsp) (Entered: 02/18/1997)
03/04/1997	38	STIPULATION filed and fiated by Judge Ricardo M. Urbina regarding settlement of attorney's fees and dismissal. (N) (jwd) (Entered: 03/04/1997)