

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN TRANSPARENCY,
d/b/a OpenTheBooks.com,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendant.

Civil Action No. 21-2821 (APM)

JOINT STATUS REPORT

Plaintiff American Transparency, doing business as OpenTheBooks.com (“Plaintiff”) and Defendant United States Department of Health and Human Services (“HHS” or the “Agency”) by and through their respective undersigned counsel, hereby report to the Court as follows:

1. Plaintiff’s complaint concerns three separate Freedom of Information Act (“FOIA”) requests submitted to the National Institutes for Health (“NIH”), a component of HHS. *See generally*, ECF No. 1 (“Compl.”). All three requests sought various categories of records about National Institute of Allergy and Infectious Diseases Director Anthony S. Fauci, M.D. Compl., ¶¶ 5-15.

2. As noted in previous joint status reports, NIH provided final responses to Plaintiff’s FOIA requests. On May 20, 2022, NIH provided a third and final response to Plaintiff’s January 28, 2021, FOIA Request No. 55847. On September 30, 2022, NIH made a ninth and final response to Plaintiff’s September 15, 2021, FOIA Request No. 57048.

3. On April 26 and May 4, 2023, Plaintiff raised questions about certain redactions. NIH responded to those questions on July 12, 2023. On July 31, 2023, NIH re-released 2,945

pages in response to Plaintiff's September 15, 2021 FOIA request, releasing certain information that had previously been withheld. Plaintiff is evaluating NIH's productions and withholdings in light of the additional, July 31, 2023 release.

4. Consistent with the Court's February 11, 2022 order, the parties will file an additional joint status report on or before November 6, 2023.

Dated: August 7, 2023

/s/ Paul J. Orfanedes
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Respectfully submitted,

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