

Informed Consent Action Network

v.

National Institutes of Health

Exhibits to Complaint for Declaratory and Injunctive Relief

1. Exhibit A – March 27, 2020 FOIA Request 53821
2. Exhibit B – March 27, 2020 FOIA Request 53822
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Exhibit A

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

AMENDED FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

March 27, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: [nihfoia@mail.nih.gov](mailto:.nihfoia@mail.nih.gov)

Re: Employee Invention Reports Related to Any Vaccine or Therapeutic for COVID-19 (IR#0262)

Dear Mr. Garcia-Malene:

This firm represents Informed Consent Action Network (“ICAN”). On behalf of ICAN, we hereby request records pursuant to the Freedom of Information Act (5 U.S.C. § 552, as amended) from the files of the National Institutes of Health (“NIH”).

Please provide the following records in the National Institutes of Health’s possession to foia@sirillp.com in electronic form:

Copies of all and each Employee Invention Report related to any vaccine or therapeutic for COVID-19.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

Please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We, therefore, request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe

any deleted or withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. Please also separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements may help to avoid unnecessary appeal and litigation. ICAN of course reserves all rights to appeal the withholding or deletion of any information.

Access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter. Failure to respond in a timely manner shall be viewed as a denial of this request and ICAN may immediately file an administrative appeal.

If you would like to discuss our requests or any issues raised in this letter, please feel free to contact me at (212) 532-1091 or via email at foia@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "Allison Lucas". The signature is written in a cursive, flowing style.

Allison Lucas, Esq.
Licensed in MI

Exhibit B

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

March 27, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: [nihfoia@mail.nih.gov](mailto:.nihfoia@mail.nih.gov)

Re: Royalty or Licensing Agreements Related to Any Vaccine or Therapeutic for COVID-19 (IR#0263)

Dear Mr. Garcia-Malene:

This firm represents Informed Consent Action Network (“ICAN”). On behalf of ICAN, we hereby request records pursuant to the Freedom of Information Act (5 U.S.C. § 552, as amended) from the files of the National Institutes of Health (“NIH”).

Please provide the following records in the National Institutes of Health’s possession to foia@sirillp.com in electronic form:

Copies of any and all royalty or licensing agreements related to any vaccine or therapeutic for COVID-19.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

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Allison Lucas, Esq.
Licensed in MI

Exhibit C

Siri | Glimstad

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FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

March 27, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: [nihfoia@mail.nih.gov](mailto:.nihfoia@mail.nih.gov)

Re: Copies of Any Patent Application re mRNA-1273 Vaccine Listing the Inventors (IR#0267)

Dear Mr. Garcia-Malene:

This firm represents Informed Consent Action Network (“ICAN”). On behalf of ICAN, we hereby request records pursuant to the Freedom of Information Act (5 U.S.C. § 552, as amended) from the files of the National Institutes of Health (“NIH”).

Please provide the following records in the National Institutes of Health’s possession to foia@sirillp.com in electronic form:

A copy of the page of any patent application filed with regard to the mRNA-1273 vaccine which lists the inventors.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

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Allison Lucas, Esq.
Licensed in MI

Exhibit D

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 9, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

*Re: Anthony Fauci Emails Regarding Moderna or mRNA-1273, November 2019 – Present
(IR#0269)*

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Anthony Fauci between November 1, 2019 and the present that include the term Moderna or mRNA-1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

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If you would like to discuss our requests or any issues raised in this letter, please feel free to contact me at (212) 532-1091 or via email at foia@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'A. Siri', written in a cursive style.

Aaron Siri, Esq.

Exhibit E

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 9, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

*Re: Barney Graham Emails Regarding Moderna or mRNA-1273, November 2019 – Present
(IR#0270)*

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Barney Graham between November 1, 2019 and the present that include the term Moderna or mRNA-1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

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Very truly yours,

A handwritten signature in blue ink, appearing to read 'ASiri', with a stylized flourish at the end.

Aaron Siri, Esq.

Exhibit F

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 9, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

Re: Kizzmekia Corbett Emails Regarding Moderna or mRNA-1273, November 2019 – Present (IR#0272)

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Kizzmekia Corbett between November 1, 2019 and the present that include the term Moderna or mRNA-1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

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If you would like to discuss our requests or any issues raised in this letter, please feel free to contact me at (212) 532-1091 or via email at foia@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'AS', with a long horizontal stroke extending to the right.

Aaron Siri, Esq.

Exhibit G

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 9, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

Re: Michael Gordon Joyce Emails Regarding Moderna or mRNA-1273, November 2019 – Present (IR#0273)

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Michael Gordon Joyce between November 1, 2019 and the present that include the term Moderna or mRNA-1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

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Very truly yours,

A handwritten signature in blue ink, appearing to read 'A. Siri', written in a cursive style.

Aaron Siri, Esq.

Exhibit H

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
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FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 9, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

Re: Masaru Kanekiyo Emails Regarding Moderna or mRNA-1273, November 2019 – Present (IR#0274)

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Masaru Kanekiyo between November 1, 2019 and the present that include the term Moderna or mRNA-1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

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Aaron Siri, Esq.

Exhibit I

Siri | Glimstad

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FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 9, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

*Re: Olubukola Mary Abisola Abiona Emails Regarding Moderna or mRNA-1273,
November 2019 – Present (IR#0275)*

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Olubukola Mary Abisola Abiona between November 1, 2019 and the present that include the term Moderna or mRNA-1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government’s vaccine safety programs, including the government’s efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

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Aaron Siri, Esq.

Exhibit J

Siri | Glimstad

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sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 29, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

Re: Hadi Yassine Emails Regarding Moderna or mRNA-1273, November 2019 – Present (IR#0278)

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Hadi Yassine between November 1, 2019 and the present that include the term Moderna or mRNA-1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about public health safety and provide the public with information to give informed consent regarding related health interventions. As part of its mission, ICAN investigates and disseminates information regarding public health safety issues, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to its mission. The information requested in this FOIA request will not contribute to any commercial activities.

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Very truly yours,

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Aaron Siri, Esq.

Exhibit K

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 29, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

Re: *Anthony Fauci Emails Regarding COVID-19, November 2019 – Present (IR#0279)*

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Anthony Fauci between November 1, 2019 and the present that include the term SARS-CoV, COVID, COVID-19 or coronavirus in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about public health safety and provide the public with information to give informed consent regarding related health interventions. As part of its mission, ICAN investigates and disseminates information regarding public health safety issues, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to its mission. The information requested in this FOIA request will not contribute to any commercial activities.

Please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We, therefore, request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe any deleted or withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. Please also separately

state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements may help to avoid unnecessary appeal and litigation. ICAN of course reserves all rights to appeal the withholding or deletion of any information.

Access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter. Failure to respond in a timely manner shall be viewed as a denial of this request and ICAN may immediately file an administrative appeal.

If you would like to discuss our requests or any issues raised in this letter, please feel free to contact me at (212) 532-1091 or via email at foia@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'AS', with a long horizontal flourish extending to the right.

Aaron Siri, Esq.

Exhibit L

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

April 29, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

Re: Barney Graham Emails Regarding COVID-19, November 2019 – Present (IR#0280)

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All emails sent or received by Barney Graham between November 1, 2019 and the present that include the term SARS-CoV, COVID, COVID-19 or coronavirus in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about public health safety and provide the public with information to give informed consent regarding related health interventions. As part of its mission, ICAN investigates and disseminates information regarding public health safety issues, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to its mission. The information requested in this FOIA request will not contribute to any commercial activities.

Please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We, therefore, request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe any deleted or withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. Please also separately

state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements may help to avoid unnecessary appeal and litigation. ICAN of course reserves all rights to appeal the withholding or deletion of any information.

Access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter. Failure to respond in a timely manner shall be viewed as a denial of this request and ICAN may immediately file an administrative appeal.

If you would like to discuss our requests or any issues raised in this letter, please feel free to contact me at (212) 532-1091 or via email at foia@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'AS', with a long horizontal flourish extending to the right.

Aaron Siri, Esq.

Exhibit M

Siri | Glimstad

200 Park Avenue, Seventeenth Floor, New York, NY 10166
sirillp.com | P: (212) 532-1091 | F: (646) 417-5967

FREEDOM OF INFORMATION ACT REQUEST

REQUEST FOR EXPEDITED PROCESSING

VIA EMAIL

May 22, 2020

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31, Room 5B35
9000 Rockville Pike
Bethesda, MD 20892
Email: [nihfoia@mail.nih.gov](mailto:.nihfoia@mail.nih.gov)

Re: *NIAID Safety & Efficacy Data for mRNA-1273 (IR#303)*

Dear Sir or Madam:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

All safety and efficacy data and information regarding mRNA-1273, including from the Phase I clinical trial of this experimental vaccine conducted by the National Institute of Allergy and Infectious Diseases.

Request For Expedited Processing

ICAN requests expedited processing for this request. ICAN is “primarily engaged in disseminating information to the general public” and there is an “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

Specifically, ICAN’s mission is to raise public awareness about public health safety and to provide the public with information to give informed consent regarding related health interventions. mRNA-1273 is a leading, if not the leading, experimental vaccine against novel coronavirus, SARS-CoV-2, also known as COVID-19. Information regarding this vaccine, and in particular the safety and efficacy information regarding this vaccine, are a matter of immediate concern to the American public, given the extensive media and public interest in the fate of the clinical trials for preventing this virus and the pressures placed on the NIH developing a vaccine for COVID-19. News articles have also widely reported about the above vaccine and its clinical trials and hence the information requested above is a matter of immediate attention and concern to

the American public. *See, e.g.*, <https://www.nih.gov/news-events/news-releases/nih-clinical-trial-investigational-vaccine-covid-19-begins>; <https://science.sciencemag.org/content/early/2020/02/19/science.abb2507/tab-pdf?versioned=true>; <https://time.com/5835785/moderna-coronavirus-vaccine-phase-2/>; <https://www.businesswire.com/news/home/20200427005839/en/Moderna-Announces-IND-Submitted-U.S.-FDA-Phase>; <https://www.cnbc.com/2020/05/07/fda-approves-moderna-vaccine-candidate-for-phase-2-study.html>; <https://www.modernatx.com/modernas-work-potential-vaccine-against-covid-19>; <https://www.nytimes.com/2020/05/07/health/coronavirus-vaccine-moderna.html>

ICAN certifies that the information in the request is true and correct to the best of ICAN's knowledge and belief.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about public health safety and provide the public with information to give informed consent regarding related health interventions. As part of its mission, ICAN investigates and disseminates information regarding public health safety issues, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to its mission. The information requested in this FOIA request will not contribute to any commercial activities.

Please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We, therefore, request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe any deleted or withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. Please also separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements may help to avoid unnecessary appeal and litigation. ICAN of course reserves all rights to appeal the withholding or deletion of any information.

Access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter. Failure to respond in a timely manner shall be viewed as a denial of this request and ICAN may immediately file an administrative appeal.

If you would like to discuss our requests or any issues raised in this letter, please feel free to contact me at (212) 532-1091 or via email at foia@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'A. Siri', written in a cursive style.

Aaron Siri, Esq.

Exhibit N

Subject: Status Update for Request #53821

Date: Friday, April 24, 2020 at 8:49:02 AM Pacific Daylight Time

From: FOIA_noreply@nih.gov

To: S&G Information Request Staff

Dear Aaron Siri,

The status of your FOIA request #53821 has been updated to the following status 'In Process'. To log into the NIH FOIA Public Portal click on the Application URL below.

<https://foiaportal.nih.gov>

Sincerely,
NIH

Exhibit O

Subject: Status Update for Request #53822

Date: Friday, March 27, 2020 at 1:45:24 PM Pacific Daylight Time

From: FOIA_noreply@nih.gov

To: S&G Information Request Staff

Dear Allison Lucas,

The status of your FOIA request #53822 has been updated to the following status 'Received'. To log into the NIH FOIA Public Portal click on the Application URL below.

<https://foiaportal.nih.gov>

Sincerely,

National Institutes of Health

Subject: Status Update for Request #53826

Date: Friday, March 27, 2020 at 2:14:28 PM Pacific Daylight Time

From: FOIA_noreply@nih.gov

To: S&G Information Request Staff

Dear Allison Lucas,

The status of your FOIA request #53826 has been updated to the following status 'Received'. To log into the NIH FOIA Public Portal click on the Application URL below.

<https://foiaportal.nih.gov>

Sincerely,

National Institutes of Health

Exhibit P



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

April 10, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166

Re: FOI Case No. 53963

Dear Mr. Siri:

This acknowledges your April 9, 2020 Freedom of Information Act (FOIA) request which was submitted to the National Institutes of Health (NIH) FOIA Office and received in that office the same day. Your request was referred to the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office because of our responsibilities under the FOIA. You requested the following information:

“All emails sent or received by Anthony Fauci between November 1, 2019 and the present that include the term Moderna or mRNA-1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Office of the Director, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and \$83.00) of the searcher; there is no charge for review time. Please be advised that the HHS FOIA

Exhibit P

Page 2 - Letter to Aaron Siri
RE: FOI Case No. 53963

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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

April 10, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166

Re: FOI Case No. 53962

Dear Mr. Siri:

This acknowledges your April 9, 2020 Freedom of Information Act (FOIA) request which was submitted to the National Institutes of Health (NIH) FOIA Office and received in that office the same day. Your request was referred to the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office because of our responsibilities under the FOIA. You requested the following information:

“All emails sent or received by Barney Graham between November 1, 2019 and the present that include the term Moderna or mRNA 1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Vaccine Research Center, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and \$83.00) of the searcher; there is no charge for review time. Please be advised that the HHS FOIA

Exhibit P

Page 2 - Letter to Aaron Siri

RE: FOI Case No. 53962

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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

April 10, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166

Re: FOI Case No. 53961

Dear Mr. Siri:

This acknowledges your April 9, 2020 Freedom of Information Act (FOIA) request which was submitted to the National Institutes of Health (NIH) FOIA Office and received in that office the same day. Your request was referred to the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office because of our responsibilities under the FOIA. You requested the following information:

“All emails sent or received by Kizzmekia Corbett between November 1, 2019 and the present that include the term Moderna or mRNA 1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Vaccine Research Center, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and \$83.00) of the searcher; there is no charge for review time. Please be advised that the HHS FOIA

Exhibit P

Page 2 - Letter to Aaron Siri

RE: FOI Case No. 53961

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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

April 10, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166

Re: FOI Case No. 53958

Dear Mr. Siri:

This acknowledges your April 9, 2020 Freedom of Information Act (FOIA) request which was submitted to the National Institutes of Health (NIH) FOIA Office and received in that office the same day. Your request was referred to the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office because of our responsibilities under the FOIA. You requested the following information:

“All emails sent or received by Michael Gordon Joyce between November 1, 2019 and the present that include the term Moderna or mRNA 1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Vaccine Research Center, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and \$83.00) of the searcher; there is no charge for review time. Please be advised that the HHS FOIA

Exhibit P

Page 2 - Letter to Aaron Siri
RE: FOI Case No. 53958

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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

April 10, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166

Re: FOI Case No. 53960

Dear Mr. Siri:

This acknowledges your April 9, 2020 Freedom of Information Act (FOIA) request which was submitted to the National Institutes of Health (NIH) FOIA Office and received in that office the same day. Your request was referred to the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office because of our responsibilities under the FOIA. You requested the following information:

“All emails sent or received by Masaru Kanekiyo between November 1, 2019 and the present that include the term Moderna or mRNA 1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Vaccine Research Center, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and \$83.00) of the searcher; there is no charge for review time. Please be advised that the HHS FOIA

Exhibit P

Page 2 - Letter to Aaron Siri
RE: FOI Case No. 53960

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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

April 10, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166

Re: FOI Case No. 53959

Dear Mr. Siri:

This acknowledges your April 9, 2020 Freedom of Information Act (FOIA) request which was submitted to the National Institutes of Health (NIH) FOIA Office and received in that office the same day. Your request was referred to the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office because of our responsibilities under the FOIA. You requested the following information:

“All emails sent or received by Olubukola Mary Abisola Abiona between November 1, 2019 and the present that include the term Moderna or mRNA 1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Vaccine Research Center, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and

Exhibit P

Page 2 - Letter to Aaron Siri
RE: FOI Case No. 53959

\$83.00) of the searcher; there is no charge for 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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases

Exhibit Q



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

May 5, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166
foia@sirillp.com

Re: FOI Case No. 54105

Dear Mr. Siri:

This acknowledges your April 29, 2020 Freedom of Information Act (FOIA) request addressed to Gorka Garcia-Malene, FOIA Officer, National Institutes of Health (NIH), which was received by the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office the same day. You requested the following information:

“All emails sent or received by Hadi Yassine between November 1, 2019 and the present that include the term Moderna or mRNA 1273 in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Vaccine Research Center, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and \$83.00) of the searcher; there is no charge for review time. Please be advised that the HHS FOIA

Exhibit Q

Page 2 - Letter to Aaron Siri
RE: FOI Case No. 54105

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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

May 5, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166
foia@sirillp.com

Re: FOI Case No. 54106

Dear Mr. Siri:

This acknowledges your April 29, 2020 Freedom of Information Act (FOIA) request addressed to Gorka Garcia-Malene, FOIA Officer, National Institutes of Health (NIH), which was received by the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office the same day. You requested the following information:

“All emails sent or received by Anthony Fauci between November 1, 2019 and the present that include the term SARS CoV, COVID, COVID 19 or coronavirus in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Office of the Director, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and

Exhibit Q

Page 2 - Letter to Aaron Siri
RE: FOI Case No. 54106

\$83.00) of the searcher; there is no charge for 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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109
Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

May 5, 2020

Aaron Siri, Esq.
Siri | Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166
foia@sirillp.com

Re: FOI Case No. 54107

Dear Mr. Siri:

This acknowledges your April 29, 2020 Freedom of Information Act (FOIA) request addressed to Gorka Garcia-Malene, FOIA Officer, National Institutes of Health (NIH), which was received by the National Institute of Allergy and Infectious Diseases (NIAID) FOIA Office the same day. You requested the following information:

“All emails sent or received by Barney Graham between November 1, 2019 and the present that include the term SARS CoV, COVID, COVID 19 or coronavirus in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.”

We are searching the files of the Vaccine Research Center, NIAID for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please feel free to contact me at 301-451-5109 or email me at foia@niaid.nih.gov 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and

Exhibit Q

Page 2 - Letter to Aaron Siri
RE: FOI Case No. 54107

\$83.00) of the searcher; there is no charge for 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 any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

At any time during the processing of your request, you may seek assistance from the NIAID FOIA Public Liaison:

NIAID FOIA Public Liaison
Margaret Moore
5601 Fishers Lane, Suite 6G51
Bethesda, MD 20853
301-451-5109 (phone)
301-480-0904 (fax)
mm52s@nih.gov (email)

Sincerely,

Lauren Bartok
Government Information Specialist
National Institute of Allergy and Infectious Diseases

Exhibit R



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
Building 31, Room 5B-35
31 Center Drive, MSC 2107
Bethesda, Maryland 20892-2107
phone: (301) 496-5633
fax: (301) 402-4541

Via Email: foia@sirillp.com

June 8, 2020

Mr. Aaron Siri
SIRI & GLIMSTAD LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166

Re: FOI Case No. 54464

Dear Mr. Siri,

This is in reference to your May 22, 2020, Freedom of Information Act (FOIA) request addressed to the FOIA Office, National Institute of Allergy and Infectious Diseases, (NIAID) National Institutes of Health (NIH), and received in this office the same day. You requested a copy of all safety and efficacy data and information regarding mRNA-1273, including from the Phase I clinical trial of this experimental vaccine conducted by the National Institute of Allergy and Infectious Diseases.

You also requested expedited processing on behalf of your client.

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).

In support of your request for expedited processing, you state that, “Information regarding this vaccine, and in particular the safety and efficacy information regarding this vaccine, are a matter of immediate concern to the American public.” Your client’s request meets the standards of “compelling need,” therefore, I am granting your request for expedited processing.

Exhibit R

Page 2 – Mr. Siri (54464)

We are searching the files of the NIH for records responsive to your request. If any documents responsive to your request 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 request in a timely manner. Please contact the NIAID FOIA Office at foia@niaid.nih.gov or 301-761-7759 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 request. We shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to “other” requesters. As an “other” category requester you will be charged for duplication at 10-cents per page although the first 100 pages are free; 2 hours of search time are free and thereafter search time is charged at the hourly rate (\$23.00, \$46.00 and \$83.00) of the searcher; there is no charge for review time. 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. However, if it is determined that there will be fees associated with processing your request, we will contact you at that time.

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

NIH FOIA Public Liaison

Stephanie Clipper
Public Affairs Specialist
Office of Communications and Public Liaison
Building 31, Room 5B35
31 Center Drive
Bethesda, MD 20814
301-496-1828 (phone)
301-496-0818 (fax)
nihfoia@mail.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 (email)

Sincerely,

**Gorka Garcia-
malene -S**

Digitally signed by
Gorka Garcia-malene -S
Date: 2020.06.08
16:48:44 -04'00'

Gorka Garcia-Malene
Freedom of Information Officer, NIH