

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.

**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 the National Institute of Health's (NIH) experiments on dogs.

**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 Institutes of Health Clinical Center is a component of NIH.

8. DHHS, NIH, and the National Institutes of Health Clinical Center have possession, custody, and control of the records WCW seeks.

### **Statement of Facts**

#### **WCW's FOIA Case No. 58229**

9. On April 11, 2022, WCW submitted a FOIA request to the National Institutes of Health Clinical Center seeking “a copy of the following documents related to NIH’s experiments on dogs:

- Most recent IACUC-approved protocols with all appendices, secondary reviews and amendments
- IACUC meeting minutes related to these projects (January 1, 2020-present)
- Invoices for the purchase of dogs, or other records of procurements (February 9, 2021-present)
- Acquisition and disposition records for dogs obtained for use in experiments (February 9, 2021-present)
- Complete veterinary records for dogs held or experimented on (February 9, 2021-present)

- Complete raw and unedited videos, edited videos and photographs (January 1, 2020-present)”

10. WCW sought records in connection with two animal research protocols: “CCM 19-01, ‘Determining the Role of Iron and Nitric Oxide in Cell Free Hemoglobin Induced Injury in a Canine Model of S. aureus Pneumonia. Does Haptoglobin have a Therapeutic Role?’ (P.I. Steven Solomon)” and “CCM 19-04, ‘The Comparative Pathobiology of Stress-induced and Sepsis-induced Cardiomyopathy’ (P.I. Steven Solomon).”

11. The online portal assigned WCW request case number 58229.

12. More than two months passed without the agency providing any acknowledgement or update.

13. Finally, on June 27, 2022, the agency acknowledged receipt of the request.

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

15. As of the filing of this Complaint, WCW has not received a final determination and response regarding NIH FOIA Case No. 58229.

16. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), WCW is deemed to have exhausted its administrative remedies with regard NIH FOIA Case No. 58229 because the agency has failed to comply with the statutory time limit.

17. The National Institutes of Health Clinical Center (through the NIH and DHHS) continues to wrongfully withhold the requested records from WCW.

**Count I: Violation of FOIA**

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

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

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

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

22. 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: July 13, 2022

Respectfully submitted,

/s/ Matthew Strugar  
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