

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WHITE COAT WASTE PROJECT  
7288 Hanover Green Dr.  
Mechanicsville, VA 23111

Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
200 Independence Way, S.W.  
Washington DC 20201,

Defendant.

Civ. No. 21-cv-1485

**Complaint for Declaratory and  
Injunctive Relief**

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, seeking the release of records related to origins of the novel coronavirus and ties between the United States government and the Wuhan Institute of Virology.

**Jurisdiction and Venue**

2. This Court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

**Parties**

4. Plaintiff White Coat Waste Project, Inc. (WCW) is a bipartisan taxpayer watchdog organization pursuant to Section 501(c)(3) of the Internal Revenue Code, with its headquarters located at 7288 Hanover Green Drive, Mechanicsville, VA, 23111. WCW's mission is to unite animal-lovers and liberty-lovers to find, expose and

defund wasteful taxpayer-funded animal experiments. WCW is the requester of the information at issue in this case.

5. Defendant Department of Health and Human Services (DHHS) is an agency of the United States.

6. The National Institute of Health (NIH) is a component of DHHS.

7. The National Institute of Allergy and Infectious Diseases (NIAID) is a component of NIH.

8. DHHS, NIH, and NIAID have possession, custody, and control of the records WCW seeks.

### **Statement of Facts**

#### *WCW's FOIA Request No. NIAID 56089*

9. On March 26, 2021, WCW submitted a FOIA request to the NIAID seeking “[a]ny incoming or outgoing emails (and their attachments) between NIAID Director Dr. Anthony S. Fauci, M.D. and then-Director of the Centers for Disease Control and Prevention Robert R. Redfield, M.D. between October 1, 2019 and January 20, 2021.”

10. The request specified that “[i]n an effort to accommodate [the] agency and reduce the number of potentially responsive records to be processed and produced, [WCW was] limiting [its] request to emails that contain at least one of the following terms:

- ‘Wuhan Institute of Virology’,
- ‘WIV’,
- ‘Shi Zhengli’,

- ‘Gain of Function’,
- ‘Recombinant Virus’,
- ‘Mutant Virus’,
- ‘Spillover’,
- ‘Animal Experiments’,
- ‘Lab Leak’,
- ‘Escaped’,
- ‘Chinese Academy of Sciences’, [and]
- ‘CAS’.”

11. The request also clarified that WCW still requested “that complete email chains be produced, displaying both sent and received messages. This means, for example, that both the Dr. Fauci’s response to an email and the initial received message are responsive to this request and should be produced.”

12. On March 26, 2021, NIAID acknowledged receipt of this request and assigned it case number 56089.

13. To date, WCW has not received any production or any denial letter related to this request.

14. As of the filing of this Complaint, WCW has not received a final determination and response from NIAID with regard to case number 56089.

15. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), WCW is deemed to have exhausted its administrative remedies with regard to case number 56089 because the agency has failed to comply with the statutory time limit.

16. NHHS (through the NIH and NIAID) continues to wrongfully withhold the requested records from WCW.

WCW's FOIA Request No. NIAID 56193

17. On April 16, 2021, WCW submitted a FOIA request to the NIAID seeking the following documents from January 1, 2013, to the present “related to, or that reference NIAID grant 2R01AI110964 to EcoHealth Alliance:

- Funding applications, renewals and amendments,
- Disbursement records,
- Correspondence to and from EHA, including its attachments,
- Correspondence, including its attachments, to and from NIAID, NIH, and/or HHS regarding grant 2R01AI110964 as described on Sections III and IV of the ‘Department of Health and Human Services Framework for Guiding Funding Decisions about Proposed Research Involving Enhanced Potential Pandemic Pathogens.’”

18. On April 21, 2021, NIAID acknowledged receipt of this request and assigned it case number 56193.

19. To date, WCW has not received any production or any denial letter related to this request.

20. As of the filing of this Complaint, WCW has not received a final determination and response from NIAID with regard to case number 56193.

21. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), WCW is deemed to have exhausted its administrative remedies with regard to case number 56193 because the agency has failed to comply with the statutory time limit.

22. NHHS (through the NIH and NIAID) continues to wrongfully withhold the requested records from WCW.

### **Count I: Violation of FOIA**

23. Plaintiff realleges and incorporates by reference the allegations in each of the preceding paragraphs of this Complaint.

24. DHHS has wrongfully withheld agency records requested by WCW.

25. WCW has exhausted applicable administrative remedies with respect to DHHS's wrongful withholding of the requested records.

26. WCW and the public have been and will continue to be irreparably harmed until DHHS is ordered to comply with WCW's FOIA requests.

27. WCW is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

### **Request for Relief**

WHEREFORE, WCW respectfully requests that this Court:

- (1) Declare DHHS's failure to comply with FOIA to be unlawful;
- (2) Enjoin DHHS from continuing to withhold the public records responsive to WCW's FOIA request and otherwise order DHHS to produce the requested public records without further delay;

- (3) Grant WCW an award of attorney fees and other litigation costs reasonably incurred in this action, to the extent permitted by law; and
- (4) Grant WCW such other and further relief which the Court deems proper.

Date: June 1, 2021

Respectfully submitted,

/s/ Matthew Strugar  
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