



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 28, 2020

Via ECF

The Honorable John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

1. The 2/3/20 Conference is
adjourned sine die.
2. Status reports every 3 months
is sufficient unless a problem arises.
So ordered.

Re: *Informed Consent Action Network v. United States Food and Drug
Administration*, No. 19 Civ. 10235 (JGK)

Jr/Koeltl
1/28/20 U.S.D.S.

Dear Judge Koeltl:

I write on behalf of both parties to respectfully request an adjournment *sine die* of the initial pre-trial conference scheduled for February 3, 2020, at 4:30 p.m. in the above referenced action in which plaintiff seeks the production of documents from the United States Food and Drug Administration ("FDA") pursuant to the Freedom of Information Act ("FOIA").

The parties have conferred about plaintiff's FOIA request, and have discussed a production schedule. On January 9, 2020, FDA made its first production to plaintiff. As for the remaining documents responsive to the FOIA request, the parties have agreed that FDA will produce to plaintiff documents on a monthly rolling basis. FDA has not fully completed its search, but estimates that it will produce documents pursuant to the following schedule, barring any unanticipated circumstances:

- February 7, 2020: FDA Volume 12
- March 6, 2020: FDA Volume 13
- April 3, 2020: FDA Volume 14
- May 1, 2020: FDA Volume 15-19
- May 29, 2020: FDA Volume 20-24
- June 26, 2020: FDA Volume 25-29
- July 24, 2020: FDA Volume 30-34
- August 21, 2020: FDA Volume 35-38
- August 31, 2020: Last day to produce additional records, if any, located in the search, or any outstanding records.

Based on this schedule, unless the Court directs otherwise, the parties intend to submit monthly joint status reports to apprise the Court of the status of production.

USDC SDNY
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Following the successful production detailed above, the parties hope to be able to advise the Court that this matter has been resolved. Therefore, in order to conserve court and party resources, the parties respectfully request that the Court adjourn the initial conference in this matter *sine die*.

The parties thank the Court for its time and consideration of this letter.

Respectfully submitted,

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United States Attorney for the
Southern District of New York

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