

**U.S. District Court
DISTRICT OF ARIZONA (Tucson Division)
CIVIL DOCKET FOR CASE #: 4:18-cv-00454-JGZ-DTF**

Karam v. United States Department of Health and Human Services

Assigned to: Judge Jennifer G Zippo
Referred to: Magistrate Judge D Thomas Ferraro
Related Cases: [4:18-cv-00455-RCC](#)

[4:19-cv-00432-JAS](#)

Cause: 05:552 Freedom of Information Act

Plaintiff

Rose Ann Karam

Date Filed: 09/12/2018

Date Terminated: 03/02/2020

Jury Demand: Plaintiff

Nature of Suit: 895 Other Statutes:

Freedom of Information Act

Jurisdiction: U.S. Government Defendant

represented by **Rose Ann Karam**
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Tucson, AZ 85750
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PRO SE

V.

Defendant

United States Department of Health and Human Services

represented by **J Cole Hernandez**
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TERMINATED: 10/11/2019
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ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
09/12/2018	<u>1</u>	COMPLAINT filed by Rose Ann Karam. (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D)(MFR) (Entered: 09/12/2018)
09/12/2018	<u>2</u>	APPLICATION for Leave to Proceed In Forma Pauperis by Rose Ann Karam. (MFR) (Entered: 09/12/2018)
09/12/2018	<u>3</u>	MOTION to Include CD of Telephone Call by Rose Ann Karam. (MFR) (Entered: 09/12/2018)
09/12/2018	<u>4</u>	MOTION to Allow Electronic Filing by a Party Appearing Without an Attorney by Rose Ann Karam. (Attachments: # <u>1</u> Text of Proposed Order)(MFR) (Entered: 09/12/2018)
09/12/2018	<u>5</u>	This case has been assigned to the Honorable Bernardo P Velasco. All future pleadings or documents should bear the correct case number: CV-18-0454-TUC-BPV.

		Magistrate Election form attached. (MFR) (Entered: 09/12/2018)
09/12/2018	<u>6</u>	NOTICE TO SELF–REPRESENTED LITIGANT re informational documents attached: (1) Notice to Self–Represented Litigant, (2) Federal Court Self–Service Clinic Flyer, (3) Fed. R. Civ. P. 5.2, and (4) Notice and Request re Electronic Noticing. (MFR) (Entered: 09/12/2018)
09/12/2018	<u>7</u>	NOTICE TO THE PARTIES – The Court is participating in the Mandatory Initial Discovery Pilot (MIDP) and this case is subject to that pilot. The key features and deadlines are set forth in the attached Notice which includes General Order 17–08. Also attached is a checklist for use by the parties. All parties must respond to the mandatory initial discovery requests set forth in the General Order before initiating any further discovery in this case. Please note: The discovery obligations in the General Order supersede the disclosures required by Rule 26(a)(1). Any party seeking affirmative relief must serve a copy of the attached documents (Notice to Parties, including General Order 17–08 and MIDP Checklist) on each new party when the Complaint, Counterclaim, Crossclaim, or Third–Party Complaint is served. (MFR) (Entered: 09/12/2018)
09/12/2018	<u>8</u>	MINUTE ORDER: The Court's Notice <u>7</u> subjecting this case to the Mandatory Initial Discovery Pilot (MIDP) program is VACATED. This case will not be subject to the MIDP Pilot program requirements. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MFR) (Entered: 09/12/2018)
09/18/2018	<u>9</u>	SCHEDULING ORDER (FOIA): Defendant shall serve an answer or otherwise plead within thirty (30) days after service, unless the Court otherwise directs for good cause shown. The deadline for filing dispositive motions is six (6) months from the date the case is filed. Failure to file such a motion shall result in dismissal for lack of prosecution. Plaintiff shall serve Defendant with a copy of this Order. Signed by Magistrate Judge Bernardo P Velasco on 9/13/2018. (KEP) (Entered: 09/18/2018)
09/18/2018	<u>10</u>	ORDER the application for leave to proceed in forma pauperis, without prepayment of costs or fees or the necessity of giving security therefore is GRANTED. (Doc. <u>2</u>). Plaintiff's Motion to Allow Electronic Filing is GRANTED. (Doc. <u>4</u>). The party is required to complete the Electronic Case File Registration form to register as a user with the Clerk's Office and to register as a subscriber to PACER (Public Access to Electronic Records) within five (5) days of the date of this Order. Plaintiff's Motion to Include CD of Telephone Call is DENIED without prejudice. (Doc. <u>3</u>). Signed by Magistrate Judge Bernardo P Velasco on 9/14/2018. (KEP) (Entered: 09/18/2018)
09/27/2018	<u>12</u>	Agreement to Magistrate Judge Jurisdiction. Party agrees to Magistrate Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAC) (Entered: 09/28/2018)
10/15/2018		Summons Issued in person at Customer Service Intake Counter as to United States Department of Health and Human Services. (ARC). This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (Entered: 10/16/2018)
11/07/2018	<u>13</u>	SERVICE EXECUTED filed by Rose Ann Karam: Certificate of Mailing upon U.S. Department of Health and Human Services on 10/22/2018. (KEP) (Entered: 11/09/2018)
11/07/2018	<u>14</u>	SERVICE EXECUTED filed by Rose Ann Karam: Certificate of Mailing upon Attorney General of the United States on 10/23/2018. (KEP) (Entered: 11/09/2018)
11/07/2018	<u>15</u>	SERVICE EXECUTED filed by Rose Ann Karam: Certificate of Mailing upon Civil Process Clerk – United States Attorney's Office, District of Arizona on 10/22/2018. (KEP) (Entered: 11/09/2018)
11/20/2018	<u>16</u>	STIPULATION FOR EXTENSION OF TIME TO ANSWER COMPLAINT by United States Department of Health and Human Services. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, J) (Entered: 11/20/2018)
11/21/2018	<u>17</u>	ORDER the Stipulation to Extend Deadline for Defendant to Answer or Otherwise Plead (First Request) is GRANTED. Defendant shall have until on or before 12/5/2018 to answer or otherwise plead in this matter. Signed by Magistrate Judge Bernardo P Velasco on 11/21/2018. (MFR) (Entered: 11/21/2018)

12/04/2018	<u>18</u>	MOTION for Extension of Time to File Answer re: <u>1</u> Complaint by United States Department of Health and Human Services. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, J) (Entered: 12/04/2018)
12/06/2018	<u>19</u>	ORDER granting <u>18</u> Motion for Extension of Time to Answer re: <u>18</u> MOTION for Extension of Time to File Answer re: <u>1</u> Complaint . United States Department of Health and Human Services answer due December 12, 2018. Signed by Magistrate Judge Bernardo P Velasco on 12/6/2018.(BPV, bm) (Entered: 12/06/2018)
12/12/2018	<u>20</u>	ANSWER to <u>1</u> Complaint by United States Department of Health and Human Services.(Hernandez, J) (Entered: 12/12/2018)
12/18/2018	22	Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAC) (Entered: 12/19/2018)
12/18/2018	23	MINUTE ORDER: Pursuant to Local Rule 3.7(b), a request has been received for a random reassignment of this case to a District Judge. IT IS ORDERED this Case is reassigned by random draw to District Judge, Jennifer G Zipps. All further pleadings/papers should now list the following COMPLETE case number: CV-18-00454-TUC-JGZ. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry.(BAC) (Entered: 12/19/2018)
12/21/2018	<u>24</u>	First MOTION by Rose Ann Karam. (Karam, Rose Ann) (Entered: 12/21/2018)
12/21/2018	<u>25</u>	ORDER this case is referred to Magistrate Judge Velasco for all pretrial proceedings and report and recommendation. All future filings in this case shall be designated: CV-18-00454-TUC-JGZ (BPV). Signed by Judge Jennifer G Zipps on 12/20/2018. (KEP) (Entered: 12/21/2018)
12/26/2018	<u>26</u>	MOTION to Stay <i>Motion for Stay of Case Due to Federal Government Shutdown</i> by United States Department of Health and Human Services. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, J) (Entered: 12/26/2018)
12/27/2018	<u>27</u>	ORDER granting <u>26</u> Motion for Stay of Case Due to Federal Government Shutdown. The above-captioned case is STAYED pending the filing of a Notice of Resumed Government Activity by the United States. Signed by Magistrate Judge Bernardo P Velasco on 12/26/2018.(See attached Order for details) (KEP) (Entered: 12/27/2018)
02/04/2019	<u>28</u>	NOTICE re: Resumed Government Activity by United States Department of Health and Human Services . (Hernandez, J) (Entered: 02/04/2019)
02/12/2019	<u>29</u>	NOTICE re: Filing of Proposed Scheduling Order for Remainder of Litigation by United States Department of Health and Human Services re: <u>27</u> Order on Motion to Stay . (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, J) (Entered: 02/12/2019)
02/13/2019	<u>30</u>	ORDER the dispositive motion deadline be extended to April 30, 2019. Signed by Magistrate Judge Bernardo P Velasco on 2/13/2019. (KEP) (Entered: 02/13/2019)
02/21/2019	<u>31</u>	ORDER denying <u>24</u> Motion to Reverse Random Assignment to District Judge. Signed by Magistrate Judge Bernardo P Velasco on 2/20/2019. (KEP) (Entered: 02/21/2019)
03/15/2019	32	Remark: The Magistrate Judge referral in this case is directly reassigned by the Clerk to Magistrate Judge D Thomas Ferraro. All future filings shall reflect the following case number CV-18-454-TUC-JGZ-DTF. All hearings currently scheduled in this case before Magistrate Judge Velasco, will proceed as scheduled before Judge Ferraro. Hearings not yet scheduled, shall be scheduled before the newly assigned Magistrate Judge.This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (ADI-MLH,) (Entered: 03/15/2019)
04/29/2019	<u>33</u>	First MOTION for Extension of Time Stipulation for Extension of Time for Dispositive Deadline by Rose Ann Karam. (Karam, Rose Ann) (Entered: 04/29/2019)
05/01/2019	<u>34</u>	ORDER: that the parties' stipulation (Doc. <u>33</u>) is granted. The dispositive motion deadline is extended until May 31, 2019. Signed by Magistrate Judge D Thomas Ferraro on 4/30/2019. (MCO) (Entered: 05/01/2019)
05/30/2019	<u>35</u>	Second MOTION for Extension of Time Stipulation to Extend Dispositive Deadline to June 30, 2019 by Rose Ann Karam. (Karam, Rose Ann) (Entered: 05/30/2019)

06/03/2019	<u>36</u>	ORDER granting <u>35</u> parties' joint Stipulation to Extend Dispositive motions deadline. The dispositive motion deadline is hereby extended to June 30, 2019. Signed by Magistrate Judge D Thomas Ferraro on 5/31/2019. (KEP) (Entered: 06/03/2019)
06/28/2019	<u>37</u>	STIPULATION to Extend Dispositive Motion Deadline (Third and Final Request) by United States Department of Health and Human Services. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, J) (Entered: 06/28/2019)
07/02/2019	<u>38</u>	ORDER granting <u>37</u> Stipulation. The dispositive motion deadlines shall be: Deadline to file dispositive motions: August 26, 2019. Signed by Magistrate Judge D Thomas Ferraro on 7/2/2019. (See attached Order for details) (KEP) (Entered: 07/02/2019)
08/26/2019	<u>39</u>	MOTION for Summary Judgment by United States Department of Health and Human Services. (Hernandez, J) (Entered: 08/26/2019)
08/26/2019	<u>40</u>	STATEMENT OF FACTS re: <u>39</u> MOTION for Summary Judgment by Defendant United States Department of Health and Human Services. (Hernandez, J) (Entered: 08/26/2019)
10/07/2019	<u>41</u>	REPORT AND RECOMMENDATION: it is recommended that the district court, after an independent review of the record, grant Defendant's <u>39</u> Motion for Summary Judgment filed by United States Department of Health and Human Services. If objections are filed, the parties should use the following case number: CV-18-00454-TUC-JGZ. Signed by Magistrate Judge D Thomas Ferraro on 10/7/2019. (See attached PDF for details) (KEP) (Entered: 10/07/2019)
10/11/2019	<u>42</u>	NOTICE OF ATTORNEY SUBSTITUTION: Michael A. Ambri appearing for United States Department of Health and Human Services. Attorney J Cole Hernandez terminated. . (Ambri, Michael) (Entered: 10/11/2019)
10/21/2019	<u>43</u>	*RESPONSE to Motion for Summary Judgment re: <u>39</u> MOTION for Summary Judgment by Plaintiff Rose Ann Karam. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Karam, Rose Ann) *Modified to correct event type on 10/23/2019 (KEP). (Entered: 10/22/2019)
11/04/2019	<u>44</u>	RESPONSE re: <u>43</u> Objection to Report and Recommendation by Defendant United States Department of Health and Human Services. (Ambri, Michael) (Entered: 11/04/2019)
03/02/2020	<u>45</u>	ORDERED that Magistrate Judge Ferraro's Report and Recommendation <u>41</u> is ADOPTED. Plaintiff's Objection to the Report and Recommendation (Doc. 43) is OVERRULED. Defendant's Motion for Summary Judgment <u>39</u> is GRANTED. The Clerk of the Court shall enter judgment and close the file in this matter. Signed by Judge Jennifer G Zips on 03/02/20. (MYE) (Entered: 03/02/2020)
03/02/2020	<u>46</u>	CLERK'S JUDGMENT –IT IS ORDERED AND ADJUDGED that, pursuant to the Court's Order filed March 2, 2020, which granted the Motion for Summary Judgment, judgment is entered in favor of defendant and against plaintiff. Plaintiff to take nothing, and the complaint and action are dismissed. (MYE) (Entered: 03/02/2020)