

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. 24-cv-103

**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 NIH's animal experiments with pathogens and the origins of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

**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. (White Coat) 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. White Coat's mission is to unite animal-lovers and liberty-lovers to find, expose, and defund wasteful taxpayer-funded animal experiments. White Coat is the requester of the information at issue here.

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. DHHS, NIH, and their subcomponents have possession, custody, and control of the records White Coat seeks.

## **Statement of Facts**

### **FOIA Case No. 56366**

8. On May 20, 2021, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking "copies of the following documents related to the NIAID intramural projects led by Emmie de Wit, Ph.D.:

- IACUC-approved protocols, with associated reviews and amendments (Jan[.] 1, 2015–present)[;]

- Most recent approved project budget/s[;]
- Acquisition and disposition records for animals used (January 1, 2015-present)[;]
- Animal welfare noncompliance incident reports (January 1, 2015-present);
- Complete raw and unedited videos, edited videos and photographs of animal tests (January 1, 2015-present).”

9. The agency’s online portal assigned the request FOIA Case Number 56366.

10. The agency acknowledged the request the same day.

11. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

12. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 56366.

13. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 56366 because the agency has failed to meet the statutory time limit.

14. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 57226

15. On October 19, 2021, White Coat submitted a FOIA request to the NIH Center for Information Technology seeking “copies of all email communications (including emails, complete email chains, calendar invitations, and their attachments) from any NIH.gov email containing any the following keywords:

- White Coat Waste[;]
- WCW[;]
- WCWP[;]
- Anthony Bellotti[;]
- Justin Goodman[; or]
- Whitecoatwaste.org[.]”

16. White Coat clarified that the request “does not seek, and ... specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request.”

17. The agency’s online portal assigned the request FOIA Case Number 57226.

18. More than six months later, the agency asked White Coat to narrow the request. It agreed to narrow the timeframe of the request to January 1, 2020 to the date of the search, and to limit the scope of the search

to the heads of the NIH Institutions and Center and the heads of departments.

19. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

20. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 57226.

21. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 57226 because the agency has failed to meet the statutory time limit.

22. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 58317*

23. On May 11, 2022, White Coat submitted a FOIA request to the NIH seeking “a copy of the following documents (January 1, 2015-present) related to the Wuhan Institute of Virology (WIV) - China [PHS Assurance: F16-00279(A5967-01)]:

- All correspondence with State Department officials regarding WIV[; and]
- All emails and their attachments, memos and reports related to WIV[.]”

24. The agency's online portal assigned the request FOIA Case Number 58317.

25. On June 9, 2022, at the agency's request, White Coat agreed to limit the request to "a copy the following documents (January 1, 2015- July 1, 2020) related to the Wuhan Institute of Virology (WIV) - China [PHS Assurance: F16-00279(A5967-01)]:

- All email communications (including emails, complete email chains, and attachments thereto), memos and reports sent to State Department officials[; and]
- All email communications (including emails, complete email chains, and attachments thereto), memos and reports sent to other NIH officials[.]”

26. And White Coat narrowed the request to “the aforementioned records from the following OER staff:

- Michael Lauer, his Chief of Staff, and anyone performing the functions of the NIH Deputy Director for Extramural Research[;]
- Liza Bundesen, her Chief of Staff, and anyone performing the functions of the Deputy Director, OER[;]
- Patricia Valdez, her Chief of Staff, and anyone performing the functions of Extramural Research Integrity Officer[;]

- Michelle Bulls, her Chief of Staff, and anyone performing the functions of Director of Office of Policy of Extramural Research Administration[;]
- Patricia Brown, her Chief of Staff, and anyone performing the functions of Director of Office of Laboratory Animal Welfare[; and]
- Sheryl Brining, her Chief of Staff, and anyone performing the functions of Director of Office of Research Reporting and Analysis[.]

27. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

28. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 58317.

29. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 58317 because the agency has failed to meet the statutory time limit.

30. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 59161

31. On October 19, 2022, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “copies of the following documents related to the Catoctin Wildlife Preserve and/or Global Wildlife Trust, Inc.: (1/1/2016 to the date of search)[:]

- Solicitations[;]
- Contracts[;]
- MOUs[;]
- Service requests[;]
- Purchase orders; and,
- Acquisition, disposition, and/or transportation records of any animals sourced from any of the aforementioned organizations.”

32. White Coat also requested “copies of any correspondence, including its attachments, between the following NIAID employees and the Catoctin Wildlife Preserve and/or Global Wildlife Trust, Inc.: (1/1/2016 – 1/1/2019)

- Emmie de Wit[; and]
- Rachel LaCasse

33. The agency’s online portal assigned the request FOIA Case Number 59161.

34. The agency acknowledged the request the next day.



35. On November 15, 2022, the agency sent White Coat a letter claiming it had no responsive records.

36. On January 10, 2023, White Coat appealed the agency's finding of no responsive documents, noting that a "published paper titled, *SARS-Like Coronavirus WIV1-CoV Does Not Replicate in Egyptian Fruit Bats (Rousettus aegyptiacus)* describes experiments done in bats sourced from the CWP at the NIH's Rocky Mountain Laboratories in Montana. The Guide for the Care and Use of Laboratory Animals Chapter 4, Animal Procurement and Transportation, clearly states that "[a]ll animals in transit within and between institutions or jurisdictions should be accompanied by appropriate documentation to minimize delays in shipping and receipt.["]"

37. White Coat's appeal further noted that "both Rachel LaCasse and Emmie de Wit are acknowledged in the paper for their contributions in the paper and it is reasonable to believe that they may have been in contact with CWP or its parent organization."

38. The agency acknowledged the appeal the next day.

39. White Coat followed up with the agency, inquiring about the status of the appeal, on November 21, 2023. It received no response.

40. To date, White Coat has not received any further response or production related to this request or appeal.

41. As of the filing of this Complaint, White Coat has not received a final determination and response regarding its administrative appeal in FOIA Case No. 59161.

42. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59161 and White Coat's administrative appeal because the agency has failed to meet the statutory time limit.

43. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 59162*

44. On October 19, 2022, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Disease seeking "a copy of the following documents related to NIAID's protocol ASP 2016-021E:

- Complete IACUC-approved protocols with all appendices, secondary reviews, and amendments[;]
- Complete raw and unedited videos, edited videos and photographs[;]
- IACUC and IBC meeting minutes[;]
- Non-compliance reports[; and]
- Acquisition, disposition, and complete veterinary records of any animal assigned to the protocol."

45. The agency's online portal assigned the request FOIA Case Number 59162.

46. On March 17, 2023, White Coat asked the agency about the status of this request. The agency responded that the request was being processed in the order it was received.

47. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

48. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 59162.

49. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59162 because the agency has failed to meet the statutory time limit.

50. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 59237*

51. On November 3, 2022, White Coat submitted a FOIA request to the NIH seeking "copies of any reports, white papers, and correspondence - including their attachments- related to the design, development, and conduct of risk and benefit assessments for coronavirus research from the following NSABB staff: (10/1/14 – 1/31/17)

- Christopher Viggiani, Ph.D., his Administrative Assistant, or anyone performing the functions of Executive Director of NSABB[;]
- Marina O'Reilly, Ph.D., her Administrative Assistant, or anyone performing the functions of Biotechnology Program Advisor[; and]
- Kevin Ramkissoon, his Administrative Assistant, or anyone performing the functions of Health Science Policy Analyst.”

52. The agency's online portal assigned the request FOIA Case Number 59237.

53. On November 15, 2022, the agency asked White Coat to provide further information related to the request. The next day, White Coat responded by pointing the agency to a publication that led it to believe that the agency would have records responsive to the request. White Coat followed up again on November 28, 2022. On January 11, 2023, White Coat followed up again stating, “this request keeps showing the ‘On hold’ status on the online portal and I have not heard back from you since I answered your question almost two months ago. Can you please let me know if there's anything else you need from me?” That same day the agency responded saying the request was being processed and the hold had been removed.

54. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

55. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 59237.

56. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59237 because the agency has failed to meet the statutory time limit.

57. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 59142*

58. On October 18, 2022, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “a copy of the following documents related to NIAID grants R01AI159945 to Loyola University, and R37AI087846 (formerly R01AI087846) to the Cleveland Clinic Lerner College of Medicine:

- Funding applications, renewals, progress reports, and amendments[; and]
- Correspondence to and from the grantees, including its attachments. (1/1/2020 to the time of search)[.]”

59. The agency’s online portal assigned the request FOIA Case Number 59142.

60. The agency acknowledged the request on October 25, 2022.

61. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

62. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 59142.

63. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59142 because the agency has failed to meet the statutory time limit.

64. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 59504*

65. On January 11, 2023, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “a copy of the following documents related to NIH grant R01AI104887 to the University of Pennsylvania (January 1, 2019 – present);]

- Grant applications, renewals, and amendments[; and]
- Progress reports.”

66. The agency’s online portal assigned the request FOIA Case Number 59504.

67. The agency acknowledged the request on January 20, 2023.

68. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

69. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 59504.

70. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59504 because the agency has failed to meet the statutory time limit.

71. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 59624*

72. On January 27, 2023, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “a copy of the following documents related to NIAID grant U01AI153420, ‘Study of Nipah virus dynamics and genetics in its bat reservoir and of human exposure to NiV across Bangladesh to understand patterns of human outbreaks’:

- Funding applications, renewals, and amendments[;]
- Disbursement records[; and]
- Correspondence between the Program Official (Eun-Chung Park, epark@niaid.nih.gov) and the grantee.”

1. The agency’s online portal assigned the request FOIA Case Number 59624.

2. The agency acknowledged the request on January 20, 2023.

3. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

4. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 59624.

5. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59624 because the agency has failed to meet the statutory time limit.

6. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 59716*

73. On February 15, 2023, White Coat submitted a FOIA request to the NIH National Heart, Blood, and Lung Institute seeking “copies of the following documents related to NHLBI’s contract number 75N92019C00010:

- All correspondence regarding the contract;
- Contract and Statement of Work;
- IACUC-approved protocols; including reviews and amendments;
- Physical or electronic submissions to the COR, including but not limited to:
  - Complete “Pre-Meeting Packets”, and[;]
  - Laboratory notebooks[;]



- Procurement and shipping records for all animals obtained under the contract (including, but not limited to invoices, certificates of veterinary inspection, other health certificates, shipping manifests, routing and contact sheets, and CDC notifications);
- Complete raw and unedited videos, edited videos, and photographs; and
- Animal welfare noncompliance incident reports with associated documents[.]”

74. The agency’s online portal assigned the request FOIA Case Number 59716.

75. The agency acknowledged the request on February 17, 2023.

76. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

77. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 59716.

78. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59716 because the agency has failed to meet the statutory time limit.

79. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 59758

80. On February 23, 2023, White Coat submitted a FOIA request to the NIH seeking “a copy of any training materials, SOPs, memoranda, and guidelines related to the processing of FOIA requests related to COVID-19 by NIH and its institutes, and a summary of the requests that have been impacted by these policies since their implementation.”

81. The agency’s online portal assigned this request FOIA Case Number 59758.

82. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

83. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 59758.

84. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59758 because the agency has failed to meet the statutory time limit.

85. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 59929

86. On March 24, 2023, White Coat submitted a FOIA request to the NIH National Center for Allergy and Infectious Diseases seeking “a copy of the following records related to NIAID grant R01AI110964:

- Grant accounting records, and/or the accounting ledger;
- Peer review for the grant application, and its amendments;
- Funding announcements (RFA, FOA, PAR, PAS, and/or RFP), and;
- Section D of every progress report submitted to date.”

87. The agency’s online portal assigned the request FOIA Case Number 59929.

88. The agency acknowledged the request on March 29, 2023.

89. On May 12, 2023, the agency produced documents purporting to fulfill the request.

90. On May 20, 2023, White Coat wrote the agency noting that some responsive documents appeared to be missing from the production. The agency responded that it received the inquiry and would get back to White Coat as soon as possible.

91. On May 25, 2023, the agency responded informing White Coat that there was at least one additional responsive document. When White Coat asked the agency to produce the record, the agency told White Coat to

file a new request. White Coat responded that the document was responsive to its initial request and noted other documents responsive to its initial request that still appeared to be missing. On June 15, 2023, the agency responded that it was “working on the case.”

92. On July 31, 2023, having heard nothing more from the agency, White Coat administratively appealed the withholding of responsive records.

93. The agency acknowledged the appeal the same day.

94. White Coat followed up with the agency again on November 21, 2023. It received no response.

95. To date, White Coat has not received any further response or production, or any denial letter, related to this request or appeal.

96. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 59929 or its appeal.

97. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 59929 because the agency has failed to meet the statutory time limit.

98. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 60123

99. On May 8, 2023, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “a copy of the following documents (4/16/21 – 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[.]’”

100. The agency’s online portal assigned the request FOIA Case Number 60123.

101. The agency acknowledged the request the next day.

102. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

103. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 60123.

104. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 60123 because the agency has failed to meet the statutory time limit.

105. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 60133*

106. On May 11, 2023, White Coat submitted a FOIA request to the NIH seeking “a copy of all correspondence (including emails, complete email chains, calendar invitations, and attachments thereto), memoranda, presentations and briefing papers related to the PHS Assurance of the Wuhan Institute of Virology (F16-00279) from the following OLAW Staff between 1/1/2023 to the date of search:

- Patricia A. Brown, VMD, MS[;]
- Axel V. Wolff, DVM, MS[;]
- Jane Na, DVM, CPIA[; and]
- Paula Knapp, Senior Assurance Officer.”

107. The agency’s online portal assigned the request FOIA Case Number 60133.

108. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

109. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 60133.

110. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 60133 because the agency has failed to meet the statutory time limit.

111. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 60686*

112. On September 13, 2023, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “a copy of all records -typed, written; video, audio, and their transcripts- as described on 42 CFR 52h.6 related to the peer review of the following NIAID grants:

1. R21AI130485[;]
2. R01AI110964[;]
3. U01AI151797[;]
4. R01AI163118[; and]
5. U01AI153420[.]”

113. The agency’s online portal assigned the request FOIA Case Number 60686.

114. On September 15, 2023, the agency acknowledged the request.

115. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

116. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 60686.

117. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 60686 because the agency has failed to meet the statutory time limit.

118. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 60830*

119. On October 10, 2023, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “copies of the following deliverables related to NIAID grant R01AI163118:

- FSRS reporting submitted to NIAID[;]
- Subaward agreements submitted to NIH and/or NIAID[;]
- Facility inspection reports[;]
- Biosafety incident reports[; and]
- Semi-annual progress reports, Research Performance Progress Reports (RPPR), and Federal Financial Reports (FFR).”

120. The agency’s online portal assigned the request FOIA Case Number 60830.



121. The agency acknowledged the request the next day.

122. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

123. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 60830.

124. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 60830 because the agency has failed to meet the statutory time limit.

125. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case Nos. 60864 & 60865*

126. On October 16, 2023, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “copies of the following documents:

- The 5 most recent **IACUC meeting minutes** at Rocky Mountain Laboratories[.]”

1. The agency’s online portal assigned the request FOIA Case Number 60864.

127. The same day, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases seeking “copies of the following documents:

- The 5 most recent **Biosafety Committee meeting minutes** at Rocky Mountain Laboratories[.]”

128. The agency’s online portal assigned the request FOIA Case Number 60865.

129. On October 18, 2023, the agency merged and acknowledged both requests under FOIA Case Number 60864.

130. To date, White Coat has not received any further response or production, or any denial letter, related to these requests.

131. As of the filing of this Complaint, White Coat has not received final determinations and responses regarding FOIA Case No. 60864.

132. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 60864 because the agency has failed to meet the statutory time limit.

133. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

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

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

135. DHHS has wrongfully withheld agency records requested by White Coat.

136. White Coat has exhausted applicable administrative remedies with respect to DHHS's wrongful withholding of the requested records.

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

138. White Coat is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

### **Request for Relief**

WHEREFORE, White Coat 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 White Coat's FOIA requests and otherwise order DHHS to produce the requested public records without further delay;
- (3) Grant White Coat an award of attorneys' fees and other litigation costs reasonably incurred in this action, to the extent permitted by law; and

(4) Grant White Coat such other and further relief which the Court deems proper.

Date: January 11, 2024

Respectfully submitted,

/s/ Matthew Strugar  
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