

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**HENRY J KAISER FAMILY FOUNDATION,  
d/b/a KFF**

185 Berry Street 2000  
San Francisco, CA 94107

and

**RACHANA PRADHAN**

c/o KFF  
185 Berry Street 2000  
San Francisco, CA 94107

Plaintiffs,

v.

Civil Action No. \_\_\_\_\_

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

200 Independence Ave., SW  
Washington, D.C. 20201,

**U.S. CENTERS FOR DISEASE  
CONTROL AND PREVENTION**

1600 Clifton Rd.  
Atlanta, GA 30329,

**CENTERS FOR MEDICARE &  
MEDICAID SERVICES**

7500 Security Blvd.  
Baltimore, MD 21244,

**U.S. FOOD AND DRUG  
ADMINISTRATION**

10903 New Hampshire Ave.  
Silver Spring, MD 20993,

and

**NATIONAL INSTITUTES OF HEALTH**

9000 Rockville Pike  
Bethesda, MD 20892

Defendants.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

The Henry J Kaiser Family Foundation, d/b/a KFF, on behalf of its newsroom KFF Health News, and Rachana Pradhan (“Pradhan”) (collectively, “Plaintiffs”), by and through their undersigned counsel, hereby allege as follows:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA” or the “Act”), for declaratory, injunctive, and other appropriate relief brought by KFF and Pradhan against the U.S. Department of Health and Human Services, U.S. Centers for Disease Control and Prevention, Centers for Medicare & Medicaid Services, U.S. Food and Drug Administration, and the National Institutes of Health (“Defendants”).

2. By this action, Plaintiffs seek to compel Defendants to comply with their obligations under FOIA to release requested records. Plaintiffs are statutorily entitled to disclosure of the requested records, which Defendants are withholding in violation of the Act.

**PARTIES**

3. Plaintiff KFF is a non-profit, 501(c)(3) public charity that operates KFF Health News. KFF’s world headquarters is in San Francisco, CA.

4. Plaintiff Rachana Pradhan is a reporter at KFF Health News. She resides in Virginia.

5. Defendant U.S. Department of Health and Human Services (“HHS”) is an agency of the federal government within the meaning of 5 U.S.C. § 551 and 5 U.S.C. § 552(f) that has possession, custody, and/or control of the records that Plaintiffs seek. The HHS headquarters is located in Washington, D.C.

6. Defendant U.S. Centers for Disease Control and Prevention (“CDC”) is an agency of the federal government within the meaning of 5 U.S.C. § 551 and 5 U.S.C. § 552(f) that has

possession, custody, and/or control of the records that Plaintiffs seek. The CDC's headquarters is located in Atlanta, GA.

7. Defendant Centers for Medicare and Medicaid Services ("CMS") is an agency of the federal government within the meaning of 5 U.S.C. § 551 and 5 U.S.C. § 552(f) that has possession, custody, and/or control of the records that Plaintiffs seek. The CMS' headquarters is located in Baltimore, MD.

8. Defendant U.S. Food and Drug Administration ("FDA") is an agency of the federal government within the meaning of 5 U.S.C. § 551 and 5 U.S.C. § 552(f) that has possession, custody, and/or control of the records that Plaintiffs seek. The FDA's headquarters is located in Silver Spring, MD.

9. Defendant National Institutes of Health ("NIH") is an agency of the federal government within the meaning of 5 U.S.C. § 551 and 5 U.S.C. § 552(f) that has possession, custody, and/or control of the records that Plaintiffs seek. The NIH headquarters is located in Bethesda, MD.

### **JURISDICTION AND VENUE**

10. This Court has subject matter jurisdiction over this action and personal jurisdiction over Defendants pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

11. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

### **FACTS**

#### **Plaintiffs' FOIA Requests**

12. In and about March 2025, Ms. Pradhan, in her capacity as a reporter for KFF Health News, submitted FOIA requests to each Defendant (collectively, the "Requests"), as detailed herein.

U.S. Department of Health and Human Services

13. On March 7, 2025 Ms. Pradhan sent a FOIA request to the U.S. Department of Health and Human Services (the “HHS Request”). A true and correct copy of the HHS Request is attached as **Exhibit A** and is incorporated by reference.

14. The HHS Request sought the following records “from January 20, 2025 to the date of [HHS’s] final response: All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – Thomas.corry@hhs.gov; stefanie.spear@hhs.gov; heather.melanson@hhs.gov; hannah.anderson@hhs.gov – and the following email addresses:

Brad.m.smith@doge.EOP.gov

Rachel.Riley@hhs.gov

Luke.Farritor@hhs.gov

Luke.E.Farritor@doge.eop.gov.”

15. The HHS Request identified Ms. Pradhan as a representative of the news media.

16. The HHS Request sought a public interest fee waiver and expedited processing.  
*See Ex. A.*

17. On March 7, 2025, Ms. Pradhan received two emails from HHS, one confirming that the HHS Request was received and the other assigning it tracking number #2025-01965-FOIA-OS.

18. On April 7, 2025, HHS sent a further acknowledgement of the HHS Request by email, a true and correct copy of which is attached as **Exhibit B**.

19. On April 7, 2025, HHS sent another letter to Ms. Pradhan by email, a true and correct copy of which is attached as **Exhibit C**. The letter denied the request for expedited processing as set forth in the HHS Request.

20. On April 28, 2025, Ms. Pradhan submitted an administrative appeal to HHS, challenging the denial of expedited processing for the HHS Request. A true and correct copy of that appeal is attached as **Exhibit D**.

21. On June 16, 2025, Ms. Pradhan contacted HHS by email and asked for a status update on her administrative appeal. She received an automated response.

22. As of the filing of this Complaint, Plaintiffs have received no further communication from HHS regarding the HHS Request.

23. As of the filing of this Complaint, Plaintiffs have not received a determination regarding the records sought by the HHS Request.

24. As of the filing of this Complaint, Plaintiffs have not received a response to the administrative appeal regarding the denial of expedited processing for the HHS Request.

25. As of the filing of this Complaint, Plaintiffs have not received any records from HHS responsive to the HHS Request.

26. As of the filing of this Complaint, the HHS Request has been pending for approximately 114 working days.

U.S. Centers for Disease and Control

27. On March 7, 2025 Ms. Pradhan sent a FOIA request to the U.S. Centers for Disease Control and Prevention (“CDC Request”). A true and correct copy of the CDC Request is attached as **Exhibit E** and is incorporated by reference.

28. The CDC Request sought the following records “from January 20, 2025 to the date of [CDC’s] final response: All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – aw99@cdc.gov; ay28@cdc.gov – and the following email addresses:

Brad.m.smith@doge.EOP.gov

Rachel.Riley@hhs.gov

Luke.Farritor@hhs.gov

Luke.E.Farritor@doge.eop.gov.”

29. The CDC Request identified Ms. Pradhan as a representative of the news media.

30. The CDC Request sought a public interest fee waiver and expedited processing.

*See Ex E.*

31. On March 10, 2025 the CDC sent an acknowledgement of the CDC Request by email. A true and correct copy of the CDC’s acknowledgement is attached as **Exhibit F**.

32. The CDC’s March 10, 2025 letter assigned the CDC Request tracking number #25-00947-FOIA. The letter further granted both expedited processing and the fee waiver for the CDC Request. The letter further stated that Ms. Pradhan “should receive a final response by March 28, 2025.”

33. On March 28, 2025, Ms. Pradhan emailed Mark Harper, a CDC FOIA Analyst, asking for an update on the status of the CDC Request. Mr. Harper replied that he was “striving to get it to [her] as soon as possible” and that he would “do [his] best on Monday to give you a new estimated date of completion.” A true and correct copy of this email exchange is attached as **Exhibit G**.

34. As of the filing of this Complaint, Plaintiffs have received no further communication from CDC regarding the CDC Request.

35. As of the filing of this Complaint, Plaintiffs have not received a determination from the CDC regarding the CDC Request.

36. As of the filing of this Complaint, Plaintiffs have not received any records from the CDC responsive to the CDC Request.

37. As of the filing of this Complaint, the CDC Request has been pending for approximately 114 working days.

Centers for Medicare & Medicaid Services

38. On March 14, 2025 Ms. Pradhan sent a FOIA request to the Centers for Medicare & Medicaid Services (the “CMS Request”). A true and correct copy of the CMS Request is attached as **Exhibit H** and is incorporated by reference.

39. The CMS Request sought the following records “from January 20, 2025 to the date of your final response: All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – stephanie.carlton@cms.hhs.gov; kimberly.brandt@cms.hhs.gov; john.brooks1@cms.hhs.gov – and the following email addresses:

Brad.m.smith@doge.EOP.gov

Rachel.Riley@hhs.gov

Luke.Farritor@hhs.gov

Luke.E.Farritor@doge.eop.gov.”

40. The CMS Request identified Ms. Pradhan as a representative of the news media.

41. The CMS Request also sought a public interested fee waiver and expedited processing. *See* Ex. H.

42. On March 14, 2025, the CMS sent an acknowledgement of the CMS Request by email. A true and correct copy of the CMS acknowledgement is attached as **Exhibit I**. The March 14, 2025 email assigned the CMS Request tracking number 031420257025.

43. On June 16, 2025, Ms. Pradhan emailed CMS for an update on the status of the CMS Request. A true and correct copy of this email chain is attached as **Exhibit J**.

44. On June 17, 2025, CMS told Ms. Pradhan via email that her “case is still processing” and that the “analyst for your case has been informed of your inquiry.” A true and correct copy of the CMS response and email chain is attached as **Exhibit K**.

45. Later on June 17, 2025, Ms. Pradhan emailed Jason Mastropaolo at CMS, asking for an estimated date of completion for the CMS Request.

46. As of the filing of this Complaint, Plaintiffs have received no further communication from the CMS regarding the CMS Request.

47. As of the filing of this Complaint, Plaintiffs have not received a determination from the CMS regarding the CMS Request.

48. As of the filing of this Complaint, Plaintiffs have not received a determination from CMS regarding expedited processing related to the CMS Request.

49. As of the filing of this Complaint, Plaintiffs have not received any records from the CMS responsive to the CMS Request.

50. As of the filing of this Complaint, the CMS Request has been pending for approximately 109 days.

U.S. Food and Drug Administration

51. On March 7, 2025 Ms. Pradhan sent a FOIA request to the U.S. Food and Drug Administration (the “FDA Request”). A true and correct copy of the FDA Request is attached as



**Exhibit L** and is incorporated by reference.

52. The FDA request sought the following records “from January 20, 2025 to the date of [FDA’s] final response: All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel –sara.brenner@fda.hhs.gov ; kyle.diamantas@fda.hhhs.gov ; Robert.foster@hhs.gov – and the following email addresses:

Brad.m.smith@doge.EOP.gov

Rachel.Riley@hhs.gov

Luke.Farritor@hhs.gov

Luke.E.Farritor@doge.eop.gov.”

53. The FDA Request identified Ms. Pradhan as a representative of the news media.

54. The FDA Request sought a public interest fee waiver and expedited processing.  
*See Ex. L.*

55. On March 12, 2025 the FDA sent an acknowledgement of the FDA Request by email. A true and correct copy of the FDA acknowledgement is attached as **Exhibit M**. The FDA’s March 12, 2025 letter assigned the FDA Request tracking number 2025-2308.

56. On March 20, 2025, the FDA a letter to Ms. Pradhan by email. The FDA’s March 20, 2025 letter denied expedited processing for the FDA Request. A true and correct copy of the FDA’s March 20, 2025 letter is attached as **Exhibit N**.

57. On March 21, 2025, Ms. Pradhan submitted an administrative appeal to the FDA via email, challenging the denial of expedited processing for the FDA Request. A true and correct copy of that administrative appeal is attached as **Exhibit O**.

58. Later on March 21, 2025, the FDA sent a letter to Ms. Pradhan via email, acknowledging receipt of the administrative appeal regarding the denial of expedited processing for the FDA Request. A true and correct copy of that letter is attached as **Exhibit P**.

59. Also on March 21, 2025, Ms. Pradhan also received an email from Charis Wilson, a Denials and Appeals Officer at FDA. A true and correct copy of that email chain is attached as **Exhibit Q**. The email stated, *inter alia*, that “FDA does not have possession and control of the email address Robert.Foster@hhs.gov, as we do not manage or have access to the email server for HHS.gov. We will instead conduct a search for Robert’s emails using the account Robert.Foster@fda.hhs.gov.” Ex. Q.

60. On June 24, 2025, Ms. Pradhan sent an email to the FDA asking for a status update on the administrative appeal regarding the denial of expedited processing for the FDA Request. A true and correct copy of this email chain is attached as **Exhibit R**.

61. As of the filing of this Complaint, Plaintiffs have received no further communication from the FDA regarding the FDA Request.

62. As of the filing of this Complaint, Plaintiffs have not received a determination from the FDA regarding the FDA Request.

63. As of the filing of this Complaint, Plaintiffs have not received a determination for the administrative appeal regarding the denial of expedited processing for the FDA Request

64. As of the filing of this Complaint, Plaintiffs have not received any records from the FDA responsive to the FDA Request.

65. As of the filing of this Complaint, the FDA Request has been pending for approximately 114 days.

National Institutes of Health

66. On March 7, 2025 Ms. Pradhan sent a FOIA request to the National Institutes of Health (the “NIH Request”). A true and correct copy of the NIH Request is attached as **Exhibit S**, and is incorporated by reference.

67. The NIH request sought the following records “from January 20, 2025 to the date of [NIH’s] final response: All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – liza.bundesen@nih.hhs.gov ; memolimj@nih.hhs.gov – and the following email addresses:

Brad.m.smith@doge.EOP.gov

Rachel.Riley@hhs.gov

Luke.Farritor@nih.hhs.gov

Luke.E.Farritor@doge.eop.gov.”

68. The NIH Request identified Ms. Pradhan as a representative of the news media.

69. The NIH Request sought a public interest fee waiver and expedited processing. *See* Ex. S.

70. By letter dated March 18, 2025, NIH acknowledged receipt of the NIH Request and another request submitted by Ms. Pradhan; the agency assigned the NIH Request tracking number 63659. The letter further denied expedited processing for the NIH Request. A true and correct copy of the NIH’s March 18, 2025 letter is attached as **Exhibit T**.

71. On March 21, 2025, Ms. Pradhan submitted an administrative appeal challenging the denial of expedited processing for the NIH Request. A true and correct copy of Ms. Pradhan’s expedited processing appeal is attached as **Exhibit U**.

72. On May 21, 2025, Ms. Pradhan emailed NIH asking for a status update on the NIH Request.

73. As of the filing of this Complaint, Plaintiffs have received no further communication from NIH regarding the NIH Request.

74. As of the filing of this Complaint, Plaintiffs have not received a determination from NIH regarding the NIH Request.

75. As of the filing of this Complaint, Plaintiffs have not received a determination for the administrative appeal regarding the denial of expedited processing for the NIH Request.

76. As of the filing of this Complaint, Plaintiffs have not received any records from NIH responsive to the NIH Request.

77. As of the filing of this Complaint, the NIH Request has been pending for approximately 114 days.

### **CAUSES OF ACTION**

#### **COUNT I: VIOLATION OF FOIA FOR FAILURE TO COMPLY WITH STATUTORY DEADLINES (ALL DEFENDANTS)**

78. Plaintiffs repeat, reallege, and incorporate the allegations set forth in the foregoing paragraphs.

79. Defendants are agencies subject to FOIA. 5 U.S.C. §§ 552(f), 551.

80. The Requests seek records that are within the possession, custody, and/or control of Defendants.

81. The Requests complied with all applicable regulations regarding the submission of FOIA requests.

82. Defendants failed to make determinations regarding Plaintiffs' Requests within the statutory deadlines required by FOIA. 5 U.S.C. § 552(a)(6)(A).

83. Defendants' failure to make determinations with respect to the Requests within FOIA's statutory deadlines violates their obligations under FOIA. 5 U.S.C. § 552(a)(6)(A).

84. Plaintiffs have or are deemed to have exhausted applicable administrative remedies with respect to the Requests. 5 U.S.C. § 552(a)(6)(C)(i).

**COUNT II: VIOLATION OF FOIA  
FOR UNLAWFUL WITHHOLDING OF AGENCY RECORDS  
(ALL DEFENDANTS)**

85. Plaintiffs repeat, reallege, and incorporate the allegations set forth in the foregoing paragraphs.

86. Defendants are agencies subject to FOIA. 5 U.S.C. §§ 552(f), 551.

87. The Requests seek records that are within the possession, custody, and/or control of Defendants.

88. The Requests complied with all applicable regulations regarding the submission of FOIA requests.

89. Defendants have not released any records or portions thereof in response to the Requests.

90. Defendants have not cited any exemptions to withhold records or portions thereof that are responsive to the Requests.

91. Defendants have not identified how it is reasonably foreseeable that disclosure of each of the records or portions thereof sought by the Requests would harm an interest protected by a FOIA exemption and/or why disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A).

92. Records responsive to the Requests are required to be released under FOIA.

93. Defendants have improperly withheld agency records responsive to the Requests, in violation of FOIA. 5 U.S.C. § 552(a)(3)(A).

94. Plaintiffs have or are deemed to have exhausted applicable administrative remedies with respect to the Requests. 5 U.S.C. § 552(a)(6)(C)(i).

**COUNT III: VIOLATION OF FOIA  
FOR FAILURE TO COMPLY WITH EXPEDITED PROCESSING  
(DEFENDANT CDC)**

95. Plaintiffs repeat, reallege, and incorporate the allegations set forth in the foregoing paragraphs as though fully set forth herein.

96. CDC is an agency subject to FOIA. 5 U.S.C. §§ 552(f), 551.

97. The CDC Request properly sought records under FOIA that are within the possession, custody, and/or control of CDC.

98. The CDC Request complied with all applicable regulations regarding the submission of FOIA requests.

99. CDC granted Plaintiffs' request for expedited processing.

100. CDC has failed to process the CDC Request "as soon as practicable." 5 U.S.C. § 552(a)(6)(E)(iii).

101. CDC has failed to comply with the statutory requirements of FOIA. 5 U.S.C. § 552(a)(6)(E)(iii).

102. Plaintiffs have or are deemed to have exhausted applicable administrative remedies with respect to the Requests. 5 U.S.C. § 552(a)(6)(C)(i).

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully requests this Court:

- (1) order Defendants to conduct searches reasonably calculated to identify all records responsive to the Requests;
- (2) enjoin Defendants from withholding all records or portions thereof responsive to the Requests that may not be withheld under FOIA;

- (3) issue a declaration that Plaintiffs are entitled to disclosure of the records sought by the Requests;
- (4) issue a declaration that Defendants' failure to provide timely determinations in response to the Requests violates their obligations under FOIA;
- (5) Order Defendant CDC to produce records responsive to the CDC Request as soon as practicable;
- (6) award Plaintiffs reasonable attorney fees and costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (7) grant such other relief as the Court may deem just and proper.

Dated: August 19, 2025

Respectfully submitted,

/s/ Adam A. Marshall

Adam A. Marshall  
DC Bar No. 1029423  
Email: amarshall@rcfp.org  
Gunita Singh  
D.C. Bar No. 1601923  
Email: gsingh@rcfp.org  
REPORTERS COMMITTEE FOR  
FREEDOM OF THE PRESS  
1156 15th St. NW, Suite 1020  
Washington, DC 20005  
Phone: 202.795.9303  
Facsimile: 202.795.9310

*Counsel for Plaintiffs*

# EXHIBIT A



Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response:

-All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – [Thomas.Corry@hhs.gov](mailto:Thomas.Corry@hhs.gov); [Stefanie.Spear@hhs.gov](mailto:Stefanie.Spear@hhs.gov); [Heather.Melanson@hhs.gov](mailto:Heather.Melanson@hhs.gov); [Hannah.Anderson@hhs.gov](mailto:Hannah.Anderson@hhs.gov) – and the following email addresses:

[Brad.m.smith@doge.EOP.gov](mailto:Brad.m.smith@doge.EOP.gov)

[Rachel.Riley@hhs.gov](mailto:Rachel.Riley@hhs.gov)

[Luke.Farritor@hhs.gov](mailto:Luke.Farritor@hhs.gov)

[Luke.E.Farritor@doge.eop.gov](mailto:Luke.E.Farritor@doge.eop.gov)

Please note that I am a member of the news media as evidenced by my published work for KFF Health News at [kffhealthnews.org](http://kffhealthnews.org) and its numerous news partners, and this request is being made for news gathering purposes. I seek expedited processing for this request because of a compelling need to quickly provide the public information about the White House's and the Department of Government Efficiency's vast overhaul of the federal government, including its efforts to reduce the federal workforce and revise, curtail or eliminate federal programs.

I also request that fees be waived as this request is in the public interest. The request is not being made for commercial purposes.

Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication.

If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

All questions can be routed to myself via email or phone at 703-731-7918.

Rachana Pradhan

KFF Health News

1330 G St., NW, Washington, DC 20006

Cell: 703-731-7918

# EXHIBIT B



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs  
Washington, D.C. 20201

**HHS Case No: 2025-01965-FOIA-OS**

**April 7, 2025**

***Sent via email:***

Rachana Pradhan  
Kaiser Health News  
1330 G St. NW  
Washington, DC, 20005  
**[rachanap@kff.org](mailto:rachanap@kff.org)**

Dear Rachana Pradhan:

This acknowledges receipt of your March 7, 2025, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division concerning *“All emails, attachments, calendars, and any other electronic correspondence sent or received between Thomas.Corry@hhs.gov; Stefanie.Spear@hhs.gov; Heather.Melanson@hhs.gov; Hannah.Anderson@hhs.gov and the following email addresses:*

*Brad.m.smith@doge.EOP.gov*

*Rachel.Riley@hhs.gov*

*Luke.Farritor@hhs.gov*

*Luke.E.Farritor@doge.eop.gov*

*(Date Range for Record Search: From 1/20/2025 To 3/7/2025)”*. We received your request on March 7, 2025.

Because you seek records which require a search in another office, “unusual circumstances” apply to your request, automatically extending the time limit to respond to your request for ten additional days. See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V. 2017). Further, we estimate needing more than 10 additional days to respond to your request and so, in the next paragraph of this letter we are offering you an opportunity to narrow your request, in case narrowing the request would enable us to respond to the request sooner. The actual time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any material located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Our current workload is approximately 3000 cases.

Your request is assigned to the complex track. In an effort to speed up our records search, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located. You may also wish to await the completion of our records search to discuss either of these options.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the HHS FOIA office via email at [foiarequest@hhs.gov](mailto:foiarequest@hhs.gov).

If you are not satisfied with any aspect of the processing and handling of this request, you have the right to seek dispute resolution services from:

HHS FOIA/PA Public Liaison  
FOI/Privacy Acts Division  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)  
Telephone: (202) 690-7453  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)

If you are not already submitting your requests through our Public Access Link (PAL), we recommend all future requests and appeals be submitted through PAL - <https://requests.publiclink.hhs.gov/>. Submitting requests through PAL automatically logs your requests into our tracking system and provides you with a tracking number. Your PAL account will allow you to track the progress of your request, receive your documents directly through the portal, and securely submit privacy-sensitive or business-sensitive documents.

Sincerely yours,



Arianne Perkins  
Director, Initial FOIA Requests  
FOI/Privacy Acts Division

# EXHIBIT C



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs  
Washington, D.C. 20201

**HHS Case No. 2025-01965-FOIA-OS**

**April 7, 2025**

***Sent via email:***

Rachana Pradhan  
Kaiser Health News  
1330 G St. NW  
Washington, DC, 20005  
**[rachanap@kff.org](mailto:rachanap@kff.org)**

Dear Rachana Pradhan:

This is an interim response to your March 7, 2025, Freedom of Information Act (FOIA) request. You requested the following: (All emails, attachments, calendars, and any other electronic correspondence sent or received between Thomas.Corry@hhs.gov; Stefanie.Spear@hhs.gov; Heather.Melanson@hhs.gov; Hannah.Anderson@hhs.gov and the following email addresses:

Brad.m.smith@doge.EOP.gov  
Rachel.Riley@hhs.gov  
Luke.Farritor@hhs.gov  
Luke.E.Farritor@doge.eop.gov  
(Date Range for Record Search: From 1/20/2025 To 3/7/2025)).

I have determined your request for expedited processing does not meet the requirements under the FOIA and HHS implementing regulations and cannot be granted. The FOIA requires an agency expedite processing of a request only when the requester demonstrates a “compelling need.”

Our review indicates you have not clearly demonstrated a “compelling need,” because you have not clearly articulated an imminent threat to the life or physical safety of an individual; and you also have not demonstrated that there is an “urgency to inform the public concerning actual or alleged Federal activity” through a request by one primarily engaged in disseminating information to the public.

The law authorizes us to collect fees for responding to FOIA requests. However, because we are uncertain that applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. Nevertheless, if we determine there will be fees associated with processing your request, we will contact you at that time.

If you are not satisfied with my action on this request, you may administratively appeal this denial of expedited processing. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision.

Please mark the correspondence, “Freedom of Information Act Appeal.” Your appeal must be transmitted within 90 days from the date of receipt of this letter to:

William Holzerland  
Deputy Agency Chief FOIA Officer

U.S. Department of Health and Human Services  
Office of the Assistant Secretary for Public Affairs  
[HHS.ACFO@hhs.gov](mailto:HHS.ACFO@hhs.gov)

If you choose to mail your appeal, please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.” The mailing address is: Room 729H, 200 Independence Avenue, SW, Washington, DC 20201. Please note the entire office is working remotely and appeals sent by mail may receive delayed receipt dates.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the HHS FOIA Public Liaison for assistance at:

HHS FOIA/PA Public Liaison  
FOI/Privacy Acts Division  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)  
200 Independence Avenue, SW, Suite 729H  
Washington, DC 20201

Telephone: (202) 690-7453  
Fax: (202) 690-8320  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road—OGIS  
College Park, MD 20740-6001

Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Arianne Perkins', with a stylized, flowing script.

Arianne Perkins  
Director, Initial FOIA Requests  
FOI/Privacy Acts Division



# EXHIBIT D



Outlook

---

**Freedom of Information Act Appeal: Case No. 2025-01965-FOIA-OS**

---

**From** Rachana Pradhan <RachanaP@kff.org>**Date** Mon 4/28/2025 2:51 PM**To** HHS.ACFO@hhs.gov <HHS.ACFO@hhs.gov>

William Holzerland  
Deputy Agency Chief FOIA Officer  
U.S. Department of Health and Human Services  
Office of the Assistant Secretary for Public Affairs

To Whom It May Concern:

I am writing to contest HHS' decision to deny expedited processing in HHS Case No. 2025-01965-FOIA-OS seeking records that would shed light on the ongoing, unprecedented upheaval at the agency under the new administration.

On its face, the agency's decision to refuse to quickly release records in this case is simply baffling and incongruent both with the letter and spirit of the law. It has been widely recognized and accepted that the current changes across HHS and its subagencies, including FDA, NIH, CDC, HRSA, SAMHSA, and other departments, are the single most profound reshaping of the federal government in more than a century. The department's refusal to move quickly in disclosing these records to the public can only be interpreted as either a flagrantly erroneous interpretation of the law or a deliberate effort to obstruct taxpayers' understanding of the massive changes unfolding inside their government.

The agency provided a specious rationale for the denial. Pursuant to 5 U.S.C. §552(a)(6)(E), agencies are required to grant requests for expedited processing in cases in which the person requesting the records demonstrates a "compelling need." Statute defines a "compelling need" as a case where:

- Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to someone's life or physical safety; or
- If the request is made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity.

As a correspondent for KFF Health News, I am a representative of the news media who is actively gathering news for an entity that is organized and operated to publish and broadcast news to the public. It is KFF Health News' primary purpose to disseminate information to the public, and not an incidental activity. I clearly meet the statutory standard defining the circumstances that qualify as a compelling need.

Expedited processing of this request is warranted because of an urgency to inform the public about the vast overhaul of, and potential changes to, crucial agency activities. These activities include but are not limited to: the funding of scientific and biomedical research in the U.S., approval and review of pharmaceuticals, vaccines, medical devices and other products, monitoring the safety of the nation's food safety supply, monitoring and responding to outbreaks of infectious disease, the release of government records under the Freedom of

Information Act, and other vital agency activities that protect the health and safety of Americans. The aforementioned areas are, or stand to be significantly impacted, by:

- Mass workforce reductions of roughly 20,000 people that are already impacting HHS and its various subagencies
- Proposals to significantly reduce the department's discretionary spending that would be achieved through the elimination or major reduction of different offices and programs
- Directives to significantly curtail department-wide spending on contracts

Requesting communications between representatives of the Department of Government Efficiency and agency leadership and other senior officials, as the federal government undergoes an unprecedented reconstruction, is both warranted and necessary given their likely role in their discussion and/or implementation of the changes.

The records should be released quickly to ensure taxpayers understand the changes to their government and to provide them the opportunity to petition their elected representatives. Should you refuse this appeal, please provide a detailed accounting of both your reasoning and statutory grounds for such an obstruction of the public's right to access records that would shed light on decisions officials are making to reshape the agency.

Thank you,

**Rachana Pradhan**

Correspondent, KFF Health News

Washington, DC

703-731-7918

[rpradhan@kff.org](mailto:rpradhan@kff.org) / [@rachanadpradhan](https://twitter.com/rachanadpradhan)

[kff.org](https://kff.org) | [kffhealthnews.org](https://kffhealthnews.org)

The independent source for health policy research, polling, and news. KFF Health News, formerly known as Kaiser Health News or KHN, is a national newsroom that produces in-depth journalism about health issues.

# EXHIBIT E

## Submit New Request

## Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

**Rachana Pradhan**

Correspondent

Kaiser Health News

1330 G St. NW

Washington, DC 20005

Phone 703-731-7918

rachanap@kff.org

Requester Default Category: News Media

## General Information

Action Office	HQ
Action Office Instructions	CDC/ATSDR FOIA Office 1600 Clifton Road, N.E., MS D-54 Atlanta, Georgia 30152
Request Type	FOIA
Requester Category	News Media
Delivery Mode	

## Shipping Address

Street1	1330 G St. NW
Street2	
City	Washington
State	District of Columbia
State (Other)	
Country	United States
Zip Code	20005

## Request Information

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response:

-All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – aw99@cdc.gov ; ay28@cdc.gov – and the following email addresses:

Brad.m.smith@doge.EOP.gov  
 Rachel.Riley@hhs.gov  
 Luke.Farritor@hhs.gov  
 Luke.E.Farritor@doge.eop.gov

Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication.

#### Description

If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

All questions can be routed to myself via email or phone at 703-731-7918.

Rachana Pradhan  
 KFF Health News  
 1330 G St., NW, Washington, DC 20006  
 Cell: 703-731-7918

Date Range for Record  
 Search:From  
 Date Range for Record  
 Search:To  
 Description Document

01/20/2025

03/07/2025

#### Fee Information

Willing Amount	\$25
Fee Waiver Requested	Yes
Fee Waiver Request Reason	I am a member of the news media as evidenced by my published work for KFF Health News at kffhealthnews.org and its numerous news partners, and this request is being made for news gathering purposes. The request is not being made for commercial purposes.
Willing to Pay All Fees	No

#### Billing Address

Street1	1330 G St. NW
Street2	
City	Washington
State	District of Columbia
State (Other)	
Country	United States
Zip Code	20005

#### Other Information

Name	
Company	
Phone	
Fax	
Email Address	
Street1	1330 G St. NW
Street2	
City	Washington
State	District of Columbia
State (Other)	
Country	United States
Zip Code	20005

**Expedite Reason**

I seek expedited processing because of a compelling need to provide the public information about the administration's vast overhaul of the federal government, including workforce reduction efforts and elimination of programs, grants and other activities.

# EXHIBIT F





Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333

March 10, 2025

Rachana Pradhan  
Correspondent  
Kaiser Health News  
1330 G St. NW  
Washington, DC 20005  
Via email: rachanap@kff.org

Dear Rachana Pradhan:

The Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) received your Freedom of Information Act (FOIA) request dated March 7, 2025 for:

*Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response:*

*-All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – aw99@cdc.gov ; ay28@cdc.gov – and the following email addresses:*

*Brad.m.smith@doge.EOP.gov  
Rachel.Riley@hhs.gov  
Luke.Farritor@hhs.gov  
Luke.E.Farritor@doge.eop.gov*

*Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication.*

*If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.*

*All questions can be routed to myself via email or phone at 703-731-7918.*

*Rachana Pradhan  
KFF Health News  
1330 G St., NW, Washington, DC 20006  
Cell: 703-731-7918*

*(Date Range for Record Search: From 01/20/2025 To 03/07/2025)*

Page 2 – Rachana Pradhan

Your request was assigned #25-00947-FOIA and placed in our complex processing queue.

In unusual circumstances, an agency can extend the 10-day-working-day limit to respond to a FOIA request.

We will require an additional ten-working-days to respond to your request because we reasonably expect to consult with two or more C/I/O/s, or another HHS operating division or another federal agency about your request, including the Executive Office of the President (EOP) >.

To process your request promptly, please consider narrowing the scope of your request to limit the number of responsive records. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handling your request Mark Harper at 770-488-8154 or our FOIA Public Liaison, Roger Andoh at 770-488-6277. Additionally, you may contact the Office of Government Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services; National Archives and Records Administration; 8601 Adelphi Road-OGIS; College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

You requested that we expedite processing your request. Your request is granted and your FOIA request would be processed as quickly as possible.

Because you are considered a “News Media requester,” you will not be charged fees unless you choose to receive responsive records in hard copy. (10 cents/page)

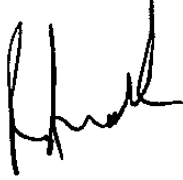
You may check on the status of your case on our FOIA webpage <https://foia.cdc.gov/app/Home.aspx> and entering your assigned request number. If you have any questions regarding your request, please contact Mark Harper at [wzj6@cdc.gov](mailto:wzj6@cdc.gov) or at 770-488-8154.

We reasonably anticipate that you should receive a final response by March 28, 2025. Please know that this date roughly estimates how long it will take the agency to close requests ahead of your request in the queue and complete work on your request.

Page 3 – Rachana Pradhan

The actual date of completion might be before or after this estimated date.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Andoh', with a stylized, cursive script.

Roger Andoh  
CDC/ATSDR FOIA Officer  
Office of the Chief Operating Officer  
(770) 488-6399  
Fax: (404) 235-1852

25-00947-FOIA

# EXHIBIT G



Outlook

---

**Re: Your CDC FOIA Request #25-00947-FOIA**

---

**From** Harper, Mark Neville (CDC/OCOO/OD) <wzj6@cdc.gov>**Date** Fri 3/28/2025 7:41 PM**To** Rachana Pradhan <RachanaP@kff.org>

Thanks very much. I am done with my review but it is going through several consultations with other agencies. I am striving to get it to you as soon as possible and I will do my best on Monday to give you a new estimate estimated date of completion .

Mark Harper

CDC FOIA Analyst

Get [Outlook for iOS](#)

---

**From:** Rachana Pradhan <RachanaP@kff.org>**Sent:** Friday, March 28, 2025 5:03:35 PM**To:** Harper, Mark Neville (CDC/OCOO/OD) <wzj6@cdc.gov>**Subject:** Re: Your CDC FOIA Request #25-00947-FOIA

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Mark,

I was hoping to get a status update on this request. The acknowledgement letter said the agency anticipated providing a final response by today, March 28.

Thank you,

**Rachana Pradhan**

Correspondent, KFF Health News

Washington, DC

703-731-7918

[rpradhan@kff.org](mailto:rpradhan@kff.org) / [@rachanadpradhan](https://twitter.com/rachanadpradhan)

[kff.org](https://kff.org) | [kffhealthnews.org](https://kffhealthnews.org)

The independent source for health policy research, polling, and news. KFF Health News, formerly known as Kaiser Health News or KHN, is a national newsroom that produces in-depth journalism about health issues.

---

**From:** MNHarper@cdc.gov**Sent:** Monday, March 10, 2025 11:53 AM

**To:** Rachana Pradhan

**Subject:** Your CDC FOIA Request #25-00947-FOIA

March 10, 2025

Request Number: 25-00947-FOIA

Dear Rachana Pradhan:

This is regarding your Freedom of Information Act (FOIA) request of March 7, 2025, for Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response: -All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – aw99@cdc.gov ; ay28@cdc.gov – and the following email addresses: Brad.m.smith@doge.EOP.gov Rachel.Riley@hhs.gov Luke.Farritor@hhs.gov Luke.E.Farritor@doge.eop.gov Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication. If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. All questions can be routed to myself via email or phone at 703-731-7918. Rachana Pradhan KFF Health News 1330 G St., NW, Washington, DC 20006 Cell: 703-731-7918 (Date Range for Record Search: From 01/20/2025 To 03/07/2025).

Please see the attached letter.

Sincerely,  
CDC/ATSDR FOIA Office  
770-488-6399

# EXHIBIT H

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response:

-All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – [stephanie.carlton@cms.hhs.gov](mailto:stephanie.carlton@cms.hhs.gov) ; [kimberly.brandt@cms.hhs.gov](mailto:kimberly.brandt@cms.hhs.gov) ; [john.brooks1@cms.hhs.gov](mailto:john.brooks1@cms.hhs.gov) – and the following email addresses:

[Brad.m.smith@doge.EOP.gov](mailto:Brad.m.smith@doge.EOP.gov)

[Rachel.Riley@hhs.gov](mailto:Rachel.Riley@hhs.gov)

[Luke.Farritor@hhs.gov](mailto:Luke.Farritor@hhs.gov)

[Luke.E.Farritor@doge.eop.gov](mailto:Luke.E.Farritor@doge.eop.gov)

Please note that I am a member of the news media as evidenced by my published work for KFF Health News at [kffhealthnews.org](http://kffhealthnews.org) and its numerous news partners, and this request is being made for news gathering purposes. I seek expedited processing for this request because of a compelling need to quickly provide the public information about the administration's vast overhaul of the federal government, including its efforts to reduce the federal workforce and revise, curtail or eliminate federal programs.

I also request that fees be waived as this request is in the public interest. The request is not being made for commercial purposes.

Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication.

If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

All questions can be routed to myself via email or phone at 703-731-7918.



Rachana Pradhan

KFF Health News

1330 G St., NW, Washington, DC 20006

Cell: 703-731-7918

# EXHIBIT I



---

**CMS FOIA Request Acknowledgement: Control Number 031420257025**

---

**From** CMS FOIA (No Reply) <FOIANoReply@cms.hhs.gov>

**Date** Fri 3/14/2025 11:54 AM

**To** Rachana Pradhan <RachanaP@kff.org>



## **Centers for Medicare & Medicaid Services**

### **Freedom of Information Group's FOIA Service Center**

**Refer to:** Control Number 031420257025 and PIN KHC7

Dear Rachana Pradhan:

Thank you for contacting the Centers for Medicare & Medicaid Services' (CMS) Freedom of Information Act (FOIA) Service Center. We are acknowledging receipt of your FOIA request received by one of CMS's FOIA processing offices on 03/14/2025.

Once your request is assigned to a CMS FOIA Coordinator, you will receive additional direct communication as needed for our agency to process and respond to your request. If our searching units advise us that you have requested a voluminous number of records that requires extensive search, production, and review, we will contact you to discuss options for narrowing the scope to process your request as quickly and efficiently as possible.

Please note that CMS receives a very high volume of FOIA requests annually and every effort is made to respond to FOIA requests received by our agency within 20 business days per FOIA regulations. The following unusual circumstances, as defined by 5 USC § 552(a)(6), may affect our ability to fulfill a FOIA request within 20 business days. These include circumstances such as (1) the request requires us to search for and collect records from multiple components and/or field offices; (2) the request involves a voluminous number of records that must be located, compiled, transferred to this office, and reviewed.

To check the status of your request as it is being processed, please use CMS's FOIA check status link: [CMS FOIA Request Status](#) to enter both the Control Number and 4 character PIN as they appear above in this email. If you have submitted more than one request, you will receive a separate acknowledgement email containing an individual Control Number and PIN for each request submitted.

For FOIA inquiries pertaining to requests for beneficiary claim records, you may contact CMS's regional FOIA processing office at: [OPOLEFOIA@cms.hhs.gov](mailto:OPOLEFOIA@cms.hhs.gov). For all other FOIA inquiries, you may contact CMS's central FOIA office at: [FOIA\\_Request@cms.hhs.gov](mailto:FOIA_Request@cms.hhs.gov). If you are inquiring about a specific FOIA request, please be sure to include the Control Number in the subject line. For additional information and helpful resources, please visit our CMS FOIA Service Center webpage: [CMS FOIA Service Center](#).

Additionally, federal agencies are authorized by law to collect fees necessary to process and respond to FOIA requests. The FOIA statute assumes that requesters are willing to pay fees up to \$25.00. If you have not specified a fee limit, CMS will notify you if the fees estimated to process your request exceed \$25.00, and CMS may suspend processing until we receive written confirmation that you are willing to pay the estimated fees. If the estimated fees exceed \$250.00, the law authorizes us to collect the fees in advance of processing the request.

If you are not satisfied with any aspect of the processing and handling of this request, please contact Rhiannon McKeever at 667-414-0203.

You also have the right to seek dispute resolution services from:

Desiree Gaynor  
CMS FOIA Public Liaison  
Centers for Medicare & Medicaid Services  
7500 Security Blvd., MS C5-11-06  
Baltimore, Maryland 21244-1850  
Telephone: (410) 786-5353 fax (443)-380-8871

and/or:

Office of Government Information Services  
National Archives and Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely,

The CMS FOIA Service Center

# EXHIBIT J



Outlook

---

**Fw: CMS FOIA Request Acknowledgement: Control Number 031420257025**

---

**From** Rachana Pradhan <RachanaP@kff.org>

**Date** Mon 6/16/2025 2:22 PM

**To** FOIA\_Request@cms.hhs.gov <FOIA\_Request@cms.hhs.gov>

Hello,

I was hoping for a status update on this request.

The CMS FOIA portal for the last several weeks has said that the status is: "FOIA request referred to program office(s) for responsive records search and fee estimate"

The projected date of response is undetermined.

Could you please provide an update on when the records will be furnished?

Thank you,

Rachana

**Rachana Pradhan**

Correspondent, KFF Health News

Washington, DC

703-731-7918

[rpradhan@kff.org](mailto:rpradhan@kff.org) / [@rachanadpradhan](https://twitter.com/rachanadpradhan)

[kff.org](https://kff.org) | [kffhealthnews.org](https://kffhealthnews.org)

The independent source for health policy research, polling, and news. KFF Health News, formerly known as Kaiser Health News or KHN, is a national newsroom that produces in-depth journalism about health issues.

---

**From:** CMS FOIA (No Reply) <FOIANoReply@cms.hhs.gov>

**Sent:** Friday, March 14, 2025 11:54 AM

**To:** Rachana Pradhan <RachanaP@kff.org>

**Subject:** CMS FOIA Request Acknowledgement: Control Number 031420257025



**Centers for Medicare & Medicaid Services**

**Freedom of Information Group's FOIA Service Center**

**Refer to:** Control Number 031420257025 and PIN KHC7

Dear Rachana Pradhan:

Thank you for contacting the Centers for Medicare & Medicaid Services' (CMS) Freedom of Information Act (FOIA) Service Center. We are acknowledging receipt of your FOIA request received by one of CMS's FOIA processing offices on 03/14/2025.

Once your request is assigned to a CMS FOIA Coordinator, you will receive additional direct communication as needed for our agency to process and respond to your request. If our searching units advise us that you have requested a voluminous number of records that requires extensive search, production, and review, we will contact you to discuss options for narrowing the scope to process your request as quickly and efficiently as possible.

Please note that CMS receives a very high volume of FOIA requests annually and every effort is made to respond to FOIA requests received by our agency within 20 business days per FOIA regulations. The following unusual circumstances, as defined by 5 USC § 552(a)(6), may affect our ability to fulfill a FOIA request within 20 business days. These include circumstances such as (1) the request requires us to search for and collect records from multiple components and/or field offices; (2) the request involves a voluminous number of records that must be located, compiled, transferred to this office, and reviewed.

To check the status of your request as it is being processed, please use CMS's FOIA check status link: [CMS FOIA Request Status](#) to enter both the Control Number and 4 character PIN as they appear above in this email. If you have submitted more than one request, you will receive a separate acknowledgement email containing an individual Control Number and PIN for each request submitted.

For FOIA inquiries pertaining to requests for beneficiary claim records, you may contact CMS's regional FOIA processing office at: [OPOLEFOIA@cms.hhs.gov](mailto:OPOLEFOIA@cms.hhs.gov). For all other FOIA inquiries, you may contact CMS's central FOIA office at: [FOIA\\_Request@cms.hhs.gov](mailto:FOIA_Request@cms.hhs.gov). If you are inquiring about a specific FOIA request, please be sure to include the Control Number in the subject line. For additional information and helpful resources, please visit our CMS FOIA Service Center webpage: [CMS FOIA Service Center](#).

Additionally, federal agencies are authorized by law to collect fees necessary to process and respond to FOIA requests. The FOIA statute assumes that requesters are willing to pay fees up to \$25.00. If you have not specified a fee limit, CMS will notify you if the fees estimated to process your request exceed \$25.00, and CMS may suspend processing until we receive written confirmation that you are willing to pay the estimated fees. If the estimated fees exceed \$250.00, the law authorizes us to collect the fees in advance of processing the request.

If you are not satisfied with any aspect of the processing and handling of this request, please contact Rhiannon McKeever at 667-414-0203.

You also have the right to seek dispute resolution services from:

Desiree Gaynor  
CMS FOIA Public Liaison  
Centers for Medicare & Medicaid Services  
7500 Security Blvd., MS C5-11-06  
Baltimore, Maryland 21244-1850  
Telephone: (410) 786-5353 fax (443)-380-8871

and/or:

Office of Government Information Services  
National Archives and Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely,

The CMS FOIA Service Center



# EXHIBIT K



Outlook

---

**RE: CMS FOIA Request Acknowledgement: Control Number 031420257025**

---

**From** CMS FOIA Request <FOIA\_Request@cms.hhs.gov>

**Date** Tue 6/17/2025 3:27 PM

**To** Rachana Pradhan <RachanaP@kff.org>

**Cc** Mastropaolo, Jason (CMS/OSORA) <Jason.Mastropaolo1@cms.hhs.gov>

Good afternoon

Your case is still processing. The analyst for your case has been informed of your inquiry. Thank you.

---

**From:** Rachana Pradhan <RachanaP@kff.org>

**Sent:** Monday, June 16, 2025 2:23 PM

**To:** CMS FOIA Request <FOIA\_Request@cms.hhs.gov>

**Subject:** Fw: CMS FOIA Request Acknowledgement: Control Number 031420257025

Hello,

I was hoping for a status update on this request.

The CMS FOIA portal for the last several weeks has said that the status is: "FOIA request referred to program office(s) for responsive records search and fee estimate"

The projected date of response is undetermined.

Could you please provide an update on when the records will be furnished?

Thank you,  
Rachana

**Rachana Pradhan**

Correspondent, KFF Health News

Washington, DC

703-731-7918

[rpradhan@kff.org](mailto:rpradhan@kff.org) / [@rachanadpradhan](https://twitter.com/rachanadpradhan)

[kff.org](https://kff.org) | [kffhealthnews.org](https://kffhealthnews.org)

The independent source for health policy research, polling, and news. KFF Health News, formerly known as Kaiser

Health News or KHN, is a national newsroom that produces in-depth journalism about health issues.

---

**From:** CMS FOIA (No Reply) <[FOIANoReply@cms.hhs.gov](mailto:FOIANoReply@cms.hhs.gov)>

**Sent:** Friday, March 14, 2025 11:54 AM

**To:** Rachana Pradhan <[RachanaP@kff.org](mailto:RachanaP@kff.org)>

**Subject:** CMS FOIA Request Acknowledgement: Control Number 031420257025



## Centers for Medicare & Medicaid Services

### Freedom of Information Group's FOIA Service Center

**Refer to:** Control Number 031420257025 and PIN KHC7

Dear Rachana Pradhan:

Thank you for contacting the Centers for Medicare & Medicaid Services' (CMS) Freedom of Information Act (FOIA) Service Center. We are acknowledging receipt of your FOIA request received by one of CMS's FOIA processing offices on 03/14/2025.

Once your request is assigned to a CMS FOIA Coordinator, you will receive additional direct communication as needed for our agency to process and respond to your request. If our searching units advise us that you have requested a voluminous number of records that requires extensive search, production, and review, we will contact you to discuss options for narrowing the scope to process your request as quickly and efficiently as possible.

Please note that CMS receives a very high volume of FOIA requests annually and every effort is made to respond to FOIA requests received by our agency within 20 business days per FOIA regulations. The following unusual circumstances, as defined by 5 USC § 552(a)(6), may affect our ability to fulfill a FOIA request within 20 business days. These include circumstances such as (1) the request requires us to search for and collect records from multiple components and/or field offices; (2) the request involves a voluminous number of records that must be located, compiled, transferred to this office, and reviewed.

To check the status of your request as it is being processed, please use CMS's FOIA check status link: [CMS FOIA Request Status](#) to enter both the Control Number and 4 character PIN as they appear above in this email. If you have submitted more than one request, you will receive a separate acknowledgement email containing an individual Control Number and PIN for each request submitted.

For FOIA inquiries pertaining to requests for beneficiary claim records, you may contact CMS's regional FOIA processing office at: [OPOLEFOIA@cms.hhs.gov](mailto:OPOLEFOIA@cms.hhs.gov). For all other FOIA inquiries, you may contact CMS's central FOIA office at: [FOIA\\_Request@cms.hhs.gov](mailto:FOIA_Request@cms.hhs.gov). If you are inquiring about a specific FOIA request, please be sure to include the Control Number in the subject line. For additional information and helpful resources, please visit our CMS FOIA Service Center webpage: [CMS FOIA Service Center](#).

Additionally, federal agencies are authorized by law to collect fees necessary to process and respond to FOIA

requests. The FOIA statute assumes that requesters are willing to pay fees up to \$25.00. If you have not specified a fee limit, CMS will notify you if the fees estimated to process your request exceed \$25.00, and CMS may suspend processing until we receive written confirmation that you are willing to pay the estimated fees. If the estimated fees exceed \$250.00, the law authorizes us to collect the fees in advance of processing the request.

If you are not satisfied with any aspect of the processing and handling of this request, please contact Rhiannon McKeever at 667-414-0203.

You also have the right to seek dispute resolution services from:

Desiree Gaynor  
CMS FOIA Public Liaison  
Centers for Medicare & Medicaid Services  
7500 Security Blvd., MS C5-11-06  
Baltimore, Maryland 21244-1850  
Telephone: (410) 786-5353 fax (443)-380-8871

and/or:

Office of Government Information Services  
National Archives and Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely,

The CMS FOIA Service Center

# EXHIBIT L

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response:

-All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel –[Sara.Brenner@fda.hhs.gov](mailto:Sara.Brenner@fda.hhs.gov) ; [Kyle.Diamantas@fda.hhs.gov](mailto:Kyle.Diamantas@fda.hhs.gov) ; [Robert.Foster@hhs.gov](mailto:Robert.Foster@hhs.gov) – and the following email addresses:

[Brad.m.smith@doge.EOP.gov](mailto:Brad.m.smith@doge.EOP.gov)

[Rachel.Riley@hhs.gov](mailto:Rachel.Riley@hhs.gov)

[Luke.Farritor@hhs.gov](mailto:Luke.Farritor@hhs.gov)

[Luke.E.Farritor@doge.eop.gov](mailto:Luke.E.Farritor@doge.eop.gov)

Please note that I am a member of the news media as evidenced by my published work for KFF Health News at [kffhealthnews.org](http://kffhealthnews.org) and its numerous news partners, and this request is being made for news gathering purposes. I seek expedited processing for this request because of a compelling need to quickly provide the public information about the White House's and the Department of Government Efficiency's vast overhaul of the federal government, including its efforts to reduce the federal workforce and revise, curtail or eliminate federal programs.

I also request that fees be waived as this request is in the public interest. The request is not being made for commercial purposes.

Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication.

If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

All questions can be routed to myself via email or phone at 703-731-7918.

Rachana Pradhan

KFF Health News

1330 G St., NW, Washington, DC 20006

Cell: 703-731-7918

# EXHIBIT M





March 12, 2025

KFF HEALTH NEWS  
RACHANA PRADHAN  
1330 G St., NW  
Washington DC 20005 US

In Reply refer to  
FOIA Control #:  
2025-2308

Requester reference:

Dear Requester:

The Food and Drug Administration (FDA) has received your Freedom of Information Act (FOIA) request for records regarding:

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response: -All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel –Sara.Brenner@fda.hhs.gov ; Kyle.Diamantas@fda.hhs.gov ; Robert.Foster@hhs.gov – and the following email addresses: Brad.m.smith@doge.EOP.gov Rachel.Riley@hhs.gov Luke.Farritor@hhs.gov Luke.E.Farritor@doge.eop.gov Please note that I am a member of the news media as evidenced by my published work for KFF Health News at kffhealthnews.org and its numerous news partners, and this request is being made for news gathering purposes. I seek expedited processing for this request because of a compelling need to quickly provide the public information about the administration's vast overhaul of the federal government, including its efforts to reduce the federal workforce and revise, curtail or eliminate federal programs. I also request that fees be waived as this request is in the public interest. The request is not being made for commercial purposes. Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication. If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. All questions can be routed to myself via email or phone at 703-731-7918. Rachana Pradhan KFF Health News 1330 G St., NW, Washington, DC 20006 Cell: 703-731-7918

In processing your FOIA request, FDA will apply, as appropriate, the FOIA exemptions in 5 USC 552(b) and the foreseeable harm standard in 5 USC 552(a)(8)(i). We will respond as soon as possible and may charge you a fee for processing your request. If your informational needs change, and you no longer need the requested records, please contact us to cancel your request, as charges may be incurred once processing of your request has begun. For more information on processing fees, please see <http://www.fda.gov/RegulatoryInformation/FOI/FOIAFees/default.htm>. PLEASE NOTE: HOURLY RATES FOR SEARCH AND REVIEW INCREASED FOR ALL REQUESTS RECEIVED ON OR AFTER JUNE 1, 2023.

Due to an increase in the number of incoming requests, we may be unable to comply with the twenty-working-day time limit in this case, as well as the ten additional days provided by the FOIA. The actual processing time will depend on the complexity of your request and whether sensitive records, voluminous records, extensive search, and/or consultation with other HHS components or other executive branch agencies are involved. Please note that requests for medical device approval records (e.g. 510K, PMA, DEN) may take up to 18 to 24 months to process.

If you have any questions about your request, please call Sarah B. Kotler, Director, Division Of Freedom Of Information, at (301) 796-8976 or write to us at:  
Food and Drug Administration  
Division of Freedom of Information  
5630 Fishers Lane, Room 1035  
Rockville, MD 20857

If you call or write, use the FOIA control number provided above which will help us to answer your questions more quickly.

You also have the right to seek dispute resolution services from:

Office of Government Information Services  
National Archives and Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001

and/or

FDA FOIA Public Liaison  
Office of the Executive Secretariat  
US Food and Drug Administration  
5630 Fishers Lane, Room 1050

Telephone: 202-741-5770

Toll-Free: 1-877-684-6448

Email: [ogis@nara.gov](mailto:ogis@nara.gov)

Fax: 202-741-5769

Rockville, MD 20857

Email: [FDAFOIA@fda.hhs.gov](mailto:FDAFOIA@fda.hhs.gov)

Sincerely,

SARAH KOTLER  
Director

# EXHIBIT N



March 20, 2025

KFF HEALTH NEWS  
RACHANA PRADHAN  
1330 G St., NW  
Washington DC 20005 US

In Reply refer to  
FOIA Control #:  
2025-2308

Requester reference:

Dear Requester:

This is in reference to your request(s) for record(s) from the Food and Drug Administration (FDA) pursuant to the Freedom of Information Act (FOIA).

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response: -All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel –Sara.Brenner@fda.hhs.gov ; Kyle.Diamantas@fda.hhs.gov ; Robert.Foster@hhs.gov – and the following email addresses: Brad.m.smith@doge.EOP.gov Rachel.Riley@hhs.gov Luke.Farritor@hhs.gov Luke.E.Farritor@doge.eop.gov Please note that I am a member of the news media as evidenced by my published work for KFF Health News at kffhealthnews.org and its numerous news partners, and this request is being made for news gathering purposes. I seek expedited processing for this request because of a compelling need to quickly provide the public information about the administration's vast overhaul of the federal government, including its efforts to reduce the federal workforce and revise, curtail or eliminate federal programs. I also request that fees be waived as this request is in the public interest. The request is not being made for commercial purposes. Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication. If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. All questions can be routed to myself via email or phone at 703-731-7918. Rachana Pradhan KFF Health News 1330 G St., NW, Washington, DC 20006 Cell: 703-731-7918

The Electronic Freedom of Information Act (EFOIA) Amendments of 1996 amended the FOIA by adding section (a)(6)(E), 5 U.S.C. 552(a)(6)(E), to require agencies to consider requests for expedited processing and grant them whenever a "compelling need" is shown and in other cases as determined by the agency. The term "compelling need" is defined as (1) involving "an imminent threat to the life or physical safety of an individual," or (2) in the case of a request made by "a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity."

I have determined that your request for expedited processing does not meet the criteria under the FOIA. You have not demonstrated a compelling need that involves an imminent threat to the life or physical safety of an individual. Neither have you demonstrated that there exists an urgency to inform the public concerning actual or alleged Federal Government activity. Therefore, I am denying your request for expedited processing. The responding agency office will process your request in the order in which it was received.

In accordance with 45 CFR § 5.61 and 21 CFR § 20.41(b)(5), you have the right to appeal this determination. Your appeal should clearly identify the agency determination that is being appealed. It would be helpful if you provide specific reasons explaining why you believe the agency's adverse determination should be reconsidered. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider me your request and the agency's decision. Your appeal must be mailed within 90 days from the date of this response, to: Director, Office of Management and Enterprise Services, 5630 Fishers Lane, Room 1050, Rockville, MD 20857, or emailed within 90 days from the date of this response to FDAFOIA@fda.hhs.gov. Please clearly mark both the envelope and your letter "FDA Freedom of Information Act Appeal." Items arriving or delivered after 5 p.m. Eastern Time will be deemed received on the next workday. If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, please contact me at 301-796-8976 or Sarah.Kotler@fda.hhs.gov. Please contact me if you have questions about your request. You may also contact the FDA FOIA Public Liaison for assistance at: Office of Management Enterprise Services, US Food & Drug Administration, 5630 Fishers Lane, Room 1050, Rockville, MD 20857, E-mail: FDAFOIA@fda.hhs.gov. If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; telephone at 202-741-5770; toll free at 1-

Sincerely,

SARAH KOTLER  
Director

# EXHIBIT O



Outlook

---

**FDA Freedom of Information Act Appeal: Control #2025-2308**

---

**From** Rachana Pradhan <RachanaP@kff.org>

**Date** Fri 3/21/2025 10:36 AM

**To** FDAFOIA@fda.hhs.gov <FDAFOIA@fda.hhs.gov>

I am writing to contest the FDA's decision to deny expedited processing for FOIA Control #2025-2308 seeking records that would shed light on the ongoing, unprecedented upheaval at the agency under the new administration.

On its face, the agency's decision to refuse to quickly release records in this case is simply baffling and incongruent both with the letter and spirit of the law. It has been widely recognized and accepted that the current changes across federal agencies, including FDA, are the single most profound reshaping of the federal government in more than a century. The agency's refusal to move quickly in disclosing these records to the public can only be interpreted as either a flagrantly erroneous interpretation of the law or a deliberate effort to obstruct taxpayers' understanding of the massive changes unfolding inside their government.

The agency provided a specious rationale for the denial. Pursuant to 5 U.S.C. §552(a)(6)(E), agencies are required to grant requests for expedited processing in cases in which the person requesting the records demonstrates a "compelling need." Statute defines a "compelling need" as a case where:

- Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to someone's life or physical safety; or
- If the request is made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity.

As a correspondent for KFF Health News, I am a representative of the news media who is actively gathering news for an entity that is organized and operated to publish and broadcast news to the public. It is KFF Health News' primary purpose to disseminate information to the public, and not an incidental activity. I clearly meet the statutory standard defining the circumstances that qualify as a compelling need.

Expedited processing of this request is warranted because of an urgency to inform the public about the vast overhaul of, and potential changes to, crucial agency activities and the resulting impact on pharmaceuticals, medical devices and other products, tobacco control efforts, the safety of the nation's food safety supply, and other vital agency activities. They include:

- Mass workforce reductions impacting the FDA's various centers
- The decision to terminate leases for FDA facilities

Requesting communications between representatives of the Department of Government Efficiency and agency leadership and other senior officials, as the federal government undergoes an unprecedented reconstruction, is both warranted and necessary given their likely role in their discussion and/or implementation of the changes.

The records should be released quickly to ensure taxpayers understand the changes to their government and to provide them the opportunity to petition their elected representatives. Should you refuse this appeal, please provide a detailed accounting of both your reasoning and statutory grounds for such an obstruction of the public's right to access records that would shed light on decisions officials are making to reshape the agency.

-

**Rachana Pradhan**

Correspondent, KFF Health News

Washington, DC

703-731-7918

[rpradhan@kff.org](mailto:rpradhan@kff.org) / [@rachanadpradhan](https://twitter.com/rachanadpradhan)

[kff.org](https://kff.org) | [kffhealthnews.org](https://kffhealthnews.org)

The independent source for health policy research, polling, and news. KFF Health News, formerly known as Kaiser Health News or KHN, is a national newsroom that produces in-depth journalism about health issues.



# EXHIBIT P



Appeal Number: 25-0025AA

March 21, 2025

Sending via Email: RachanaP@kff.org

This letter acknowledges receipt of your Freedom of Information Act (FOIA) appeal, which was submitted to the Food and Drug Administration (FDA) on March 21, 2025.

Your appeal challenges the FDA's response to your FOIA request **#2025-2308**. Please reference your request number or the above referenced appeal number on your correspondence.

The basis of your appeal is summarized below:

*Expedited processing*

Pursuant to 5 U.S.C. § 552(a)(6)(B)(i) and 5 U.S.C. § 552(a)(6)(B)(iii) of the FOIA and 45 C.F.R. 0167 5.24(f) of the HHS FOIA regulations, your appeal falls under “unusual circumstances” in that our office will need to consult with another office that has substantial interest in the determination of the appeal. The actual processing time will depend on the complexity of the issues presented in the appeal. Adverse determination appeals requiring consult with the Office of General Counsel under 45 C.F.R. § 5.63(b), are currently taking between 12 – 15 months to complete.

For more information on how your appeal will be processed you can refer to the following:

- [45 C.F.R. Part 5](#) Health and Human Services (HHS) FOIA Regulations
- [21 C.F.R. Part 20](#) FDA FOIA Regulations

If you have any questions, please call 240-402-9116, or email us at [fdafoia@fda.hhs.gov](mailto:fdafoia@fda.hhs.gov).

Sincerely yours,

Charis Wilson, PhD, CRM  
Denials & Appeals Officer  
Office of Management and Enterprise Services  
Office of the Commissioner

U.S. Food and Drug Administration  
5630 Fishers Lane, Room 1035  
Rockville, MD 20857  
[www.fda.gov](http://www.fda.gov)

# EXHIBIT Q



Outlook

---

**2025-2308 Scope clarification**

---

**From** FDA FOIA <FDAFOIA@fda.hhs.gov>

**Date** Fri 3/21/2025 4:17 PM

**To** Rachana Pradhan <RachanaP@kff.org>

Good afternoon,

I wanted to let you know that the FDA does not have possession and control of the email address Robert.Foster@hhs.gov, as we do not manage or have access to the email server for HHS.gov . We will instead conduct a search for Robert's emails using the account Robert.Foster@fda.hhs.gov.

If you have not already done so, you may wish to submit a separate request to HHS, to request a search of the Robert.Foster@hhs.gov account. You can do so using their web form at <https://requests.publiclink.hhs.gov/App/Index.aspx>.

Please feel free to contact me with any questions.

Sincerely,

C.

---

Charis Wilson, PhD, CRM  
Denials & Appeals Officer

Office of Management and Enterprise Services  
Office of the Commissioner  
U.S. Food and Drug Administration  
240-402-9116

---

**From:** Rachana Pradhan <RachanaP@kff.org>

**Sent:** Friday, March 21, 2025 8:36 AM

**To:** FDA FOIA <FDAFOIA@fda.hhs.gov>

**Subject:** [EXTERNAL] FDA Freedom of Information Act Appeal: Control #2025-2308

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to contest the FDA's decision to deny expedited processing for FOIA Control #2025-2308 seeking records that would shed light on the ongoing, unprecedented upheaval at the agency under the new administration.

On its face, the agency's decision to refuse to quickly release records in this case is simply baffling and incongruent both with the letter and spirit of the law. It has been widely recognized and accepted that the current changes across federal agencies, including FDA, are the single most profound reshaping of the federal government in more than a century. The agency's refusal to move quickly in disclosing these records to the public can only be interpreted as either a flagrantly erroneous interpretation of the law or a deliberate effort to obstruct taxpayers' understanding of the massive changes unfolding inside their government.

The agency provided a specious rationale for the denial. Pursuant to 5 U.S.C. §552(a)(6)(E), agencies are required to grant requests for expedited processing in cases in which the person requesting the records demonstrates a "compelling need." Statute defines a "compelling need" as a case where:

- Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to someone's life or physical safety; or
- If the request is made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity.

As a correspondent for KFF Health News, I am a representative of the news media who is actively gathering news for an entity that is organized and operated to publish and broadcast news to the public. It is KFF Health News' primary purpose to disseminate information to the public, and not an incidental activity. I clearly meet the statutory standard defining the circumstances that qualify as a compelling need.

Expedited processing of this request is warranted because of an urgency to inform the public about the vast overhaul of, and potential changes to, crucial agency activities and the resulting impact on pharmaceuticals, medical devices and other products, tobacco control efforts, the safety of the nation's food safety supply, and other vital agency activities. They include:

- Mass workforce reductions impacting the FDA's various centers
- The decision to terminate leases for FDA facilities

Requesting communications between representatives of the Department of Government Efficiency and agency leadership and other senior officials, as the federal government undergoes an unprecedented reconstruction, is both warranted and necessary given their likely role in their discussion and/or implementation of the changes.

The records should be released quickly to ensure taxpayers understand the changes to their government and to provide them the opportunity to petition their elected representatives. Should you refuse this appeal, please provide a detailed accounting of both your reasoning and statutory grounds for such an obstruction of the public's right to access records that would shed light on decisions officials are making to reshape the agency.

-

**Rachana Pradhan**

Correspondent, KFF Health News

Washington, DC

703-731-7918

[rpradhan@kff.org](mailto:rpradhan@kff.org) / [@rachanadpradhan](https://twitter.com/rachanadpradhan)

[kff.org](https://kff.org) | [kffhealthnews.org](https://kffhealthnews.org)

The independent source for health policy research, polling, and news. KFF Health News, formerly known as Kaiser

Health News or KHN, is a national newsroom that produces in-depth journalism about health issues.

# EXHIBIT R



Outlook

---

**Re: Pradhan 2025-2308 expedited proc appeal**

---

**From** Rachana Pradhan <RachanaP@kff.org>

**Date** Tue 6/24/2025 2:29 PM

**To** FDA FOIA <FDAFOIA@fda.hhs.gov>

Good afternoon Charis,

I hope all is well. I was looking to get an update on the status of this appeal. Could you please advise?  
It is for FOIA #2025-2308

Thanks,  
Rachana

**Rachana Pradhan**

Correspondent, KFF Health News

Washington, DC

703-731-7918

[rpradhan@kff.org](mailto:rpradhan@kff.org) / [@rachanadpradhan](https://twitter.com/rachanadpradhan)

[kff.org](https://kff.org) | [kffhealthnews.org](https://kffhealthnews.org)

The independent source for health policy research, polling, and news. KFF Health News, formerly known as Kaiser Health News or KHN, is a national newsroom that produces in-depth journalism about health issues.

---

**From:** FDA FOIA <FDAFOIA@fda.hhs.gov>

**Sent:** Friday, March 21, 2025 11:21 AM

**To:** Rachana Pradhan <RachanaP@kff.org>

**Subject:** Pradhan 2025-2308 expedited proc appeal

Good morning,

See attached.

C.

---

Charis Wilson, PhD, CRM  
Denials & Appeals Officer

Office of Management and Enterprise Services  
Office of the Commissioner  
U.S. Food and Drug Administration  
240-402-9116



**From:** Rachana Pradhan <RachanaP@kff.org>  
**Sent:** Friday, March 21, 2025 8:36 AM  
**To:** FDA FOIA <FDAFOIA@fda.hhs.gov>  
**Subject:** [EXTERNAL] FDA Freedom of Information Act Appeal: Control #2025-2308

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to contest the FDA's decision to deny expedited processing for FOIA Control #2025-2308 seeking records that would shed light on the ongoing, unprecedented upheaval at the agency under the new administration.

On its face, the agency's decision to refuse to quickly release records in this case is simply baffling and incongruent both with the letter and spirit of the law. It has been widely recognized and accepted that the current changes across federal agencies, including FDA, are the single most profound reshaping of the federal government in more than a century. The agency's refusal to move quickly in disclosing these records to the public can only be interpreted as either a flagrantly erroneous interpretation of the law or a deliberate effort to obstruct taxpayers' understanding of the massive changes unfolding inside their government.

The agency provided a specious rationale for the denial. Pursuant to 5 U.S.C. §552(a)(6)(E), agencies are required to grant requests for expedited processing in cases in which the person requesting the records demonstrates a "compelling need." Statute defines a "compelling need" as a case where:

- Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to someone's life or physical safety; or
- If the request is made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity.

As a correspondent for KFF Health News, I am a representative of the news media who is actively gathering news for an entity that is organized and operated to publish and broadcast news to the public. It is KFF Health News' primary purpose to disseminate information to the public, and not an incidental activity. I clearly meet the statutory standard defining the circumstances that qualify as a compelling need.

Expedited processing of this request is warranted because of an urgency to inform the public about the vast overhaul of, and potential changes to, crucial agency activities and the resulting impact on pharmaceuticals, medical devices and other products, tobacco control efforts, the safety of the nation's food safety supply, and other vital agency activities. They include:

- Mass workforce reductions impacting the FDA's various centers
- The decision to terminate leases for FDA facilities

Requesting communications between representatives of the Department of Government Efficiency and agency leadership and other senior officials, as the federal government undergoes an unprecedented reconstruction, is both warranted and necessary given their likely role in their discussion and/or implementation of the changes.

The records should be released quickly to ensure taxpayers understand the changes to their government and to provide them the opportunity to petition their elected representatives. Should you refuse this appeal, please provide a detailed accounting of both your reasoning and statutory grounds for such an obstruction of the public's right to access records that would shed light on decisions officials are making to reshape the agency.

-

**Rachana Pradhan**

Correspondent, KFF Health News

Washington, DC

703-731-7918

[rpradhan@kff.org](mailto:rpradhan@kff.org) / [@rachanadpradhan](https://www.instagram.com/rachanadpradhan)

[kff.org](https://kff.org) | [kffhealthnews.org](https://kffhealthnews.org)

The independent source for health policy research, polling, and news. KFF Health News, formerly known as Kaiser Health News or KHN, is a national newsroom that produces in-depth journalism about health issues.

# EXHIBIT S

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I request the following records from January 20, 2025 to the date of your final response:

-All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – [Liza.Bundesen@nih.hhs.gov](mailto:Liza.Bundesen@nih.hhs.gov) ;  
[memolimj@nih.hhs.gov](mailto:memolimj@nih.hhs.gov) – and the following email addresses:

[Brad.m.smith@doge.EOP.gov](mailto:Brad.m.smith@doge.EOP.gov)

[Rachel.Riley@hhs.gov](mailto:Rachel.Riley@hhs.gov)

[Luke.Farritor@nih.hhs.gov](mailto:Luke.Farritor@nih.hhs.gov)

[Luke.E.Farritor@doge.eop.gov](mailto:Luke.E.Farritor@doge.eop.gov)

Please note that I am a member of the news media as evidenced by my published work for KFF Health News at [kffhealthnews.org](http://kffhealthnews.org) and its numerous news partners, and this request is being made for news gathering purposes. I seek expedited processing for this request because of a compelling need to quickly provide the public information about the White House's and the Department of Government Efficiency's vast overhaul of the federal government, including its efforts to reduce the federal workforce and revise, curtail or eliminate federal programs.

I also request that fees be waived as this request is in the public interest. The request is not being made for commercial purposes.

Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed. Please provide records electronically via email or another electronic means of communication.

If you deny any part or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

All questions can be routed to myself via email or phone at 703-731-7918.

Rachana Pradhan

KFF Health News

1330 G St., NW, Washington, DC 20006

Cell: 703-731-7918

# EXHIBIT T



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health  
Freedom of Information Office  
Building 1, Room 344  
1 Center Drive, MSC 0188  
Bethesda, Maryland 20892-0188  
phone: (301) 496-5633  
fax: (301) 402-4541

Via email [rachanap@kff.org](mailto:rachanap@kff.org)

March 18, 2025

Rachana Pradhan  
KFF Health News  
1330 G St., NW  
Washington, DC 20005

Re: FOI Case No. 63651 and 63659

Dear Requester:

This acknowledges your March 6, 2025, and March 7, 2025, Freedom of Information Act (FOIA) requests addressed to the National Institutes of Health (NIH) and were received in this office on those same days. You requested a copy of records from January 20, 2025, to the date of the final response:

63651: All emails, attachments, and any other electronic correspondence sent or received between National Institutes of Health officials whose email addresses contain “@nih.gov” and the following email address: [Brad.m.smith@doge.EOP.gov](mailto:Brad.m.smith@doge.EOP.gov)

63659: All emails, attachments, calendars, and any other electronic correspondence sent or received between the following personnel – [Liza.Bundesen@nih.hhs.gov](mailto:Liza.Bundesen@nih.hhs.gov) ; [memolimj@nih.hhs.gov](mailto:memolimj@nih.hhs.gov) – and the following email addresses:  
[Brad.m.smith@doge.EOP.gov](mailto:Brad.m.smith@doge.EOP.gov)  
[Rachel.Riley@hhs.gov](mailto:Rachel.Riley@hhs.gov)  
[Luke.Farritor@nih.hhs.gov](mailto:Luke.Farritor@nih.hhs.gov)  
[Luke.E.Farritor@doge.eop.gov](mailto:Luke.E.Farritor@doge.eop.gov)

You also requested expedited processing.

The FOIA, 5 U.S.C. §552(a)(6)(E), requires agencies to consider requests for expedited processing and grant them whenever a “compelling need” is shown and in other cases as determined by the agency. The term “compelling need” is defined as (1) involving “an imminent threat to the life or physical safety of an individual,” or (2) in the case of a request made by “a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.” The compelling need standard is “intended to be narrowly applied.” *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C. Cir. 2001).

Unfortunately, your requests do not meet the standard of “compelling need”. Therefore, I am denying your requests for expedited processing.

We are searching the files of the NIH for records responsive to your requests. If any documents responsive to your requests are located, they will be reviewed for releasability, and all releasable information will be sent to you. We will do everything possible to comply with your requests in a timely manner. Please contact the NIH FOIA Office at [NIHFOIA@od.nih.gov](mailto:NIHFOIA@od.nih.gov) or 301-496-5633 for additional information or to inquire about the status of your request.

Provisions of the FOIA allow us to recover part of the cost of complying with your requests. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to news media requesters; i.e., you will be charged for duplication at 10-cents per page although the first 100 pages are free; there is no charge for search or review time. Please be advised that the HHS FOIA Regulations allow us to charge for search time even if we do not locate any responsive records or if we determine that some or all of the responsive records are exempt under one of the FOIA’s nine exemptions. Because we are uncertain that applicable fees will exceed our minimum charge (\$25.00), we are not addressing your requests for a fee waiver at this time. However, if it is determined that there will be fees associated with processing your requests, we will contact you at that time.

If you are not satisfied with the processing and handling of these requests, you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Denean Standing-Ojo  
Public Affairs Specialist  
Office of Communications and Public Liaison  
Building 31, Room 5B52S  
31 Center Drive  
Bethesda, MD 20814  
301-496-5077 (phone)  
301-496-0818 (fax)  
[nihfoia@od.nih.gov](mailto:nihfoia@od.nih.gov) (email)

OGIS

National Archives and Records Admin  
8601 Adelphi Rd - OGIS  
College Park, MD 20740-6001  
202-741-5770 (phone)  
1-877-684-6448 (toll-free)  
202-741-5769 (fax)  
[ogis@nara.gov](mailto:ogis@nara.gov) (email)

In addition, you have the right to appeal this determination to deny you expedited processing of your requests. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart C of the HHS FOIA Regulations <http://www.nih.gov/icd/od/foia/cfr45.htm>) to the Assistant Secretary for Public Affairs, at: <https://requests.publiclink.hhs.gov/App/Index.aspx>

Sincerely,

Gorka Garcia-Malene  
Freedom of Information Officer, NIH



# EXHIBIT U

I am writing to contest and appeal the NIH's decision issued March 18, 2025, to deny expedited processing for my recent FOIA request (FOI Case #63659) seeking records that would shed light on the ongoing, unprecedented upheaval at the agency under the new administration.

On its face, the agency's decision to refuse to quickly release records in this case is simply baffling and incongruent both with the letter and spirit of the law. It has been widely recognized and accepted that the current changes across federal agencies, including NIH, are the single most profound reshaping of the federal government in more than a century. The agency's refusal to move quickly in disclosing these records to the public can only be interpreted as either a flagrantly erroneous interpretation of the law or a deliberate effort to obstruct taxpayers' understanding of the massive changes unfolding inside their government.

Further, NIH did not provide any justification or rationale for its denial.

Pursuant to 5 U.S.C. §552(a)(6)(E), agencies are required to grant requests for expedited processing in cases in which the person requesting the records demonstrates a "compelling need." Statute defines a "compelling need" as a case where:

- Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to someone's life or physical safety; or
- If the request is made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity.

As a correspondent for KFF Health News, I am a representative of the news media who is actively gathering news for an entity that is organized and operated to publish and broadcast news widely to the public. It is KFF Health News' primary purpose to disseminate information to the public, and not an incidental activity. Therefore, I clearly meet the statutory standard defining the circumstances that qualify as a compelling need.

Further, expedited processing of this request is warranted because of an urgency to inform the public about the agency's vast overhaul of, and potential changes to, crucial government activities and the resulting impact on medical and scientific research. They include:

- The termination of grants for hundreds of NIH-funded research projects
- Funding freezes impacting currently funded activities and future grant applications
- The consolidation of all grant and contract review in the Center for Scientific Review.
- Changes to indirect cost reimbursements for all research grants.
- Mass workforce reductions impacting the NIH's 27 institutes and centers.

The records should be released quickly to ensure taxpayers understand the ongoing and unprecedented reconstruction of their government and to provide them the opportunity to petition their elected representatives regarding the changes.

Should you refuse this appeal, please provide a detailed accounting of both your reasoning and statutory grounds for such an obstruction of the public's right to access records that would shed light on decisions their representatives, both hired and elected, are making to reshape this and other federal agencies.