

EXHIBIT C

From: [Michael Connett](#)
To: [NIH FOIA](#)
Cc: [Chris Nidel](#); [Kay Reeves](#)
Subject: RE: FOIA Case No. 55981 - Exhaustion of Administrative Remedies
Date: Wednesday, August 11, 2021 8:18:00 PM
Attachments: [image002.png](#)

p.s. My email contained several typos in the opening paragraph. These are corrected below.

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To whom it may concern:

On February 26, 2021, I submitted a FOIA request for certain communications to and from Lawrence Tabak, the Principal Deputy Director of the NIH. That same day, I received an email informing me that the FOIA office within the Office of the Director would be processing the request. Subsequent to this email on February 26, I have not received any communications about my request, not even the customary "interim letter." Several weeks ago, I emailed the Office of Director FOIA office asking for an update on the status of my request. I also called and left a voicemail, but did not receive a response to any of these inquiries.

The FOIA statute commands that federal agencies make a determination regarding a FOIA request within 20 days of receiving the request. 5 U.S.C. § 552(a)(6)(A)(i). If no such determination is provided within this time period, the requester has the right to seek redress in federal court. See Citizens for Resp. & Ethics in Washington v. Fed. Election Comm'n, 711 F.3d 180, 186-190 (D.C. Cir. 2013).

It has been nearly six months since I submitted my request, and I have yet to receive any response, let alone a determination, from the OD FOIA office. To the extent that a response (including production of responsive documents) is not provided within 21 days of this letter (Sept 1, 2021), please be advised that I may be seeking redress in federal court under the authority set forth in Citizens for Resp. Ethics in Washington, 711 F.3d at 186-190.

Sincerely,
Michael Connett

waterskrauspaul

Michael Connett | Partner

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From: Michael Connett
Sent: Tuesday, August 10, 2021 10:15 AM
To: 'Roger.bordine@nih.gov' <Roger.bordine@nih.gov>
Cc: 'NIH FOIA' <[nihfoia@od.nih.gov](mailto:.nihfoia@od.nih.gov)>
Subject: RE: Question re: FOIA

Hi Roger –

I am writing to check in on the status of my FOIA request (case number 55981), which I submitted back in February. I would appreciate any information you can provide on when I may expect a response.

Thanks,
Michael

waterskrauspaul

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From: Michael Connett

Sent: Friday, July 30, 2021 9:10 AM

To: Roger.bordine@nih.gov

Cc: NIH FOIA <nihfia@od.nih.gov>

Subject: RE: Question re: FOIA

Hi Roger –

I'm writing to check on the status of my FOIA request (case number 55981). Is there a way to estimate when I can expect to receive a response?

Would appreciate any insights you can share.

Thank you,
Michael

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