



the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of Health and Human Services (“Defendant”) is an agency of the U.S. Government and is headquartered at 200 Independence Avenue, S.W., Washington, DC 20201. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On June 4, 2024, Plaintiff sent a FOIA request to the National Institutes of Health (“NIH”), a component of Defendant, seeking access to all email communications sent between National Institute for Allergies and Infectious Diseases (“NIAID”) FOIA Officer Margaret Moore and any of the following officials:

NIAID Director Anthony Fauci

NIAID Senior Advisor David Morens

NIH Bioethics Official Christine Grady

NIAID Principal Deputy Director Hugh Auchincloss, M.D.

NIAID Deputy Director H. Richard Lane

EcoHealth Alliance President Peter Daszak

The time frame of the request was identified as “January 1, 2021, to the present.”

6. NIH acknowledged receipt of the request by email on June 4, 2024, and advised Plaintiff that the request had been designated as FOIA request #61932.

7. Plaintiff has received no further communication from NIH regarding this request.

8. As of the date of this Complaint, NIH has failed to: (i) determine whether to comply with the request; (ii) notify Plaintiff of any such determination or the reasons therefor;

(iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

**COUNT I**  
**(Violation of FOIA, 5 U.S.C. § 552)**

9. Plaintiff realleges paragraphs 1 through 8 as if fully stated herein.

10. Defendant is in violation of FOIA.

11. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with it.

12. Plaintiff has no adequate remedy at law.

13. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by July 3, 2024, at the latest. Because Defendant failed to make a final determination on Plaintiff's request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: April 29, 2026

Respectfully submitted,

/s/ Paul J. Orfanedes  
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