

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:95-cv-01263-NHJ**

AMER. SOCIETY, et al v. SHALALA
Assigned to: Judge Norma Holloway Johnson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 07/05/1995
Date Terminated: 09/05/1996
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN SOCIETY OF
DERMATOLOGY**

represented by **Frank M. Northam**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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P.O. Box 1208
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Lexington, KY 40588
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PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

MELISSA K. CLEMENTS
M.D.

represented by **Frank M. Northam**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kent Masterson Brown
(See above for address)
PRO HAC VICE
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Plaintiff

JOHN A. KASCH
M.D.

represented by **Frank M. Northam**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kent Masterson Brown
(See above for address)
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V.

Defendant

DONNA SHALALA
 Secretary of the United States Department
 of Health and Human Services

represented by **Anne L. Weismann**
 CAMPAIGN FOR ACCOUNTABILITY
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 Suite 301
 Washington, DC 20036
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TERMINATED: 10/06/1995
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Date Filed	#	Docket Text
07/05/1995	1	COMPLAINT filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH; exhibits (10) (JMF) Modified on 07/11/1995 (Entered: 07/07/1995)
07/05/1995		SUMMONS (3) issued to federal party(s) federal defendant DONNA SHALALA , and non-parties: U.S. Attorney and U.S. Attorney General. (JMF) (Entered: 07/07/1995)
07/07/1995		MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH . (JMF) (Entered: 07/07/1995)
07/07/1995	2	RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff AMER. SOCIETY (JMF) (Entered: 07/07/1995)
08/04/1995	3	ATTORNEY APPEARANCE for federal defendant DONNA SHALALA by Elizabeth Ann Pugh, Eric D. Goulian (ted) (Entered: 08/07/1995)
09/05/1995	4	MOTION filed by federal defendant DONNA SHALALA to extend time to 9/22/95 to answer complaint [1-1] (ted) (Entered: 09/07/1995)
09/07/1995	5	ORDER by Judge Norma H. Johnson : granting motion to extend time to 9/22/95 to answer complaint [1-1] [4-1] by DONNA SHALALA ; Answer extended to 9/22/95 for DONNA SHALALA (N) (adc) (Entered: 09/07/1995)
09/11/1995	6	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH, federal defendant DONNA SHALALA . (ted) (Entered: 09/12/1995)
09/18/1995	7	RULE 26(a)(1) DISCLOSURE STATEMENT filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH (ted) (Entered: 09/19/1995)
09/22/1995	8	RULE 26(a)(1) DISCLOSURE STATEMENT filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH; Attachment (ted)

		(Entered: 09/25/1995)
09/22/1995	9	MOTION filed by federal defendant DONNA SHALALA to extend time to 10/6/95 to answer complaint [1-1] (ted) (Entered: 09/25/1995)
10/02/1995	10	ORDER by Judge Norma H. Johnson : granting motion to extend time to 10/6/95 to answer complaint [1-1] [9-1] by DONNA SHALALA ; Answer extended to 10/6/95 for DONNA SHALALA (N) (adc) (Entered: 10/03/1995)
10/05/1995	11	ORDER by Judge Norma H. Johnson : Meet and Confer hearing set for 3:15 10/16/95 . (N) (adc) (Entered: 10/05/1995)
10/05/1995	12	RESPONSE by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH to defendant's motion for extension of time to respond to complaint (JMF) Modified on 10/12/1995 (Entered: 10/06/1995)
10/06/1995	16	ANSWER TO COMPLAINT [1-1] by federal defendant DONNA SHALALA . (JMF) (Entered: 11/21/1995)
10/06/1995	17	SUBSTITUTION OF COUNSEL for federal defendant DONNA SHALALA , substituting Anne L. Weismann for attorney Elizabeth Ann Pugh. (JMF) (Entered: 11/21/1995)
10/11/1995		SCHEDULING NOTICE: Meet Confer hearing set for 2:30 p.m. on 10/20/95 . before Judge Norma H. Johnson . (adc) (Entered: 10/12/1995)
10/20/1995	13	MOTION filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH for Kent Masterson Brown to appear pro hac vice (BROWN, KINKEAD & BULLEIT 201 West Vine Street, Lexington, KY 40507, (606) 233-3550) (adc) (Entered: 10/23/1995)
10/20/1995		MEET AND CONFER STATUS HEARING before Judge Norma H. Johnson : Plaintiff's motion for summary judgment due by 12/4/95 . Defendant's response to motion for summary judgment due 12/18/95 . Cross motion by defendant due 12/18/95. Defendant's reply to motion for summary judgment due by 1/8/96 . Oral motion by plaintiff counsel to admit Kent Brown as pro hac vice; heard and granted. Reporter: Gloria Williams (adc) (Entered: 10/23/1995)
10/20/1995	15	ORDER by Judge Norma H. Johnson : granting motion for Kent Masterson Brown to appear pro hac vice (BROWN, KINKEAD & BULLEIT 201 West Vine Street, Lexington, KY 40507, (606) 233-3550) [13-1] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY (N) (adc) (Entered: 10/26/1995)
10/23/1995	14	ORDER by Judge Norma H. Johnson : that the time for response to written discovery be and hereby is, extended until 11/27/95 ; the motions by plaintiffs for summary judgment be filed on or before 12/4/95; defendant's response and cross-motions, if any, be filed on or before 12/18/95; and plaintiffs' reply and answer, if any, to defendant's cross motions be filed on or before 1/8/96. (N) (adc) (Entered: 10/23/1995)
11/27/1995	18	JOINT MOTION by plaintiff, federal defendant to extend time for filing discovery and briefing schedule (JMF) (Entered: 11/29/1995)
11/30/1995	19	ORDER by Judge Norma H. Johnson : granting joint motion to extend time for filing discovery and briefing schedule [18-1] by DONNA SHALALA, JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY response to written discovery is, extended until 12/8/95; defendant's cross motions due 1/26/96 ; plaintiff's motion for summary judgment due 1/8/96 ; defendant's response to motion for summary judgment due 1/26/96; plaintiff's reply and response to defendant's cross motion for summary judgment due 2/5/96 ; defendant's reply, if any, be filed on or before 2/12/96. (N) (adc) (Entered: 12/01/1995)
12/29/1995	20	MOTION filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH for summary judgment , and for permanent injunction , and for preliminary injunction pending disposition on the merits (ted) (Entered: 01/02/1996)
12/29/1995	21	NOTICE OF FILING by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH of discovery material. (ted) (Entered: 01/02/1996)

12/29/1995	22	MOTION filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH to file excess pages limitation (ted) Modified on 01/23/1996 (Entered: 01/02/1996)
01/11/1996	23	MOTION filed by federal defendant DONNA SHALALA to extend time to 2/2/96 to respond to plaintiffs' motions for summary judgment and for preliminary injunction (ted) (Entered: 01/16/1996)
01/18/1996	24	RESPONSE by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS to motion to extend time to 2/2/96 to respond to plaintiffs' motions for summary judgment and for preliminary injunction [23-1] by DONNA SHALALA (ted) (Entered: 01/19/1996)
01/19/1996	25	ORDER by Judge Norma H. Johnson : granting motion to file excess pages limitation [22-1] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY (N) (adc) (Entered: 01/22/1996)
01/19/1996	26	ORDER by Judge Norma H. Johnson : granting motion to extend time to 2/2/96 to respond to plaintiffs' motions for summary judgment and for preliminary injunction [23-1] by DONNA SHALALA (N) (adc) (Entered: 01/22/1996)
01/19/1996	27	MEMORANDUM by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH in support of their motion for summary judgment [20-1] , motion for permanent injunction [20-2] motion for preliminary injunction pending disposition on merits [20-3]; Exhibit (ted) (Entered: 01/23/1996)
02/02/1996	28	MOTION filed by federal defendant DONNA SHALALA for judgment on the pleadings , or, in the alternative for summary judgment ; Declarations(2), Exhibits(2) (ted) (Entered: 02/05/1996)
02/02/1996	29	RESPONSE by federal defendant DONNA SHALALA in opposition to motion for summary judgment [20-1] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY, motion for preliminary injunction pending disposition on the merits [20-3] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY; Declarations(2), Exhibits(2) (ted) (Entered: 02/05/1996)
02/05/1996	30	NOTICE OF FILING by federal defendant DONNA SHALALA of declarations; Declarations(2), Exhibits(2) (ted) (Entered: 02/06/1996)
02/15/1996	31	MOTION filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH to extend time to 2/20/96 to respond to defendant's motion for summary judgment (ted) (Entered: 02/16/1996)
02/16/1996	32	ORDER by Judge Norma H. Johnson : granting motion to extend time to 2/20/96 to respond to defendant's motion for summary judgment [31-1] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY (N) (adc) (Entered: 02/21/1996)
02/20/1996	33	MOTION filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH for leave to file first amended complaint ; EXHIBIT (ted) (Entered: 02/21/1996)
02/20/1996	34	RESPONSE by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH in opposition to motion for judgment on the pleadings [28-1] or, in the alternative, motion for summary judgment [28-2] by DONNA SHALALA . (ted) (Entered: 02/21/1996)
02/20/1996	35	REPLY by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH in support of their motion for summary judgment [20-1] and motion for preliminary injunction pending disposition on the merits [20-3] (ted) (Entered: 02/21/1996)
03/01/1996	36	MOTION filed by federal defendant DONNA SHALALA to extend time to 3/13/96 to file a reply brief for her motion for summary judgment and an opposition to motion to amend the complaint (ted) (Entered: 03/04/1996)
03/05/1996	37	ORDER by Judge Norma H. Johnson : granting motion to extend time to 3/13/96 to file a reply brief for her motion for summary judgment and an opposition to motion to amend the complaint [36-1] by DONNA SHALALA (N) (adc) (Entered: 03/06/1996)

03/08/1996	38	RESPONSE by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH to motion to extend time to 3/13/96 to file a reply brief for her motion for summary judgment and an opposition to motion to amend the complaint [36-1] by DONNA SHALALA (ted) (Entered: 03/11/1996)
03/13/1996	39	RESPONSE by federal defendant DONNA SHALALA in opposition to motion for leave to file first amended complaint [33-1] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY . (ted) (Entered: 03/14/1996)
03/13/1996	40	REPLY by federal defendant DONNA SHALALA in support of her motion for judgment on the pleadings [28-1] or, in the alternative, motion for summary judgment [28-2]; Exhibits(2) (ted) (Entered: 03/14/1996)
03/14/1996	41	ERRATA by federal defendant DONNA SHALALA of the caption of her reply memorandum; Attachment (ted) (Entered: 03/15/1996)
03/26/1996		SCHEDULING NOTICE: motion for preliminary injunction hearing set for 10:00 4/4/96 before Judge Norma H. Johnson . (adc) (Entered: 03/26/1996)
03/26/1996	42	REPLY by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH in support of motion for leave to file first amended complaint [33-1]; (fiat) JOHNSON, J. (JMF) (Entered: 03/28/1996)
04/04/1996		MOTION HEARING before Judge Norma H. Johnson taken under advisement by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY motion for summary judgment [20-1], taken under advisement by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY motion for permanent injunction [20-2] Reporter: Gordon Slodysko (adc) (Entered: 04/09/1996)
04/05/1996	43	MEMORANDUM ORDER by Judge Norma H. Johnson : denying motion for preliminary injunction pending disposition on the merits [20-3] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY (N) (dbw) (Entered: 04/05/1996)
04/10/1996	44	MOTION filed by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH for summary judgment , and for permanent injunction , and to amend complaint [1-1] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY (JMF) (Entered: 04/12/1996)
06/24/1996	45	NOTICE OF CHANGE OF ADDRESS by Kent Masterson Brown representing plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH . New address: Law Offices of Kent, Masterson Brown, 304 West Main Street, Suite 20, Danville, KY, 40422 (606)238-7383. (lkn) (Entered: 06/25/1996)
08/12/1996	46	NOTICE OF FILING by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH of affidavit of Don W. Printz, M.D., in support of motion for summary judgment; Affidavit (1), exhibit (1). (lkn) (Entered: 08/13/1996)
08/27/1996	47	MOTION filed by federal defendant to strike the affidavit of Don W. Printz, M.D. and supporting memorandum. (bjl) (Entered: 08/28/1996)
09/05/1996	48	MEMORANDUM OPINION by Judge Norma H. Johnson (N) (adc) (Entered: 09/06/1996)
09/05/1996	49	ORDER by Judge Norma H. Johnson : granting motion for leave to file first amended complaint [33-1] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY, granting motion for judgment on the pleadings [28-1] by DONNA SHALALA, granting motion for summary judgment [28-2] by DONNA SHALALA, denying motion for summary judgment [20-1] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY, denying motion for permanent injunction [20-2] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY, denying motion for preliminary injunction pending disposition on the merits [20-3] by JOHN A. KASCH, MELISSA K. CLEMENTS, AMER. SOCIETY. Any remaining pending motions be and hereby are denied as moot; this case be and hereby is closed. (N) (adc) (Entered: 09/06/1996)
09/06/1996	53	AMENDED COMPLAINT by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH amending complaint [1-1] . (lkn) (Entered: 11/05/1996)

09/06/1996		SUMMONS NOT ISSUED. (lkn) (Entered: 11/05/1996)
09/17/1996	50	NOTICE OF FILING by plaintiffs: Affidavit of John A. Kasch, M.D. in support of motion for summary judgment. (bjl) (Entered: 09/18/1996)
09/17/1996	51	RESPONSE by plaintiffs in opposition to defendant's motion to strike the affidavit of Don W. Printz, M.D. (bjl) (Entered: 09/18/1996)
09/26/1996	52	NOTICE OF APPEAL by plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH, AMERICAN SOCIETY OF DERMATOLOGY from order [49-1], entered on: September 6, 1996. Fee not paid. Copies to Frank Myers Northam, Esq., Kent Masterson Brown, Esq., Eric D. Goulian, Esq., and Anne L. Weismann, Esq. (lkn) Modified on 10/01/1996 (Entered: 09/27/1996)
09/27/1996		TRANSMITTED PRELIMINARY RECORD on appeal [52-1] by AMERICAN SOCIETY OF DERMATOLOGY, JOHN A. KASCH, MELISSA K. CLEMENTS to U.S. Court of Appeals (lkn) Modified on 10/01/1996 (Entered: 09/27/1996)
10/01/1996		USDC appeal fee of \$5.00 and USCA docketing fee of \$100.00 received, for appeal [52-1] by AMERICAN SOCIETY OF DERMATOLOGY, JOHN A. KASCH, MELISSA K. CLEMENTS , by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH . USCA notified. (jeb) (Entered: 10/01/1996)
10/01/1996		USDC appeal fee of \$5.00 and USCA docketing fee of \$100.00 received, for appeal [52-1] by AMER. SOCIETY, JOHN A. KASCH, MELISSA K. CLEMENTS , by plaintiff AMER. SOCIETY, plaintiff MELISSA K. CLEMENTS, plaintiff JOHN A. KASCH . USCA notified. (lkn) (Entered: 10/01/1996)
10/03/1996		USCA # 96-5284 assigned for appeal [52-1] by AMER. SOCIETY, JOHN A. KASCH, MELISSA K. CLEMENTS (JMF) (Entered: 10/04/1996)
07/22/1997	54	CERTIFIED COPY of judgment filed in USCA dated 4/24/97, on appeal [52-1] , affirming the judgment of USDC . USCA # 96-5284 (cjp) (Entered: 07/22/1997)