

EXHIBIT 1

Plaintiff's February 4 FOIA Request

AMERICANS FOR
PUBLIC
TRUST

107 S. West St., Ste 442
Alexandria, VA 22314

AmericansforPublicTrust.org
202.656.5175

February 4, 2020

Centers for Disease Control and Prevention
Attn: FOIA Office, MS-D54
1600 Clifton Road, N.E.
Atlanta, GA 30333

Re: Freedom of Information Act (FOIA) Request

To Whom It May Concern:

I submit this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 and 45 C.F.R. § 5.1 *et seq.* I request that a copy of the records detailed below be provided to me. I do not wish to inspect the records first.

I seek any and all records, as that term is defined under FOIA (5 U.S.C. § 552(f)(2)), and applicable case law (*see, e.g., Forsham v. Harris*, 455 U.S. 169, 193 (1980)), existing in any format whatsoever, including, but not limited to, written correspondence, email correspondence, records of telephone correspondence, records pertaining to in-person meetings, calendar or scheduling entries, videotapes, photographs, computer print-outs, telephone messages, or voice mail messages between January 15, 2021 to the present.

In particular, I request the following:

- Emails, communications, correspondence, and/or talking points describing CDC guidance for the reopening of schools, during the above stated time period, in the following CDC staff email accounts:
 - Rochelle Walensky (Director)
 - Anne Schuchat (Principal Deputy Director)
 - Christopher Jones (Associate Director for Communication)
 - Robin Ikeda (Associate Director for Policy and Strategy)
 - Mitchell Wolfe (Chief Medical Officer)
 - Sherri Berger (Chief of Staff)
 - Jeff Reczek (Director, Washington Office)

Notice is hereby given that I am requesting these records as an “other requester” within the meaning of 5 U.S.C. § 552(a)(4)(A)(ii)(III) and 45 C.F.R. §5.53(c).

Notice is hereby given that I am willing to pay the appropriate fees incurred and assessed for the document search and duplication of the agency records responsive to this request. 5 U.S.C. § 552(a)(4)(A)(ii)(III); see also 45 C.F.R. §5.53(c).

Please search for responsive records regardless of format, medium, or physical characteristics. I request that responsive records be produced in native format, or the format most felicitous to an expedited production. Upon receipt of this request, please take all reasonable steps to preserve relevant public records while the request is pending.

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide a *Vaughn* index of those documents. See *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a

reasoned judgment as to whether the material is actually exempt under FOIA.” *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the Vaughn index must “describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information.” *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987).

Pursuant to regulation, please clearly delineate any and all redactions in such a manner so that the justification for each redaction is apparent. *See* 45 C.F.R. § 5.28(c). If it is your position that a document contains non-exempt segments and that those non-exempt segments are so dispersed throughout the documents as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed through the document. *Mead Data Cent. v. U.S. Dep’t of the Air Force*, 455 F.2d 242, 261 (D.C. Cir. 1977). Claims of non-segregability must be made with the same detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record.

Please do not hesitate to contact me by phone at (202) 656-5175 or by email at info@americansforpublictrust.org. If records are available in electronic format please email the documents to info@americansforpublictrust.org. If not, please send the requested documents to:

Americans for Public Trust
107 South West Street, Suite 442
Alexandria, VA 22314

Because of the time-sensitive nature of this request, I ask that you strictly comply with the 20-day time limit established by FOIA and applicable HHS regulations. *See* 5 U.S.C. § (a)(6)(A); 45 C.F.R. § 5.24(b). Please be advised that once this 20-day period has expired, you are deemed to have constructively denied this request, and I will consider the internal appeals process to be constructively exhausted. *See, e.g., Citizens For Ethics And Responsibility In Government v. Fed. Election Comm’n*, 711 F.3d 180 (D.C. Cir. 2013). I also respectfully request that documents be made available as soon as they are located and reviewed via a rolling production. I will undertake to pay any and all reasonable increased costs incurred as part of a rolling production.

Sincerely,



Nathaniel C. Serslev