

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE CONTROL
AND PREVENTION, *et. al.*,**

Defendants.

Civil Action No. 25-01020 (TJK)

HEARING REQUESTED

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION AND PARTIAL
SUMMARY JUDGMENT**

Plaintiff Citizens for Responsibility and Ethics in Washington respectfully moves for a preliminary injunction and partial summary judgment in this Freedom of Information Act (“FOIA”) and Administrative Procedures Act (“APA”) suit against the Centers for Disease Control and Prevention (“CDC”), Susan Monarez, in her official capacity as Acting Director of CDC, the U.S. Department of Health and Human Services (“HHS”), and Robert F. Kennedy Jr., in his official capacity as Secretary of HHS.

The requested order would (1) require Defendants to grant expedited processing of CREW’s FOIA requests at issue in this case, and expeditiously and fully process and produce all non-exempt records responsive to these requests, along with a *Vaughn* index as soon as practicable; (2) require Defendants to assign sufficient personnel and resources to immediately comply with the requirements of FOIA and timely process FOIA requests directed to CDC; and (3) preliminarily and permanently enjoin Defendants from continuing to engage in unlawful actions that render the CDC FOIA office inoperative. The requested order would also declare that Defendants’ closure of the CDC FOIA office is unlawful.

In support of this motion, Plaintiff submits the accompanying memorandum of law, the Declaration of Alex M. Goldstein and associated exhibits, the Declaration of Person Doe, the Declaration of Kevin Griffis, the Declaration of Dr. Jennifer Hao, the Declaration of Darya Minovi, the Declaration of Gunita Singh, the Statement of Material Facts not in Dispute, and a proposed order.

Per Local Civil Rule 65.1(c) and (d), Plaintiff respectfully requests that the Court order Defendants file their opposition to this motion by no later than April 28, 2025, and set a hearing at the earliest available date not later than May 7, 2025. As explained in the accompanying memorandum, expedition is essential to prevent imminent irreparable harm to Plaintiff caused by Defendants' ongoing unlawful conduct.

Plaintiff's counsel conferred in good faith with Defendants' counsel prior to filing this motion. Defendants oppose Plaintiff's motion.

Date: April 21, 2025

Respectfully Submitted,

/s/ Kayvan Farchadi

Kayvan Farchadi (D.C. Bar No. 1672753)

Yoseph T. Desta (D.C. Bar No. 90002042)

Alex Goldstein (D.C. Bar No. 90005086)

Chun Hin Tsoi (D.C. Bar No. 90017713)

Kalyn Mizelle McDaniel (D.C. Bar No. 90027120)

Nikhel S. Sus (D.C. Bar No. 1017937)

Citizens for Responsibility and Ethics in Washington

P.O. Box 14596

Washington, D.C. 20044

Telephone: (202) 408-5565

Fax: (202) 588-5020

kfarchadi@citizensforethics.org

ydesta@citizensforethics.org

agoldstein@citizensforethics.org

jtsoi@citizensforethics.org

kmizellemcdaniel@citizensforethics.org
nsus@citizensforethics.org

Counsel for Plaintiff

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**MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
AND PARTIAL SUMMARY JUDGMENT**

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INTRODUCTION

An agency cannot “avoid its obligations under FOIA—including the obligation to process a request in an efficient and prompt manner—by simply implementing a reduction-in-force that ‘either [] terminate[s] or place[s] on administrative leave’” its FOIA personnel. *Ctr. to Advance Sec. in Am. v. U.S. Agency for Int’l Dev.*, No. 24-cv-3505, 2025 WL 763735, at *2 (D.D.C. Mar. 11, 2025). Indeed, “FOIA’s demand for expedition” and its “requirement that agencies release all non-exempt, responsive records . . . would be rendered meaningless if an agency could avoid these statutory obligations through the simple expedient of dismissing its FOIA staff.” *Id.*

And yet, Defendants seek to do just that. Amid infectious disease outbreaks and other public health crises, Defendants abruptly fired the entire FOIA office of the U.S. Centers for Disease Control and Prevention (“CDC”) on April 1, 2025. They did so without advance notice, reasoned decisionmaking, mechanisms in place to process the thousands of pending CDC FOIA requests or to accept new requests (including those of Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”)), or plans to promptly transition CDC’s FOIA functions to other agency components. As a result, CDC’s statutorily-mandated FOIA operations have come to a halt. And Americans have lost a critical avenue for transparency and accountability from our nation’s leading public health agency.

Defendants’ timing could not be worse. The country faces a worsening measles outbreak that has already claimed the lives of two children who were unvaccinated¹ and has spread to 25

¹ News Release, Tex. Dep’t of State Health Servs., Texas announces second death in measles outbreak (Apr. 6, 2025), <https://www.dshs.texas.gov/news-alerts/texas-announces-second-death-measles-outbreak>.

states.² The federal government’s response to this ongoing outbreak has been called into question,³ with public reporting indicating that CDC political appointees suppressed the release of a forecast stressing the need for measles vaccinations.⁴ Meanwhile, Defendants carried out mass layoffs across Department of Health and Human Services (“HHS”) components on April 1, including the CDC FOIA office. Thousands of employees who perform a range of public health functions⁵—including responding to infectious disease outbreaks, regulating tobacco products, approving new drugs, and communicating information to the public⁶—were abruptly fired, some apparently by mistake.⁷ More firings, and likely more mistakes, are in the offing.

This haphazard gutting of our public health infrastructure is being coordinated by the U.S. DOGE Service (“DOGE”),⁸ a secretive new government entity that has rapidly shuttered

² CDC, *Measles Cases and Outbreaks* (last accessed Apr. 17, 2025), <https://www.cdc.gov/measles/data-research/index.html>.

³ See, e.g., Jessica Glenza, *RFK Jr says his response to measles outbreak should be ‘model for the world’*, The Guardian (Apr. 9, 2025), <https://www.theguardian.com/us-news/2025/apr/09/rfk-jr-measles-outbreak-texas>; Julie Steenhuisen, *US measles battle hindered by confusion over health secretary response*, Reuters (Apr. 9, 2025), <https://www.reuters.com/business/healthcare-pharmaceuticals/us-measles-battle-hindered-by-confusion-over-health-secretary-response-2025-04-09/>.

⁴ See Patricia Callahan, *The CDC Buried a Measles Forecast That Stressed the Need for Vaccinations*, ProPublica (Mar. 28, 2025), <https://www.propublica.org/article/measles-vaccine-rfk-cdc-report>.

⁵ Press Release, HHS, *HHS Announces Transformation to Make America Healthy Again* (Mar. 27, 2025), <https://www.hhs.gov/about/news/hhs-restructuring-doge.html>

⁶ See Carla K. Johnson, *Mass layoffs begin at HHS agencies responsible for research, tracking disease and regulating food*, PBS (Apr. 1, 2025), <https://www.pbs.org/newshour/politics/layoffs-begin-at-hhs-agencies-responsible-for-research-tracking-disease-and-regulating-food>; Rob Stein et al., *Widespread firings start at federal health agencies including many in leadership*, NPR (Apr. 1, 2025), <https://www.npr.org/sections/shots-health-news/2025/04/01/g-s1-57485/hhs-fda-layoffs-doge-cdc-nih>.

⁷ See Cheyenne Haslett, *RFK Jr. announces HHS reinstating some programs, employees cut by mistake*, ABC News (Apr. 3, 2025), <https://abcnews.go.com/Politics/rfk-jr-announces-hhs-reinstating-programs-employees-cut/story?id=120463293>.

⁸ Michael Ramsey, *RFK Jr. defends HHS job cuts, says ‘We’re not cutting scientists’*, News Nation (Mar. 28, 2025), <https://www.newsnationnow.com/cuomo-show/rfk-defends-hhs-job-cuts/> (discussing DOGE assistance with agency reorganization and consolidation at 4:10-5:00 of

independent agencies established by Congress, slashed the federal workforce, seized control of government spending and data, and taken other destabilizing actions in the name of “government efficiency.”⁹

At this perilous moment, where lives and livelihoods are on the line, transparency from our public health agencies is vital. And it is guaranteed by law. “The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.” *Nat’l Lab. Rels. Bd. v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). But Defendants are openly subverting that purpose by refusing to comply with FOIA. In his first address to HHS personnel after being sworn in, Secretary Robert F. Kennedy Jr. proclaimed FOIA would be unnecessary during his tenure.¹⁰ Weeks later, CDC’s entire FOIA office was shuttered and FOIA staff at other HHS components were likewise purged.

Defendants’ abrupt closure of the CDC FOIA office is actively harming CREW and other requesters. On April 1, CREW submitted five expedited requests to CDC for time-sensitive records relating to CDC’s assessment of measles risks, the closure of its FOIA office, DOGE’s

embedded video); *see also* George Chidi, ‘No guidance and no leadership’: chaos and confusion at CDC after mass firings, *The Guardian* (Apr. 8, 2025), <https://www.theguardian.com/us-news/2025/apr/08/hhs-mass-firings>; Ellie Quinlan Houghtaling, *RFK Jr. Reveals DOGE Fired Some People by Mistake*, *The New Republic* (Apr. 4, 2025), <https://newrepublic.com/post/193645/robert-f-kennedy-jr-doge-cuts-hhs-mistake>.

⁹ *CREW v. U.S. DOGE Serv.*, No. 25-cv-00511, 2025 WL 752367, at *3-4 (D.D.C. Mar. 10, 2025), *reconsideration denied*, No. 25-cv-00511, 2025 WL 863947 (D.D.C. Mar. 19, 2025). *See also* James FitzGerald & Holly Honderich, *What is Doge and why is Musk cutting so many jobs?*, *BBC* (Feb. 18, 2025), <https://www.bbc.com/news/articles/c23vkd57471o>; Rebecca Kern, *Project 2025 wanted to hobble the federal workforce. DOGE has hastily done that, and more*, *Gov’t Exec.* (Apr. 9, 2025), <https://www.govexec.com/transition/2025/04/project-2025-wanted-hobble-federal-workforce-doge-has-hastily-done-and-more/404390/>.

¹⁰ Berkeley Lovelace Jr. et al., *Widespread job cuts begin at health agencies*, *NBC News* (Apr. 1, 2025), <https://www.nbcnews.com/health/health-news/widespread-job-cuts-begin-health-agencies-rcna198859>.

involvement in that closure, and Defendants' plans (if any) to comply with their statutorily-mandated FOIA duties. CREW received automated email responses confirming that CDC's FOIA staff had been placed on administrative leave and could not respond to CREW's requests. Absent immediate intervention by this Court, all CDC FOIA requests will go unanswered, irreparably harming CREW and the public. CREW now seeks a preliminary injunction to prevent that outcome.

CREW readily meets each requirement for a preliminary injunction. First, CREW is likely to succeed on its claim (Count I) demanding expedited processing of its FOIA requests, which seek to inform vital and ongoing national debates about transparency, accountability, and measles preparedness at CDC. CREW is also likely to succeed on its claims (Counts II–IV) that the unexplained and unreasoned closure of the CDC FOIA office violates FOIA and the Administrative Procedure Act (“APA”) in multiple respects. Second, CREW will suffer irreparable injury absent a preliminary injunction, both because the time-sensitive debates to which the requested records relate cannot be wound back, and because the total closure of the CDC FOIA office will frustrate CREW's mission-critical information dissemination functions. Third, because the public is likewise harmed by the closure of the CDC FOIA office, and because Defendants can suffer no cognizable harm from merely complying with the law, the public interest and balance of the equities weigh in CREW's favor.

Moreover, because the merits of Counts I through III of the Complaint are clear and raise no disputed factual issues, the Court should enter a final order granting partial summary judgment for CREW on those claims without delay.¹¹

¹¹ CREW is not at this time moving for summary judgment on its arbitrary-and-capricious claim (Count IV), because final resolution of that claim will be based on the administrative record, which has not yet been produced.

The Court thus should issue an order (1) requiring Defendants to grant expedited processing of CREW’s FOIA requests at issue in this case, and expeditiously and fully process and produce all non-exempt records responsive to these requests, along with a *Vaughn* index as soon as practicable; (2) requiring Defendants to assign sufficient personnel and resources to immediately comply with the requirements of FOIA and timely process FOIA requests directed to CDC; and (3) preliminarily and permanently enjoining Defendants from continuing to engage in unlawful actions that render the CDC FOIA office inoperative, as well as declaring that Defendants’ closure of the CDC FOIA office is unlawful.

BACKGROUND

I. Factual Background

A. HHS fires thousands of public health employees.

On February 11, 2025, President Trump issued an executive order entitled *Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative* (“DOGE RIF Initiative”), which instructed agency heads to promptly prepare to initiate large-scale reductions in force (“RIFs”). *See* Compl. for Decl. and Inj. Relief (“Compl.”) ¶ 31, ECF No. 1. On March 27, 2025, HHS announced that, per the DOGE RIF Initiative, it planned to restructure and downsize its workforce by 20,000 employees, from 82,000 to 62,000 full-time employees. *See id.* ¶ 33.

The following week, on April 1, HHS commenced its RIF plan, cutting around 10,000 employees across its components. *See id.* ¶ 34. It fired over 2,000 employees at CDC. *See* Griffis Decl. ¶ 15; Doe Decl. ¶ 4.¹² A large number of these employees had job responsibilities that

¹² *See also* HHS, *Fact Sheet: HHS’ Transformation to Make America Healthy Again* (Apr. 2, 2025), <https://www.hhs.gov/press-room/hhs-restructuring-doge-fact-sheet.html>; Apoorva Mandavilli & Roni Caryn Rabin, *C.D.C. Cuts Threaten to Set Back the Nation’s Health, Critics*

involved communicating information to the public, including media relations, digital communications, social media, and FOIA staff. *See* Griffis Decl. ¶ 16. DOGE was reportedly involved in these job cuts at CDC and other HHS components.¹³ Just two days later, Secretary Kennedy stated that the DOGE-coordinated RIF initiative led to errors; by his estimate, 20 percent of the cuts, including the gutting of CDC’s team handling lead surveillance, were “mistakes.”¹⁴ But neither he nor the other Defendants have thus far announced any action to reinstate employees terminated through the April 1 RIFs.¹⁵

B. CDC closes its FOIA office without notice, planning, or explanation.

As part of the April 1 RIFs, Defendants placed each of the CDC FOIA office’s approximately 23 employees on administrative leave pending their termination on June 2, 2025. Doe Decl. ¶ 4; Griffis Decl. ¶¶ 7, 15. CDC staff received no advanced notice of the RIF. Doe Decl. ¶ 6; Griffis Decl. ¶ 18. They lost access to their CDC office space on April 1, and to CDC computer systems on April 2. Doe Decl. ¶ 5. At the time of the RIFs, the CDC FOIA office was actively fulfilling its statutory obligations and processing FOIA requests; it was in regular contact with other FOIA offices across HHS and with HHS leadership to coordinate responses to FOIA requests, appeals, and litigation, including sending weekly reports to the Office of the Secretary. Griffis Decl. ¶ 11.

Say, N.Y. Times (Apr. 2, 2025), <https://www.nytimes.com/2025/04/02/health/cdc-layoffs-kennedy.html>.

¹³ *See* Houghtaling, *supra* note 8; Ramsey, *supra* note 8; *see also* Alexander Tin, *CDC, NIH and more health agencies brace for layoffs with DOGE and RFK Jr.’s restructuring. Here’s what we know.*, CBS News (Mar. 21, 2025), <https://www.cbsnews.com/news/cdc-nih-hhs-layoffs-doge-rfk-jr-restructuring/>; Kristina Fiore, *Musk, DOGE Created New HHS Org Chart*, MedPage Today (Apr. 1, 2025), <https://www.medpagetoday.com/special-reports/features/114915>.

¹⁴ Haslett, *supra* note 7.

¹⁵ *Id.*

But since April 1, all FOIA work at CDC has ceased. *Id.* ¶ 16; Doe Decl. ¶ 7. FOIA requests sent to FOIARequests@cdc.gov return an automated message that CDC’s FOIA office has been placed on administrative leave and is unable to respond. Goldstein Decl. ¶ 14; Goldstein Decl. Ex. F. No one outside of CDC’s FOIA office is publicly designated or trained to process CDC FOIA requests. Doe Decl. ¶ 10; Griffis Decl. ¶ 13 (similar). Making matters worse, the April 1 RIFs also targeted FOIA staff in other HHS components, Doe Decl. ¶ 8, including the Administration of Children and Families, Singh Decl. ¶ 3, and the Food and Drug Administration and National Institutes of Health.¹⁶

By regulation, each HHS component FOIA office operates independently as part of a “decentralized” FOIA apparatus. 45 C.F.R. § 5.3.¹⁷ HHS purportedly plans to “centralize core functions”¹⁸ and to “create a central place to handle FOIA requests” for CDC and other components across “the entire department,” but the agency has not announced, nor does it appear

¹⁶ Sydney Lupkin, *After promising transparency, RFK guts public records teams at HHS*, NPR (Apr. 3, 2025), <https://www.npr.org/sections/shots-health-news/2025/04/03/g-s1-57888/hhs-fda-rfk-foia-public-records>; Rachana Pradhan & Brett Kelman, *Firings at Federal Health Agencies Decimate Offices That Release Public Records*, KFF Health News (Apr. 7, 2025), <https://kffhealthnews.org/news/article/hhs-firings-federal-health-agencies-foia-requests-public-records/>; Nick Valencia et al., *‘It’s a bloodbath’: Massive wave of job cuts underway at US health agencies*, CNN (Apr. 2, 2025) <https://www.cnn.com/2025/04/01/health/staff-cuts-at-federal-health-agencies-have-begun/index.html>; Rachana Pradhan, *RFK Jr.’s Purge of FOIA Staff at FDA Spares People Working on Covid Vaccine Lawsuits*, KFF Health (Apr. 10, 2025), <https://kffhealthnews.org/news/article/fda-foia-staff-purge-sparers-workers-covid-vaccine-lawsuits-aaron-siri/>.

¹⁷ See also *2025 Chief FOIA Officer Report*, HHS (Mar. 10, 2025) (“2025 HHS Chief FOIA Officer Report”), <https://www.hhs.gov/foia/statutes-and-resources/officers-reports/2025-introduction/index.html>.

¹⁸ Press Release, *supra* note 5.

to have implemented, any such centralization efforts.¹⁹ As an HHS official confirmed, “no final decisions have been made on what exactly the new FOIA process will look like at HHS.”²⁰

Centralizing HHS’s FOIA processing will be time-consuming and resource-intensive work. The agency will need to consolidate 12 freestanding FOIA offices—each responsible for different types of records tied to their component’s specific subject-matter focus, different recordkeeping systems, and different review processes. As former CDC Communications Director Kevin Griffis explains, “[p]ersonnel at each HHS FOIA Office have specialized training, expertise, and institutional knowledge about their specific component’s records systems and how to properly and timely direct requests to appropriate custodians of records.” Griffis Decl. ¶ 13. “If the functions of CDC’s FOIA Office are transitioned to [the Office of the Secretary’s] FOIA Office or any other HHS component, the agency would need to swiftly develop and implement new information technology systems, processes, and protocols to ensure that FOIA requests for CDC records are processed promptly and in compliance with FOIA and HHS regulations.” *Id.* ¶ 20.²¹

¹⁹ Alexander Tin, *RFK Jr. purges CDC and FDA’s public records teams, despite “transparency” promises*, CBS News (Apr. 1, 2025), <https://www.cbsnews.com/news/rfk-jr-purges-cdc-fda-records-transparency-teams/>.

²⁰ *Id.*; see also Ben Johansen, *Kennedy shuts several FOIA offices at HHS*, Politico (Apr. 3, 2025), <https://www.politico.com/news/2025/04/03/kennedy-shutters-several-foia-offices-at-hhs-00268646>.

²¹ For example, HHS’s 12 different FOIA operations have their own independent webpages providing instructions to new and existing requesters, case management systems and processes, technological capabilities, training procedures for personnel, outreach processes to provide guidance to requesters for complex or voluminous requests, use of contractors and other initiatives to handle FOIA workload needs, backlogs for FOIA request and appeal, and processes to identify and post records subject to FOIA’s proactive disclosure requirements to their respective agency reading rooms. These differences are detailed across each of the sections of HHS’s 2025 Chief FOIA Officer Report. See 2025 HHS Chief FOIA Officer Report, *supra* note 17. HHS’s 2024 Annual FOIA Report also illustrates the different FOIA work each HHS component does by capturing differences in, for example, the components’ application of different nondisclosure statutes under FOIA Exemption 3 and applications of other exemptions, request and processing numbers, requests for expedited processing, and posting of records as part of their proactive disclosure obligations. See HHS, HHS Fiscal Year 2024 Freedom of Information Annual Report

The department's existing central FOIA office, known as the Office of the Secretary FOIA office ("OS FOIA"), *see* 45 C.F.R. § 5.3, is not equipped to take on all of HHS's FOIA obligations, including those of CDC. OS FOIA has its own FOIA processing systems that are separate from, and do not interact with, CDC's FOIA systems. *See* Griffis Decl. ¶ 4. Moreover, OS FOIA only handles initial FOIA requests for records in the custody of the Secretary's staff divisions, *see* 2025 Chief FOIA Officer Report, Introduction, which last fiscal year came out to roughly 2,800 requests out of 51,800 received department-wide, *see* 2024 Annual FOIA Report, Section V.A; *see also id.*, Section XII.D.(1) (showing that OS FOIA's requests had increased by 97%). And OS FOIA is currently experiencing a significant FOIA backlog, including hundreds of backlogged FOIA appeals from CDC alone, and reduced staffing. *See* Doe Decl. ¶ 9; Griffis Decl. ¶ 5. OS FOIA ended last fiscal year with 3,020 backlogged FOIA requests, the second most out of all HHS FOIA offices. *See* 2024 Annual FOIA Report, Section XII.A; *see also id.*, Section XII.D (showing that OS FOIA's backlog had increased by 46%). And it only had 31 employees (out of 336 total HHS FOIA employees), *see id.*, Section IX, and reported losing three of its most experienced FOIA analysts last year, *see* 2025 Chief FOIA Officer Report, Section V.C. HHS has not announced or initiated any plans to expand OS FOIA or take any other steps to enable the office to accommodate HHS-wide FOIA work. In recent years, HHS has cited the loss of staff, and in particular experienced staff, as a key factor in the increased backlog in processing FOIA requests and appeals.²²

(updated Feb. 21, 2025) ("2024 Annual FOIA Report"), <https://www.hhs.gov/foia/reports/annual-reports/2024/index.html>.

²² *See* 2025 Chief FOIA Officer Report, *supra* note 17, section V.C (discussing backlog and loss of staff).

The abrupt shuttering of the CDC FOIA office has provoked massive public concern, *see, e.g.*, Compl. ¶¶ 34-37 nn.5-8,²³ and understandably so: as CDC itself touts on its FOIA webpage, “information sharing” is “core” to its mission of “saving lives and protecting the health of Americans” and ensuring that its “science and research activities . . . comply with federal laws, regulations, and policies.”²⁴ A critical part of CDC’s ability to share information is its FOIA work. Again, as the agency’s FOIA portal explains, FOIA provides “a standardized process for citizens to request documents in CDC’s possession,” and the agency “strongly endorses both the letter and the spirit of this Act.”²⁵ CDC typically handles between 1,000 to 2,500 FOIA requests each year²⁶ on a range of important public health topics—including foodborne illness and toxic substance events and outbreaks of infectious diseases like Ebola and measles²⁷—and provides “hundreds of thousands of pages of records to requestors.”²⁸ And 2025 has reportedly been a remarkably active FOIA year for the agency, with the agency seeing a “massive” uptick in FOIA requests.²⁹ Those

²³ See also Kevin Griffis, *Decimation of HHS comms, FOIA offices will leave Americans in the dark about urgent health matters*, STAT (Apr. 2, 2025), <https://www.statnews.com/2025/04/02/hhs-cuts-cdc-communications-foia-offices-gutted/>; Lauren Harper, *RFK Jr. promises radical transparency, then closes FOIA shops*, Freedom of the Press Found. (Apr. 6, 2025), <https://freedom.press/the-classifieds/rfk-jr-promises-radical-transparency-then-closes-foia-shops/>; Miles Klee, *Health Secretary RFK Jr. Promised Radical Transparency. Now He’s Closing FOIA Offices*, Rolling Stone (Apr. 1, 2025), <https://www.rollingstone.com/politics/politics-news/rfk-jr-health-agencies-foia-offices-closing-1235308520/>; see also *supra* notes 13-16.

²⁴ *Freedom of Information Act (FOIA)*, CDC, <https://www.cdc.gov/foia/about/index.html> (last visited Apr. 14, 2025).

²⁵ *Freedom of Information Act (FOIA)*, CDC, <https://foia.cdc.gov/app/Home.aspx> (last visited Apr. 14, 2025).

²⁶ See Johansen, *supra* note 20.

²⁷ *PAL Popular Documents*, CDC, <https://foia.cdc.gov/App/ReadingRoomPopularDocument.aspx> (last visited Apr. 14, 2025).

²⁸ CDC FOIA, *supra* note 25.

²⁹ Rachel Cohrs Zhang, *RFK Jr. Pushes Out Top Officials in Health Agency Overhaul*, Bloomberg (Apr. 1, 2025), <https://www.bloomberg.com/news/articles/2025-04-01/us-health-agency-mass-firings-begin-as-kennedy-orders-10-000-cut>.

requests have concerned, among other topics, the Trump administration’s RIF plans for CDC, CDC communications with DOGE, and information on current infectious disease outbreaks, including the ongoing measles outbreak.³⁰ At the same time, CDC has received a high volume of media requests concerning these same issues. *See* Griffis Decl. ¶ 9.

During this exceptionally busy period for CDC and HHS,³¹ the April 1 RIFs will make it significantly harder for the agencies to communicate with the public, and will lead to a massive slowdown in FOIA processing to disseminate public health information to requesters. *See* Griffis Decl. ¶ 19 (“I anticipate that the sudden closure of CDC’s FOIA Office will drastically increase the processing times of current and future FOIA requests for CDC records. This is due to insufficient resources, staffing, training, and institutional knowledge among remaining HHS personnel, as well as the substantial backlog of FOIA requests across HHS components, including OS.”); Doe Decl. ¶¶ 10, 11 (similar); Minovi Decl. ¶ 12 (“The request has yet to be fulfilled and we are unsure whether we will receive the requested records with the elimination of the CDC FOIA office.”); Hao Decl. ¶ 15 (stating access to health information is “eliminated”).³² That includes members of Congress who have expressed concerns that the closure of the CDC FOIA office would “foil FOIA” and harm government transparency.³³

³⁰ *See PAL Popular Documents*, *supra* note 27.

³¹ Last fiscal year, HHS components collectively received over 50,000 FOIA requests and accrued a backlog of over 12,000 requests, numbers that represent greater than 10% spikes from the prior year. *See* 2024 Annual FOIA Report, *supra* note 21, Section XII.D.(1); 2025 Chief FOIA Officer Report, *supra* note 17, Section V.C.

³² *See also* Johansen, *supra* note 20; Lupkin, *supra* note 16; Harper, *supra* note 23; Pradhan & Kelman, *supra* note 16; Griffis, *supra* note 21; Brett Kelman and Rachana Pradhan, *Firings at federal health agencies decimate offices that release public records*, Georgia Recorder (Apr. 8, 2025), <https://georgiarecorder.com/2025/04/08/firings-at-federal-health-agencies-decimate-offices-that-release-public-records/>.

³³ *The Freedom of Information Act: Perspectives from Public Requesters Before the S. Comm. on the Judiciary*, 119th Cong. (2025) (statements of Sens. Dick Durbin & Senator Sheldon Whitehouse) (statements at 26:00; 53:00, 1:07:05), <https://www.judiciary.senate.gov/committee->

C. Urgent issues of national importance surround the CDC FOIA office closure.

Defendants' actions are at the intersection of multiple public debates of national importance. To begin, the CDC FOIA office shuttering is part of the broader DOGE initiative to slash the federal workforce.³⁴ DOGE's operations have been extensively covered and debated,³⁵ including its involvement at HHS and CDC³⁶ and the April 1 RIFs that eliminated CDC's FOIA staff.³⁷

Defendants' closure of the CDC FOIA office is also part of a troubling pattern of FOIA staff purges across the government, which has raised significant alarm in the media and in Congress. In February, the Office of Personnel Management reportedly fired its entire FOIA staff.³⁸ That prompted Congressman Gerald E. Connolly, Ranking Member of the House Oversight and Government Reform Committee, to write a March 20, 2025, letter to HHS and 23 other agencies, warning them that they "must have appropriately staffed and functional processing

[activity/hearings/the-freedom-of-information-act-perspectives-from-public-requesters](#) (last visited Apr. 14, 2025).

³⁴ Press Release, *supra* note 5; *see also supra* note 11.

³⁵ *See supra* notes 5-9.

³⁶ *See* Chidi, *supra* note 8 (DOGE staffers fire CDC employees); Dan Diamond et al., *DOGE takes over federal grants website, wresting control of billions*, Wash. Post (Apr. 11, 2025), <https://www.washingtonpost.com/politics/2025/04/11/doge-controls-federal-grant-postings/>; Dan Diamond et al., *DOGE broadens sweep of federal agencies, gains access to health payment systems*, Wash. Post (Feb. 5, 2025), <https://www.washingtonpost.com/health/2025/02/05/doge-health-agencies-labor/>; Ed Cara, *Trump and DOGE Are Destroying U.S. Public Health Agencies From the Inside Out*, Gizmodo (Apr. 3, 2025), <https://gizmodo.com/trump-and-doge-are-destroying-u-s-public-health-agencies-from-the-inside-out-2000584773>; Apoorva Mandavilli, *Trump Administration Demands Additional Cuts at C.D.C.*, N.Y. Times (Apr. 4, 2025), <https://www.nytimes.com/2025/04/02/health/cdc-tump-health.html>.

³⁷ *See supra* notes 8, 13-14.

³⁸ *See* Letter from Rep. Gerald E. Connolly, Ranking Member of the House Oversight and Gov't Reform Comm., to Robert F. Kennedy Jr., Sec'y of Health and Hum. Servs., at 2 (Mar. 20, 2025), <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/2025-03-20-gec-to-24-cfo-agencies-re-foia-staffing.pdf>.

offices” to comply with their FOIA obligations.³⁹ Defendants nonetheless proceeded to dismantle the CDC FOIA office. Other FOIA staff, including those at the U.S. Agency for International Development (“USAID”), and the Office of Management and Budget, have reportedly also been fired.⁴⁰ The Trump administration also fired the head of the Department of Justice’s Office of Information Policy,⁴¹ which is responsible for overseeing FOIA compliance across the government.⁴² In response to these firings, journalists and others have expressed serious doubts about their ability to obtain government records,⁴³ including members of Congress during a recent hearing on the state of compliance with FOIA.⁴⁴

The CDC FOIA office closure is also part of a broader effort to gut the CDC as a whole and cripple its vital public health functions. Defendants’ mass firings included CDC staff reportedly focused on reproductive health, chronic disease, occupational safety, birth defects, smoking, tuberculosis, asthma and air quality, injury prevention, and the prevention of infectious

³⁹ *Id.*

⁴⁰ *See Ctr. to Advance Sec. in Am.*, 2025 WL 763735, at *1-2; Joint Status Rep. at 3, *CREW v. U.S. DOGE Serv.*, Case No. 25-cv-511 (D.D.C.), ECF No. 30; Harper, *supra* note 23.

⁴¹ *Trump Justice Department fires more career officials*, Reuters (Mar. 10, 2025), <https://www.reuters.com/world/us/trump-justice-dept-fires-head-pardon-office-2025-03-07/>.

⁴² *Office of Information Policy*, U.S. Dep’t of Just., <https://www.justice.gov/oip> (last visited Apr. 18, 2025).

⁴³ Jason Leopold, *How Trump’s Presidency Is Impacting the FOIA*, Bloomberg (Feb. 21, 2025), <https://www.bloomberg.com/news/newsletters/2025-02-21/how-foia-is-affected-by-trump-administration-s-political-chaos-and-doge>;

Allie Maloney & Hans Kristensen, *How Government Cuts Could Impact Your Right to Information*, Federation of American Scientists (Mar. 10, 2025), <https://fas.org/publication/foia-opm-doge/>; Angela Fu, *Firing of FOIA officers leaves experts worried about public records access under Trump*, Poynter (Feb. 21, 2025) <https://www.poynter.org/reporting-editing/2025/public-records-requests-trump-administration-federal-government-foia/>; *BREAKING: EPIC Sues OPM for Records on OPM’s Information Security and Employee Privacy Practices*, Elec. Priv. Info. Ctr. (Mar. 3, 2025), <https://epic.org/breaking-epic-sues-opm-for-records-on-opms-information-security-and-employee-privacy-practices/>.

⁴⁴ *See supra* note 33.

diseases, including HIV and viral hepatitis.⁴⁵ These widespread cuts as part of the DOGE RIF Initiative have sparked bipartisan congressional concern and inquiry, including calls for Secretary Kennedy to testify about the department-wide RIFs.⁴⁶ Concerns are mounting about how those RIFs, including of CDC's FOIA office, will affect the public health agency's ability to inform the American public about, and in turn protect the public from, all manner of health threats.⁴⁷

Finally, Defendants shuttered the CDC FOIA office amid a serious and growing infectious disease threat: a measles outbreak that has led to the first measles-related deaths in the U.S. in a decade. *See* Compl. ¶ 38. Since the filing of this lawsuit, the measles outbreak has jumped to 800

⁴⁵ Chidi, *supra* note 8; Sophie Gardner, *Which jobs were cut at CDC? Here's a list.*, Politico (Apr. 3, 2025), <https://www.politico.com/news/2025/04/03/which-jobs-were-cut-at-cdc-heres-a-list-00271509>; Leah Feiger, et al., *The CDC Has Been Guttled*, Wired (Apr. 1, 2025), <https://www.wired.com/story/cdc-guttled-rif/>.

⁴⁶ *US Senator Cassidy calls on Kennedy to appear before Senate panel over health agency cuts*, Reuters (Apr. 1, 2025), <https://www.reuters.com/business/healthcare-pharmaceuticals/us-senator-cassidy-calls-kennedy-appear-before-senate-panel-over-health-agency-2025-04-01/>; *Press Release: Chair Cassidy, Ranking Member Sanders Invite Sec. Kennedy to Future Hearing on HHS Reorganization*, U.S. Senate Health, Education, Labor, and Pensions (HELP) Committee (Apr. 1, 2025), <https://www.help.senate.gov/rep/newsroom/press/chair-cassidy-ranking-member-sanders-invite-sec-kennedy-to-future-hearing-on-hhs-reorganization>; Letter from Sens. Ron Wyden et al., U.S. Senate, to Robert F. Kennedy, Jr., Sec'y of HHS. (Apr. 1, 2025), https://www.finance.senate.gov/imo/media/doc/040125_warner_wyden_sanders_letter_to_rfk_on_hhs_firings.pdf; Letter from Sens. Patty Murray et al., U.S. Senate, to Robert F. Kennedy, Jr., Sec'y of HHS (Mar. 31, 2025), https://www.appropriations.senate.gov/imo/media/doc/letter_to_hhs_re_reorganization_and_staffing_reductions_3-31-25.pdf.

⁴⁷ Feiger, et al., *supra* note 45; Mandavilli & Rabin, *supra* note 12; Valencia et al., *supra* note 16; Pradhan & Kelman, *supra* note 32; Lena H. Sun, *How the CDC's widespread layoffs cut lifesaving health programs*, Wash. Post (Apr. 5, 2025), <https://www.washingtonpost.com/health/2025/04/05/cdc-job-cuts-health-issues/>; Ariel Hart, *Critics say CDC 'secrecy' will slow vital info; agency pledges transparency*, Atlanta J.-Const. (Apr. 6, 2025), <https://www.ajc.com/news/health-news/cdc-restructuring-pledges-transparency-critics-say-secrecy-will-slow-vital-info-to-public/DUX373NZHBA3VNBUTUYR6SIESDM/>.

confirmed cases across 25 states,⁴⁸ killing at least three people, including two children.⁴⁹ Public interest in the measles outbreak is predictably growing.⁵⁰ See Griffis Decl. ¶ 9 (“In 2025, the CDC received a high volume of media requests concerning . . . the measles outbreak”).

Medical experts and others have questioned the federal government’s response to the outbreak, citing Defendants’ lack of forceful advocacy for, and mixed messaging on, the need for measles vaccinations.⁵¹ CDC leadership reportedly barred release of a measles assessment from the agency’s Center for Forecasting and Outbreak Analytics, which found that the risk of measles is high in areas near outbreaks where vaccination rates are low and, before it was suppressed, was going to be rolled out as part of an agency news effort to emphasize the importance of the measles vaccination. Compl. ¶¶ 39-40.⁵²

⁴⁸ CDC, *Measles Cases and Outbreaks*, *supra* note 2; see also, e.g., Sara Moniuszko & Taylor Johnston, *Map shows measles cases across U.S.*, CBS News (Apr. 18, 2025), <https://www.cbsnews.com/news/measles-outbreak-us-map/>.

⁴⁹ Erika Edwards, *Second measles death reported in Texas amid fast-growing outbreak*, NBC News (Apr. 6, 2025), <https://www.nbcnews.com/health/health-news/second-measles-death-texas-child-kennedy-rcna199882>; Devi Shastri, *U.S. measles cases surpass 700 with outbreaks in six states. Here’s what to know*, LA Times (Apr. 14, 2025), <https://www.latimes.com/world-nation/story/2025-04-14/us-measles-cases-surpass-700-with-outbreaks-in-six-states-heres-what-to-know>.

⁵⁰ See, e.g., Glenza, *supra* note 3; Steenhuysen, *supra* note 3; Callahan, *supra* note 4; Edwards, *supra* note 49; Moniuszko & Johnston, *supra* note 48; Jen Christensen, *US measles cases are undercounted, experts say, but real numbers are proving hard to pin down*, CNN (Apr. 15, 2025), <https://www.cnn.com/2025/04/15/health/measles-undercount-public-health/index.html>.

⁵¹ Steenhuysen, *supra* note 3; Glenza, *supra* note 3; Aria Bendix, *Robert F. Kennedy Jr. falsely claims measles vaccine protection ‘waned very quickly’*, NBC News (Apr. 11, 2025), <https://www.nbcnews.com/health/kids-health/health-secretary-rfk-jr-measles-vaccine-falsely-claims-wanes-rcna200636>; Melody Schreiber, *Measles Is Spreading, and RFK Jr. Is Praising Quacks*, The New Republic (Apr. 11, 2025), <https://newrepublic.com/article/193935/measles-cases-spreading-rfk-jr-vaccines>; Catalina Jaramillo & Jessica McDonald, *RFK Jr. Misleads About Measles Vaccine in Hannity Interview*, FactCheck.org (Mar. 25, 2025), <https://www.factcheck.org/2025/03/rfk-jr-misleads-about-measles-vaccine-in-hannity-interview/>; Julianne McShane, *Don’t Believe RFK Jr.’s Flip-Flop on the Measles Vaccine*, Mother Jones (Apr. 9, 2025), <https://www.motherjones.com/politics/2025/04/rfk-jr-measles-flip-flop-is-never-coming/>.

⁵² See also Callahan, *supra* note 4.

As CDC's recently-departed Communications Director explains, "the elimination of CDC's FOIA office will significantly reduce agency accountability by shielding the nation's top health officials from public scrutiny, particularly during the early months of a new administration where new officials are taking over these roles." Griffis Decl. ¶ 21.

II. Procedural Background

On April 1, 2025, CREW submitted five expedited FOIA requests to CDC. The first sought records related to CDC's decision not to release the measles vaccination assessment by the agency's Center for Forecasting and Outbreak Analytics. Goldstein Decl. ¶ 8; Goldstein Decl. Ex. A. The second sought records related to the decision to place the entire CDC FOIA office on administrative leave on April 1, 2025. Goldstein Decl. ¶ 9; Goldstein Decl. Ex. B. The third sought records related to DOGE's involvement in the decision to place CDC FOIA's office on administrative leave. Goldstein Decl. ¶ 10; Goldstein Decl. Ex. C. The fourth sought records related to the CDC's plan to fulfill its FOIA obligations without its FOIA staff. Goldstein Decl. ¶ 11; Goldstein Decl. Ex. D. The fifth sought records related to the takedown of CDC's FOIA portal and response functions. Goldstein Decl. ¶ 12; Goldstein Decl. Ex. E. Per CDC instructions, CREW submitted each expedited FOIA request to FOIARequests@cdc.gov. Goldstein Decl. ¶ 13; Goldstein Decl. Ex. F.

In response, CREW immediately received automated emails from FOIARequests@cdc.gov stating: "Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails." Goldstein Decl. ¶ 14; Goldstein Decl. Ex. G, H. Other FOIA requesters reportedly received the same automated message. Compl. ¶ 52 & n.18.

On April 2, CREW received a follow-up email from FOIARequests@cdc.gov stating, "I cannot tell if our automated reply is functional, so I am responding while I am still able to access CDC systems. The entire CDC FOIA Office has been placed on administrative leave prior to a

mandated June 2 separation date.” Goldstein Decl. ¶ 15; Goldstein Decl. Ex. I. On April 2 and April 3, CREW contacted HHS headquarters’ FOIA office by email (at HHS.ACFO@hhs.gov and FOIARequest@hhs.gov) seeking clarification on whether HHS was processing CREW’s expedited FOIA requests. Goldstein Decl. ¶ 16; Goldstein Decl. Ex. J. As of this filing, CREW has received no response. Goldstein Decl. ¶ 17.

On April 4, CREW filed this suit. The Complaint asserts four counts. Count I asserts that Defendants wrongfully denied expedited processing of CREW’s FOIA requests. Compl. ¶¶ 55-59. Count II asserts that Defendants are engaged in an improper policy or practice of violating FOIA by closing the CDC FOIA office. *Id.* ¶¶ 60-64. Counts III and IV assert that Defendants’ closure of the FOIA office was contrary to law, *id.* ¶¶ 65-70, and arbitrary and capricious agency action, *id.* ¶¶ 71-76, in violation of the APA. CREW now seeks a preliminary injunction and partial summary judgment.

LEGAL STANDARDS

FOIA and the APA

“FOIA requires federal agencies to disclose, upon request, broad classes of agency records unless the records are covered by the statute’s exemptions.” *Students Against Genocide v. U.S. Dep’t of State*, 257 F.3d 828, 833 (D.C. Cir. 2001). Under FOIA, this Court “has jurisdiction to enjoin [an] agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant,” 5 U.S.C. § 552(a)(4)(B), which includes the power to grant preliminary injunctive relief related to expedited processing, *see, e.g., Wash. Post v. U.S. Dep’t of Homeland Sec.*, 459 F. Supp. 2d 61, 66 (D.D.C. 2006) (so holding and citing cases); *Elec. Priv. Info. Ctr. v. U.S. Dep’t of Just.*, 416 F. Supp. 2d 30, 35 (D.D.C. 2006) (same). This Court’s jurisdiction also includes the power to grant injunctive relief against an agency’s

“policy or practice that will impair the [plaintiff]’s lawful access to information in the future.” *Jud. Watch, Inc. v. U.S. Dep’t of Homeland Sec.*, 895 F.3d 770, 777 (D.C. Cir. 2018) (cleaned up) (citation omitted). The FOIA statute provides this Court with “flexible” and “broad equitable authority” to enforce its mandates. *CREW v. U.S. Dep’t of Just.*, 846 F.3d 1235, 1241-42 (D.C. Cir. 2017) (cleaned up) (citation omitted); *see also, e.g., Campaign for Accountability v. U.S. Dep’t of Just.*, 278 F. Supp. 3d 303, 316 (D.D.C. 2017).

Insofar as FOIA does not authorize any of CREW’s requested relief, the APA fills the gaps. *See Muttitt v. U.S. Cent. Command*, 813 F. Supp. 2d 221, 229 (D.D.C. 2011); *Greenpeace, Inc. v. U.S. Dep’t of Homeland Sec.*, 311 F. Supp. 3d 110, 126 (D.D.C. 2018). The APA authorizes judicial review of “final agency action for which there is no other adequate remedy in a court.” 5 U.S.C. § 704. “FOIA actions outside the scope of § 552(a)(4)(B) . . . are reviewed under the standards set forth in § 706 of the APA.” *Pub. Citizen, Inc. v. Lew*, 127 F. Supp. 2d 1, 9 (D.D.C. 2000).

Preliminary Injunction

To “warrant preliminary injunctive relief, the moving party must show: (1) a substantial likelihood of success on the merits; (2) that it would suffer irreparable injury if the injunction were not granted; (3) that an injunction would not substantially injure other interested parties; and (4) that the public interest would be furthered by the injunction.” *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006) (citations omitted). “When the movant seeks to enjoin the government, the final two . . . factors—balancing the equities and the public interest—merge.” *D.A.M. v. Barr*, 474 F. Supp. 3d 45, 67 (D.D.C. 2020) (citing *Pursuing Am.’s Greatness v. FEC*, 831 F.3d 500, 511 (D.C. Cir. 2016)).

Summary Judgment

Summary judgment is appropriate when the moving party “shows that there is no genuine dispute as to any material fact and [that it] is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). For APA claims, however, the ordinary summary-judgment standard does not apply because “the district judge sits as an appellate tribunal” and the “‘entire case’ on review is a question of law.” *Am. Bioscience, Inc. v. Thompson*, 269 F.3d 1077, 1083 (D.C. Cir. 2001) (footnote omitted) (collecting cases); *see also, e.g., Loyola Univ. Med. Ctr. v. Becerra*, 728 F. Supp. 3d 128, 134 (D.D.C. 2024) (explaining that in an APA case “the Court has no factfinding role because the case presents a question of law,” and judicial review is limited to asking “whether the agency action is supported by the administrative record and otherwise consistent with the APA standard of review” (quotation marks omitted)).

ARGUMENT

CREW is entitled a preliminary injunction on each of its claims. CREW is likely to succeed in its claim that Defendants have violated FOIA by refusing to grant expedited processing of its FOIA requests to CDC (Count I) because there is an urgent need to inform the public about the government conduct that is the subject of CREW’s expedited FOIA requests—Defendants’ actions to abruptly shutter CDC’s entire FOIA operation and defy basic transparency obligations when present events, including the worsening measles outbreak, make transparency critical. Irreparable harm will result if the records shedding light on this conduct are not promptly processed, and the balance of equities and public interest favor injunctive relief requiring expedited processing. CREW is also likely to succeed in its claims that Defendants are engaged in an unlawful policy or practice of violating FOIA writ large (Count II) and have engaged in unlawful and arbitrary-and-capricious agency action under the APA (Counts III and IV) by closing the CDC FOIA office.

Defendants’ fundamental inability to comply with FOIA at CDC and action to dismantle CDC’s FOIA function is irreparably harming CREW, other FOIA requesters, and the broader public each day, and the balance of equities and public interest support emergency relief to remedy these harms.

And because the merits of CREW’s claims in Counts I–III are clear and involve no disputed factual issues, this Court should enter a final order granting partial summary judgment on those claims without delay.

I. CREW is likely to succeed on the merits.

A. CREW is entitled to expedited processing of its FOIA requests.

FOIA requires agencies to promulgate regulations “providing for expedited processing of requests for records . . . in which the person requesting the records demonstrates a compelling need.” *Al-Fayed v. Cent. Intel. Agency*, 254 F.3d 300, 304 (D.C. Cir. 2001) (quoting 5 U.S.C. § 552(a)(6)(E)(i)). The statute defines “compelling need” for “a request made by a person primarily engaged in disseminating information” as “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II). HHS regulations adopt this statutory definition. *See* 45 C.F.R. § 5.27(b)(2).

CREW is entitled to expedited processing of each of its five FOIA requests, and CDC erred in denying expedited processing through its one-line automated response. CREW is entitled to expedited processing because (1) CREW is primarily engaged in disseminating information, and (2) there is a clear urgency to inform the American public about the topics of CREW’s requests, which concern significant and unprecedented federal government activity affecting public health.

Information Dissemination: CREW clearly qualifies as a FOIA requester primarily engaged in disseminating information because “[i]nformation dissemination” is “the main [and not merely an incidental] activity” in which CREW engages. *Protect Democracy Project, Inc. v. U.S.*

Dep't of Def., 263 F. Supp. 3d 293, 298 (D.D.C. 2017) (alteration in original) (citation omitted). For the reasons set out in its requests, *see* Goldstein Decl. Exs. A-E, CREW “easily” demonstrates that it primarily disseminates information, as a court in this District recently held, *CREW v. U.S. DOGE Serv.*, No. 25-cv-00511 (CRC), 2025 WL 752367, at *13 (D.D.C. Mar. 10, 2025), *rec. denied*, No. 25-cv-511 (CRC), 2025 WL 863947, at *1 (D.D.C. Mar. 19, 2025); *see also, e.g., Protect Democracy*, 263 F. Supp. 3d at 298 (similar); *Brennan Ctr. for Just. at NYU Sch. of L. v. Dep't of Com.*, 498 F. Supp. 3d 87, 98 (D.D.C. 2020) (similar).

Urgency: In determining whether a FOIA requester has demonstrated an “urgency” that warrants expedited processing, courts “must consider . . . (1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity.” *Al-Fayed*, 254 F.3d at 310. Each factor is met here.

First, CREW’s FOIA requests concern matters of urgent importance to the American public because they all directly relate to ongoing public debates and “currently unfolding stories” about the unprecedented shutdown of the CDC FOIA office and the ongoing measles outbreak that the agency is responsible for containing. *Brennan Ctr.*, 498 F. Supp. 3d at 98; *see also, e.g., ACLU v. U.S. Dep't of Just.*, 321 F. Supp. 2d 24, 30 (D.D.C. 2004) (citing *Al-Fayed*, 254 F.3d at 310). As reflected in CREW’s FOIA requests (and reinforced by the citations to news articles in its pleadings, *see* Compl. ¶¶ 33-35; *see also supra* note 23), the shuttering of the CDC FOIA office has prompted prominent news coverage expressing serious concerns, and the same holds true for CDC’s suppression of critical information regarding measles vaccinations, reflecting the exigency of CREW’s records requests implicating both issues. *See* Callahan, *supra* note 4; *see, e.g., CREW*, 2025 WL 752367, at *14 (relying on *Ctr. for Pub. Integrity v. U.S. Dep't of Def.*, 411 F. Supp. 3d

5, 11 (D.D.C. 2019)); *Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020); *ACLU*, 321 F. Supp. 2d at 29-30.

The interplay between these two issues and their broader context underscores the need for expediency here. As discussed, neither the closure of the CDC FOIA office nor the agency's suppression of measles information has occurred in a vacuum. They are part of the controversial DOGE RIF Initiative across government and widespread cuts at CDC and other HHS components; attacks on FOIA offices at other HHS components and government agencies; and a surging measles outbreak across two dozen states, driven in large part by vaccination issues. *See supra* notes 1-7. HHS has shuttered other FOIA offices without warning, even to its own attorneys. *See Singh Decl.* ¶ 3 (quoting an email from an Assistant U.S. Attorney: "I had a good call with the Agency on Monday and was anticipating having answers for you shortly. However, I was just informed that [the Administration for Children and Families'] entire FOIA office is currently on administrative leave" (alterations in original)). That the Trump administration is closing and severely cutting the capacity of FOIA offices across the government, *see supra* note 43, poses an existential threat to FOIA itself.

These broader issues have likewise generated significant and ongoing news coverage and congressional inquiry—coverage and inquiry that, as discussed, dovetails with CREW's expedited FOIA requests in numerous ways. *See supra* Background I.C. To take just one example, consider a recent Senate committee's hearing on improving FOIA; there, as in CREW's expedited requests, Senators questioned how FOIA functions and basic transparency could continue at agencies like CDC when their FOIA offices have been gutted. *See supra* note 33.

CREW's expedition requests reinforce the stakes of this fundamental question. As CREW explained, at this critical moment for our country—where "structural changes to the federal

workforce” are upending basic government operations and the spread of measles has precipitated a public health crisis—the American people need information about whether the nation’s leading public health agency will be “transparent under its FOIA obligations” or unlawfully seek to “evade” public scrutiny. *See* Goldstein Decl. Exs. A-E. These momentous circumstances at CDC parallel others where courts have found that a FOIA request is “central to a pressing issue of the day” and warrants emergency relief to compel prompt processing. *Protect Democracy*, 263 F. Supp. 3d at 299 (concerning missile strikes against Syria); *see also, e.g., CREW*, 2025 WL 752367, at *13-14 (concerning DOGE).

Second, the same reasons showing CREW’s FOIA requests are exigent also demonstrate that the requests should be processed without delay to avoid jeopardizing the interests of the American public. “The Supreme Court has observed that a public informed about its government’s actions is ‘a structural necessity in a real democracy,’” *Brennan Ctr.*, 498 F. Supp. 3d at 101 (quoting *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004)), and “timely awareness is equally necessary because ‘stale information is of little value,’” *id.* (quoting *Payne Enters. v. United States*, 837 F.2d 486, 494 (D.C. Cir. 1988)). Here, the issues to which CREW’s FOIA requests relate—the complete shuttering of the CDC FOIA office and abdication of its FOIA responsibilities, at the time of a worsening measles outbreak and public concerns that agency-wide DOGE cuts have hampered public health and transparency—are “of the highest national concern.” *CREW*, 2025 WL 752367, at *14 (quotation marks omitted). Any delay in processing CREW’s requests therefore will undermine its ability and the public’s ability to be timely informed about these issues and participate in current debates about their legality. *See, e.g., id.* at *13-14 (similar, regarding ongoing debates about DOGE’s various activities, including its efforts to reduce staffing); *Protect Democracy*, 263 F. Supp. 3d at 299-300 (similar, regarding ongoing debates

regarding missile strikes against Syria); *Elec. Priv. Info. Ctr.*, 416 F. Supp. 2d at 41 (similar, regarding ongoing debate about legality of Bush administration’s warrantless surveillance program); *Leadership Conf. on C.R. v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005) (similar, regarding ongoing debate about re-authorization of Voting Rights Act in a year); *ACLU*, 321 F. Supp. 2d at 29-30 (similar, regarding ongoing debates about renewal and/or amendment of the Patriot Act).⁵³

Third, CREW’s FOIA requests all clearly concern federal government activity because they each seek records about CDC, “a federal agency,” and actions at the agency taken either as part of the DOGE RIF Initiative or its work related to measles. *Elec. Priv. Info. Ctr. v. Nat’l Sec. Comm’n on A.I.*, 419 F. Supp. 3d 82, 95 (D.D.C. 2019).

B. Defendants’ closure of the CDC FOIA office amounts to a policy or practice of total FOIA noncompliance.

Defendants’ FOIA violations go beyond wrongly denying CREW’s requests for expedited processing. By dissolving CDC’s FOIA office and operations, Defendants are engaged in a policy or practice of violating the transparency statute’s requirements across-the-board. If ever there was a meritorious FOIA policy-or-practice claim, this is it.

As courts in this Circuit have long recognized, a plaintiff may, “separate from claims seeking relief for specific FOIA requests, . . . also assert a ‘claim that an agency policy or practice will impair the party’s lawful access to information in the future.’” *Muttitt*, 926 F. Supp. at 293

⁵³ The fact that those debates have reached Congress—with many members of Congress inquiring about the FOIA cuts at CDC and the other cuts across HHS functions without success, *see supra* note 33—reinforces that CREW’s FOIA requests present a matter of exigency and cannot be delayed, *see, e.g., CREW*, 2025 WL 752367, at *13-14 (similar, concerning congressional inquiry into DOGE activity); *Protect Democracy*, 263 F. Supp. 3d at 300-01 (similar, concerning congressional inquiry into military strikes in Syria). Because congressional hearings about the HHS-wide cuts are likely to occur in the coming weeks, *see supra* note 46, CREW’s requests regarding the CDC FOIA cuts are especially important to process now.

(D.D.C. 2013) (quoting *Payne Enters.*, 837 F.2d at 491). A plaintiff can make such a claim by establishing “that an agency has adopted, endorsed, or implemented some policy or practice that constitutes an ongoing failure to abide by the terms of the FOIA.” *Am. Ctr. for L. & Just. v. U.S. Dep’t of State*, 249 F. Supp. 3d 275, 281 (D.D.C. 2017) (cleaned up) (collecting cases); *see also*, *e.g.*, *CREW v. U.S. Dep’t of Just.*, No. 24-cv-1497 (LLA), 2025 WL 879664, at *4 (D.D.C. Mar. 21, 2025). That FOIA policy or practice may be “informal, rather than crystallized in regulation or an official statement,” *Jud. Watch*, 895 F.3d at 778 (cleaned up), and may relate to a range of different FOIA violations—from unreasonable delays, *see, e.g., id.* at 780-84, to the improper invocation of FOIA exemptions, *see, e.g., Missouri Coal. for the Env’t v. U.S. Army Corps of Eng’rs*, 369 F. Supp. 3d 151, 159-60 (D.D.C. 2019) (Kelly, J.). So long as those violations rise above the level of “isolated mistakes by agency officials,” and instead “signal” that the agency is engaged in an ongoing conduct, “ignoring” one or more of “FOIA’s requirements,” a viable policy-or-practice claim lies. *Jud. Watch*, 895 F.3d at 778, 780 (citations omitted).

At issue here are more than just isolated FOIA mistakes by CDC officials or even ongoing violations of particular FOIA requirements. Defendants abruptly fired everyone in the CDC FOIA office and cut off the staff’s access to CDC systems, halting all FOIA work at the agency on April 1 without advance notice, explanation, or planning. And Defendants do not appear to have done anything since April 1 to restart that work. They have not announced or implemented any staffing or procedures for handling CREW’s outstanding FOIA requests to CDC, the outstanding CDC FOIA requests of any other parties, or the thousands of FOIA requests that the agency receives each year on a range of important public health and safety issues. *See* Griffis Decl. ¶ 17. Currently, there appear to be no FOIA officers remaining at HHS tasked with or trained on responding to FOIA requests directed to CDC. *See* Doe Decl. ¶ 10.

Insofar as HHS has claimed plans to centralize FOIA operations and take over the CDC FOIA office's workload, there is no evidence that this process is underway or feasible in the short-to-medium term. Griffis Decl. ¶ 20. Such a centralization plan has not been announced, nor to Plaintiff's knowledge finalized or implemented. Moreover, CREW has adduced evidence that any such plan will be quite difficult to effectuate for several reasons: (1) the CDC FOIA office, like the FOIA offices of the 11 other HHS components, has its own specialized training, expertise, and institutional knowledge about its independent records systems, technical and scientific work, and how to properly and timely handle FOIA requests regarding that work; (2) HHS's existing central FOIA office has its own processing systems that do not interact with CDC's systems; (3) the central office currently has a narrow focus on Secretary-office records, limited staff, and a substantial FOIA backlog of its own to handle; and (4) consolidating all FOIA work within HHS's central FOIA office or any other department component will require the development of new information technology systems, processes, and protocols. *See* Griffis Decl. ¶¶ 3-5, 13, 19-20; Doe Decl. ¶¶ 9-10. In other words, the transition of CDC's FOIA work to a central HHS office would be "highly resource intensive" in several respects. Griffis Decl. ¶ 20; *supra* Background I.B. And Defendants have not said *anything* publicly about if and how they will carry out this challenging endeavor. *See supra* Background I.B.

Defendants' conduct inescapably points to one conclusion: they have decided to abandon CDC's statutorily mandated FOIA duties altogether. They have done so even though the applicable regulations and website currently direct individuals to submit CDC-related FOIA requests to the CDC FOIA office. *See* Compl. ¶ 67.h; Goldstein Decl. ¶ 13 & Ex. F. By closing the CDC FOIA office, without any evident plan for handling the agency's current or future FOIA workload, Defendants are engaged in a policy or practice of *total* FOIA noncompliance at CDC.

Under this policy or practice of noncompliance, CDC immediately denied CREW’s five FOIA expedited processing requests with a one-line automated message that the agency could not respond because its entire FOIA office had been closed. That single-sentence denial, which of course in no way considered CREW’s articulated urgent need for the requested records, uniformly flouts the agency’s expedited processing responsibilities under 5 U.S.C. § 552(a)(6)(E)(ii)(I) and 45 C.F.R. § 5.27 and was erroneous for the reasons explained above. *See supra* Argument I.A.; *cf. CREW v. U.S. Dep’t of Just.*, 436 F. Supp. 3d 354, 361 (D.D.C. 2020) (holding that single-sentence denial of expedited processing request, which did not at all engage with requester’s showing of the need for expedition, “does not stand up to judicial review”); *Muckrock, LLC v. CIA*, 300 F. Supp. 3d 108, 135-36 (D.D.C. 2018) (holding that uniform responses using a template evince a policy or practice).

And going forward, neither CREW nor any other FOIA requester can reasonably expect CDC to follow other critical FOIA requirements. Without any FOIA function for the foreseeable future, CDC lacks the ability to “make reasonable efforts to search for” records requested by CREW and others, 5 U.S.C. § 552(a)(3), make a determination on those record requests within the required time periods, *see id.* § 552(a)(6), “assign an individualized tracking number for each request” and “provide[] information about the status of a request,” *id.* § 552(a)(7), or update its online FOIA reading room so that CREW and others can access CDC “final opinions,” “statements of policy and interpretations,” and “administrative staff manuals and instructions to staff that affect a member of the public,” *id.* § 552(a)(2). Already, the FOIA office’s regular proactive disclosures, which continued as recently as March 10, 2025, have ceased. *See* Goldstein Decl. ¶ 21; Goldstein Decl. Ex. L; *see also* Doe Decl. ¶ 7. And without any FOIA staff, CDC lacks a Chief FOIA Officer,

who is responsible for ensuring compliance with these and other FOIA requirements. *See* 5 U.S.C. § 552(j)(1); 45 C.F.R. § 5.3.

Defendants’ “total disregard of the [FOIA] obligations mandated by Congress” is plainly unlawful and should be enjoined as an impermissible policy or practice. *Jud. Watch*, 895 F.3d at 782. Defendants cannot escape their FOIA obligations at CDC simply by gutting the agency’s FOIA office. As another judge in this District recently explained when addressing the similar gutting of USAID’s FOIA office: “FOIA’s demand for expedition—and, indeed, more generally, FOIA’s requirement that agencies release all non-exempt, responsive records—would be rendered meaningless if an agency could avoid these statutory obligations through the simple expedient of dismissing its FOIA staff.” *Ctr. to Advance Sec. in Am.*, 2025 WL 763735, at *2 (expressing skepticism “that an agency can avoid its obligations under FOIA—including the obligation to process a request in an efficient and prompt manner—by simply implementing a reduction-in-force that ‘either [] terminate[s] or place[s] on administrative leave’” its FOIA staff); *see also Jud. Watch*, 895 F.3d at 783 (“[A]s Congress’s limited reaction in amending FOIA suggests, staffing shortages and work overload may not render injunctive relief inappropriate.”).

Nor can Defendants simply adopt a wait-and-see approach to FOIA compliance at CDC, whereby they thwart any ability for the agency to handle FOIA requests pre-litigation and then choose to process requests and produce records only when, as CREW has done, a requester sues. The D.C. Circuit has stressed that “failures to adhere to FOIA’s pre-litigation requirements,” and FOIA noncompliance that regularly forces requesters to “vindicate[]” their FOIA rights by “judicial enforcement,” is exactly the stuff of a policy-or-practice claim. *Jud. Watch*, 895 F.3d at 779-80. Indeed, “Congress did not intend for the agency to use the FOIA offensively to hinder the

release of non-exempt documents so as to force [requesters] to bring several lawsuits to obtain release of . . . documents.” *Id.* at 781 (quoting *Payne Enters.*, 837 F.2d at 494).

Absent redress from this Court, Defendants’ closure of the CDC FOIA office and continued abdication of CDC FOIA responsibilities impair CREW’s “lawful access” to the agency’s records, now and “in the future.” *Payne Enters.*, 837 F.2d at 491. As an information disseminator that regularly submits FOIA requests to CDC and other agencies, and that has multiple pending FOIA requests with the agency and more in the works, *see* Goldstein Decl. ¶¶ 3-7, 19, CREW faces ongoing injury from Defendants’ actions, which show no signs of stopping, *see, e.g., Khine v. U.S. Dep’t of Homeland Sec.*, 334 F. Supp. 3d 324, 332-33 (D.D.C. 2018), *aff’d*, 943 F.3d 959 (D.C. Cir. 2019); *Frank LLP v. Consumer Fin. Prot. Bureau*, 288 F. Supp. 3d 46, 58 (D.D.C. 2017). Accordingly, CREW is entitled to prospective equitable relief.

The Court’s remedial power in this arena is broad. “[D]istrict courts have ample authority to award declaratory and prospective injunctive relief to FOIA requesters who successfully sustain policy-or-practice claims.” *Muckrock*, 300 F. Supp. at 121; *see also, e.g., Payne Enters.*, 837 F.2d at 494 (“The FOIA imposes no limits on courts’ equitable powers in enforcing its terms.”). Given Defendants’ flagrant and unjustified violation of FOIA’s basic guarantees at CDC, declaratory relief is appropriate here. *See Payne Enters.*, 837 F.2d at 494 (similar). And given the “likelihood of continued delinquent conduct by the agency” since CDC has no FOIA function, *Ctr. for the Study of Servs. v. U.S. Dep’t of Health & Hum. Servs.*, 874 F.3d 287, 293 (D.C. Cir. 2017), and the “cognizable danger of recurrent violation,” *Mo. Coal. for the Env’t*, 369 F. Supp. 3d at 162 (quoting *Jud. Watch*, 895 F.3d at 783), prospective injunctive relief is warranted as well, *see, e.g., Jud. Watch*, 895 F.3d at 783 (explaining that courts may assess whether an “agency’s conduct in failing to conform to FOIA’s procedural requirements demonstrates a lack of due diligence and is

so delinquent or recalcitrant as to warrant injunctive relief because ordinary remedies, such as a production order, *see* 5 U.S.C. § 552(a)(4)(B), would be inadequate to overcome an agency policy or practice”). To remedy the gutting of the CDC FOIA office and shutdown of the agency’s FOIA work, the Court should order Defendants “to augment, temporarily or permanently, [CDC’s] [FOIA] review resources.” *Open Soc’y Just. Initiative v. CIA*, 399 F. Supp. 3d 161, 169 (S.D.N.Y. 2019).

C. Defendants’ abrupt closure of the CDC FOIA office was unlawful, arbitrary, and capricious in violation of the APA.

Defendants’ sudden closure of the CDC’s entire FOIA office also violates the APA’s fundamental requirements that agency action be lawful and reasoned. *See Dep’t of Com. v. New York*, 588 U.S. 752, 773 (2019). Insofar as the Court finds that FOIA does not authorize relief against Defendants’ conduct, CREW appropriately seeks such relief under the APA.

1. The sudden closure of the CDC FOIA office violated statute and agency regulations.

The APA requires a court to “hold unlawful and set aside agency action” that is “not in accordance with law,” 5 U.S.C. § 706(2)(A), or “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right,” *id.* § 706(2)(C).

Here, Defendants have taken unlawful final action by firing everyone in the CDC FOIA office and leaving the agency with no staff or process to carry out its FOIA responsibilities. As a result of Defendants’ conduct, CDC is not in compliance with numerous mandatory FOIA provisions, as set out *supra* Argument I.B. An agency’s “wholesale cessation” of statutorily mandated functions is final agency action reviewable under the APA. *Nat’l Treasury Emps. Union v. Vought*, No. 25-cv-0381 (ABJ), 2025 WL 942772, at *12-13 (D.D.C. Mar. 28, 2025) (holding that the “final, concrete decision to shut down” the Consumer Financial Protection Bureau was reviewable agency action).

Moreover, Defendants’ decision to eliminate CDC’s FOIA operation is also unlawful because it violates HHS regulations on the structure of FOIA operations department-wide. For purposes of the APA, “the ‘law’ that generates a mandatory duty need not be a statute—it can also be an ‘agency regulation[] that ha[s] the force of law[.]’” *Ctr. for Biological Diversity v. Zinke*, 260 F. Supp. 3d 11, 21 (D.D.C. 2017) (quoting *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004)). Here, HHS regulations impose mandatory duties on CDC to maintain a functional FOIA office and FOIA office leadership as part of the department’s “decentralized” FOIA operations. 45 C.F.R. § 5.3. The regulations bear this out in two ways.

First, HHS regulations expressly provide for the existence of “Operating Division” FOIA “Officers” who “serve as the principal resource and authority for FOIA operations and implementation within their respective” divisions. *Id.* These “Operating Division” FOIA “Officers” have mandated responsibilities under the regulations, including making proactive disclosures of and maintaining public accessibility to agency records as required under FOIA. *Id.* § 5.2(b). The regulations define an “Operating Division” as “any of the following divisions within HHS which are subject to this regulation” and list CDC as one of these divisions. *Id.* § 5.3.

Second, the regulations contemplate that CDC and all other divisions will maintain a “FOIA Requester Service Center,” *i.e.*, a FOIA office that processes FOIA requests. *Id.* § 5.23. These regulations direct FOIA submissions “to the appropriate FOIA Requester Service Center that you believe would have the records you seek.” *Id.* As of this filing, the “up-to-date listing” of “appropriate FOIA Requester Service Center[s] . . . maintained online at <http://www.hhs.gov/foia/contacts/index.html>,” *id.*, still lists the CDC FOIA office’s contact information, including its office address, contact email, phone number and the name of its FOIA Officer and name, email and phone number of its FOIA Public Liaison, Goldstein Decl. ¶ 20.

Because of Defendants' actions, CDC has no FOIA Officer to run the agency's FOIA operations, no staff for those operations, and thus no ability to carry out any of the agency's numerous obligations under the FOIA statute. HHS itself has not taken on any of these statutory and regulatory FOIA obligations or, for that matter, explained its legal basis or practical ability to do so. Defendants' decision to shutter CDC's FOIA operations was plainly unlawful.

2. The sudden closure of the CDC FOIA office was arbitrary and capricious.

The APA also directs courts to set aside "arbitrary" or "capricious" agency action. 5 U.S.C. § 706(2). This standard "requires agencies to engage in reasoned decisionmaking." *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 16 (2020) (quotation marks omitted). "The agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made." *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quotation marks omitted). An agency acts arbitrarily or capriciously if, for example, it fails to provide any "reasoned basis for its decision," *Transactive Corp. v. United States*, 91 F.3d 232, 236 (D.C. Cir. 1996), "simply disregard[s] rules that are still on the books," *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009), or "entirely fail[s] to consider an important aspect of the problem," *State Farm*, 463 U.S. at 43. Defendants' conduct here checks all these boxes.

Defendants provided *no* explanation—let alone a reasoned one—for their decision to fire CDC's entire FOIA staff and thus eliminate the agency's FOIA functions. As discussed, media reporting suggests HHS is considering centralizing FOIA operations, but the department has not formally announced or finalized such plans. Nor have Defendants explained why FOIA centralization is necessary, how or when it will actually occur, and what, if any, CDC FOIA work will be performed while the agency's FOIA operation is shut down and while centralization plays

out. Defendants’ failure to provide “even [a] minimal level of analysis” for their decisionmaking and radical shift in FOIA practice at CDC—contrary to binding regulations—is arbitrary and capricious. *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016); *see also Fox Television*, 556 U.S. at 515 (arbitrary and capricious for an agency to “depart from a prior policy sub silentio or simply disregard rules that are still on the books”); *Am. Wild Horse Pres. Campaign v. Perdue*, 873 F.3d 914, 923 & n.3 (D.C. Cir. 2017) (explaining that if an agency “depart[s] from . . . official policies,” it “must at a minimum acknowledge the change and offer a reasoned explanation for it”).

Defendants also failed to consider important aspects of the problem. For instance, under their CDC FOIA shutdown, how will FOIA work at the agency get done going forward, and what are FOIA requesters like CREW, who obviously rely on the agency to have a functioning FOIA office, supposed to do if they want agency records? To these fundamental questions, Defendants give no answer. And Defendants’ decision to abruptly “change[] course” without considering the “serious reliance interests” their “longstanding policies . . . have engendered” by FOIA requesters (like CREW) was arbitrary and capricious. *Regents of the Univ. of Cal.*, 591 U.S. at 30.

Defendants have also failed entirely to consider that slashing the CDC’s FOIA staff (as well as FOIA staff across the department) will make it virtually impossible for the agency to meet its statutorily mandated FOIA obligations in the short-to-medium term. As discussed, the closure of the CDC FOIA office will substantially increase processing times for CDC records and create a substantial backlog, and a centralized HHS FOIA component will not be able to easily address that backlog and handle CDC and other agency FOIA requests because centralization will require a highly resource-intensive integration effort with new technology systems, processes, and

protocols. *See* Griffis Decl. ¶ 20. There is no evidence that Defendants have considered any of these basic issues, which reinforces the arbitrary and capricious nature of their decisionmaking.

II. CREW will suffer irreparable harm absent a preliminary injunction.

Defendants’ unprecedented elimination of an agency’s entire FOIA function, with no plan for how the agency will continue to comply with FOIA in the future, irreparably harms CREW and the American public. Each of Defendants’ unlawful actions—denial of expedited processing and closure of the CDC FOIA office, in violation of FOIA and the APA—results in a common harm: the denial of information relevant to urgent, ongoing public debates to CREW and the public. Defendants’ refusal and inability to comply with FOIA, currently and indefinitely, due to the shuttering of the CDC FOIA office and mass firings of FOIA-trained employees across the agency, means that there is no realistic possibility that CREW’s injury will be remedied absent emergency judicial intervention.

A. CREW will suffer irreparable harm absent expedited processing of its requests.

“The party seeking a preliminary injunction must make two showings to demonstrate irreparable harm.” *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 7 (D.C. Cir. 2016). “First, the harm must be ‘certain and great,’ ‘actual and not theoretical,’ and so ‘imminen[t] that there is a clear and present need for equitable relief to prevent irreparable harm.’” *Id.* at 7-8 (quoting *Chaplaincy of Full Gospel Churches*, 454 F.3d at 297). “Second, the harm ‘must be beyond remediation.’” *Id.* at 8 (quoting *Chaplaincy of Full Gospel Churches*, 454 F.3d at 297).

Courts in this Circuit have long “recognized that, where an obligation to disclose exists, plaintiffs may suffer irreparable harm if they are denied access to information that is highly relevant to an ongoing public debate.” *Dunlap v. Presidential Advisory Comm’n on Election Integrity*, 286 F. Supp. 3d 96, 110 (D.D.C. 2017). In other words, “informational injury can ‘be

sufficient to establish irreparable harm if the information sought is time-sensitive.” *Drs. for Am. v. Off. of Pers. Mgmt.*, No. 25-322 (JDB), 2025 WL 452707, at *9 (D.D.C. Feb. 11, 2025) (quoting *Sai v. TSA*, 54 F. Supp. 3d 5, 10 (D.D.C. 2014)). And “[i]t is well-established that acts by [g]overnment agencies in derogation of statutory rights of the public or certain individual members of the public can constitute irreparable injury.” *Gates v. Schlesinger*, 366 F. Supp. 797, 800-01 (D.D.C. 1973) (finding there would be irreparable harm if the defendant refused to “conform to the open meeting requirement imposed by statute” and the public lost its right to attend a public meeting).

Here, CREW’s FOIA requests seek time-sensitive information of vital national importance, the deprivation of which is inflicting irreparable harm. First, the lack of access to records related to CDC’s unvarnished analysis of the ongoing measles outbreak is creating grave harm *right now*. As in *American Immigration Council v. U.S. Department of Homeland Security*, where the court ordered expedited processing of a request concerning the ongoing COVID-19 pandemic, CREW need not “point to any concrete deadline by which it needs the records” because the fact that there “is an ongoing public health crisis . . . bolsters [its] claim of irreparable harm.” 470 F. Supp. 3d 32, 38 (D.D.C. 2020); *see also Drs. for Am.*, 2025 WL 452707, at *8-9 (holding that physicians suffered irreparable harm from lack of access to CDC and other public health agency datasets).

The requested records not only relate to a “time-sensitive” public health emergency, *Drs. for Am.*, 2025 WL 452707, at *9 (quotation marks omitted), but also are highly relevant to an ongoing public debate about CDC’s efforts to suppress a report on measles forecasting and the need for vaccination, which reportedly relied on new data from the measles outbreak in Texas.⁵⁴ Like the closure of the CDC FOIA office, the cancellation of the report’s publication was

⁵⁴ Callahan, *supra* note 4.

reportedly “not normal at all,” and staff had “never seen a rollout plan that was canceled . . . that far along in the process.”⁵⁵ The public needs to know as soon as possible to what extent they can rely on CDC’s guidance in the face of the measles epidemic, and whether factors other than scientific accuracy, such as political views, are driving the process.

Second, because Defendants’ unprecedented dismantling of HHS’s transparency infrastructure as part of the DOGE RIF Initiative is unfolding rapidly, the window is closing for CREW to inform the American people about these events in time for them to meaningfully participate in ongoing debates and make their voices heard to their elected representatives. There is intense public interest in the DOGE RIF Initiative, *supra* Background I.C., including its severe impact on FOIA offices across the federal government, *see supra* note 43, leading multiple Senators to question how FOIA functions and basic transparency can continue at CDC and other affected agencies, *see supra* note 33. Accordingly, the “records sought are ‘directly tied to [] current, ongoing’ actions by [DOGE] . . . of the highest national concern,” including DOGE’s efforts to fire thousands of federal employees, undercut agencies’ compliance with federal law, and fundamentally restructure the executive branch. *CREW*, 2025 WL 752367, at *14 (quoting *Ctr. for Pub. Integrity*, 411 F. Supp. 3d at 12). In holding that CREW would be irreparably harmed absent expedited processing of another FOIA request about DOGE’s activities, the *CREW v. DOGE* court explained that DOGE’s “actions to date have proceeded remarkably swiftly” and require a corresponding “quick release of information,” that DOGE has operated with “unusual secrecy,” that its expansive power “with no congressional input appear to be unprecedented,” and that “these factors together bolster the Court’s conclusion that a years-long delay in processing . . . would cause irreparable harm.” *Id.* at *15-16. Here, beyond delay, Defendants have implemented

⁵⁵ *Id.*

the DOGE RIF Initiative in a manner that has crippled their ability to respond to CREW's FOIA requests at all. Without emergency relief, the public cannot be timely informed about these issues and participate in current debates about their legality. *Id.* at *14.

Moreover, “‘absent an expedited response to [CREW]’s FOIA request[s], it is not clear . . . that the public’ or Congress ‘would otherwise have access to this relevant information.’” *CREW*, 2025 WL 752367, at *15 (quoting *Ctr. for Pub. Integrity*, 411 F. Supp. 3d at 13). CDC has, for example, removed critical datasets from its websites, re-posting them only under compulsion of a court order. *See Drs. for Am.*, 2025 WL 452707, at *2. Some CDC pages now include the banner: “[this] website is being modified to comply with President Trump’s Executive Orders,” raising concerns among practitioners that the records are now “incomplete, modified, or otherwise not in their original form.” Hao Decl. ¶ 5, 12. Defendants’ public communications have also “slowed significantly over the past several months” and CDC, for example, has not held a press briefing since January 20, 2025, despite numerous infectious disease outbreaks. Griffis Decl. ¶ 6, 16. And in addition to affecting FOIA staff across the agency, the April 1 mass firings included a large number of employees whose job responsibilities related to communicating information to the public, including media relations, digital communications, and social media staff. *Id.* ¶ 16.

Finally, repeat CDC FOIA requesters—including scientists, physicians, and public health workers—need to understand whether they can continue to rely on FOIA as a tool to obtain critical public health data and guidance. *See Minovi Decl.* ¶¶ 11, 14 (stating that the Union of Concern Scientists “submitted a FOIA request to CDC that remains pending. The FOIA request seeks toxicological and epidemiological data . . . [t]his data is used to inform UCS’s, and the public’s, ongoing work related to understanding the health effects of hazardous substances . . . [i]f this FOIA request is not fulfilled, we will be unable to help make these data available to the public.”); Hao

Decl. ¶ 15 (“Historically, when key CDC records . . . were not readily available, physicians like myself could file a FOIA request to gain access.”). If FOIA will no longer be a functional tool for these stakeholders to get the information they need to prevent further harm or serve their public health missions, *see* Griffis Decl. ¶ 19, Doe Decl. ¶¶ 10, 11, they need to know now to determine how to use their resources to make up for that information gap.

The need to protect against such irreparable harms drives courts in this District to grant preliminary injunctions in FOIA cases where the information would affect a developing situation of national significance. *See, e.g., Am. Immigr. Council*, 470 F. Supp. 3d at 37 (finding irreparable harm based on ongoing “‘public discourse around ICE’s handling’ of the global pandemic”); *Protect Democracy*, 263 F. Supp. 3d at 300-01 (similar, regarding ongoing public debate about military strike against Syria); *Elec. Priv. Info. Ctr.*, 416 F. Supp. 2d at 40-41 (similar, regarding ongoing debate about the Bush administration’s warrantless surveillance program).

B. CREW will suffer irreparable harm if CDC’s FOIA functions remain inoperative.

Defendants’ sudden closure of the CDC FOIA office has irreparably harmed CREW and will continue to do so until Defendants are compelled to comply with the law. CREW, as a leading transparency organization, depends on FOIA to fulfill its mission of ensuring an ethical, accountable, and open government. CREW is primarily engaged in disseminating information to the public; it “is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, ensuring the integrity of government officials and agencies, and empowering citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions.” Goldstein Decl. ¶ 2. As noted in CREW’s expedited processing requests, “CREW’s website receives hundreds of thousands of page views every month. The

website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA.” Goldstein Decl. Exs. A-E. Prior to the requests at issue here, CREW submitted FOIA requests to CDC, and it plans to send additional requests in the future. Goldstein Decl. ¶¶ 4, 18.

But the “new obstacles” resulting from Defendants’ closure of the CDC FOIA office “unquestionably make it more difficult for [CREW] to accomplish [its] primary mission.” *Newby*, 838 F.3d at 9. In *Newby*, the D.C. Circuit found irreparable harm when states’ addition of proof-of-citizenship requirements on their voter registration forms made it “more difficult” for League of Women Voters chapters to accomplish their mission of registering voters leading up to an election. *Id.* Here, Defendants have established *no* alternative system to receive and process FOIA requests, and therefore each day that passes is a day that CREW is hindered in fulfilling its mission. It would be as if the states in *Newby* had unlawfully abolished their systems for voter registration altogether, meaning that the plaintiffs could not register voters at all, not just that doing so would be “more difficult.” *Id.*

CREW’s ability to exercise its statutory rights under FOIA is central to its mission. Absent a preliminary injunction, Defendants have neither a plan nor the capacity to come into compliance with FOIA and the “records responsive to [CREW’s] request[s] will not be released anytime soon, if ever.” *CREW*, 2025 WL 752367, at *14. More than delay, Defendants are indefinitely denying CREW access to records needed to fulfill its mission-critical function of informing the public about “the operations or activities” of CDC. *U.S. Dep’t of Just. v. Reps. Comm. for Freedom of the Press*, 489 U.S. 749, 775 (1989). And as detailed above, *supra* Argument I.B., even if Defendants were

to develop a plan to centralize its FOIA operations, there are considerable obstacles to Defendants' compliance in processing CDC FOIAs now that they have shuttered the agency's FOIA office.

Defendants' refusal to comply with FOIA, resulting in decreased public transparency into federal operations during an ongoing public health emergency, severely restricts CREW's ability to fulfill its mission. CREW seeks to increase public knowledge of CDC's activities because a public informed about its government's actions is "a structural necessity in a real democracy." *Favish*, 541 U.S. at 172. By disseminating this information to the public, the public can fully participate in ongoing debates and engage their elected representatives about Defendants' decision to suppress an expert assessment of the ongoing measles outbreak and the effect of vaccination on infection rates, and about the new administration's efforts to more fundamentally alter government capacity through DOGE. Members of the public will not be able to meaningfully engage with their elected representatives about these matters without public transparency. And FOIA access at CDC is especially critical now because, as noted above, Defendants have taken steps to make CDC information unavailable through other means. *See supra* Argument II.B.

While resolution of CDC's FOIA duties plays out through the ordinary course of litigation, the damage to FOIA as an accountability mechanism, and therefore CREW's ability to fulfill its organizational mission, cannot be wound back. Given Defendants' egregious step of shuttering the CDC FOIA office, absent emergency relief from this Court, CREW and the American public have no assurance that FOIA will remain a viable tool for oversight and accountability of CDC.

III. The balance of equities and public interest favors granting a preliminary injunction.

Against Defendants' unprecedented refusal to comply with the FOIA statute and agency regulations, the balance-of-equities and public-interest factors weigh strongly in favor of relief. These factors require courts to "balance the competing claims of injury and . . . consider the effect on each party of the granting or withholding of the requested relief," in addition to paying

“particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (first quoting *Amoco Prod. Co. v. Vill. of Gambell*, 480 U.S. 531, 542 (1987); then quoting *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312 (1982)). When “the Government is the opposing party,” the two factors “merge.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

Because Defendants have completely shuttered the CDC FOIA office, immediate injunctive relief is the only way the public can vindicate its right under FOIA to access CDC records. A preliminary injunction here serves to vindicate “the citizens’ right to be informed about ‘what their government is up to.’” *Reps. Comm. for Freedom of the Press*, 489 U.S. at 773; *see also Ctr. to Prevent Handgun Violence v. U.S. Dep’t of the Treasury*, 49 F. Supp. 2d 3, 5 (D.D.C. 1999) (describing the “public benefit in the release of information that adds to citizens’ knowledge” of government activities); *Protect Democracy*, 263 F. Supp. 3d at 301 (“Not only would the public benefit from participation in the ‘ongoing debate’ discussed above, but an agency’s compliance with a mandatory statutory regime is presumably always in the public interest.”).

The public relies on CDC processing FOIA requests for a wide range of purposes related to public health. Scientists seek information on the health effects of hazardous substances. *See Minovi Decl.* ¶ 11. Physicians rely on CDC records to “provid[e] evidence-based and guideline-directed care for . . . patients.” *Hao Decl.* ¶ 8. One physician recently submitted an expedited FOIA request to CDC when critical records and datasets she and her peers “routinely rely on” were removed from CDC’s website and replaced with new data, which “may be modified from their original form.” *Id.* ¶ 5, 13. Other data, which physicians rely on, remains publicly inaccessible. *Id.* ¶ 14. As do records on a range of public health issues. Just in February of this year, a student

sought documents related to foodborne illnesses on their university campus; university researchers sought records on the overprescribing of antibiotics and localized incidences of cancer; attorneys sought information related to disease outbreaks or foodborne illness to represent their clients; and journalists sought information on the transmission of disease from animals to humans.⁵⁶ Such FOIA requesters are now unable to communicate with Defendants about their pending requests. Minovi ¶ 12. As it stands, these requesters will be unable to help make critical health data available to the public. *Id.* ¶ 14. And while Defendants’ actions will harm physicians’ access to “essential tools,” “ultimately, patients across the country will bear the greatest burden.” Hao Decl. ¶ 15.

The loss of FOIA as a tool to ensure government accountability would have devastating results. FOIA requests at federal health agencies, including CDC, “have been particularly consequential” in “catalyz[ing] important government reforms.”⁵⁷ Such requests “have pushed companies to take unsafe drugs off the market, led to reforms that prevent unnecessary delays in communicating public health risks, and prompted policies that lower prices and improve access to taxpayer-funded health technologies.”⁵⁸

Defendants have no countervailing interest in eliminating CDC’s FOIA operations, in clear violation of FOIA and the APA. As the D.C. Circuit has recognized, “[t]here is generally no public interest in the perpetuation of unlawful agency action. To the contrary, there is a substantial public

⁵⁶ FY25 February, *CDC FOIA Office Request Logs*, CDC, Lines 33, 56, 126, 47, 97, 139, 77, <https://foia.cdc.gov/app/ReadingRoom.aspx>.

⁵⁷ Reshma Ramachandran, *The sudden dismissal of public records staff at health agencies threatens government accountability*, *The Conversation* (Apr. 16, 2025), <https://theconversation.com/the-sudden-dismissal-of-public-records-staff-at-health-agencies-threatens-government-accountability-254024>.

⁵⁸ *Id.* (citing articles explaining how FOIA requests resulted in congressional investigations of drug safety and new laws requiring additional safety studies, exposed Flint, Michigan’s withholding of information about the city’s contaminated drinking water, and revealed government contracts with pharmaceutical companies working on COVID-19 vaccine development, resulting in pro-consumer policies).

interest ‘in having governmental agencies abide by the federal laws that govern their existence and operations.’” *Newby*, 838 F.3d at 12 (cleaned up); *see also R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 191 (D.D.C. 2015) (finding that the government “cannot suffer harm from an injunction that merely ends an unlawful practice”). And, for a preliminary injunction motion merely asking the Court to return matters to the “status quo ante,” the public interest clearly outweighs Defendants’ burden because (a) CDC already “had procedures in place . . . that conform to what the requested injunction would require,” (b) “the burden” to resume those procedures “is not so great that it outweighs the strong public interest in ensuring” citizens’ right to utilize FOIA, and (c) “any burden is of [CDC’s] own making.” *Newby*, 838 F.3d at 14. In fact, given the increased litigation likely to result from Defendants’ egregious flouting of the law, Griffis Decl. ¶ 22, and Defendants’ own statements about the drain FOIA litigation places on routine processing,⁵⁹ an injunction here will lessen, not increase, the burdens on the agency.

In cases like this one, in which expedition is warranted, case law and the FOIA statute itself make clear that “the public’s interest in expedited processing of the plaintiff’s request outweighs any general interest that it has in first-in-first-out processing of FOIA requests.” *Wash. Post*, 459 F. Supp. 2d at 76 (citing *Jacksonville Port Auth. v. Adams*, 556 F.2d 52, 59 (D.C. Cir. 1977)). To respond to Defendants’ rapid efforts to shut down transparency into the federal government’s public health infrastructure, it is essential that the public have timely information about CDC’s mass firings, ability to comply with FOIA, and efforts to obscure public health data. Particularly in the face of a growing measles outbreak, the public needs to understand the agency’s statements on how people can protect themselves from this highly contagious and communicable disease. A preliminary injunction is decidedly in the public interest.

⁵⁹ 2025 HHS Chief FOIA Officer Report, *supra* note 17, Section V.C.

IV. Partial summary judgment is appropriate to resolve Counts I–III.

Although CREW requires a preliminary injunction to prevent imminent irreparable injury, CREW also seeks expedited partial summary judgment on its claims seeking expedited processing of its FOIA requests (Count I) and asserting that Defendants’ action to shutter the CDC FOIA office is a policy or practice that violates FOIA (Count II) and is contrary to law under the APA (Count III). Courts in this Circuit often consider motions for a preliminary injunction and for summary judgment jointly. *See, e.g., Grundmann v. Trump*, No. 25-cv-425 (SLS), 2025 WL 782665, at *4 (D.D.C. Mar. 12, 2025); *Nat’l Ass’n for Fixed Annuities v. Perez*, 217 F. Supp. 3d 1, 58 (D.D.C. 2016); *Hedgeye Risk Mgmt., LLC v. Heldman*, 196 F. Supp. 3d 40, 46-47 (D.D.C. 2016); *see also* Fed. R. Civ. P. 65(a)(2) (authorizing consolidated hearing of preliminary injunction and trial on the merits); *Hoai v. Superior Ct. of the D.C.*, 473 F. Supp. 2d 75, 78 n.4 (D.D.C. 2007) (ordering consolidation under Rule 65(a)(2)); *City of New Haven v. United States*, 634 F. Supp. 1449, 1451 n.1 (D.D.C. 1986) (same), *aff’d sub nom. City of New Haven v. United States*, 809 F.2d 900 (D.C. Cir. 1987) (same).

Here, the parties’ briefing at this time can fully address the merits issues relevant to final disposition of Counts I–III of the Complaint, which raise no disputed factual issues. Moreover, expeditious final disposition will benefit CREW and the public so that they can be assured of access to the vital information at issue in this case. *See* 28 U.S.C. § 1657(a) (stating that courts “shall expedite the consideration of any action . . . if good cause therefor is shown”).

CONCLUSION

For the foregoing reasons, the Court should grant CREW’s motion for a preliminary injunction and for partial summary judgment.

Date: April 21, 2025

Respectfully Submitted,

/s/ Kayvan Farchadi

Kayvan Farchadi (D.C. Bar No. 1672753)
Yoseph T. Desta (D.C. Bar No. 90002042)
Alex Goldstein (D.C. Bar No. 90005086)
Chun Hin Tsoi (D.C. Bar No. 90017713)
Kalyn Mizelle McDaniel (D.C. Bar No.
90027120)

Nikhel S. Sus (D.C. Bar No. 1017937)
Citizens for Responsibility and Ethics in
Washington

P.O. Box 14596

Washington, D.C. 20044

Telephone: (202) 408-5565

Fax: (202) 588-5020

kfarchadi@citizensforethics.org

ydesta@citizensforethics.org

agoldstein@citizensforethics.org

jtsoi@citizensforethics.org

kmizellemcdaniel@citizensforethics.org

nsus@citizensforethics.org

Counsel for Plaintiff

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

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. CENTERS FOR DISEASE CONTROL
AND PREVENTION, *et. al.*,

Defendants.

Civil Action No. 25-01020 (TJK)

HEARING REQUESTED

PLAINTIFF’S STATEMENT OF MATERIAL FACTS NOT IN DISPUTE

Pursuant to Local Civil Rule 7(h)(1), Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) submits this statement of material facts not in dispute in support of its motion for partial summary judgment.

<p>1. On April 1, 2025 CREW submitted an expedited FOIA request to CDC for “[a]ll records from January 20, 2025 to the date this request is processed that mention, reference, or relate to the CDC’s decision not to release an assessment by the Center for Forecasting and Outbreak Analytics that addressed the risk of catching measles in relation to the vaccination rates of nearby areas.” Goldstein Decl. ¶ 8; Goldstein Decl. Ex. A.</p>	
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<p>2. On April 1, 2025 CREW submitted an expedited FOIA request to CDC for (a) “[a]ll communications sent or received by CDC Public Liaison Bruno Viana, CDC/ATSDR FOIA Officer Roger Andoh, or any other employees in the CDC/ATSDR FOIA Office that mention, reference, or relate to the decision to place the CDC FOIA office on administrative leave on April 1, 2025”; (b) “[a]ll communications sent or received by any CDC employee outside the CDC/ATSDR FOIA Office that mention, reference, or relate to the decision to place the CDC FOIA office on administrative leave on April 1, 2025”; and (c) “[a]ll memoranda, directives, or other final records relating to the decision to place the CDC FOIA office on administrative leave on April 1, 2025.” Goldstein Decl. ¶ 9; Goldstein Decl. Ex. B.</p>	
<p>3. On April 1, 2025 CREW submitted an expedited FOIA request to CDC for (a) “[a]ll communications that mention, reference, or relate to the deliberation of or decision to place the CDC FOIA office on administrative leave on April 1, 2025, received by CDC staff and sent by any individual with an email address associated with DOGE, U.S. DOGE Service, or the Office of Personnel Management (“OPM”)”; and (b) “[a]ll memoranda, directives, and other final records relating to the deliberation of or decision to place the CDC FOIA office on administrative leave on April 1, 2025 received by CDC staff and sent by any individual with an email address associated with DOGE, U.S. DOGE Service, or the Office of Personnel Management (“OPM”).” Goldstein Decl. ¶ 10; Goldstein Decl. Ex. C.</p>	

<p>4. On April 1, 2025 CREW submitted an expedited FOIA request to CDC for records, from January 20 to the date the request is processed, of (a) “[a]ll guidance, communications, memoranda, directives, or policies describing CDC’s plans to respond to, process, and otherwise manage open FOIA requests and future FOIA requests”; (b) “[a]ll guidance, communications, memoranda, directives, or policies describing CDC’s plans to otherwise comply with its statutory responsibilities under FOIA.” Goldstein Decl. ¶ 11; Goldstein Decl. Ex. D.</p>	
<p>5. On April 1, 2025 CREW submitted an expedited FOIA request to CDC for records, from January 20 to the date the request is processed, of “[a]ll guidance, communications, memoranda, directives, policies, or other final directives relating to CDC’s plan to take down its FOIA portal website at https://foia.cdc.gov/”; and (b) “[a]ll guidance, communications, memoranda, directives, policies, or other final directives relating to CDC’s plan to provide an automated email response to requesters’ FOIA emails.” Goldstein Decl. ¶ 12; Goldstein Decl. Ex. E.</p>	

<p>6. CREW asserted in each expedited FOIA request that “CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.” Goldstein Decl. Ex. A-E.</p>	
<p>7. CREW asserted in each of its expedited FOIA requests that “America has seen its first measles death in a decade,” and that reporting indicated “that the CDC has suppressed information about measles forecast and the need for vaccination”; and it explained that this is “a critical time for the CDC to be transparent about its operations, and for the public to be assured that the CDC will continue to operate in the best interest of American public health.” Goldstein Decl. Ex. A-E.</p>	
<p>8. CREW further asserted in its first expedited FOIA request that “the public urgently needs to know the details of the CDC’s decision not to release an assessment” on measles “by their own experts,” and “[i]f the CDC did decide to withhold an expert assessment for improper reasons, the public needs to know why and what could be done to maintain the CDC’s integrity amidst the ongoing public health crisis.” Goldstein Decl. Ex. A.</p>	

<p>9. CREW further asserted in its first expedited FOIA request that “[t]he public health crisis caused by measles has been an ongoing focal point in the news,” citing multiple news reports. Goldstein Decl. Ex. A.</p>	
<p>10. CREW further stated in its other four expedited processing requests that “[i]f the CDC did decide to shut down its FOIA office, the public needs to know why and what could be done to remedy that unlawful action to maintain the CDC’s transparency amidst the ongoing public health crisis.” Goldstein Decl. Ex. B-E.</p>	
<p>11. CREW further stated in its other four expedited processing requests that “[w]ithin a day, there have already been multiple news articles reporting the news. Numerous journalists have been alarmed about the potentiality of the CDC FOIA of ice being shut down entirely, which includes the dismantling of existing FOIA pages containing the submission portals and request logs,” citing multiple news reports and social media posts. Goldstein Decl. Ex. B-E.</p>	
<p>12. CREW submitted each expedited request via email to FOIARequests@cdc.gov. Goldstein Decl. ¶ 13; Goldstein Decl. Ex. F.</p>	
<p>13. CDC’s website stated at the time the requests were submitted, and continues to state as of filing, that “A FOIA request must be e-mailed to CDC at FOIARequests@cdc.gov.” Goldstein Decl. ¶ 13; Goldstein Decl. Ex. F.</p>	
<p>14. In response to the submission of its expedited FOIA requests, CREW received automated emails from FOIARequests@cdc.gov stating “Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.” Goldstein Decl. ¶ 14; Goldstein Decl. Ex. G, H.</p>	

<p>15. On April 2, 2025, CREW received an email from FOIARequests@cdc.gov stating “I cannot tell if our automated reply is functional, so I am responding while I am still able to access CDC systems. The entire CDC FOIA Office has been placed on administrative leave prior to a mandated June 2 separation date.” Goldstein Decl. ¶ 15; Goldstein Decl. Ex. I.</p>	
<p>16. On April 2 and April 3, CREW contacted HHS headquarters’ FOIA office via email addresses HHS.ACFO@hhs.gov and FOIARequest@hhs.gov, writing in each email that “CREW submitted the following FOIA request to CDC, and received an automated message indicating that the CDC FOIA office was placed on admin leave. Is HHS processing FOIA requests submitted to CDC?”. Goldstein Decl. ¶ 16; Goldstein Decl. Ex. J.</p>	
<p>17. To date, HHS headquarters has not responded to CREW’s April 2 and 3 emails. Goldstein Decl. ¶ 17.</p>	
<p>18. To date, Defendants have provided no further response to CREW’s expedited processing or FOIA requests. Goldstein Decl. ¶ 18.</p>	
<p>19. To date, the “up-to-date listing” of “appropriate FOIA Requester Service Center[s] . . . maintained online at http://www.hhs.gov/foia/contacts/index.html,” 45 C.F.R. § 5.3, still lists the CDC FOIA Office’s contact information, including its office address, contact email, phone number and the name of its FOIA Officer and name, email and phone number of its FOIA Public Liaison. Goldstein Decl. ¶ 20; Goldstein Decl. Ex. K.</p>	

20. On February 11, 2025, President Trump issued an executive order entitled <i>Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative</i> ("DOGE RIF Order"), which instructed agency heads to promptly prepare to initiate large-scale reductions in force ("RIFs"). Exec. Order No. 14210, 90 Fed. Reg. 9669 (Feb. 11, 2025).	
21. On March 27, 2025, HHS announced that, in accordance with the DOGE RIF Order, it planned to restructure and downsize its workforce by 20,000 employees, from 82,000 to 62,000 full-time employees. Press Release, HHS, HHS Announces Transformation to Make America Healthy Again (Mar. 27, 2025), https://www.hhs.gov/about/news/hhs-restructuring-doge.html .	
22. On April 1, more than 2,000 CDC staff, including staff in the CDC FOIA Office, received a Reduction in Force (RIF) notice via email stating that they will be separated from HHS effective June 2, 2025. Doe Decl. ¶ 4.	
23. CDC staff receiving the RIF notices lost access to CDC's physical office spaces on April 1 and lost access to CDC computer systems on April 2. Doe Decl. ¶ 5.	
24. Defendants had not publicly announced any staffing or procedures for handling outstanding or future FOIA requests sent to CDC. Griffis Decl. ¶ 17; Doe Decl. ¶ 7.	
25. CDC's FOIA processing and proactive public disclosure duties are currently not being performed. Doe Decl. ¶ 7.	
26. There are currently no FOIA officers within HHS tasked with or trained on responding to FOIA requests to CDC. Doe Decl. ¶ 10.	

<p>27. HHS’s “FOIA operations are decentralized,” 45 C.F.R. § 5.3, and the department has 12 separate FOIA offices across its operating and staff divisions, <i>see 2025 Chief FOIA Officer Report</i>, HHS (Mar. 10, 2025), https://www.hhs.gov/foia/statutes-and-resources/officers-reports/2025-introduction/index.html.</p>	
<p>28. Before April 1, 2025, CDC’s FOIA office, like the FOIA offices of the 11 other HHS components, had its own specialized training, expertise, and institutional knowledge about its independent records systems, technical and scientific work, and how to properly and timely handle FOIA requests regarding that work. Griffis Decl. ¶ 3.</p>	
<p>29. Before April 1, 2025, HHS’s existing central FOIA office within the Office of the Secretary had separate processing systems that do not interact with CDC’s systems. <i>See</i> Griffis Decl. ¶ 4.</p>	
<p>30. HHS’s existing central FOIA office, Office of the Secretary FOIA office (“OS FOIA”) ended last fiscal year with 3,020 backlogged FOIA requests, the second most of any HHS FOIA office. U.S. Dept. of Health and Hum. Serv., HHS Fiscal Year 2024 Freedom of Information Annual Report (updated February 21, 2025) https://www.hhs.gov/foia/reports/annual-reports/2024/index.html.</p>	
<p>31. CDC’s FOIA office received 1,838 FOIA requests last fiscal year. U.S. Dept. of Health and Hum. Serv., HHS Fiscal Year 2024 Freedom of Information Annual Report (updated February 21, 2025) https://www.hhs.gov/foia/reports/annual-reports/2024/index.html.</p>	

<p>32. Consolidating all FOIA work within HHS’s central FOIA office or any other department component will require the development of new information technology systems, processes, and protocols. <i>See</i> Griffis Decl. ¶¶ 19, 20; Doe Decl. ¶¶ 9, 10.</p>	
<p>33. The Administration for Children and Families’ entire FOIA office is currently on administrative leave. Singh Decl. ¶ 3.</p>	
<p>34. The current measles outbreak that has already claimed the lives of two children who were unvaccinated. Press Release, Texas announces second death in measles outbreak, Tex. Dep’t of State Health Servs., (Apr. 6, 2025), https://www.dshs.texas.gov/news-alerts/texas-announces-second-death-measles-outbreak; <i>Measles Cases and Outbreaks</i>, CDC, https://www.cdc.gov/measles/data-research/index.html (last visited Apr. 18, 2025).</p>	
<p>35. The current measles outbreak has spread to 25 states. <i>Measles Cases and Outbreaks</i>, CDC, https://www.cdc.gov/measles/data-research/index.html (last visited Apr. 18, 2025).</p>	
<p>36. CDC typically handles FOIA requests on a range of important public health topics—including foodborne illness and toxic substance events and outbreaks of infectious diseases like Ebola and measles—and provides “hundreds of thousands of pages of records to requestors.” <i>PAL Popular Documents</i>, CDC, https://foia.cdc.gov/App/ReadingRoomPopularDocument.aspx (last visited Apr. 14, 2025); <i>Freedom of Information Act (FOIA)</i>, CDC, https://foia.cdc.gov/app/Home.aspx (last visited Apr. 14, 2025).</p>	

37. Members of Congress have expressed concerns about the practical impact of the closure of CDC's FOIA office. *The Freedom of Information Act: Perspectives from Public Requesters Before the S. Comm. on the Judiciary*, 119th Cong. (2025) (statements of Sens. Dick Durbin & Senator Sheldon Whitehouse) (See 26:00; 53:00, 1:07:05), available at <https://www.judiciary.senate.gov/committee-activity/hearings/the-freedom-of-information-act-perspectives-from-public-requesters> (last visited Apr. 14, 2025).

Date: April 21, 2025

Respectfully Submitted,

/s/ Kayvan Farchadi

Kayvan Farchadi (D.C. Bar No. 1672753)
 Yoseph T. Desta (D.C. Bar No. 90002042)
 Alex Goldstein (D.C. Bar No. 90005086)
 Chun Hin Tsoi (D.C. Bar No. 90017713)
 Kalyn Mizelle McDaniel (D.C. Bar No. 90027120)
 Nikhel S. Sus (D.C. Bar No. 1017937)
 Citizens for Responsibility and Ethics in
 Washington
 P.O. Box 14596
 Washington, D.C. 20044
 Telephone: (202) 408-5565
 Fax: (202) 588-5020
kfarchadi@citizensforethics.org
ydesta@citizensforethics.org
agoldstein@citizensforethics.org
jtsoi@citizensforethics.org
kmizellemcdaniel@citizensforethics.org
nsus@citizensforethics.org

Counsel for Plaintiff

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

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, *et. al.*,**

Defendants.

Civil Action No. 25-01020 (TJK)

HEARING REQUESTED

DECLARATION OF ALEX M. GOLDSTEIN

I, ALEX M. GOLDSTEIN, hereby declare as follows:

1. I am Associate Counsel at Citizens for Responsibility and Ethics in Washington (“CREW”) and counsel for CREW in the above-captioned action. I make this declaration based on my personal knowledge and through consultation with my colleagues at CREW and review of CREW’s files.

2. CREW, a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code, is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, ensuring the integrity of government officials and agencies, and empowering citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions.

3. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of those efforts, CREW uses government records it obtains under the Freedom of Information Act (“FOIA”).

4. CREW has submitted FOIA requests to CDC in the past and intends to submit additional requests to CDC in the future.¹

5. CREW disseminates information to the public obtained through FOIA in several ways. CREW reviews and analyzes the records it receives in relation to newsworthy developments regarding, among others, government ethics, corruption, and the influence of money in politics. CREW uses these records to create editorial content, such as reports and commentary, to educate the public about these issues. CREW publishes the aforementioned educational content on its website that receives hundreds of thousands of page views per month.

6. Consistent with its regular practice, CREW intends to disseminate records it receives in response to the FOIA requests that are the subject of this litigation to the public.

7. CREW's mission includes exposing information about the activities of government officials and agencies, ensuring the integrity of government officials and agencies, and empowering citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions.

8. On April 1, 2025 CREW submitted an expedited FOIA request to CDC ("First CDC Request") for records from January 20 to the date the request is processed concerning CDC's decision not to release an assessment by the Center for Forecasting and Outbreak

¹ See *CREW requests CDC records on coronavirus guidance rollbacks*, CREW (Sept. 22, 2020), <https://www.citizensforethics.org/reports-investigations/foia-requests/cdc-coronavirus-guidance-rollbacks/>; *CREW requests CDC records on coronavirus data collection*, CREW (Jul. 29, 2020), <https://www.citizensforethics.org/reports-investigations/foia-requests/cdc-coronavirus-data-collection/>; *CREW requests CDC documents on coronavirus and the stock market*, CREW (Feb. 27, 2020), <https://www.citizensforethics.org/reports-investigations/foia-requests/cdc-coronavirus-stock-market-pence/>.

Analytics that addressed the risk of catching measles in relation to the vaccination rates of nearby areas. A true and correct copy of the First CDC Request is attached as Exhibit A.

9. On April 1, 2025 CREW submitted an expedited FOIA request to CDC (“Second CDC Request”) for records concerning communications sent or received by CDC officials related to “the decision to place the CDC FOIA office on administrative leave on April 1, 2025.” A true and correct copy of the Second CDC Request is attached as Exhibit B.

10. On April 1, 2025 CREW submitted an expedited FOIA request to CDC (“Third CDC Request”) for records “received by CDC staff and sent by any individual with an email address associated with DOGE, U.S. DOGE Service, or the Office of Personnel Management (“OPM”)” involving the decision to place the CDC FOIA office on leave. A true and correct copy of the Third CDC Request is attached as Exhibit C.

11. On April 1, 2025 CREW submitted an expedited FOIA request to CDC (“Fourth CDC Request”) from January 20 to the date the request is processed concerning guidance and policies on CDC’s plans to manage open FOIA requests, future FOIA requests, and otherwise comply with statutory responsibilities under FOIA. A true and correct copy of the Fourth CDC Request is attached as Exhibit D.

12. On April 1, 2025 CREW submitted an expedited FOIA request to CDC (“Fifth CDC Request”) from January 20 to the date the request is processed concerning plans to take down CDC’s FOIA portal and provide an automated response to requesters’ FOIA emails. A true and correct copy of the Fifth CDC Request is attached as Exhibit E.

13. CREW submitted each expedited request via email to FOIARequests@cdc.gov as directed by CDC’s website, which stated at the time the requests were submitted, and continues

to state as of filing: “A FOIA request must be e-mailed to CDC at: FOIARequests@cdc.gov.” A true and correct copy of a screenshot of this webpage is attached as Exhibit F.

14. In response to the submission of its expedited FOIA requests, CREW received automated emails from FOIARequests@cdc.gov stating “Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.” True and correct copies of these emails are attached as Exhibits G and H. To the best of my knowledge, FOIARequests@cdc.gov is, as of today, still responding to submissions with the same automated email.

15. On April 2, 2025, CREW received an email from FOIARequests@cdc.gov stating “I cannot tell if our automated reply is functional, so I am responding while I am still able to access CDC systems. The entire CDC FOIA Office has been placed on administrative leave prior to a mandated June 2 separation date.” A true and correct copy of this email is attached as Exhibit I.

16. On April 2 and April 3, CREW contacted HHS headquarters’ FOIA office via email addresses HHS.ACFO@hhs.gov and FOIARequest@hhs.gov seeking clarification on whether HHS is processing CREW’s expedited FOIA requests. True and correct copies of these emails are attached as Exhibit J.

17. To date, HHS headquarters has not responded to CREW’s emails.

18. To date, Defendants have provided no further response to CREW’s expedited processing or FOIA requests.

19. Because of the actions of HHS and CDC, CREW has not received records in response to the five FOIA requests it submitted to CDC. CREW intends to submit additional FOIA requests to CDC in the future seeking guidance, communications, memoranda, directives, or policies related to, among other topics, the centralization of CDC FOIA operations in HHS;

HHS's legal authority to terminate all CDC FOIA staff and consolidate CDC FOIA operations; congressional inquiry on the termination of CDC employees, including CDC FOIA staff, through a reduction-in-force; the reduction-in-force plans and implementation across CDC; the involvement of the U.S. DOGE Service in any efforts to centralize CDC FOIA operations or other CDC operations at HHS; the need for measles vaccinations during the current national measles outbreak; and the handling of FOIA requests regarding the measles outbreak.

20. To date, the "up-to-date listing" of "appropriate FOIA Requester Service Center[s] . . . maintained online at <http://www.hhs.gov/foia/contacts/index.html>," 45 C.F.R. § 5.3, still lists the CDC FOIA Office's contact information, including its office address, contact email, phone number and the name of its FOIA Officer and name, email and phone number of its FOIA Public Liaison. A true and correct copy of a screenshot of this webpage is attached as Exhibit K.

21. To date, the CDC FOIA office's regular proactive disclosures, which continued as recently as March 10, 2025, have ceased. A true and correct copy of a screenshot of the CDC PAL Reading Room webpage, reflecting the latest search for "FOIA Litigation Releases," is attached as Exhibit L.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 21, 2025



Alex Goldstein

Exhibit A



April 1, 2025

CDC/ATSDR
Attn: FOIA Office, MS-D54
600 Clifton Road, N.E.
Atlanta, GA 30333

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Health and Human Services ("HHS") regulations, 45 C.F.R. § 5.1 *et seq.*

Specifically, CREW requests all records from January 20, 2025 to the date this request is processed that mention, reference, or relate to the CDC's decision not to release an assessment by the Center for Forecasting and Outbreak Analytics that addressed the risk of catching measles in relation to the vaccination rates of nearby areas.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails. If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

[CITIZENSFORETHICS.ORG](https://citizensforethics.org)

info@citizensforethics.org 202.408.5565

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

America has seen its first measles death in a decade.¹ There has been reporting that the CDC has suppressed information about measles forecast and the need for vaccination.² Specifically, it has been reported that “[l]eaders at the Centers for Disease Control and Prevention ordered staff this week not to release their experts’ assessment that found the risk of catching measles is high in areas near outbreaks where vaccination rates are lagging.”³ The risk assessment “was carried out by its Center for Forecasting and Outbreak Analytics, which relied, in part, on new disease data from the outbreak in Texas.”⁴ Reportedly, “more than 30 agency staff were told in an email that after a discussion in the CDC director’s office, ‘leadership does not want to pursue putting this on the website.’”⁵ A CDC staff member said the cancellation was “not normal at all,” and that they have “never seen a rollout plan that was canceled ... that far along in the process.”⁶ The public needs to know the details of the CDC’s decision not to release an assessment by their own experts, and whether factors other than scientific accuracy, such as political views, have been considered in the process.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

CREW further requests that it not be charged search or review fees for this request

¹ Tom Bartlett, *His Daughter Was America’s First Measles Death in a Decade*, The Atlantic (March 11, 2025), <https://www.theatlantic.com/health/archive/2025/03/texas-measles-outbreak-death-family/681985/>.

² Patricia Callahan, *The CDC Buried a Measles Forecast That Stressed the Need for Vaccinations*, ProPublica (Mar. 31, 2025), <https://www.cnn.com/2025/03/31/health/cdc-measles-forecast-propublica/index.html>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Expedited Processing Request

CREW is entitled to expedited processing because there is an “urgency to inform the public concerning actual or alleged Federal Government activity,” and CREW “is primarily engaged in disseminating information,” 5 U.S.C. § 552(6)(E)(v)(II); *see also* 45 C.F.R. § 5.27(b)(2).

CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’” but “publishing information ‘need not be [the organization's] sole occupation.’” *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.⁷

America has seen its first measles death in a decade.⁸ There has been reporting that the CDC has suppressed information about measles forecast and the need for vaccination.⁹ Specifically, it has been reported that “[l]eaders at the Centers for Disease Control and

⁷ *See, e.g., Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-bi-g-oil> (referring to CREW as “Top US ethics watchdog”).

⁸ *See supra* note 1.

⁹ *See supra* note 2.

Prevention ordered staff this week not to release their experts' assessment that found the risk of catching measles is high in areas near outbreaks where vaccination rates are lagging."¹⁰ The risk assessment "was carried out by its Center for Forecasting and Outbreak Analytics, which relied, in part, on new disease data from the outbreak in Texas."¹¹ Reportedly, "more than 30 agency staff were told in an email that after a discussion in the CDC director's office, 'leadership does not want to pursue putting this on the website.'"¹² A CDC staff member said the cancellation was "not normal at all," and that they have 'never seen a rollout plan that was canceled at that far along in the process.'"¹³

This demonstrates that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public insofar as they are "the subject of a currently unfolding story" about the measles outbreak. *Id.* at 310. The public health crisis caused by measles has been an ongoing focal point in the news.¹⁴

Second, given the ongoing public health crisis, the public urgently needs to know the details of the CDC's decision not to release an assessment by their own experts, and whether factors other than scientific accuracy, such as political views, have been considered in the process. Given that America has seen its first measles death in a decade,¹⁵ and the reporting that the CDC has suppressed information about measles forecast and the

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ See, e.g., Mary Kekatos, *Texas measles outbreak hits 422 cases with 22 new infections confirmed over last 5 days*, ABC News (Apr. 1, 2025), <https://abcnews.go.com/Health/texas-measles-outbreak-hits-422-cases-22-new/story?id=12037442>; Julia Musto, *US is on track to have the worst measles outbreak of this century, former Covid response coordinator warns*, The Independent (Apr. 1, 2025), <https://www.independent.co.uk/news/health/measles-outbreak-us-covid-biden-white-house-b2725301.html>; John Ingold, *Colorado reports measles case in Pueblo, not tied to ongoing Texas outbreak*, Colorado Sun (Mar. 31, 2025), <https://coloradosun.com/2025/03/31/colorado-measles-case-pueblo/>; Erika Edwards, *Dozens of free measles vaccine clinics close in Texas as federal funding is cut*, NBC News (Apr. 1, 2025), <https://www.nbcnews.com/health/health-news/texas-measles-outbreak-dallas-vaccines-hhs-funding-cuts-rcna199144>; Brandy Zadrozny, *How the anti-vaccine movement weaponized a 6-year-old's measles death*, NBC News (Mar. 20, 2025), <https://www.nbcnews.com/health/health-news/anti-vaccine-influencers-weaponized-measles-death-texas-rcna196900>; Shahid Meighan, *Knox County confirms 2 more people infected with measles as outbreak rages in Ohio*, Columbus Dispatch (Mar. 31, 2025), <https://www.dispatch.com/story/news/healthcare/2025/03/31/knox-county-ohio-confirms-2-more-people-infected-measles-outbreak/82748997007/>.

¹⁵ See *supra* note 1.

need for vaccination,¹⁶ this is a critical time for the CDC to be transparent about its operations, and for the public to be assured that the CDC will continue to operate in the best interest of American public health. If the CDC did decide to withhold an expert assessment for improper reasons, the public needs to know why and what could be done to maintain the CDC's integrity amidst the ongoing public health crisis.

Finally, the closure of a FOIA office concerns quintessential federal government activity.

The undersigned certifies that the above statement is true and correct.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at jtsoi@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to jtsoi@citizensforethics.org and foia@citizensforethics.org. Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'CHJ Tsoi', written in a cursive style.

Chun Hin Jeffrey Tsoi
Senior Legal Fellow

¹⁶ See *supra* note 2.



Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

CDC FOIA - Measles Report

1 message

Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

Tue, Apr 1, 2025 at 10:04 PM

To: FOIARequests@cdc.gov

Bcc: Alert CREW <alerts@citizensforethics.org>, CREW FOIA <foia@citizensforethics.org>

Dear FOIA Officer,

CREW hereby submits its FOIA request regarding the measles report.

Sincerely,



Chun Hin Jeffrey Tsoi (he/him)

Senior Fellow (Legal) | Citizens for Responsibility and Ethics in Washington

Office: (202) 408-5565

jtsoi@citizensforethics.org | www.citizensforethics.org



CDC FOIA - Measles Report.pdf

208K

Exhibit B



April 1, 2025

CDC/ATSDR
Attn: FOIA Office, MS-D54
600 Clifton Road, N.E.
Atlanta, GA 30333

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Health and Human Services ("HHS") regulations, 45 C.F.R. § 5.1 *et seq.*

Specifically, CREW requests the following records:

1. All communications sent or received by CDC Public Liaison Bruno Viana, CDC/ATSDR FOIA Officer Roger Andoh, or any other employees in the CDC/ATSDR FOIA Office that mention, reference, or relate to the decision to place the CDC FOIA office on administrative leave on April 1, 2025.
2. All communications sent or received by any CDC employee outside the CDC/ATSDR FOIA Office that mention, reference, or relate to the decision to place the CDC FOIA office on administrative leave on April 1, 2025.
3. All memoranda, directives, or other final records relating to the decision to place the CDC FOIA office on administrative leave on April 1, 2025.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails. If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout

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the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See *id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.¹ Requesters who sent emails to the CDC have received an automated message: "Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails."² The closure of a FOIA office would violate multiple of CDC's specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, see, e.g., 5 U.S.C. § 552(a), (j). The public has a right to know why the CDC placed its entire FOIA office on administrative leave, and whether it did so despite knowledge that it would be unlawful to close its FOIA office.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request

¹ Alexander Tin, *RFK Jr. purges CDC and FDA's public records teams, despite "transparency" promises*, CBS News (Apr. 1, 2025), <https://www.cbsnews.com/news/rfk-jr-purges-cdc-fda-records-transparency-teams/>; Rachel Cohrs Zhang, *RFK Jr. Pushes Out Top Officials in Health Agency Overhaul*, Bloomberg News (Apr. 1, 2025), <https://www.bloomberg.com/news/articles/2025-04-01/us-health-agency-mass-firings-begin-as-kenedy-orders-10-000-cut?embedded-checkout=true>.

² Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>.

pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Expedited Processing Request

CREW is entitled to expedited processing because there is an “urgency to inform the public concerning actual or alleged Federal Government activity,” and CREW “is primarily engaged in disseminating information,” 5 U.S.C. § 552(6)(E)(v)(II); *see also* 45 C.F.R. § 5.27(b)(2).

CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’” but “publishing information ‘need not be [the organization's] sole occupation.’” *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.³

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.⁴ Requesters who sent emails to the CDC have received an automated message: “Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.”⁵ The closure of a FOIA office would violate multiple of CDC's specific duties under FOIA, including

³ *See, e.g., Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-big-oil> (referring to CREW as “Top US ethics watchdog”).

⁴ *See supra* note 1.

⁵ *See supra* note 2.

to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.*, 5 U.S.C. § 552(a), (j).

This demonstrates that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public insofar as they are “the subject of a currently unfolding story” about structural changes to the federal workforce. *Id.* at 310. Within a day, there have already been multiple news articles reporting the news.⁶ Numerous journalists have been alarmed about the potentiality of the CDC FOIA office being shut down entirely, which includes the dismantling of existing FOIA pages containing the submission portals and request logs.⁷

Second, the American public needs information about the decision to shut down the CDC FOIA office in order to understand whether the department intends to evade public scrutiny at a time of public health crisis. America has seen its first measles death in a decade.⁸ There has been reporting that the CDC has suppressed information about measles forecast and the need for vaccination.⁹ This is thus a critical time for the CDC to be transparent about its operations, and for the public to be assured that the CDC will continue to be transparent under its FOIA obligations. If the CDC did decide to shut down its FOIA office, the public needs to know why and what could be done to remedy that unlawful action to maintain the CDC’s transparency amidst the ongoing public health crisis. The public also has a right to know whether the CDC shut down its FOIA office despite knowledge that it would be unlawful to close its FOIA office.

Finally, the closure of a FOIA office concerns quintessential federal government activity.

The undersigned certifies that the above statement is true and correct

⁶ *See supra* note 1.

⁷ *See, e.g.*, Isaac Stanley-Becker (@isaacstanbecker), X.com (Apr. 1, 2025, 1:20 PM), <https://x.com/isaacstanbecker/status/1907120799347085684>; David Folkenflik (@davidfolkenflik), X.com (Apr. 1, 2025, 2:53 PM), <https://x.com/davidfolkenflik/status/1907144188212166784>; FOIA Nate (@FOIANate), X.com (Apr. 1, 2025, 2:55 PM), <https://x.com/FOIANate/status/1907144888342261933>; Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>; Jason Leopold (@JasonLeopold), X.com (Apr. 1, 2025, 4:22 PM), <https://x.com/JasonLeopold/status/1907166616497844352>.

⁸ Tom Bartlett, *His Daughter Was America’s First Measles Death in a Decade*, The Atlantic (March 11, 2025), <https://www.theatlantic.com/health/archive/2025/03/texas-measles-outbreak-death-family/681985/>.

⁹ Patricia Callahan, *The CDC Buried a Measles Forecast That Stressed the Need for Vaccinations*, ProPublica (Mar. 31, 2025), <https://www.cnn.com/2025/03/31/health/cdc-measles-forecast-propublica/index.html>.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at jtsoi@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to jtsoi@citizensforethics.org and foia@citizensforethics.org. Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "CHJ Tsoi". The signature is fluid and cursive, with the initials "CHJ" followed by the name "Tsoi".

Chun Hin Jeffrey Tsoi
Senior Legal Fellow



Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

CDC FOIA - General RIF Communications

Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

Tue, Apr 1, 2025 at 10:08 PM

To: FOIARequests@cdc.gov

Bcc: Alert CREW <alerts@citizensforethics.org>, CREW FOIA <foia@citizensforethics.org>

Dear FOIA Officer,

CREW hereby submits its FOIA request regarding general RIF communications.

Sincerely,



Chun Hin Jeffrey Tsoi (he/him)

Senior Fellow (Legal) | Citizens for Responsibility and Ethics in Washington

Office: (202) 408-5565

jtsoi@citizensforethics.org | www.citizensforethics.org



CDC FOIA - General RIF Communications.pdf

205K

Exhibit C



April 1, 2025

CDC/ATSDR
Attn: FOIA Office, MS-D54
600 Clifton Road, N.E.
Atlanta, GA 30333

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Health and Human Services ("HHS") regulations, 45 C.F.R. § 5.1 *et seq.*

Specifically, CREW requests the following records:

1. All communications that mention, reference, or relate to the deliberation of or decision to place the CDC FOIA office on administrative leave on April 1, 2025, received by CDC staff and sent by any individual with an email address associated with DOGE, U.S. DOGE Service, or the Office of Personnel Management ("OPM").
2. All memoranda, directives, and other final records relating to the deliberation of or decision to place the CDC FOIA office on administrative leave on April 1, 2025 received by CDC staff and sent by any individual with an email address associated with DOGE, U.S. DOGE Service, or the Office of Personnel Management ("OPM").

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails. If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See

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info@citizensforethics.org 202.408.5565

Mead Data Central v. U.S. Dep't of the Air Force, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.¹ Requesters who sent emails to the CDC have received an automated message: "Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails."² The closure of a FOIA office would violate multiple of CDC's specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.*, 5 U.S.C. § 552(a), (j). The public has a right to know why the CDC placed its entire FOIA office on administrative leave, and whether it did so despite knowledge that it would be unlawful to close its FOIA office.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989)

¹ Alexander Tin, *RFK Jr. purges CDC and FDA's public records teams, despite "transparency" promises*, CBS News (Apr. 1, 2025), <https://www.cbsnews.com/news/rfk-jr-purges-cdc-fda-records-transparency-teams/>; Rachel Cohrs Zhang, *RFK Jr. Pushes Out Top Officials in Health Agency Overhaul*, Bloomberg News (Apr. 1, 2025), <https://www.bloomberg.com/news/articles/2025-04-01/us-health-agency-mass-firings-begin-as-kenedy-orders-10-000-cut?embedded-checkout=true>.

² Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>.

(holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Expedited Processing Request

CREW is entitled to expedited processing because there is an “urgency to inform the public concerning actual or alleged Federal Government activity,” and CREW “is primarily engaged in disseminating information,” 5 U.S.C. § 552(6)(E)(v)(II); *see also* 45 C.F.R. § 5.27(b)(2).

CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’” but “publishing information ‘need not be [the organization’s] sole occupation.’” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.³

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.⁴ Requesters who sent emails to the CDC have received an automated message: “Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.”⁵ The closure of a FOIA office would violate multiple of CDC’s specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.*, 5 U.S.C. § 552(a), (j).

³ *See, e.g.*, *Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-bi-g-oil> (referring to CREW as “Top US ethics watchdog”).

⁴ *See supra* note 1.

⁵ *See supra* note 2.

This demonstrates that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public insofar as they are “the subject of a currently unfolding story” about structural changes to the federal workforce. *Id.* at 310. Within a day, there have already been multiple news articles reporting the news.⁶ Numerous journalists have been alarmed about the potentiality of the CDC FOIA office being shut down entirely, which includes the dismantling of existing FOIA pages containing the submission portals and request logs.⁷

Second, the American public needs information about the decision to shut down the CDC FOIA office in order to understand whether the department intends to evade public scrutiny at a time of public health crisis. America has seen its first measles death in a decade.⁸ There has been reporting that the CDC has suppressed information about measles forecast and the need for vaccination.⁹ This is thus a critical time for the CDC to be transparent about its operations, and for the public to be assured that the CDC will continue to be transparent under its FOIA obligations. If the CDC did decide to shut down its FOIA office, the public needs to know why and what could be done to remedy that unlawful action to maintain the CDC’s transparency amidst the ongoing public health crisis. The public also has a right to know whether the CDC shut down its FOIA office despite knowledge that it would be unlawful to close its FOIA office.

Finally, the closure of a FOIA office concerns quintessential federal government activity.

The undersigned certifies that the above statement is true and correct.

⁶ See *supra* note 1.

⁷ See, e.g., Isaac Stanley-Becker (@isaacstanbecker), X.com (Apr. 1, 2025, 1:20 PM), <https://x.com/isaacstanbecker/status/1907120799347085684>; David Folkenflik (@davidfolkenflik), X.com (Apr. 1, 2025, 2:53 PM), <https://x.com/davidfolkenflik/status/1907144188212166784>; FOIA Nate (@FOIANate), X.com (Apr. 1, 2025, 2:55 PM), <https://x.com/FOIANate/status/1907144888342261933>; Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>; Jason Leopold (@JasonLeopold), X.com (Apr. 1, 2025, 4:22 PM), <https://x.com/JasonLeopold/status/1907166616497844352>.

⁸ Tom Bartlett, *His Daughter Was America’s First Measles Death in a Decade*, The Atlantic (March 11, 2025), <https://www.theatlantic.com/health/archive/2025/03/texas-measles-outbreak-death-family/681985/>.

⁹ Patricia Callahan, *The CDC Buried a Measles Forecast That Stressed the Need for Vaccinations*, ProPublica (Mar. 31, 2025), <https://www.cnn.com/2025/03/31/health/cdc-measles-forecast-propublica/index.html>.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at agoldstein@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to agoldstein@citizensforethics.org and foia@citizensforethics.org. Thank you for your assistance in the matter.

Sincerely,

Alex Goldstein

Alex Goldstein
Associate Counsel



Alex Goldstein <agoldstein@citizensforethics.org>

CREW-CDC FOIA

Alex Goldstein <agoldstein@citizensforethics.org>
To: FOIARequests@cdc.gov

Tue, Apr 1, 2025 at 10:51 PM

Hello,

Please find my FOIA request attached.

Best,
Alex

--



Alex Goldstein (he/him/his)
Associate Counsel | Citizens for Responsibility and Ethics in Washington
Office: (973) 820-8233
agoldstein@citizensforethics.org | www.citizensforethics.org



CDC FOIA - DOGE RIFs 4.1.25.pdf
219K

Exhibit D



April 1, 2025

CDC/ATSDR
Attn: FOIA Office, MS-D54
600 Clifton Road, N.E.
Atlanta, GA 30333

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Health and Human Services ("HHS") regulations, 45 C.F.R. § 5.1 *et seq.*

Specifically, CREW requests the following records from January 20, 2025 to the date this request is processed:

1. All guidance, communications, memoranda, directives, or policies describing CDC's plans to respond to, process, and otherwise manage open FOIA requests and future FOIA requests.
2. All guidance, communications, memoranda, directives, or policies describing CDC's plans to otherwise comply with its statutory responsibilities under FOIA.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails. If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its

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info@citizensforethics.org 202.408.5565

rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.¹ Requesters who sent emails to the CDC have received an automated message: “Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.”² The closure of a FOIA office would violate multiple of CDC’s specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.*, 5 U.S.C. § 552(a), (j). The public has a right to know why the CDC placed its entire FOIA office on administrative leave, and whether it did so despite knowledge that it would be unlawful to close its FOIA office.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

¹ Alexander Tin, *RFK Jr. purges CDC and FDA's public records teams, despite "transparency" promises*, CBS News (Apr. 1, 2025), <https://www.cbsnews.com/news/rfk-jr-purges-cdc-fda-records-transparency-teams/>; Rachel Cohrs Zhang, *RFK Jr. Pushes Out Top Officials in Health Agency Overhaul*, Bloomberg News (Apr. 1, 2025), <https://www.bloomberg.com/news/articles/2025-04-01/us-health-agency-mass-firings-begin-as-kenedy-orders-10-000-cut?embedded-checkout=true>.

² Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>.

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Expedited Processing Request

CREW is entitled to expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity," and CREW "is primarily engaged in disseminating information," 5 U.S.C. § 552(6)(E)(v)(II); *see also* 45 C.F.R. § 5.27(b)(2).

CREW is "primarily engaged in disseminating information" to the public. This "standard 'requires that information dissemination be the main [and not merely an incidental] activity of the requestor,'" but "publishing information 'need not be [the organization's] sole occupation.'" *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.³

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.⁴ Requesters who sent emails to the CDC have received an automated message: "Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails."⁵ The closure of a FOIA office would violate multiple of CDC's specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.*, 5 U.S.C. § 552(a), (j).

This demonstrates that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity.

³ *See, e.g.*, *Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-big-oil> (referring to CREW as "Top US ethics watchdog").

⁴ *See supra* note 1.

⁵ *See supra* note 2.

Al-Fayed v. C.I.A., 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public insofar as they are “the subject of a currently unfolding story” about structural changes to the federal workforce. *Id.* at 310. Within a day, there have already been multiple news articles reporting the news.⁶ Numerous journalists have been alarmed about the potentiality of the CDC FOIA office being shut down entirely, which includes the dismantling of existing FOIA pages containing the submission portals and request logs.⁷

Second, the American public needs information about the decision to shut down the CDC FOIA office in order to understand whether the department intends to evade public scrutiny at a time of public health crisis. America has seen its first measles death in a decade.⁸ There has been reporting that the CDC has suppressed information about measles forecast and the need for vaccination.⁹ This is thus a critical time for the CDC to be transparent about its operations, and for the public to be assured that the CDC will continue to be transparent under its FOIA obligations. If the CDC did decide to shut down its FOIA office, the public needs to know why and what could be done to remedy that unlawful action to maintain the CDC’s transparency amidst the ongoing public health crisis. The public also has a right to know whether the CDC shut down its FOIA office despite knowledge that it would be unlawful to close its FOIA office.

Finally, the closure of a FOIA office concerns quintessential federal government activity.

The undersigned certifies that the above statement is true and correct.

⁶ See *supra* note 1.

⁷ See, e.g., Isaac Stanley-Becker (@isaacstanbecker), X.com (Apr. 1, 2025, 1:20 PM), <https://x.com/isaacstanbecker/status/1907120799347085684>; David Folkenflik (@davidfolkenflik), X.com (Apr. 1, 2025, 2:53 PM), <https://x.com/davidfolkenflik/status/1907144188212166784>; FOIA Nate (@FOIANate), X.com (Apr. 1, 2025, 2:55 PM), <https://x.com/FOIANate/status/1907144888342261933>; Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>; Jason Leopold (@JasonLeopold), X.com (Apr. 1, 2025, 4:22 PM), <https://x.com/JasonLeopold/status/1907166616497844352>.

⁸ Tom Bartlett, *His Daughter Was America’s First Measles Death in a Decade*, The Atlantic (March 11, 2025), <https://www.theatlantic.com/health/archive/2025/03/texas-measles-outbreak-death-family/681985/>.

⁹ Patricia Callahan, *The CDC Buried a Measles Forecast That Stressed the Need for Vaccinations*, ProPublica (Mar. 31, 2025), <https://www.cnn.com/2025/03/31/health/cdc-measles-forecast-propublica/index.html>.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at agoldstein@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to agoldstein@citizensforethics.org and foia@citizensforethics.org. Thank you for your assistance in the matter.

Sincerely,

Alex Goldstein

Alex Goldstein
Associate Counsel



Alex Goldstein <agoldstein@citizensforethics.org>

CREW-CDC FOIA

Alex Goldstein <agoldstein@citizensforethics.org>
To: FOIARequests@cdc.gov

Tue, Apr 1, 2025 at 10:51 PM

Hello,

Please find my FOIA request attached.

Best,
Alex

--

CREW **Alex Goldstein** (he/him/his)
Associate Counsel | Citizens for Responsibility and Ethics in Washington
Office: (973) 820-8233
agoldstein@citizensforethics.org | www.citizensforethics.org



CDC FOIA - FOIA Compliance 4.1.25.pdf
218K

Exhibit E



April 1, 2025

CDC/ATSDR
Attn: FOIA Office, MS-D54
600 Clifton Road, N.E.
Atlanta, GA 30333

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Health and Human Services ("HHS") regulations, 45 C.F.R. § 5.1 *et seq.*

Specifically, CREW requests the following records from January 20, 2025 to the date this request is processed:

1. All guidance, communications, memoranda, directives, policies, or other final directives relating to CDC's plan to take down its FOIA portal website at <https://foia.cdc.gov/>.
2. All guidance, communications, memoranda, directives, policies, or other final directives relating to CDC's plan to provide an automated email response to requesters' FOIA emails.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails. If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its

[CITIZENSFORETHICS.ORG](https://citizensforethics.org)

info@citizensforethics.org 202.408.5565

rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.¹ Requesters who sent emails to the CDC have received an automated message: “Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.”² The closure of a FOIA office would violate multiple of CDC’s specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.,* 5 U.S.C. § 552(a), (j). The public has a right to know why the CDC placed its entire FOIA office on administrative leave, and whether it did so despite knowledge that it would be unlawful to close its FOIA office.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

¹ Alexander Tin, *RFK Jr. purges CDC and FDA's public records teams, despite "transparency" promises*, CBS News (Apr. 1, 2025), <https://www.cbsnews.com/news/rfk-jr-purges-cdc-fda-records-transparency-teams/>; Rachel Cohrs Zhang, *RFK Jr. Pushes Out Top Officials in Health Agency Overhaul*, Bloomberg News (Apr. 1, 2025), <https://www.bloomberg.com/news/articles/2025-04-01/us-health-agency-mass-firings-begin-as-kenedy-orders-10-000-cut?embedded-checkout=true>.

² Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>.

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Expedited Processing Request

CREW is entitled to expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity," and CREW "is primarily engaged in disseminating information," 5 U.S.C. § 552(6)(E)(v)(II); *see also* 45 C.F.R. § 5.27(b)(2).

CREW is "primarily engaged in disseminating information" to the public. This "standard 'requires that information dissemination be the main [and not merely an incidental] activity of the requestor,'" but "publishing information 'need not be [the organization's] sole occupation.'" *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.³

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.⁴ Requesters who sent emails to the CDC have received an automated message: "Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails."⁵ The closure of a FOIA office would violate multiple of CDC's specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.*, 5 U.S.C. § 552(a), (j).

This demonstrates that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity.

³ *See, e.g.*, *Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-big-oil> (referring to CREW as "Top US ethics watchdog").

⁴ *See supra* note 1.

⁵ *See supra* note 2.

Al-Fayed v. C.I.A., 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public insofar as they are “the subject of a currently unfolding story” about structural changes to the federal workforce. *Id.* at 310. Within a day, there have already been multiple news articles reporting the news.⁶ Numerous journalists have been alarmed about the potentiality of the CDC FOIA office being shut down entirely, which includes the dismantling of existing FOIA pages containing the submission portals and request logs.⁷

Second, the American public needs information about the decision to shut down the CDC FOIA office in order to understand whether the department intends to evade public scrutiny at a time of public health crisis. America has seen its first measles death in a decade.⁸ There has been reporting that the CDC has suppressed information about measles forecast and the need for vaccination.⁹ This is thus a critical time for the CDC to be transparent about its operations, and for the public to be assured that the CDC will continue to be transparent under its FOIA obligations. If the CDC did decide to shut down its FOIA office, the public needs to know why and what could be done to remedy that unlawful action to maintain the CDC’s transparency amidst the ongoing public health crisis. The public also has a right to know whether the CDC shut down its FOIA office despite knowledge that it would be unlawful to close its FOIA office.

Finally, the closure of a FOIA office concerns quintessential federal government activity.

The undersigned certifies that the above statement is true and correct.

⁶ See *supra* note 1.

⁷ See, e.g., Isaac Stanley-Becker (@isaacstanbecker), X.com (Apr. 1, 2025, 1:20 PM), <https://x.com/isaacstanbecker/status/1907120799347085684>; David Folkenflik (@davidfolkenflik), X.com (Apr. 1, 2025, 2:53 PM), <https://x.com/davidfolkenflik/status/1907144188212166784>; FOIA Nate (@FOIANate), X.com (Apr. 1, 2025, 2:55 PM), <https://x.com/FOIANate/status/1907144888342261933>; Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>; Jason Leopold (@JasonLeopold), X.com (Apr. 1, 2025, 4:22 PM), <https://x.com/JasonLeopold/status/1907166616497844352>.

⁸ Tom Bartlett, *His Daughter Was America’s First Measles Death in a Decade*, The Atlantic (March 11, 2025), <https://www.theatlantic.com/health/archive/2025/03/texas-measles-outbreak-death-family/681985/>.

⁹ Patricia Callahan, *The CDC Buried a Measles Forecast That Stressed the Need for Vaccinations*, ProPublica (Mar. 31, 2025), <https://www.cnn.com/2025/03/31/health/cdc-measles-forecast-propublica/index.html>.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at agoldstein@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to agoldstein@citizensforethics.org and foia@citizensforethics.org. Thank you for your assistance in the matter.

Sincerely,

Alex Goldstein

Alex Goldstein
Associate Counsel



Alex Goldstein <agoldstein@citizensforethics.org>

CREW-CDC FOIA

Alex Goldstein <agoldstein@citizensforethics.org>
To: FOIARequests@cdc.gov

Tue, Apr 1, 2025 at 10:51 PM

Hello,

Please find my FOIA request attached.

Best,
Alex

--

CREW **Alex Goldstein** (he/him/his)
Associate Counsel | Citizens for Responsibility and Ethics in Washington
Office: (973) 820-8233
agoldstein@citizensforethics.org | www.citizensforethics.org

 **CDC FOIA Portal Takedown 4.1.25.pdf**
219K

Exhibit F



Freedom of Information Act (FOIA)



SEPTEMBER 16, 2024

Freedom of Information Act (FOIA)

AT A GLANCE

- The CDC FOIA site provides information about the CDC FOIA Office program and how to access CDC records.

Purpose

CDC is the nation's leading public health agency, dedicated to saving lives and protecting the health of Americans. CDC ensures its science and research activities and its employees comply with federal laws, regulations, and policies in order to exercise the highest level of scientific integrity. At the core of this mission is information sharing—not just health information and disease study results, but information CDC gathers as part of a continuous process of putting information into action. As a science-based agency funded by U.S. taxpayers, CDC is committed to openness and accountability.

Like all federal agencies, CDC is required to disclose records requested in writing by any person unless the records (or a part of the records) are protected from disclosure by any of the nine exemptions contained in the law. This site provides information about the CDC FOIA Office program and how to access CDC records.

Contacts

Submit your request to the CDC/ATSDR FOIA Office:

Public Liaison: Bruno Viana – (770) 488-6246

CDC/ATSDR FOIA Officer: Roger Andoh – (770) 488-6277

A FOIA request must be e-mailed to CDC at: FOIARequests@cdc.gov

If you have not received an acknowledgement letter within 2 weeks of submitting your request, email FOIARequests@cdc.gov to check request's status.

SOURCES

CONTENT SOURCE:

[Freedom of Information Act \(FOIA\); Centers for Disease Control and Prevention](#)



Exhibit G



Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

Automatic reply: CDC FOIA - Measles Report

1 message

FOIA Requests (CDC) <foiarequests@cdc.gov>
To: Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

Tue, Apr 1, 2025 at 10:06 PM

Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.

Exhibit H



Alex Goldstein <agoldstein@citizensforethics.org>

Automatic reply: CREW-CDC FOIA

FOIA Requests (CDC) <foiarequests@cdc.gov>

Tue, Apr 1, 2025 at 10:52 PM

To: Alex Goldstein <agoldstein@citizensforethics.org>

Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.

Exhibit I



Alex Goldstein <agoldstein@citizensforethics.org>

CREW-CDC FOIA

FOIA Requests (CDC) <foiarequests@cdc.gov>

Wed, Apr 2, 2025 at 8:42 AM

To: Alex Goldstein <agoldstein@citizensforethics.org>

Mr. Goldstein,

I cannot tell if our automated reply is functional, so I am responding while I am still able to access CDC systems. The entire CDC FOIA Office has been placed on administrative leave prior to a mandated June 2 separation date.

[REDACTED]

[REDACTED]

From: Alex Goldstein <agoldstein@citizensforethics.org>

Sent: Tuesday, April 1, 2025 10:52 PM

To: FOIA Requests (CDC) <foiarequests@cdc.gov>

Subject: CREW-CDC FOIA

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

[Quoted text hidden]

Exhibit J



Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

CDC FOIA - Measles Report

Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>
To: HHS.ACFO@hhs.gov

Wed, Apr 2, 2025 at 4:57 PM

Dear HHS FOIA Officer,

CREW submitted the following FOIA request to CDC, and received an automated message indicating that the CDC FOIA office was placed on admin leave. Is HHS processing FOIA requests submitted to CDC?

Sincerely,



Chun Hin Jeffrey Tsoi (he/him)
Senior Fellow (Legal) | Citizens for Responsibility and Ethics in Washington
Office: (202) 408-5565
jtsoi@citizensforethics.org | www.citizensforethics.org

[Quoted text hidden]

2 attachments



CDC FOIA - Measles Report.pdf
208K



Citizens for Responsibility and Ethics in Washington Mail - Automatic reply_ CDC FOIA - Measles Report.pdf
121K



Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

CDC FOIA - Measles Report

Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>
To: FOIARequest@hhs.gov

Wed, Apr 2, 2025 at 5:01 PM

Dear HHS FOIA Officer,

CREW submitted the following FOIA request to CDC, and received an automated message indicating that the CDC FOIA office was placed on admin leave. Is HHS processing FOIA requests submitted to CDC?

Sincerely,



Chun Hin Jeffrey Tsoi (he/him)
Senior Fellow (Legal) | Citizens for Responsibility and Ethics in Washington
Office: (202) 408-5565
jtsoi@citizensforethics.org | www.citizensforethics.org

----- Forwarded message -----

From: **Chun Hin Jeffrey Tsoi** <jtsoi@citizensforethics.org>
Date: Tue, Apr 1, 2025 at 10:04 PM
Subject: CDC FOIA - Measles Report
To: <FOIARequests@cdc.gov>

Dear FOIA Officer,

CREW hereby submits its FOIA request regarding the measles report.

Sincerely,



Chun Hin Jeffrey Tsoi (he/him)
Senior Fellow (Legal) | Citizens for Responsibility and Ethics in Washington
Office: (202) 408-5565
jtsoi@citizensforethics.org | www.citizensforethics.org

2 attachments

 **CDC FOIA - Measles Report.pdf**
208K

 **Citizens for Responsibility and Ethics in Washington Mail - Automatic reply_ CDC FOIA - Measles Report.pdf**
121K



Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

CDC FOIA - General RIF Communications

Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>
To: HHS.ACFO@hhs.gov

Wed, Apr 2, 2025 at 4:59 PM

Dear HHS FOIA Officer,

CREW submitted the following FOIA request to CDC, and received an automated message indicating that the CDC FOIA office was placed on admin leave. Is HHS processing FOIA requests submitted to CDC?

Sincerely,



Chun Hin Jeffrey Tsoi (he/him)
Senior Fellow (Legal) | Citizens for Responsibility and Ethics in Washington
Office: (202) 408-5565
jtsoi@citizensforethics.org | www.citizensforethics.org

[Quoted text hidden]

2 attachments



CDC FOIA - General RIF Communications.pdf
205K



Citizens for Responsibility and Ethics in Washington Mail - Automatic reply_ CDC FOIA - Measles Report.pdf
121K



Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>

CDC FOIA - General RIF Communications

Chun Hin Jeffrey Tsoi <jtsoi@citizensforethics.org>
To: FOIARequest@hhs.gov

Wed, Apr 2, 2025 at 5:01 PM

Dear HHS FOIA Officer,

CREW submitted the following FOIA request to CDC, and received an automated message indicating that the CDC FOIA office was placed on admin leave. Is HHS processing FOIA requests submitted to CDC?

Sincerely,



Chun Hin Jeffrey Tsoi (he/him)
Senior Fellow (Legal) | Citizens for Responsibility and Ethics in Washington
Office: (202) 408-5565
jtsoi@citizensforethics.org | www.citizensforethics.org

----- Forwarded message -----

From: **Chun Hin Jeffrey Tsoi** <jtsoi@citizensforethics.org>
Date: Tue, Apr 1, 2025 at 10:08 PM
Subject: CDC FOIA - General RIF Communications
To: <FOIARequests@cdc.gov>

Dear FOIA Officer,

CREW hereby submits its FOIA request regarding general RIF communications.

Sincerely,



Chun Hin Jeffrey Tsoi (he/him)
Senior Fellow (Legal) | Citizens for Responsibility and Ethics in Washington
Office: (202) 408-5565
jtsoi@citizensforethics.org | www.citizensforethics.org

2 attachments



CDC FOIA - General RIF Communications.pdf
205K



Citizens for Responsibility and Ethics in Washington Mail - Automatic reply_ CDC FOIA - Measles Report.pdf
121K



Alex Goldstein <agoldstein@citizensforethics.org>

CDC FOIA - DOGE RIFs

Alex Goldstein <agoldstein@citizensforethics.org>

Thu, Apr 3, 2025 at 3:12 PM

To: HHS.ACFO@hhs.gov

Dear HHS FOIA Officer,

CREW submitted the following FOIA request to CDC, and received an automated message indicating that the CDC FOIA office was placed on admin leave. Is HHS processing FOIA requests submitted to CDC?

Sincerely,

--

**Alex Goldstein** (he/him/his)

Associate Counsel | Citizens for Responsibility and Ethics in Washington

Office: (973) 820-8233

agoldstein@citizensforethics.org | www.citizensforethics.org

CDC FOIA - DOGE RIFs 4.1.25.pdf

219K



Alex Goldstein <agoldstein@citizensforethics.org>

CDC FOIA - FOIA Compliance

Alex Goldstein <agoldstein@citizensforethics.org>

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CDC FOIA - FOIA Compliance 4.1.25.pdf

218K



Alex Goldstein <agoldstein@citizensforethics.org>

CDC FOIA - Portal Takedown

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Thu, Apr 3, 2025 at 3:12 PM

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CDC FOIA Portal Takedown 4.1.25.pdf

219K

Exhibit K



An official website of the United States government



**U.S. Department of
Health and Human Services**

Enhancing the health and well-being of all Americans

[Home](#)

[FOIA \(Freedom of Information Act\)](#)

[FOIA Contacts](#)

Navigate to:

T+



FOIA Contacts & Requester Service Centers and Privacy Act Contacts

Each of the HHS FOIA Service Centers has specific functions and responsibilities. Please contact the appropriate HHS FOIA Service Center or HHS Privacy Act Contacts for information.

HHS FOIA recommends web submission of FOIA requests via the following Public Access Link

(PAL): <https://requests.publiclink.hhs.gov/App/Index.aspx>

<<https://requests.publiclink.hhs.gov/app/index.aspx>>.

If you use PAL to request records about yourself, you can also securely enter and upload identity verification information and documents via PAL. You may wish to review the requirements for first-party access requests here: [How to Make a Privacy Act Request](#)

request.html>. Please note that for your security, submission of Personally Identifiable Information (PII) via email to comply with Privacy Act verification of identity requirements is not recommended.

Please submit FOIA appeals via the method and address specified in the FOIA response letter in which appeal rights are granted.

HHS FOIA Contacts

Department of Health and Human Services (HHS) </foia/index.html> Office of the Secretary (OS)

Freedom of Information Act Office

Hubert H. Humphrey Building, Room 729H

200 Independence Avenue, SW

Washington, D.C. 20201

Submit FOIA requests to: <https://requests.publiclink.hhs.gov/App/Index.aspx>

<<https://requests.publiclink.hhs.gov/app/index.aspx>>

Send general questions and referrals/consultations to: FOIARequest@hhs.gov

Phone: 202-690-7453

Fax: 202-690-8320

FOIA Officer: Arianne Perkins

FOIA Public Liaison: Paula Formoso; email: HHS_FOIA_Public_Liaison@hhs.gov

Administration for Children and Families (ACF) <<https://www.acf.hhs.gov/foia>>

Freedom of Information Act Office

Mary E. Switzer Building

330 C St SW, Suite 4004

Washington, DC 20201

Phone: 1-888-747-1861

FOIA Officer: Celeste Smith

FOIA Public Liaison: Kenneth Wolfe

FOIA@acf.hhs.gov

Administration for Community Living (ACL)

<http://www.acl.gov/site_utilities/foia/index.aspx#contacts>

Freedom of Information Act Office

330 C St SW – Room 1000

Washington, D.C. 20201

Phone: 202-690-8055

Email: foia@acl.hhs.gov

FOIA Officer: Garfield Daley

FOIA Public Liaison: Jennifer Klocinski

Administration for Strategic Preparedness and Response (ASPR)

see Department of Health and Human Services (HHS), above

Agency for Healthcare Research and Quality (AHRQ)

<<http://www.ahrq.gov/policy/foia/index.html>>

see Department of Health and Human Services (HHS), above

Advanced Research Projects Agency for Health (ARPA-H) <<https://arpa-h.gov/freedom-of-information-act>>

Freedom of Information Act Office

One Franklin Square

1301 K Street NW

Washington, DC 20005

Email: FOIA@arpa-h.gov

FOIA Officer: Diana Fisher

FOIA Public Liaison: diana.fisher@arpa-h.gov

Centers for Disease Control and Prevention (CDC) <<https://www.cdc.gov/od/foia/index.htm>>
and/or*

Agency for Toxic Substances and Disease Registry (ATSDR)

<<http://www.cdc.gov/od/foia/index.htm>>

Freedom of Information Act Office

1600 Clifton Rd NE MS T-01

Atlanta, Georgia 30333

Email: FOIARequests@cdc.gov

Phone: 770-488-6399

FOIA Officer: Roger Andoh

FOIA Public Liaison: Bruno Viana; email: cqy8@cdc.gov; phone: 770-488-6246

Centers for Medicare & Medicaid Services (CMS) <<http://www.cms.gov/regulations-and-guidance/legislation/foia/>>

Freedom of Information Act Office

North Building, Room C5-11-06

7500 Security Boulevard

Baltimore, Maryland 21244

Submit FOIA requests for Medicare claim records to: Medicare Beneficiary Claims Portal <<https://foia-request.cms.gov>>

Submit FOIA requests for all other records to: FOIA.gov Portal

<<https://www.foia.gov/request/agency-component/e07b59b9-db3b-4611-898d-23b42f7ead8d/>>

Phone: 410-786-5353

FOIA Officer: Joseph Tripline

FOIA Public Liaison: Desiree Gaynor; email: desiree.gaynor@cms.hhs.gov

Food and Drug Administration (FDA)

<<http://www.fda.gov/regulatoryinformation/foi/whotocontactaboutfoia/default.htm>>

Freedom of Information Act Office

5630 Fishers Lane, Room 1035

Rockville, MD 20857

Phone: 301-796-3900

FOIA Officer: Sarah Kotler

FOIA Public Liaison: Martina Varnado

Health Resources and Services Administration (HRSA) <<http://www.hrsa.gov/foia/>>

Freedom of Information Act Office

5600 Fishers Lane, Room 13-W18

Rockville, Maryland 20857

Phone: 301-443-2865

FOIA Officer: Brian May

HRSA FOIA Public Liaison: Brian May
foia@hrsa.gov

Indian Health Service (IHS) <<https://www.ihs.gov/foia/>>

Freedom of Information Act Office

Indian Health Service

Division of Regulatory and Policy Coordination (DRPC)

Office of Management Services

5600 Fishers Lane, Mailstop 09E70

Rockville, MD 20857

Phone: 240-460-3711

Submit FOIA requests to: IHSFOIAMailbox@ihs.gov

Email: IHSFOIAMailbox@ihs.gov

FOIA Officer: Carl Mitchell

FOIA Public Liaison: James Souther

Government Information Specialists: James Souther and David Meservey

National Institutes of Health (NIH) <<http://www.nih.gov/icd/od/foia/index.htm>>

Freedom of Information Act Office

Building 1, Room 344

1 Center Drive, MSC 0188

Bethesda, Maryland 20892-0188

Phone: 301-496-5633

FOIA Officer: Gorka Garcia-Malene

FOIA Public Liaison: Denean Standing-Ojo

Substance Abuse and Mental Health Services Administration (SAMHSA)

<<http://www.samhsa.gov/foia/>>

FOIA Office

5600 Fishers Lane, 18th Floor

Rockville, Maryland 20857

Phone: 877-726-4727

Email: foia@samhsa.gov

SAMHSA FOIA Officer: Kara Lampasone

SAMHSA FOIA Public Liaison: Candrea Smith and Jessie Cole

Office of the Inspector General (OIG) <<http://oig.hhs.gov/foia/contact.asp>>

Freedom of Information Act Office

Wilbur J. Cohen Building, Room 5527

330 Independence Avenue, SW
Washington, D.C. 20201
Phone: 202-619-2541
Fax: 202-708-9824
Confirmation Number: 202-619-2541
FOIA Officer: Stefanie Jewett
FOIA Liaison: Stefanie Jewett

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HHS Privacy Act Contacts

NOTE: The below-listed contacts are Privacy Act Contacts, not HIPAA contacts. For information about the HIPAA Privacy Rule, or to file a HIPAA complaint, please visit the HHS Office for Civil Rights (OCR) website </ocr/privacy/index.html>, which provides answers to Frequently Asked Questions, a complaint form, and other resources, including this list of OCR offices </ocr/about-us/contact-us/index.html>.

HHS

HHS Privacy Act Officer

Beth Kramer
HHS Privacy Act Officer
U.S. Dept. of Health & Human Services
200 Independence Ave. SW – Suite 729H
Washington, DC 20201
Phone: 202-690-6941
Fax : 202-690-8320
beth.kramer@hhs.gov

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Operating Divisions

Administration for Children and Families (ACF)

[vacant]

Mary E. Switzer Building

330 C Street SW – Suite 3313A

Washington, DC 20202

Phone: 240-904-2270

Email: ACF_PIRT@acf.hhs.gov

Administration for Community Living (ACL)

[vacant]

330 C St SW

Washington, DC 20201

Administration for Strategic Preparedness and Response (ASPR)

[vacant]

Office of Administration

400 7th Street SW

Washington, DC 20201

Agency for Healthcare Research and Quality (AHRQ)

[vacant]

5600 Fishers Lane

Mailstop 07N46C

Rockville, MD 20857

Fax: 301-427-1047

Agency for Toxic Substances and Disease Registry (ATSDR)

All administrative support provided by CDC

Centers for Disease Control and Prevention (CDC)

Beverly E. Walker, Chief Privacy Officer

4770 Buford Highway NE

M/S: F-35

Atlanta, Georgia 30341

Phone: 770-488-8524

Fax: 770-488-8659

Centers for Medicare and Medicaid Services (CMS)

Leslie Nettles

7500 Security Boulevard

Mailstop: N1-24-08

Baltimore, MD 21244

Phone: 410-786-5759

Food and Drug Administration (FDA)

Cullen Cowley

Privacy Officer

5630 Fishers Lane

Rm 1032

Rockville, MD 20857

Phone: 301-796-3900

FAX: 301-827-9267

Health Resources and Services Administration (HRSA)

Samantha Miller, MPH

Director, Division of Oversight, Reporting, and Regulatory Compliance

Office of Planning, Analysis, and Evaluation

5600 Fishers Lane, 14NWH04

Rockville, MD 20852

Phone: 301-443-9094

Email: PrivacyAct@hrsa.gov, Smiller2@hrsa.gov

Indian Health Services (IHS)

Bryan K. Burrell RHIA, LPN

Lead Consultant, HIM (LCHIM)

Privacy Officer (Acting)

Health Information Management

Office of Information Technology

Indian Health Service (IHS) HQ
Bolivia, NC 28422
Phone: 301-526-8644

National Institutes of Health (NIH)

Dustin Close
NIH Privacy Act Officer
6705 Rockledge Dr., Suite 601
Bethesda, MD 20892
Phone: 301-402-6469

Substance Abuse and Mental Health Services Administration (SAMSHA)

LCDR Michael Hodnett
5600 Fishers Lane
Rockville, MD 20857
Phone: 240-276-0118
michael.hodnett@samhsa.hhs.gov
Info.Privacy@samhsa.hhs.gov

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Office of the Secretary (OS) Staff Divisions

Office of the Assistant Secretary for Administration (ASA)

Bridget Guenther
HHS Office of Chief Information Officer
HHH Building – Room 324F
200 Independence Ave. SW
Washington, DC 20201
Phone: 202-205-8027

Departmental Appeals Board (DAB)

Marianna Jasiukaitis
Senior Advisor to the Chair
Departmental Appeals Board
U.S. Department of Health & Human Services

Office: 202-565-0109
Mobile: 202-527-2880
mjasiukaitis@hhs.gov

Office of the Inspector General (OIG)

Anne MacArthur, Senior Counsel
Wilbur J. Cohen Building, Room 5752
330 Independence Ave. S.W.
Washington, D.C. 20201
Phone: 202-836-1009

Office for Civil Rights (OCR)

Harold Henderson
200 Independence Ave. SW
Suite 597E - HHH Building
Phone: 202-205-2290
Fax: 202-309-5358

Office of Medicare Hearings and Appeals (OMHA)

Jon Dorman
Director, Appeals Policy and Operations Division
Office of Medicare Hearings & Appeals
2511 Jefferson Davis Hwy – Suite 2001
Arlington, VA 22202
Phone: 571-457-7220

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All Other Staff Divisions

Beth Kramer
HHS Privacy Act Officer
U.S. Dept. of Health & Human Services
200 Independence Ave. SW – Suite 729H
Washington, DC 20201
Phone: 202-690-6941
Fax : 202-690-8320
beth.kramer@hhs.gov

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Content created by Freedom of Information Act (FOIA) Division

Content last reviewed April 2, 2025

Exhibit L

PAL Reading Room

The Freedom of Information Act, FOIA, allows you to request records from federal agencies electronically. The CDC is making records available electronically. All records are stored as a repository for inspection and copying. The FOIA Reading Room is updated regularly. Final opinions and orders made in the course of enforcement of the Act are available for review.

• Final statements of policy and interpretation

• Administrative staff manuals and instructions

• Copies of records that have been requested by persons are likely to request

• Agency’s annual FOIA report

to process requests, the total information about the agency is available in the Reading Room. You can view the information in the Reading Room.

Note: Please read the search tips before using the search function.

To search and view documents in the Reading Room, click on the Reading Room link on the left side of the page.

• Select the Document Type using the dropdown menu.

• Enter the Document Name, ID number, or keyword in the search box and click the Search button to remove any previous search results.






• All documents are displayed by the document name, published date and the number of pages contained. Click on the document name to view the document information.

• You can also choose to download the document, which is in a zipped format, to your local/network drive and unzip it to view.

• If the document is in a PDF format then you must have Adobe Acrobat Reader version 8.0 or higher to be able to view/read the document.

• Click the Back button to return to the Reading Room screen.

Reading Room

Topic	Published Date	# Pages	Download
Communications between former CDC Director Redfield and Caputo former HHS ASPR	3/10/2025	383	
Adults Hospitalized with COVID-19-Like Illness with Infection-Induced or mRNA Vaccine	3/10/2025	417	
GDIT COVID Deliverables	3/6/2025	123	
Priority Reports for Serious/ Non-serious reports of adverse events after COVID vaccine	3/5/2025	3445	
Community Violence and Community Violence Prevention	3/5/2025	1822	

Note: Click on the Folder Name to View.

Click the icon to download the Folder.

Section 508:

The materials on these pages are provided as distributed to the requestors, and therefore some materials may not fully conform to applicable standards for use by persons with disabilities per Section 508 of the Rehabilitation Act. Members of the public may request an accessible copy by filling out the form on our [Accessibility contact page](#). PLEASE NOTE: The accessible copy may be altered to meet disclosure requirements but will contain the same information presented here.

Search for Documents in Reading Room

	Area of Interest	Description
<input type="checkbox"/>	COVID-19 Records	Responses To Coronavirus FOIA Requests
<input type="checkbox"/>	Public Information	Listings of annual reports, regulations and other reference materials.
<input type="checkbox"/>	Autism Spectrum Disorder	Covers autism spectrum disorder (ASD) that is a developmental disability that can cause significant social, communication, and behavioral challenges.
<input type="checkbox"/>	Contracts/Grants/Cooperative Agreements	Requests related to the letting and granting of contracts, grants or other cooperative agreements at CDC.
<input type="checkbox"/>	Foodborne Infectious Disease	Requests related to events of microbes or toxins that enter the body through the gastrointestinal tract.
<input type="checkbox"/>	Infectious Disease	Requests related to disorders caused by organisms such as parasites, viruses, bacteria or fungi. This would include diseases such as Ebola, Lyme disease or Measles.
<input type="checkbox"/>	Occupational Health	Requests related to workplace hazards, exposures, diseases or injuries.
<input type="checkbox"/>	Quarantine and Inspections	Requests related to the Vessel Sanitation Program as well quarantines as requests related to the importation of animals or quarantines related to infectious diseases.
<input type="checkbox"/>	Toxic Substances	Requests related to public health events such as blood lead levels, contaminated soils or the World Trade Center Syndrome.
<input checked="" type="checkbox"/>	FOIA Litigation Releases	Documents released in response to CDC FOIA Office Litigation
<input type="checkbox"/>	Policies	

https://foia.cdc.gov/app/ReadingRoom.aspx

1/2

☐

CDC FOIA Office Request Log

Topic:

Content Search:

Published Date

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[About CDC](#) [Jobs](#) [Funding](#) [Policies](#) [Privacy](#)
[Policy](#)

Reading Room

Note: Click on the Folder Name to View.
Click the icon to download the Folder.

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

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, et al.,**

Defendants.

Civil Action No. 25-01020 (TJK)

DECLARATION OF PERSON DOE

I, Person Doe, declare as follows:

1. I am an employee of the Centers for Disease Control and Prevention (“CDC”). The statements made in this declaration are based on my personal knowledge.

2. I am submitting this declaration pseudonymously because I fear retaliation. If the Court requires my name or job position, I would be willing to provide it ex parte and under seal.

3. The CDC serves as the nation’s leading public health agency and is one of the major operating components of the Department of Health and Human Services (HHS). The CDC provides health information to the public and responds to disease outbreaks while working to prevent and control acute and chronic disease.

4. On April 1, more than 2,000 CDC staff received a Reduction in Force (RIF) notice via email stating that they will be separated from HHS effective June 2, 2025. The email communicated that staff receiving the notice were placed on administrative leave pending the June 2 separation date. The CDC FOIA Office was among those that received the RIF notice.

5. CDC staff receiving the RIF notices lost access to CDC’s physical office spaces on

April 1. On April 2, they lost access to CDC computer systems.

6. To the best of my knowledge, no career CDC personnel received advance notice of the RIF action.

7. To the best of my knowledge, statutorily-mandated functions of numerous CDC employees who received RIF notices are currently not being performed, including the CDC FOIA Office's statutorily-mandated functions. These functions include FOIA processing and proactive public disclosures of information.

8. Large scale staffing cuts have also been made to other FOIA offices within HHS.

9. To the best of my knowledge, other HHS FOIA components, including the Office of the Secretary, are experiencing significant backlogs and reduced staffing.

10. To the best of my knowledge, there are currently no FOIA officers within HHS tasked with or trained on responding to FOIA requests to CDC.

11. If its statutorily-mandated responsibilities are transitioned to another office, I anticipate that the sudden closure of CDC's FOIA Office will substantially increase the processing times of current and future FOIA requests for CDC records.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14, 2025

/s/ Person Doe
Person Doe

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

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, et al.,**

Defendants.

Civil Action No. 25-01020 (TJK)

DECLARATION OF KEVIN GRIFFIS

I, Kevin Griffis, declare as follows:

1. I served as the Director of the Centers for Disease Control and Prevention's ("CDC") Office of Communications from June 2022 until March 2025. The statements made in this declaration are based on my personal knowledge.

2. As the Director of CDC's Office of Communications, I was the principal public affairs leader and communication liaison for CDC. I was the primary official responsible for the delivery and communication of CDC's health information to the public, and coordinated agency-wide communication efforts with external partners and within CDC.

3. From 2014 to 2017, I served as the Assistant Secretary for Public Affairs and Chief FOIA Officer of the U.S. Department of Health and Human Services ("HHS"). The HHS FOIA enterprise consists of 12 FOIA Offices, including the CDC's FOIA Office. Each HHS FOIA Office separately receives, processes, and responds to FOIA requests directed to those offices.

4. OS's FOIA Office processes initial FOIA requests for records in the custody of the Office of the Secretary and FOIA appeals on behalf of most HHS components, including CDC. OS's FOIA processing systems are separate from, and do not interact with, CDC's FOIA

systems.

5. When I left my post in March 2025, OS's FOIA office had a significant backlog of FOIA requests.

6. Before leaving my post, I observed that the public communications from CDC had slowed significantly over the past several months. Since January 20, 2025, for example, CDC has not held a press briefing on numerous infectious disease outbreaks, including measles, Ebola, and avian flu. The agency had communicated sparingly via social media, and the volume of posts to its website had also decreased significantly.

7. When I left my post in March 2025, CDC's FOIA office consisted of approximately 23 staff members.

8. FOIA requests received by CDC covered a broad array of topics relating to public health and safety. Many FOIA requests sought records relating to the CDC's findings concerning outbreaks of infectious diseases, viruses, vaccine safety, foodborne illnesses associated with consumer goods, and exposure to toxic substances.

9. In 2025, the CDC received a high volume of media requests concerning the administration's reduction in force plans for CDC, CDC communications with the Department of Government Efficiency, and information on current infectious disease outbreaks, including the measles outbreak.

10. Since the beginning of February, I observed a heightened public interest in measles outbreaks across the country related to the outbreak centered in Texas. It spurred dozens of media inquiries – both about on-the-ground facts specific to the outbreak (case numbers, case characteristics, etc.) and about CDC and HHS operations related to the outbreak.

11. During my tenures at CDC and HHS, CDC's FOIA Office regularly coordinated and engaged with other offices across HHS and with HHS leadership regarding FOIA requests,

appeals, and litigation. In my experience, the CDC's FOIA office was highly compliant with HHS-mandated communications and clearance procedures concerning FOIA requests, including by sending OS FOIA weekly reports.

12. When I left my post in March 2025, CDC's FOIA Office staff's litigation responsibilities included processing records, determining material to release or withhold pursuant to FOIA exemptions, preparing declarations, and assisting Department of Justice attorneys with court filings.

13. In my experience, having well-trained FOIA staff is essential for CDC and HHS to comply with FOIA's statutory mandates. Personnel at each HHS FOIA Office have specialized training, expertise, and institutional knowledge about their specific component's records systems and how to properly and timely direct requests to appropriate custodians of records. They also understand the equities that other HHS components and other federal agencies may have in requested information and are trained in the processes for clearing potentially sensitive information for release to the public.

14. Given the highly technical and scientific work conducted by HHS and CDC, FOIA personnel's specialized training and experience is especially critical to promptly identify what offices and officials are likely to have records responsive to particular FOIA requests.

15. I understand that on April 1, 2025, more than 2,000 CDC employees received a Reduction in Force (RIF) notice via email stating they were immediately placed on administrative leave pending their separation from HHS effective June 2, 2025.

16. I understand that a large number of these employees had job responsibilities that involved communicating information to the public, including media relations, digital communications, social media and FOIA staff. I further understand that all employees in CDC's FOIA Office received the RIF notice and that the office is no longer operational.

17. Prior to leaving my position at CDC in March 2025, I was not made aware of any plans to transition CDC's FOIA functions to any other HHS component.

18. To the best of my knowledge, CDC personnel did not receive advance notice of any plan to close CDC's FOIA Office.

19. Based on my experience, I anticipate that the sudden closure of CDC's FOIA Office will drastically increase the processing times of current and future FOIA requests for CDC records. This is due to insufficient resources, staffing, training, and institutional knowledge among remaining HHS personnel, as well as the substantial backlog of FOIA requests across HHS components, including OS.

20. If the functions of CDC's FOIA Office are transitioned to OS's FOIA Office or any other HHS component, the agency would need to swiftly develop and implement new information technology systems, processes, and protocols to ensure that FOIA requests for CDC records are processed promptly and in compliance with FOIA and HHS regulations. I expect any such transition would be highly resource intensive and will likely result in CDC and HHS failing to meet their statutorily-mandated FOIA obligations.

21. The elimination of CDC's FOIA office will significantly reduce agency accountability by shielding the nation's top health officials from public scrutiny, particularly during the early months of a new administration where new officials are taking over these roles.

22. CDC's and HHS's reduced capacity to meet their statutory obligations under FOIA will expose the agency to increased risks of litigation, adverse judgments, and attorneys' fees awards, which will expend agency, court, and taxpayer resources.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2024

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Kevin Griffis

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

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, *et. al.*,**

Defendants.

Civil Action No. 25-01020 (TJK)

DECLARATION OF DR. JENNIFER HAO

I, Dr. Jennifer Hao, hereby declare as follows:

1. I submit this declaration in my personal capacity. The statements herein represent only my own views and experiences, not those of my employer or any other organization with which I am affiliated. The statements made in this declaration are based on my personal knowledge.

2. I am a board-certified Internal Medicine physician at Boston Medical Center, where I care for hundreds of patients as a primary care physician. I also serve as an Assistant Professor of General Internal Medicine at the Boston University Chobanian & Avedisian School of Medicine.

3. After receiving my B.A. in Molecular and Cellular Biology from Harvard College, I obtained my M.D. from the University of California, San Francisco School of Medicine. I completed my internship and residency training in Internal Medicine at the Massachusetts General Hospital.

4. As a primary care physician, I diagnose and manage a wide variety of health conditions for patients across the age spectrum, from teenagers to the elderly. I routinely treat infectious diseases such as COVID-19, influenza, tuberculosis, HIV, and sexually transmitted infections. I also manage chronic conditions including high blood pressure, diabetes, and heart disease. In addition to general internal medicine, I specialize in Women's Health.

5. My peers and I routinely rely on guidelines, data, and other resources published by the U.S. Centers for Disease Control and Prevention ("CDC") to care for patients and to guide clinical decision-making.

6. On January 31, 2025, several CDC records and datasets on which I regularly rely were suddenly removed from CDC's website. This included, but was not limited to, "U.S. Medical Eligibility Criteria for Contraceptive Use, 2024 (US MEC)," "U.S. Selected Practice Recommendations for Contraceptive Use, 2024 (US SPR)," "HIV Nexus: Clinical Guidance for PrEP," "CDC Guide to Taking a Sexual History," and "CDC STI Treatment Guidelines, 2021."

7. On February 1, 2025, I submitted a Freedom of Information Act ("FOIA") request through CDC's FOIA Portal for these removed CDC records.

8. I requested these records to continue providing evidence-based and guideline-directed care for my patients.

9. I requested expedited processing of my FOIA request based on the "compelling need" for the requested information. I explained in my request: "As a primary care doctor, lack of access to the most recent CDC guidelines on treatment and prevention of common infections could pose an imminent threat to the safety and well-being of my patients."

10. I received confirmation of receipt of my request on February 1, 2025. My request was assigned Tracking Number 25-00724-FOIA.

11. On February 10, 2025, I received an email from CDC stating “[a]ccess ha[d] been restored” to the requested records and including links to each.

12. I have concerns that the datasets linked in the response to my FOIA request and reposted on the CDC’s website may be incomplete, modified, or otherwise not in their original form. For example, I requested access to the CDC report for “U.S. Medical Eligibility Criteria for Contraceptive Use, 2024.” CDC’s February 10 response provided a web link to this requested record. However, that web link carried a new banner stating, “[this] website is being modified to comply with President Trump's Executive Orders.” It appears that this banner has been selectively applied to a limited number of CDC web pages.

13. Given this banner, I am concerned that other records on CDC’s website on which I routinely rely may be modified from their original form.

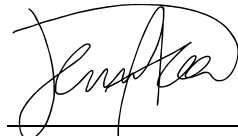
14. I intend to submit FOIA requests for records like these and others from CDC in the future. The types of records and data that I intend to seek include the following: datasets regarding infectious disease outbreaks, guidelines for travel safety from the CDC’s “Yellow Book” for special populations, reports on diabetes among high-risk patients, and data regarding harmful marketing by the tobacco industry and the health impacts on Americans. These are all examples of CDC data that are not currently publicly accessible, and I intend to seek access to these records from the CDC.

15. As a practicing clinician, I rely on the CDC to provide accurate, up-to-date, and accessible health information to guide patient care. My peers and I use CDC datasets, guidelines, and reports on a regular basis to ensure high-quality medical care. For example, in my primary care practice, I frequently diagnose and treat sexually transmitted infections (STIs). Amid rising antibiotic resistance, the CDC conducts surveillance on the incidence and characteristics of

common STIs, such as chlamydia, gonorrhea, and syphilis. From this data, the CDC compiles and disseminates practice guidelines for clinicians that are responsive to trends in antibiotic resistance. Historically, when key CDC records like these datasets were not readily available, physicians like myself could file a FOIA request to gain access. Today, this pathway has been eliminated. Without timely access to CDC information, practicing physicians will be deprived of essential tools – and ultimately, patients across the country will bear the greatest burden.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 17, 2025



Jennifer Hao, M.D.

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

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, et al.,**

Defendants.

Civil Action No. 25-01020 (TJK)

DECLARATION OF DARYA MINOVI

I, DARYA MINOVI, declare as follows:

1. I am a senior analyst at the Union of Concerned Scientists (UCS). The facts set forth in this Declaration are true and of my own personal knowledge or based on a review of UCS's business records generated in connection with UCS's work.

2. As a senior analyst in UCS' Center for Science and Democracy, I conduct research on how the use or exclusion of science in government decision-making, especially regulatory processes, impacts public health and the environment.

3. UCS is a nonprofit membership organization based in Cambridge, Massachusetts. UCS puts rigorous, independent science into action, developing solutions and advocating for a healthy, safe, and just future.

4. UCS represents the interests of the scientific community in advancing science in public policy and advocates for the role of science and scientists in federal policymaking and in civil society. UCS does not receive federal funding to carry out its mission.

5. UCS has over 450,000 members and supporters who join UCS to support its mission of advancing science-based decision-making in public policy, including in the federal

government.

6. UCS is harmed by the mass firing of federal employees at the Centers for Disease Control and Prevention (CDC) responsible for managing and fulfilling Freedom of Information Act (FOIA) requests.

7. Between 2020-2021, UCS submitted at least eight FOIA requests to the CDC for information and correspondence related to federal advisory committees, CDC staffing, and communications related to the COVID-19 pandemic and other matters.

8. UCS uses the information collected from FOIA requests to CDC in our research and advocacy, including scientist staffing at CDC and other federal agencies, an investigation revealing political interference that blocked release of a PFAS toxicology report from CDC's Agency for Toxic Substances and Disease Registry (ATSDR), and research related to the government's handling of the COVID-19 pandemic.

9. We share this information online in reports, blogs, and other publications, and widely through our social media channels and other communications with UCS supporters, researchers, decision-makers, and the broader public.

10. UCS has also publicly supported the FOIA process in general, and has published several blogs about how records obtained through FOIA enhance the public's ability to engage in government decision-making.

11. On March 11, 2025, UCS submitted a FOIA request to CDC that remains pending. The FOIA request seeks toxicological and epidemiological data from ATSDR's Toxicological Profile Health Effect Data Visualization Project. This data is used to inform UCS's, and the public's, ongoing work related to understanding the health effects of hazardous substances.

12. The request has yet to be fulfilled and we are unsure whether we will receive the requested records with the elimination of the CDC FOIA office.

13. The request was for ATSDR data that is congressionally-mandated, but is under threat due to recent government actions to remove publicly available information.

14. If this FOIA request is not fulfilled, we will be unable to help make these data available to the public.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2025


Darya Minovi

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

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. CENTERS FOR DISEASE CONTROL
AND PREVENTION, ET AL.,

Defendants.

Civil Action No.: 1:25-cv-01020

DECLARATION OF GUNITA SINGH

I, Gunita Singh, declare as follows:

1. I am a staff attorney at the Reporters Committee for Freedom of the Press (“Reporters Committee”), an unincorporated nonprofit association based in Washington, D.C. I have been a staff attorney at the Reporters Committee since September 2021. Prior to becoming a staff attorney, from February 2019 to September 2021, I was a legal fellow at the Reporters Committee. I am a member in good standing of the bar of the District of Columbia and am admitted to practice before this Court. I make this declaration in support of Plaintiff’s motion for a preliminary injunction. I have personal knowledge of the matters stated in this declaration.

2. I represent Andrés Cediél, a documentary filmmaker and professor at UC Berkeley’s Graduate School of Journalism, in a pending action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, against the Department of Health and Human Services (“HHS”) and its subcomponent the Administration for Children and Families. The case is docketed as *Cediél v. U.S. Dep’t of Health & Human Servs.*, Case No. 1:24-cv-02289 (D.D.C.).

3. On April 2, 2025, I received an email from an Assistant United States Attorney (“AUSA”) representing the government defendants in the aforementioned FOIA litigation stating: “I had a good call with the Agency on Monday and was anticipating having answers for you shortly. However, I was just informed that [the Administration for Children and Families’] entire FOIA office is currently on administrative leave. I don’t have further information at this point and will keep you apprised as I learn more.”

4. As of the date of this filing, I have not received any additional information from the AUSA assigned to my case against HHS regarding the processing of the FOIA request at issue therein.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14, 2025, in Bridgewater, New Jersey.

A handwritten signature in black ink, appearing to read "Gunita Singh", written over a horizontal line.

Gunita Singh

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, *et. al.*,

Defendants.

Civil Action No. 25-01020 (TJK)

[PROPOSED] ORDER

Upon consideration of Plaintiff's Motion for Preliminary Injunction and Partial Summary Judgment, and the entire record herein, ECF No. 13, for the reasons stated on the record in the Court's May ___, 2025 motion hearing, it is hereby:

ORDERED that Plaintiff's Motion for Preliminary Injunction is **GRANTED**; it is further

ORDERED that Plaintiff's Motion for Partial Summary Judgment on Counts I-III is **GRANTED**; it is further

ORDERED that Defendants grant expedited processing of CREW's FOIA requests at issue in this case, and expeditiously and fully process and produce all non-exempt records responsive to these requests, along with a *Vaughn* index as soon as practicable; it is further

ORDERED that Defendants assign sufficient personnel and resources to immediately comply with the requirements of FOIA and timely process FOIA requests directed to the U.S. Centers for Disease Control and Prevention ("CDC"); it is further

ORDERED that Defendants' closure of the CDC FOIA office is **DECLARED** unlawful;
it is further

ORDERED that Defendants are preliminarily and permanently enjoined from continuing
to engage in unlawful actions that render CDC's FOIA office inoperative; it is further

ORDERED that the parties shall file joint status reports within seven days of this order,
and every fourteen days thereafter, apprising the Court of Defendants' compliance with
this order and the status of this case.

SO ORDERED.

Date: _____

TIMOTHY J. KELLY
United States District Judge