

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RHONDA FLEMING,

Plaintiff,

v.

MEDICARE FREEDOM OF
INFORMATION GROUP, *et al.*,

Defendants.

Civil Action No. 15-1135 (EGS)

ORDER

On October 13, 2015, the Court referred this case for full case management to a randomly assigned magistrate judge. See Min. Order (10/13/2015). Magistrate Judge G. Michael Harvey issued a Report and Recommendation ("R&R") on the parties' cross-motions for summary judgment on April 4, 2019. See R&R, ECF No. 184. The Court has carefully reviewed the R&R and, having received no objections to the R&R pursuant to Local Civil Rule 72.3(b), accepts the findings and adopts the recommendations of Magistrate Judge Harvey contained in the R&R. Accordingly, it is hereby

ORDERED that defendants' renewed motion for summary judgment is **DENIED**; and it is further

ORDERED that plaintiff's cross-motion for summary judgment is **DENIED**; and it is further

ORDERED that defendants shall file by no later than July 29, 2019 a renewed motion for summary judgment addressing the two deficiencies identified in the R&R, which are: Defendants' failure to show: (1) that the Department of Justice lacks custody or control over Assistant United States Attorney Albert Balboni's personnel records that are held at the National Personnel Records Center: and (2) that the Centers for Medicare and Medicaid Services properly invoked Exemption 6 over the information redacted from the records it recently produced to plaintiff.

SO ORDERED.

Signed: Emmet G. Sullivan
United States District Judge
June 13, 2019