

EXHIBIT M

Re: [EXTERNAL] Dr. Caleb Alexander 2019 FOIA Requests

Katherine Surma <katherine.surma@ylsclinics.org>

Thu 3/11/2021 11:45 AM

To: Udapi, Guruprasad <Guruprasad.Udapi@fda.hhs.gov>

Cc: David Schulz <david.schulz@ylsclinics.org>; Stephen Stich <stephen.stich@YLSClinics.org>

Dear Mr. Udapi,

Thank you for your recent correspondence regarding FOIA #2019-4428, #2019-4455, #2019-4457, #2019-4458, #2019-4465, and #2019-4472 filed by Dr. Caleb Alexander. We appreciated this information.

Might you be free to touch base by phone sometime over the coming week or two regarding this matter? Naturally, given the public health importance of the queries that Dr. Alexander proposes to examine, we would like to understand the process further, as well as to discuss with you potential means that might be used to resolve the current delay in processing his request.

Can you please let us know by Friday, March 19th whether you would be available, and if so, when might be convenient for you?

Thank you and best regards,

Katherine Surma

J.D. Candidate 2021 | Yale Law School

katherine.surma@yale.edu

From: Udapi, Guruprasad <Guruprasad.Udapi@fda.hhs.gov>

Sent: Wednesday, March 3, 2021 1:08 PM

To: Katherine Surma <katherine.surma@ylsclinics.org>

Subject: FW: [EXTERNAL] Dr. Caleb Alexander 2019 FOIA Requests

Good afternoon Ms. Surma,

CDER processes FOIAs in date order priority. There are currently approximately 200 requests with priority over the 2019 requests identified below. While the general estimate processing time for such complex requests is typically 24 months, it is dependent on the size and complexity of the FOIAs in the queue. I will notify you when the requests approach the top of the processing queue. Thank you.

From: Katherine Surma <katherine.surma@ylsclinics.org>

Sent: Friday, February 26, 2021 3:28 PM

To: Satchi, Sudarshini (Darshini) <Sudarshini.Satchi@fda.hhs.gov>

Cc: David Schulz <david.schulz@ylsclinics.org>; Stephen Stich <stephen.stich@YLSClinics.org>

Subject: [EXTERNAL] Dr. Caleb Alexander 2019 FOIA Requests

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Dear Ms. Darshini Satchi,

The Yale Law School Media Freedom and Information Access Clinic represents Dr. Caleb Alexander with respect to the following FOIA requests he has submitted to the FDA:

- 2019-4428
- 2019-4455
- 2019-4457
- 2019-4458
- 2019-4465
- 2019-4472

I am writing to you because the FDA has not yet provided any records in response to five of these six requests, all of which have been pending since May 2019. Last November, Dr. Alexander timely filed an administrative appeal to the one request, 2019-4458, for which he did receive a response; the FDA has yet to address that appeal, nearly four months later.

Dr. Alexander has retained us to pursue litigation if necessary to obtain these records, which should have been provided long ago. Before proceeding down that path, we are reaching out to you to see if there is not some way to get beyond this impasse without the time, effort and disruption of a lawsuit. Please let us know if we might arrange a time talk with you about what can be done to unloosen responses without further delay. We look forward to hearing from you.

Sincerely,

Katherine Surma
J.D. Candidate 2021 | Yale Law School
Media Freedom and Information Access Clinic