Exhibit B

Submit New Request

23-00462-FOIA

Requester Details

o modify request details please update your requester profile or contact the our office for assistance.

Christopher Wiest
Attorney
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Requester Default Category: All Others

General Information

ction Office	HQ CDC/ATSDR FOIA Office
ction Office Instructions	1600 Clifton Road, N.E., MS D-54 Atlanta, Georgia 30152
equest Type	FOIA
equester Category	Non-Commercial Scientific
elivery Mode	E-mail

Shipping Address

treet1	25 Town Center Blvd
treet2	Ste. 104
ity	Crestview Hills
tate	Kentucky
tate (Other)	
ountry	United States
ip Code	41017

Request Information

escription	All data obtained from v-safe users/registrants from the free text fields within the v-safe program for COVID-19 vaccines and the registrant code associated with each free text field/entry. (Note that all records from pre-populated fields, other than registrant code, can be excluded).
ate Range for Record earch:From	10/01/2020
ate Range for Record earch:To	12/31/2022
escription Document	CDC v-safe free text request.pdf

Fee Information

illing Amount	$25
ee Waiver Requested	Yes ,CDC v-safe free text request.pdf
ee Waiver Request Reason	See attached.
illing to Pay All Fees	No

Billing Address

treet1	25 Town Center Blvd
treet2	Ste. 104
ity	Crestview Hills

tate	Kentucky
tate (Other)	
ountry	United States
ip Code	41017

ther Information

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tate	Kentucky
tate (Other)	
ountry	United States
ip Code	41017

xpedite Information

xpedite Reason	See attached.

January 3, 2023

Freedom of Information Officer
Centers for Disease Control and Prevention
1600 Clifton Road, N.E., Building 57, Room MS D-54
Atlanta, Georgia 30333

RE: Expedited Processing Requested for Accompanying Freedom of Information Act (FOIA) Request for V-Safe's Free Text Fields

Dear FOIA Officer,

I am writing on behalf of the non-profit organization Freedom Coalition of Doctors for Choice ("**Organization**") and its members. Pursuant to the Freedom of Information Act ("**FOIA**"), the members of this organization would like CDC to provide the following records in an expedited manner and in electronic form: **All data obtained from v-safe users/registrants from the free text fields within the v-safe program for COVID-19 vaccines and the registrant code associated with each free text field/entry. (Note that all records from pre-populated fields, other than registrant code, can be excluded).**

Freedom Coalition of Doctors for Choice is a nonprofit and asks that you waive any and all fees or charges pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) on the basis that "disclosure of the [requested] information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government[.]" The disclosure of the requested information will contribute to the public's understanding in at least three ways: (1) the disclosure of the requested information will provide the public with primary source documentation of the reactions v-safe participants experienced during regularly set intervals after receiving various doses of the COVID-19 vaccines originally approved under the government issued Emergency Use Authorization; (2) this data will shed light on the overall safety and efficacy of the COVID-19 vaccines for the over 10 million v-safe participants, a substantial sample size to synthesize important information regarding the vaccines' safety and efficacy; and (3) the disclosure of the information described above will shed light on whether CDC and other health agencies appropriately monitored and acted upon the information provided by v-safe participants. The information the Organization requests will not contribute to any commercial activities.

Furthermore, the Organization also requests CDC provide expedited processing for this request. The information requested concerns matters of urgent public concern. The Organization's request for expedited processing should be granted because it qualifies under the "compelling need" analysis, as defined by FOIA. FOIA provides for "expedited processing of requests for records" upon a showing of a "compelling need." 5 U.S.C. § 552(a)(6)(E)(i)(I). A requestor shows a "compelling need" when it is (1) "primarily engaged in disseminating information," and (2) there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(II). This request demonstrates both requirements below:

The requester is primarily engaged in disseminating information

The Freedom Coalition of Doctors for Choice is a not-for-profit organization that exists for the sole purpose of obtaining and disseminating to the public the free-text fields in the CDC's v-safe database. It is made up of medical and public health professionals, scientists, and journalists. Many of these individuals individually share with the public their findings, research, and professional opinions about Covid-19 and related issues. The coalition itself takes no position on this data other than that it should be made available to the public and the scientific community as soon as possible. It pledges that all data obtained from this request will be made available on its website – drsforchoice.org – upon receipt.

There is an urgency to inform the public concerning actual or alleged Federal Government activity.

In determining whether there is an "urgency to inform," and hence a "compelling need," courts must consider at least three factors: (1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns Federal Government activity. *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C. Cir. 2001). All three factors are present here and weigh in favor of granting expedited processing of the Organization's FOIA request.

CDC is the federal agency responsible for administering and monitoring the v-safe program. CDC's website describes v-safe as an internet-based program that allows participants to "tell CDC how you, or your dependent, feel after getting any dose of COVID-19 vaccine."[1] One of the purposes of the program "is to rapidly characterize the safety profile of COVID-19 vaccines when given outside a clinical trial setting and to detect and evaluate clinically important adverse events and safety issues that might impact policy or regulatory decisions."[2] A major source of information CDC could use to detect and evaluate clinically important adverse events and safety issues was the data obtained from v-safe users/registrants, generated from the free text questions and responses within the v-safe program – the same information the Organization seeks in this request.

The contents of the information sought by this request could be analyzed and synthesized in meaningful ways to enable the public to better understand the potential benefits and risks involved in taking COVID-19 vaccines – or as the CDC currently recommends to all people ages 5 years and older – the COVID-19 vaccine booster.[3] Without this information, which the CDC currently possesses but has not disclosed, the public is missing critical primary source information regarding v-safe participants' experiences taking the COVID-19 vaccines and the recommended boosters. Preventing the public and the scientific community from immediately accessing,

[1] https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/vsafe.html.

[2] https://www.cdc.gov/vaccinesafety/pdf/V-safe-Protocol-508.pdf.

[3] https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html.

analyzing, and synthesizing this information compromises the public's significant recognized interest of informed consent.[4]

The information sought is more urgent than ever because the federal government has recently implemented policies and messaging campaigns in order to promote the public's consent and access to the COVID-19 vaccines and boosters. However, to derive the public's informed consent, the federal government has an obligation to balance its messaging with – at the very least – access to the information it possesses regarding the possible risks and harms from receiving these medical products.

For example, transparency is even more critical now that the Advisory Committee on Immunization Practices (ACIP) has voted to add the COVID-19 vaccines to the routine childhood immunization schedule.[5] This new policy may very likely cause states to create policies that grant or restrict certain privileges, such as attending school, based upon a child's COVID-19 vaccination status. Without disclosure, parents who are confronted with COVID-19 vaccine mandates are forced to choose between allowing their children to receive a vaccine without all the information available to make an informed decision, or their child being prevented from receiving an education based upon their vaccination status. Therefore, no matter a parent's choice when confronted with a COVID-19 vaccine mandate, a delay in the disclosure of the information sought in this request would compromise the public's significant recognized interest of informed consent.

As another example, the Biden administration has recently launched a major messaging campaign to increase the public's interest in receiving COVID-19 boosters.[6] With the Biden administration's "new push to encourage families to get the updated COVID-19 vaccine" which includes "vaccination events" at "Head Start provider locations" under HHS' "#VaxUpAmerica Family Vaccine Tour," it is critical that the public has the latest information regarding possible signals of adverse reactions from these vaccines.[7] Any delay in the processing of the request would deny families the information they need to provide their informed consent to the external pressures and messaging resulting from the current administration's actions.

Therefore, as demonstrated above, the Organization has shown (1) it is primarily engaged in disseminating information, and (2) there is an urgency to inform the public concerning actual or alleged Federal Government activities. Thus, the Organization's request for expedited processing should be granted.

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[4] Notions of informed consent have been codified in jurisdictions across the United States. For example, in Texas, a "recovery may be obtained [when there is] negligence in failing to disclose the risks or hazards that could have influenced a reasonable person in making a decision to give or withhold consent." Tex. Civ. Prac. & Rem. Code § 74.101. Similarly, in New York, "informed consent shall include as a minimum, the specific procedure or treatment or both, their reasons for it, the reasonably foreseeable risks and benefits involved, and the alternatives for care or treatment, if any . . . ." 10 NYCRR § 405.7 (b)(9).

[5] https://www.aha.org/news/headline/2022-10-21-acip-recommends-adding-covid-19-vaccine-information-immunization-schedules.

[6] https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/25/fact-sheet-president-biden-to-announce-additional-efforts-to-help-americans-get-their-free-updated-covid-19-vaccine-this-fall/.

[7] *Id.*

CDC's records are subject to disclosure under FOIA and are not otherwise exempt from disclosure pursuant to FOIA's nine statutory exemptions. To the extent that a determination is made by CDC that any limited portions of the records described above will be withheld from disclosure for this request, the Organization requests that the CDC segregate and disclose any portions of the records that are not exempt. Please expressly identify any exempt responsive records (or portions thereof) and the applicable FOIA exemptions for any responsive materials withheld for this FOIA request.

Our organization also requests that the agency provide an estimated date of completion for this request. Please inform me in writing if there are any "unusual circumstances" that will cause delay in responding to this FOIA request or providing the records which are requested.

If you have any questions regarding this FOIA request, please feel free to contact me at Chris@cwiestlaw.com or 513-257-1895.

Thank you in advance for your assistance in processing this request.

Regards,

/s Christopher Wiest
Christopher Wiest