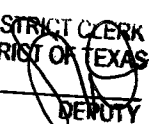


IN IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

FEB 22 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY

INFORMED CONSENT ACTION  
NETWORK,

Plaintiff,

v.

NATIONAL INSTITUTES OF HEALTH,

Defendant.

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Case No. 1:22-CV-01143-LY

**AGREED SCHEDULING ORDER**

This case involves a Freedom of Information Act (“FOIA”), 5 U.S.C. § 522, request submitted by Plaintiff Informed Consent Action Network seeking to compel Defendant National Institutes of Health to produce non-exempt records responsive to its FOIA request. Defendant has timely answered the Complaint and is continuing to search for responsive records, but Defendant’s responses to Plaintiff’s request are not yet complete.

In accordance with Local Rule CV-16, the parties submitted a joint status report and a proposed schedule to the Court. As explained in the parties’ joint status report, the parties’ proposed schedule differs from the Court’s typical form order because FOIA cases like this one generally proceed differently than most civil cases. In particular, FOIA cases do not typically involve discovery<sup>1</sup>, and most are resolved on motions for summary judgment without trial. Given the type of case and the status of Defendant’s responses to Plaintiff’s FOIA request, the parties propose an alternative schedule that requires the parties to submit their next joint status report to

<sup>1</sup> Plaintiff agrees that discovery is not necessary at this point in time but reserves all rights to seek discovery should the need arise.

the Court with a proposed schedule and rate of production in 30 days and directs the parties to propose dates for dispositive motions either after Defendant's responses to Plaintiff's FOIA request are complete or earlier if the parties reach an impasse on a production schedule or rate of production.

"A district court has inherent power 'to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.'" *United States v. Colomb*, 419 F.3d 292, 299 (5th Cir. 2005) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). In light of the unique nature of FOIA cases and the parties' agreement that this case does not require the deadlines typically set in civil cases, the Court finds good cause to enter the parties' proposed agreed scheduling order in lieu of the Court's form order.

Accordingly, **IT IS ORDERED** that the parties file a joint status report with the Court regarding a proposed schedule and rate of production in 30 days.

**IT IS FURTHER ORDERED** that either after the Defendant has completed their responses to Plaintiff's FOIA request, or earlier should the parties reach an impasse on a production schedule or rate of production, the parties shall jointly propose dates for dispositive motions.

SIGNED on February 16, 2023

  
HON. LEE YEAKEL  
UNITED STATES DISTRICT JUDGE