

CLOSED, MAGset, TYPE-I

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:00-cv-02849-RMU

CAMPAIGN/RESPONSIBLE v. FDA
Assigned to: Judge Ricardo M. Urbina
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 11/27/2000
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff

**CAMPAIGN FOR RESPONSIBLE
TRANSPLANTATION**

represented by **Amy R. Atwood**
Western Environmental Law Center
1216 Lincoln Street
Eugene, OR 97405
541-485-2471
Fax: 541-485-2457
Email: atwood@westernlaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Russell Lovvorn
The Humane Society of the United
States
2100 L Street, N.W.
Washington, DC 20037-1525
(202) 452-1100
Fax: (202) 778-6132
Email: jlovvorn@hsus.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine A. Meyer
MEYER GLITZENSTEIN &
CRYSTAL
1601 Connecticut Avenue, NW
Suite 700
Washington, DC 20009
(202) 588-5206
Fax: (202) 588-5049
Email:
katherinemeyer@meyerglitz.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Howard M. Crystal

MEYER GLITZENSTEIN &
CRYSTAL
1601 Connecticut Avenue, NW
Suite 700
Washington, DC 20009
(202) 588-5206
Fax: (202) 588-5049
Email: howardcrystal@meyerglitz.com
ATTORNEY TO BE NOTICED

V.

Defendant

**FOOD & DRUG
ADMINISTRATION**

represented by **Brian J. Sonfield**
Export-Import Bank of the United
States
Office of the General Counsel
811 Vermont Ave., NW
Washington, DC 20571
(202) 565-3439
Fax: (202) 565-3586
Email: brian.sonfield@exim.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan Burch
U.S. ATTORNEY'S OFFICE
555 Fourth Street, NW
Washington, DC 20530
(202) 514-7204
Fax: (202) 514-8780
Email: alan.burch@usdoj.gov
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

DIACRIN INC

represented by **Craig Alan Hoover**
HOGAN & HARTSON, L.L.P.
555 13th Street, NW
Washington, DC 20004-1161
(202) 637-5694
Fax: 202-637-5910
Email: cahoover@hhlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

CIRCE BIOMEDICAL, INC.

represented by **Bruce Neil Kuhlik**

COVINGTON & BURLING
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
(202) 662-5348
Fax: 202-778-5348
TERMINATED: 12/11/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard A. Merrill
COVINGTON & BURLING
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2494
(202) 662-5528
Fax: (202) 662-6091
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jalena Garee Specht
COVINGTON & BURLING
1201 Pennsylvania Avenue, NW
Suite 704C
Washington, DC 20004-2401
(202) 662-5194
Fax: 202-778-5194
TERMINATED: 12/11/2002
ATTORNEY TO BE NOTICED

Intervenor Defendant

NEXTRAN, INC.

represented by **Robert A. Dormer**
HYMAN, PHELPS & MCNAMARA,
PC
700 13th Street, NW
Washington, DC 20005
(202) 737-5600
Fax: (202) 737-9329
Email: rad@hpm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

DIACRIN/GENZYME LLC

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

Jeffrey David Pariser
HOGAN & HARTSON, L.L.P.
Columbia Square
555 13th Street, NW

Washington, DC 20004-1109
 (202) 637-8689
 Email: jdpariser@hhlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

GENZYME CORPORATION

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

Intervenor Defendant

**NOVARTIS PHARMACEUTICALS
 CORPORATION**

represented by **John Michael Engel, III**
 ENGLE & NOVITT, LLP
 801 Pennsylvania Avenue, NW
 Suite 620
 Washington, DC 20004
 (202) 207-3303
 Fax: 202-207-3318
 Email: jengel@engelnovitt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/27/2000	1	COMPLAINT filed by plaintiff CAMPAIGN/RESPONSIBLE (bm) (Entered: 12/13/2000)
11/27/2000		SUMMONS (3) issued to federal party federal defendant FDA , and non-parties: U.S. Attorney and U.S. Attorney General. (bm) (Entered: 12/13/2000)
11/27/2000	2	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by plaintiff CAMPAIGN/RESPONSIBLE (bm) (Entered: 12/13/2000)
11/29/2000	3	MOTION filed by plaintiff CAMPAIGN/RESPONSIBLE for relief from Local Civil Rule 11.1. (aet) (Entered: 12/17/2000)
12/08/2000	4	ORDER by Judge Ricardo M. Urbina : granting motion for relief from Local Civil Rule 11.1. [3-1] by CAMPAIGN/RESPONSIBLE; and that plaintiff is permitted to use a post office box address in the caption of plaintiff's complaint. (N) (ks) (Entered: 01/08/2001)
12/15/2000	5	MOTION filed by federal defendant FDA to extend time to 1/26/01 to answer complaint [1-1] (aet) Modified on 01/08/2001 (Entered: 12/18/2000)
12/15/2000	6	ATTORNEY APPEARANCE for federal defendant FDA by Brian J. Sonfield (cjp) Modified on 01/08/2001 (Entered: 12/18/2000)

12/19/2000	7	RESPONSE IN OPPOSITION by plaintiff CAMPAIGN/RESPONSIBLE to motion to extend time to 1/26/01 to answer complaint [1-1] [4-1] by FDA (aet) Modified on 01/08/2001 (Entered: 01/01/2001)
12/21/2000	8	ORDER by Judge Ricardo M. Urbina : denying motion to extend time to 1/26/01 to answer complaint [1-1] [4-1] by FDA; defendant motion for 30-day extension denied. (N) (jwd) Modified on 01/08/2001 (Entered: 12/21/2000)
12/27/2000	9	ANSWER TO COMPLAINT [1-1] by federal defendant FDA . (aet) Modified on 01/08/2001 (Entered: 01/01/2001)
01/02/2001	10	AMENDED ANSWER [1-1] filed by federal defendant FDA (hsj) Modified on 01/08/2001 (Entered: 01/04/2001)
01/10/2001	11	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 11/27/00 (td) (Entered: 01/11/2001)
01/10/2001	12	MOTION filed by plaintiff CAMPAIGN/RESPONSIBLE for Amy R. Atwood to appear pro hac vice (Meyer & Glitzenstein 1601 Connecticut Ave. Ste 700, NW, Washington, DC 20009, 202-588-5206) (aet) (Entered: 01/11/2001)
01/12/2001	<u>13</u>	ORDER by Judge Ricardo M. Urbina : granting motion for Amy R. Atwood to appear pro hac vice (Meyer & Glitzenstein 1601 Connecticut Ave. Ste 700, NW, Washington, DC 20009, 202-588-5206) [12-1] by CAMPAIGN/RESPONSIBLE (N) (jwd) (Entered: 01/12/2001)
01/12/2001	14	MOTION filed for CIRCE BIOMEDICAL, IN to intervene ; EXHIBITS (ANSWER OF PROPOSED INTEVENOR) (aet) (Entered: 01/17/2001)
01/16/2001	15	MOTION filed for NEXTRAN, INC. to intervene ; EXHIBITS (ANSWER; RULE 26.1 DISCLOSURE) (aet) (Entered: 01/17/2001)
01/24/2001	16	MOTION filed for DIACRIN/GENZYME LLC to intervene ; EXHIBITS (26.1 CERTIFICATE OF DIACRIN, INC.; 26.1 CERTIFICATE OF DIACRIN/GENZYME LLC; PROPOSED ANSWER OF DIACRIN/GENZYME LLC AND DIACRIN, INC.) (aet) (Entered: 01/26/2001)
02/07/2001	17	MOTION filed for GENZYME CORPORATION to intervene as a defendant ; EXHIBITS (Answer and LCvR 26.1) (td) (Entered: 02/08/2001)
02/12/2001	18	MOTION filed for NOVARTIS PHARMACEUT to intervene as a defendant ; EXHIBIT (Answer and Certificate LCvR 26.1) (td) (Entered: 02/13/2001)
03/01/2001	<u>19</u>	ORDER by Judge Ricardo M. Urbina : granting motion for GENZYME CORPORATION to intervene as a defendant [17-1] (N) (jwd) (Entered: 03/01/2001)

03/01/2001	<u>20</u>	ORDER by Judge Ricardo M. Urbina : granting motion for NEXTRAN, INC. to intervene [15-1] (N) (jwd) (Entered: 03/01/2001)
03/01/2001	<u>21</u>	ORDER by Judge Ricardo M. Urbina : granting motion for CIRCE BIOMEDICAL, IN to intervene [14-1] (N) (jwd) (Entered: 03/01/2001)
03/01/2001	<u>22</u>	ORDER by Judge Ricardo M. Urbina : granting motion for NOVARTIS PHARMACEUT to intervene as a defendant [18-1] (N) (jwd) (Entered: 03/01/2001)
03/01/2001	<u>23</u>	ORDER by Judge Ricardo M. Urbina : granting motion for DIACRIN/GENZYME LLC to intervene [16-1] (N) (jwd) (Entered: 03/01/2001)
03/01/2001	29	ANSWER TO COMPLAINT [1-1] by intervenor-defendant NOVARTIS PHARMACEUT . (td) (Entered: 06/13/2001)
03/01/2001	30	RULE 26(a)(1) DISCLOSURE STATEMENT filed by intervenor-defendant NOVARTIS PHARMACEUT (td) (Entered: 06/13/2001)
03/01/2001	32	RULE 26(a)(1) DISCLOSURE STATEMENT filed by intervenor-defendant DIACRIN/GENZYME LLC (td) (Entered: 06/13/2001)
03/01/2001	33	ANSWER TO COMPLAINT [1-1] by intervenor-defendant DIACRIN/GENZYME LLC . (td) (Entered: 06/13/2001)
03/01/2001	34	RULE 26(a)(1) DISCLOSURE STATEMENT filed by intervenor-defendant DIACRIN INC (td) (Entered: 06/13/2001)
03/01/2001	35	RULE 26(a)(1) DISCLOSURE STATEMENT filed by intervenor-defendant GENZYME CORPORATION (td) (Entered: 06/13/2001)
03/01/2001	43	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by movant NEXTRAN, INC. (jf) (Entered: 07/16/2001)
03/01/2001	44	ANSWER TO COMPLAINT [1-1] by intervenor-defendant NEXTRAN, INC. . (jf) (Entered: 07/16/2001)
03/01/2001	45	ANSWER TO COMPLAINT [1-1] by intervenor-defendant CIRCE BIOMEDICAL, IN . (jf) (Entered: 07/16/2001)
03/12/2001	24	ANSWER TO COMPLAINT [1-1] by intervenor-defendant GENZYME CORPORATION . (act) (Entered: 03/26/2001)
03/12/2001	25	ANSWER TO COMPLAINT [1-1] by intervenor-defendant DIACRIN/GENZYME LLC . (act) (Entered: 03/26/2001)
05/29/2001	26	MOTION filed by plaintiff CAMPAIGN/RESPONSIBLE for Vaughn Index ; exhibits (A-I) (act) (Entered: 05/31/2001)
06/08/2001	27	STATEMENT filed by intervenor-defendant DIACRIN/GENZYME LLC of non-opposition of plaintiff's motion for a limited vaughn index. (td) (Entered: 06/12/2001)
06/08/2001	28	STATEMENT filed by intervenor-defendant GENZYME CORPORATION of non-opposition to plaintiff's motion for a limited

		vaughn index. (td) (Entered: 06/12/2001)
06/11/2001	31	RESPONSE by intervenor-defendant NOVARTIS PHARMACEUT to plaintiff's motion for Vaughn Index [26-1]; exhibit (1) (td) (Entered: 06/13/2001)
06/12/2001	36	CROSS MOTIONS by federal defendant FDA for to permit a sample Vaughn Index ; exhibits (7) (td) (Entered: 06/14/2001)
06/12/2001	37	RESPONSE by intervenor-defendant CIRCE BIOMEDICAL, IN to motion for Vaughn Index [26-1] by CAMPAIGN/RESPONSIBLE (td) (Entered: 06/14/2001)
06/26/2001	38	RESPONSE by intervenor-defendant NOVARTIS PHARMACEUT to cross motion for to permit a sample Vaughn Index [36-1] by FDA (td) (Entered: 06/27/2001)
06/29/2001	39	REPLY by plaintiff CAMPAIGN/RESPONSIBLE in support of motion for Vaughn Index [26-1] by CAMPAIGN/RESPONSIBLE; exhibit (J) (aet) (Entered: 07/03/2001)
07/03/2001	40	MOTION filed by plaintiff CAMPAIGN/RESPONSIBLE for leave to file memorandum out of time. (td) (Entered: 07/05/2001)
07/09/2001	<u>41</u>	ORDER by Judge Ricardo M. Urbina : granting motion for leave to file memorandum out of time reply memorandum in support of its motion requesting a vaughn index and in opposition to defendant's cross motion to permit a sample vaughn index [40-1] by CAMPAIGN/RESPONSIBLE (N) (adc) (Entered: 07/09/2001)
07/12/2001	42	REPLY by federal defendant FDA in support of its cross motion for to permit a sample Vaughn Index [36-1] by FDA (td) (Entered: 07/13/2001)
07/23/2001	<u>46</u>	MEMORANDUM OPINION by Judge Ricardo M. Urbina (N) (bm) (Entered: 07/23/2001)
07/23/2001	<u>47</u>	ORDER by Judge Ricardo M. Urbina : denying motion for Vaughn Index [26-1] by CAMPAIGN/RESPONSIBLE; granting cross motion for to permit a sample Vaughn Index [36-1] by FDA; directing within fourteen (14) days the plaintiff shall select one representative new drug application (IND) to use as a sample with the exception of any Novartis IND; directing within 30 days of mutual agreement as to a representative IND, the defendant shall provide the plaintiff with a Vaughn index of FDA generated documents contained in one representative IND and FDA-generated documents concerning xenotransplantation clinical trials in general; directing the parties within 30 days of the defendant's filing of the Vaughn index to discuss, and to report to the Court, the necessity of further litigation and the filing of summary judgment briefs. (N) (bm) (Entered: 07/23/2001)
08/31/2001	48	NOTICE OF FILING by federal defendant FDA of second declaration of Lesia M. Banks (aet) (Entered: 09/04/2001)
10/04/2001	49	STATUS REPORT by federal defendant, intervenor-defendants (td)

		(Entered: 10/10/2001)
11/14/2001	<u>50</u>	ORDER by Judge Ricardo M. Urbina: scheduling a status hearing set for 10:00 12/4/01; directing that defendant and defendant-intervenors provide further recommendations, with justifications, regarding a scheduling order no later than 11/29/01. (N) (jwd) (Entered: 11/14/2001)
11/21/2001	51	STATEMENT filed by federal defendant FDA to the Court concerning mail service at United States Attorney's Office (bm) (Entered: 11/26/2001)
11/29/2001	52	STATUS REPORT by intervenor-defendant NOVARTIS PHARMACEUT of Further Recommendations, with Justification, for a scheduling order. (ag) (Entered: 11/30/2001)
11/29/2001	53	STATUS REPORT by federal defendants FDA, intervenor-defendants CIRCE BIOMEDICAL, IN, NEXTRAN, INC., DIACRIN/GENZYME LLC, GENZYME CORPORATION, and DIACRIN INC regarding further recommendations and proposed scheduling order. (ag) (Entered: 11/30/2001)
12/04/2001		STATUS HEARING before Judge Ricardo M. Urbina: see scheduling order entry for scheduled events; Reporter: William D. McAllister (jwd) (Entered: 12/04/2001)
12/04/2001	<u>54</u>	SCHEDULING ORDER by Judge Ricardo M. Urbina setting forth certain directives to counsel; defendant's release of documents related to the sample Vaughn Index is due 12/17/01; defendant-intervenor Novartis' dispositive motions due (limited to its threshold issue) 1/4/02; oppositions to Novartis' dispositive motions due 2/4/02; replies to oppositions to Novartis' dispositive motions due 2/15/02; interim status hearing set for 11:00 2/14/02; plaintiff's motion for summary judgment due 1/15/02; oppositions/cross-motions for summary judgment, if any, due 3/15/02; replies to oppositions to cross-motions for summary judgment due 4/15/02; replies to cross-motions, if any, due 5/15/02; settlement conference set 10:00 8/2/02 ; final status hearing set for 10:00 8/20/02 (N) (jwd) (Entered: 12/04/2001)
12/04/2001	55	ATTORNEY APPEARANCE for intervenor-defendant CIRCE BIOMEDICAL, IN by Jalena Garee Specht (dam) (Entered: 12/06/2001)
12/06/2001	56	TRANSCRIPT filed for date(s) of 12/4/01. Reporter: William D. McAllister (td) (Entered: 12/07/2001)
12/20/2001	<u>57</u>	JOINT STIPULATION AND ORDER by Judge Ricardo M. Urbina: regarding Novartis application for approval to conduct xenotransplantation clinical trial involving the cells, tissue, an/or organs of pigs and/or non-human primates. (see stipulation and order for further details) (N) (jwd) (Entered: 12/20/2001)
01/15/2002	58	MOTION filed by plaintiff CAMPAIGN/RESPONSIBLE for summary judgment ; attachments (68) (td) (Entered: 01/17/2002)
02/14/2002		STATUS HEARING before Judge Ricardo M. Urbina: (held in Jury

		Room) federal defendant oral request to modify the briefing scheduled, heard and granted; federal defendant indicated they plan to file a Vaughn Index by 3/15/02; parties will be given an additional two (2) weeks after the filing of a Vaughn Index to file any motions for summary judgment; counsel for federal defendant to submit a scheduling order as the modification of Court's scheduling order entered 12/4/01; all aspects of the scheduling order entered on 12/4/01 remains in effect; the final status hearing is set for 8/20/02 at 10:00 a.m. Reporter: Not Reported (jwd) (Entered: 02/14/2002)
02/25/2002	<u>59</u>	ORDER by Judge Ricardo M. Urbina : directing that supplemental Vaughn index due on or before 3/15/02; any oppositions/cross-motion to plaintiff's motion for summary judgment shall be due 3/29/02; plaintiff's replies/oppositions to cross-motion, if any, shall be due on or before 4/29/02; any replies by defendant and/or intervenors shall be due on or before 5/29/02 (N) (jwd) (Entered: 02/25/2002)
03/15/2002	60	NOTICE OF FILING by federal defendant FDA of third declaration of Lesia M. Banks. (td) (Entered: 03/25/2002)
03/29/2002	61	MEMORANDUM by intervenor-defendant CIRCE BIOMEDICAL, IN, intervenor-defendant NEXTRAN, INC., intervenor-defendant DIACRIN/GENZYME LLC, intervenor-defendant GENZYME CORPORATION, intervenor-defendant DIACRIN INC in opposition to plaintiff's motion for summary judgment [58-1]; exhibits (7) (td) (Entered: 04/02/2002)
03/29/2002	62	CROSS MOTIONS by federal defendant FDA for summary judgment ; attachments (14); declarations (2) (td) (Entered: 04/02/2002)
03/29/2002	63	RESPONSE by intervenor-defendant NOVARTIS PHARMACEUT to motion for summary judgment [58-1] by CAMPAIGN/RESPONSIBLE (td) (Entered: 04/02/2002)
04/23/2002	65	MOTION (unopposed) filed by plaintiff CAMPAIGN/RESPONSIBLE to extend time to 5/8/02 reply memoranda in support of motion for summary judgment. (td) (Entered: 04/26/2002)
04/23/2002	66	RESPONSE (OPPOSITIONS) by plaintiff CAMPAIGN/RESPONSIBLE to defendant's cross motion for summary judgment [62-1]. (td) (Entered: 04/26/2002)
04/23/2002	67	RESPONSE by plaintiff CAMPAIGN/RESPONSIBLE to intervenors' memorandum in opposition [61-1] by DIACRIN INC, GENZYME CORPORATION, DIACRIN/GENZYME LLC, NEXTRAN, INC., CIRCE BIOMEDICAL, IN (td) (Entered: 04/26/2002)
04/25/2002	<u>64</u>	ORDER by Judge Ricardo M. Urbina plaintiff's reply memoranda in support of motion for summary judgment, in opposition to defendant's cross-motion for summary judgment, and in response to defendant-intervenors' memorandum in opposition due 5/8/02; defendant U. S. Food and Drug Administration's reply memorandum, if any will be due 6/10/02; vacating status conference set for 8/20/02 and rescheduling

		status conference for 1:30 9/12/02 (N) (jwd) (Entered: 04/26/2002)
05/08/2002	68	REPLY by plaintiff CAMPAIGN/RESPONSIBLE to defendant intervenors' opposition to motion for summary judgment [58-1] by CAMPAIGN/RESPONSIBLE (td) (Entered: 05/09/2002)
05/08/2002	69	REPLY by plaintiff CAMPAIGN/RESPONSIBLE in support of motion for summary judgment [58-1]; exhibits (10) (td) (Entered: 05/10/2002)
05/08/2002	70	RESPONSE by plaintiff CAMPAIGN/RESPONSIBLE in opposition to governments cross motion for summary judgment [62-1]; exhibits (10) (td) (Entered: 05/10/2002)
06/10/2002	71	REPLY by federal defendant FDA in support of cross motion for summary judgment [62-1] by FDA; exhibits (1) (aet) Modified on 06/11/2002 (Entered: 06/11/2002)
06/10/2002	72	MOTION filed by intervenor-defendant CIRCE BIOMEDICAL, IN, intervenor-defendant NEXTRAN, INC., intervenor-defendant DIACRIN/GENZYME LLC for leave to file reply memorandum in support of the FDA's cross motion for summary judgment ; EXHIBIT (REPLY MEMO) (aet) (Entered: 06/12/2002)
06/12/2002	73	ORDER by Judge Ricardo M. Urbina : granting motion for leave to file reply memorandum in support of the FDA's cross motion for summary judgment [72-1] by DIACRIN/GENZYME LLC, NEXTRAN, INC., CIRCE BIOMEDICAL, IN (N) (jwd) (Entered: 06/12/2002)
06/12/2002	74	REPLY by intervenor-defendant CIRCE BIOMEDICAL, IN, intervenor-defendant NEXTRAN, INC., intervenor-defendant DIACRIN/GENZYME LLC, intervenor-defendant GENZYME CORPORATION in support of cross motion for summary judgment [62-1] by FDA; declaration (1) (aet) (Entered: 07/12/2002)
08/09/2002	75	NOTICE OF SUPPLEMENTAL AUTHORITY by plaintiff CAMPAIGN/RESPONSIBLE (aet) (Entered: 08/20/2002)
09/03/2002	76	MEMORANDUM OPINION by Judge Ricardo M. Urbina granting in part and denying in part the plaintiff's and defendant's motions for summary judgment (N) (jwd) (Entered: 09/03/2002)
09/03/2002	77	ORDER by Judge Ricardo M. Urbina : granting in part, denying in part cross motion for summary judgment [62-1], granting in part, denying in part motion for summary judgment [58-1]; directing that defendant file new Vaughn indices (each index shall be contained in one document) that are consistent with the attached Memorandum Opinion no later than 11/10/02; referring case to U. S. Magistrate Judge Kay for settlement discussions to begin no later than 9/20/02; granting Novartis' unopposed request for a ruling that, because none exist, no agency-generated records concerning Novartis shall be produced in response to the modified FOIA request. (N) (jwd) (Entered: 09/03/2002)
09/12/2002		CASE REFERRED to Magistrate Judge Alan Kay for settlement discussions (cp) (Entered: 09/13/2002)

09/16/2002	79	NOTICE OF FILING by plaintiff CAMPAIGN/RESPONSIBLE this it is submitting a proposed order that allows plaintiff to defer any motion that plaintiff is entitled to file for attorneys' fees and costs. (bm) (Entered: 09/18/2002)
09/16/2002	80	MOTION filed by intervenor-defendant NOVARTIS PHARMACEUT to be dropped from the case (bm) (Entered: 09/18/2002)
09/17/2002	<u>78</u>	ORDER by Judge Ricardo M. Urbina: directing that plaintiff defer it motions pursuant to Rule 54(d)(2) until thirty (30) days after it receives the government's new Vaughn Indices, as ordered on 9/3/02. (N) (jwd) (Entered: 09/17/2002)
09/19/2002	81	RESPONSE by plaintiff CAMPAIGN/RESPONSIBLE in opposition to motion to be dropped from the case [80-1] by NOVARTIS PHARMACEUT . (mpt) (Entered: 09/24/2002)
09/24/2002	82	REPLY by intervenor-defendant NOVARTIS PHARMACEUT in support of motion to be dropped from the case [80-1] by NOVARTIS PHARMACEUT; exhibits (1) (cdw) (Entered: 09/26/2002)
10/02/2002	83	NOTICE OF FILING by plaintiff CAMPAIGN/RESPONSIBLE; Memorandum of Understanding (aet) (Entered: 10/07/2002)
10/02/2002	84	JOINT MOTION by plaintiff CAMPAIGN/RESPONSIBLE, federal defendant FDA to extend time to 12/20/02 to file Vaughn indices (aet) (Entered: 10/07/2002)
10/07/2002	<u>85</u>	ORDER by Judge Ricardo M. Urbina : granting joint motion to extend time to 12/20/02 to file Vaughn indices [84-1] by FDA, CAMPAIGN/RESPONSIBLE; directing that the parties file a joint status report, limited to three pages, by 1/17/03; scheduling a final status hearing for 2:30 1/23/03 (N) (jwd) (Entered: 10/07/2002)
10/16/2002	86	TRANSCRIPT filed for date(s) of 9/12/02. Reporter: William McAllister (aet) (Entered: 10/17/2002)
12/11/2002	87	SUBSTITUTION OF COUNSEL for intervenor-defendant CIRCE BIOMEDICAL, IN , substituting Richard A. Merrill for attorney Jalena Garee Specht for CIRCE BIOMEDICAL, IN, attorney Bruce Neil Kuhlik for CIRCE BIOMEDICAL, IN (aet) (Entered: 12/12/2002)
12/20/2002	88	VAUGHN INDEX by federal defendant FDA (aet) (Entered: 12/30/2002)
01/13/2003	89	NOTICE OF CHANGE OF ADDRESS by John Michael Engel III representing intervenor-defendant NOVARTIS PHARMACEUT . New address: ENGEL & NOVITT, LLP 750 17th Street, NW, Suite 1100; Washington DC 20006 (202) 778-2321, (FAX) (202) 331-0168. (bm) (Entered: 01/15/2003)
01/16/2003	90	JOINT STATUS REPORT by plaintiffs , federal defendant, intervenor-defendants pursuant to 10/7/02 order (aet) (Entered: 01/21/2003)

01/21/2003	<u>91</u>	ORDER by Judge Ricardo M. Urbina : granting motion to be dropped from the case [80-1] by NOVARTIS PHARMACEUTI directing that Novartis is hereby dropped as an Intervenor-Defendant in this action with leave to interevne should Novartis' records, or Agency generated records concerning Novartis' Records, be put at issue in any future proceedings in this case. (N) (jwd) (Entered: 01/21/2003)
01/21/2003	<u>92</u>	ORDER by Judge Ricardo M. Urbina: vacating final status conference set for 1/23/03 and rescheduling final status hearing for 1:45 4/10/03; directing the parties to file a joint status report no later than 3/24/03. (N) (jwd) (Entered: 01/21/2003)
01/31/2003	93	NOTICE OF FILING by federal defendant FDA; errata to defendant's new sample vaughn index (bm) (Entered: 02/04/2003)
01/31/2003	94	NOTICE OF FILING by federal defendant FDA; errata to defendant's new sample vaughn index (bm) (Entered: 02/04/2003)
03/24/2003	95	JOINT STATUS REPORT by plaintiff, federal defendant, and intervenor-defendants (bm) (Entered: 03/27/2003)
04/10/2003		STATUS HEARING before Judge Ricardo M. Urbina: oral motion of plaintiff for FDA to provide additional Vaughn index, heard and deniedl see scheduling order for scheduled events Reporter: William D. McAllister (jwd) Modified on 04/10/2003 (Entered: 04/10/2003)
04/10/2003	96	ORDER by Judge Ricardo M. Urbina: defendants motions for summary judgment due 6/9/03; plaintiff's consolidated oppositin and motion for summary judgment due 7/9/03; defendants' replies and oppositions to plaintiff's motion due 8/11/03; plaintiff's consolidated reply due 8/29/03; defendants' motions for summary judgment are eache limited to 20 pages; plaintiff's consolidated opposition and motion for summary judgment is limited to 25 pages; defendants' replies and oppositions to the plaintiff's motion are limited to 20 pages; plaintiff's consolidated reply is limited to 15 pages.(N) (jwd) (Entered: 04/10/2003)
05/16/2003	97	TRANSCRIPT filed for date of 4/10/03 Final Status Hearing. Reporter: William D. McAllister (bm) (Entered: 05/21/2003)
06/05/2003	98	MOTION filed by federal defendant FDA for summary judgment attachments (12) BULKY PLEADING (bm) (Entered: 06/06/2003)
06/08/2003	99	MEMORANDUM by intervenor-defendant DIACRIN/GENZYME LLC in support of motion for summary judgment [98-1] by FDA and notice of filing declarations; attachments (2) (bm) (Entered: 06/11/2003)
07/09/2003	100	CROSS MOTIONS by plaintiff CAMPAIGN/RESPONSIBLE for summary judgment ; attachments (45) BULKY PLEADING (bm) (Entered: 07/10/2003)
07/09/2003	101	MEMORANDUM by plaintiff CAMPAIGN/RESPONSIBLE in support of cross motion for summary judgment [100-1] by CAMPAIGN/RESPONSIBLE BULKY PLEADING (bm) (Entered: 07/10/2003)

07/09/2003	102	RESPONSE by plaintiff CAMPAIGN/RESPONSIBLE in opposition to motion for summary judgment [98-1] by FDA BULKY PLEADING (bm) (Entered: 07/10/2003)
07/21/2003	103	ERRATA by plaintiff CAMPAIGN/RESPONSIBLE to cross motion for summary judgment of exhibit 29. (jf) (Entered: 07/24/2003)
08/08/2003	104	REPLY MEMORANDUM by federal defendant FDA in support of renewed motion for summary judgment [98-1] by FDA; exhibits (5) (bjsp) (Entered: 08/13/2003)
08/08/2003	105	RESPONSE by federal defendant FDA in opposition to cross motion for summary judgment [100-1] by CAMPAIGN/RESPONSIBLE . (bjsp) (Entered: 08/13/2003)
08/28/2003	106	REPLY by plaintiff CAMPAIGN/RESPONSIBLE in support of cross motion for summary judgment [100-1] by CAMPAIGN/RESPONSIBLE; exhibits (6) (mpt) (Entered: 08/29/2003)
09/09/2003	107	MOTION filed by federal defendant FDA for leave to file sur-reply ; EXHIBIT (sur reply) (bjsp) (Entered: 09/12/2003)
09/17/2003	108	JOINT STATUS REPORT by plaintiff and federal defendant (bjsp) (Entered: 09/24/2003)
09/24/2003	109	RESPONSE by plaintiff CAMPAIGN/RESPONSIBLE in opposition to motion for leave to file sur-reply [107-1] by FDA . (bjsp) (Entered: 09/25/2003)
12/02/2003	<u>110</u>	ORDER striking [98] the defendant's motion for summary judgment; striking [100] the plaintiff's cross-motion for summary judgment; granting leave to file new dispositive motions; and denying [107] the defendant's motion for leave to file a sur-reply. Signed by Judge Ricardo M. Urbina on 12/2/03. (Entered: 12/02/2003)
01/05/2004	<u>111</u>	MOTION for Summary Judgment (<i>Renewed</i>) by FOOD & DRUG ADMINISTRATION. (Attachments: # <u>1</u> Abbreviated Vaughn Index) (Sonfield, Brian) (Entered: 01/05/2004)
01/05/2004	<u>112</u>	MOTION for Summary Judgment by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Attachments: # <u>1</u> Exhibit Records At Issue# <u>2</u> Exhibit Defendant's 2nd Abbreviated New Sample Vaughn Index)(Lovvorn, Jonathan) (Entered: 01/05/2004)
01/20/2004	<u>113</u>	NOTICE of Appearance by Alan Burch on behalf of FOOD & DRUG ADMINISTRATION (Burch, Alan) (Entered: 01/20/2004)
02/05/2004	<u>114</u>	Memorandum in opposition to motion re <u>111</u> filed by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Meyer, Katherine) (Entered: 02/05/2004)
02/05/2004	<u>115</u>	Memorandum in opposition to motion re <u>112</u> and response to plaintiff's statement of material facts filed by FOOD & DRUG ADMINISTRATION. (Burch, Alan) (Entered: 02/05/2004)

02/19/2004	<u>116</u>	REPLY in support of motion re <u>112</u> <i>for summary judgment</i> filed by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Meyer, Katherine) (Entered: 02/19/2004)
02/19/2004	<u>117</u>	REPLY in support of motion re <u>111</u> <i>for summary judgment (renewed)</i> filed by FOOD & DRUG ADMINISTRATION. (Burch, Alan) (Entered: 02/19/2004)
09/24/2004	<u>118</u>	ORDER granting <u>111</u> Defendants' Motion for Summary Judgment, denying <u>112</u> Plaintiff's Motion for Summary Judgment. Signed by Judge Ricardo M. Urbina on 9/24/04. (Entered: 09/24/2004)
09/24/2004	<u>119</u>	MEMORANDUM OPINION. Signed by Judge Ricardo M. Urbina on 9/24/04. (Entered: 09/24/2004)
10/04/2004	<u>120</u>	Unopposed MOTION for Extension of Time to <i>File Motion Under Rule 54</i> by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Meyer, Katherine) (Entered: 10/04/2004)
10/05/2004		MINUTE ORDER granting <u>120</u> Unopposed Motion for Extension of Time. The deadline for the plaintiff to file any motion for fees and costs under the Freedom of Information Act shall be extended to December 7, 2004. Signed by Judge Ricardo M. Urbina on 10/05/04. (Entered: 10/05/2004)
10/05/2004		Set/Reset Deadlines: Plaintiff to file any Motion for fees and costs under the Freedom of Information Act shall be extended to 12/7/2004. (jwd) (Entered: 10/05/2004)
12/06/2004	<u>121</u>	Unopposed MOTION to Stay <i>the Time For Filing A Motion Under Rule 54</i> by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Attachments: # <u>1</u> Text of Proposed Order)(Meyer, Katherine) (Entered: 12/06/2004)
12/06/2004		MINUTE ORDER granting <u>121</u> Unopposed Motion to Stay. The deadline for the plaintiff to file any motion for fees and costs under the Freedom of Information Act shall be stayed until 30 days after the defendants complete the disclosure ordered by the court in its September 24, 2004 Memorandum Opinion and Order, or the court resolves any remaining disputes about the defendants' compliance with that order. Signed by Judge Ricardo M. Urbina on 12/6/04. (Entered: 12/06/2004)
04/01/2005	<u>122</u>	NOTICE of Appearance by Howard M. Crystal on behalf of CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION (Crystal, Howard) (Entered: 04/01/2005)
04/01/2005	<u>123</u>	MOTION to Enforce <i>This Court's September 24, 2004 Order and Memorandum in Support</i> by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Attachments: # <u>1</u> Attachment 1# <u>2</u> Attachment 2# <u>3</u> Text of Proposed Order)(Crystal, Howard) (Entered: 04/01/2005)
04/01/2005		MINUTE ORDER: Defendant FDA shall respond to the plaintiff's motion to enforce by April 7, 2005. Signed by Judge Ricardo M. Urbina on 4/1/05. (Entered: 04/01/2005)

04/07/2005	<u>124</u>	Memorandum in opposition to motion re <u>123</u> to <i>Enforce</i> filed by FOOD & DRUG ADMINISTRATION. (Attachments: # <u>1</u> Exhibit Brockner Ryan Dec.# <u>2</u> Exhibit Warren Dec.# <u>3</u> Exhibit Egan Dec.# <u>4</u> Text of Proposed Order)(Burch, Alan) (Entered: 04/07/2005)
04/18/2005	<u>125</u>	REPLY to opposition to motion re <u>123</u> to <i>Enforce</i> filed by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Attachments: # <u>1</u> Text of Proposed Order)(Crystal, Howard) (Entered: 04/18/2005)
04/20/2005	<u>126</u>	MOTION for Leave to File <i>Sur-Reply in Opposition to Plaintiff's Motion to Enforce 123</i> by FOOD & DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Sur-Reply# <u>3</u> Exhibit 1 to Sur-Reply) (Burch, Alan) (Entered: 04/20/2005)
04/21/2005		MINUTE ORDER granting <u>126</u> Motion for Leave to File Sur-reply. The Clerk of the Court shall enter the defendant's sur-reply on the docket. Signed by Judge Ricardo M. Urbina on 4/20/05. (Entered: 04/21/2005)
04/21/2005	<u>127</u>	SURREPLY in opposition to plaintiff's expedited <u>123</u> MOTION to Enforce This Court's September 24, 2004 Order filed by FOOD & DRUG ADMINISTRATION. (Attachments: # <u>1</u> Exhibit 1)(jf,) (Entered: 04/25/2005)
05/03/2005	<u>128</u>	ORDER denying <u>123</u> Motion to Enforce. Signed by Judge Ricardo M. Urbina on 5/3/05. (Entered: 05/03/2005)
05/03/2005		Set Deadlines/Hearings: Parties shall submit a joint status report and proposed scheduling order setting forth a document production scheduled by 5/24/2005. (jwd) (Entered: 05/03/2005)
05/24/2005	<u>129</u>	STATUS REPORT by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION, FOOD & DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Burch, Alan) (Entered: 05/24/2005)
10/20/2005	<u>130</u>	Unopposed MOTION for Extension of Time to File <i>Motion for Fees And Costs Under Rule 54</i> by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Attachments: # <u>1</u> Text of Proposed Order) (Crystal, Howard) (Entered: 10/20/2005)
10/26/2005		MINUTE ORDER granting <u>130</u> Motion for Extension of Time to File Rule 54 Motion. The Rule 54 motion is due on or before December 20, 2005. Signed by Judge Ricardo M. Urbina on 10/26/05. (md) (Entered: 10/26/2005)
10/26/2005		Set Deadlines/Hearings: Rule 54 Motions due by 12/20/2005. (jwd) (Entered: 10/26/2005)
12/15/2005	<u>131</u>	Consent MOTION for Extension of Time to File <i>Motion Concerning Entitlement To Attorneys' Fees And Costs</i> by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Attachments: # <u>1</u> Text of Proposed Order)(Crystal, Howard) (Entered: 12/15/2005)
12/16/2005		MINUTE ORDER granting <u>131</u> the parties' consent motion for a

		schedule to resolve the plaintiff's entitlement to fees and costs. The plaintiff shall file its brief on or before February 3, 2006; the defendants shall file their opposition brief on or before February 24, 2006; and the plaintiff shall file its reply brief on or before March 10, 2006. Signed by Judge Ricardo M. Urbina on 12/16/2005. (md) (Entered: 12/16/2005)
12/19/2005		Set Deadlines/Hearings: Plaintiff's Brief due by 2/3/2006. Defendants's due by 2/24/2006. Plaintiff's Reply due by 3/10/2006. (jwd) (Entered: 12/19/2005)
02/03/2006	<u>132</u>	MOTION for Attorney Fees <i>And Costs</i> by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Meyer, Katherine) (Entered: 02/03/2006)
02/23/2006	<u>133</u>	Memorandum in opposition to re <u>132</u> for attorneys' fees and costs filed by FOOD & DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Burch, Alan) (Entered: 02/23/2006)
03/09/2006	<u>134</u>	REPLY to opposition to motion re <u>132</u> MOTION for Attorney Fees <i>And Costs</i> filed by CAMPAIGN FOR RESPONSIBLE TRANSPLANTATION. (Meyer, Katherine) (Entered: 03/09/2006)

PACER Service Center			
Transaction Receipt			
04/01/2006 15:56:19			
PACER Login:	mg0221	Client Code:	001
Description:	Docket Report	Search Criteria:	1:00-cv-02849-RMU
Billable Pages:	9	Cost:	0.72