

Exhibit C:
E-mail from Doris Davis, Ctrs. for Medicare & Medicaid Servs.,
to Sean Murphy, Zimmer Biomet (Mar. 8, 2021)

Complaint for Declaratory Relief,
Zimmer US, Inc. v. Ctrs. for Medicare & Medicaid Servs.,
Civil Action No. 21-1101

Segroves, James F.

From: Davis, Doris A. (CMS/OSORA) <Doris.Davis@cms.hhs.gov>
Sent: Monday, March 8, 2021 6:12 PM
To: Murphy, Sean
Subject: [EXTERNAL] 030820217080
Attachments: FOIA Acknowledgement Letter____030820217080.docx

[WARNING] This email did not originate inside Zimmer Biomet. Use caution before clicking links or attachments

Dear Requester:

Please see the attached acknowledgement letter related to your FOIA request.

Thank you,

Doris Davis
Government Information Specialist
410.786.5915 doris.davis@cms.hhs.gov
7500 Security Blvd., C5-11-18/Mailstop C5-11-06
Baltimore, MD 21244-1850

Centers for Medicare & Medicaid Services (CMS)
Office of Strategic Operations & Regulatory Affairs (OSORA),
Division of FOIA Analysis – A

If you need to speak with someone regarding a pending FOIA request, please contact the coordinator assigned the request submitted. The contact name and phone number of the coordinator can be located on the acknowledgement letter forwarded by our office.

For answers to general FOIA related questions, please visit our web-based FOIA Service Center at <http://www.cms.gov/center/freedom-of-information-act-center.html>.

To check the status of your existing FOIA request with your CMS FOIA Control and Pin, go to <http://www.cms.gov/apps/FOIA/>

Contact FOIA office at 410-786-5353 or FOIA_Request@cms.hhs.gov

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C5-11-06
Baltimore, Maryland 21244-1850



Office of Strategic Operations and Regulatory Affairs / Freedom of Information Group

Request has been assigned: Control Number **030820217080** and PIN **8Q5D**

3/8/2021

Sean D. Murphy
Zimmer Biomet
2031 Penderbrooke Dr
Crownsville, MD 21032

Dear Mr. Murphy:

The purpose of this letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request (5 U.S.C. § 552) and to provide you with a tracking number for your request. Your FOIA request, dated **3/8/2021** was received on **3/8/2021** by the Centers for Medicare & Medicaid Services (CMS). To check the status of your request as it is being processed, please refer to the CMS FOIA website <http://www.cms.gov/apps/FOIA> and enter the control number and PIN (listed above) that have been assigned to your request.

Once we complete our initial analysis of your request, we will initiate a search for responsive records. If however, we determine that your request needs clarification, we will contact you. Additionally, if our searching units advise us that you have requested a voluminous amount of records that require extensive search, production and review, we will contact you to discuss options for narrowing the scope of your request in order to process your request as quickly and efficiently as possible.

Please note that CMS receives a very high volume of FOIA requests. The following unusual circumstances, as defined by Federal FOIA Regulations, may impact our ability to fulfill a FOIA request within 20 business days. These include circumstances such as (1) the request requires us to search for and collect records from multiple components and/or field offices; (2) the request involves a voluminous amount of records that must be located, compiled, transferred to this office, and reviewed. In addition, given our high volume of requests, and in accordance with federal regulations, our processing policy includes factors such as the date of the request as well as the complexity of the request.

The FOIA law assumes that requesters are willing to pay fees up to \$25.00. If estimated fees to process your request exceed \$25.00, we will notify you and may suspend processing until we receive written confirmation that you are willing to pay the estimated fees. Additionally, for requests in which the estimated fees exceed \$250.00, the law authorizes us to collect the fees *in advance* prior to processing the request.

If your request sought a fee waiver or expedited processing, we will send additional communication to provide you with our determination decision(s).

If you are not satisfied with any aspect of the processing and handling of this request, please contact Doris Davis, 410-786-5915.

You also have the right to seek dispute resolution services from:

Joseph Tripline
CMS FOIA Public Liaison
Centers for Medicare & Medicaid Services
7500 Security Blvd., MS C5-11-06
Baltimore, Maryland 21244-1850
Telephone: (410) 786-5353 fax (443) 380-7260

and/or:

Office of Government Information Services
National Archives and Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001

Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov
Fax: 202-741-5769

Sincerely yours,



Joseph Tripline
Director, Division of FOIA Analysis – A
Freedom of Information Group