

# EXHIBIT H

## Torres, Christopher

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**From:** Briscoe, Brittany (OS/ASPA) (CTR) <Brittany.Briscoe@hhs.gov>  
**Sent:** Monday, November 13, 2023 10:20 AM  
**To:** Torres, Christopher  
**Cc:** Sheeran, Andrew; Weida, Jason  
**Subject:** RE: HHS FOIA Clarification Letter -- 2023-01153-FOIA-OS

Hello Christopher C. Torres

Thank you for your email. At this time we are still waiting to hear from a division on if they have responsive records to your request. You were previously asked to clarify the request because you provided us with names, and emails for an outside organization and asked us to search what communications HHS has had with those persons. Unfortunately, we cannot run a search like that, it is not how our system functions especially because HHS is decentralized. If you want to know what emails Katy DeBriere has had with HHS, we would need to know an HHS employee or HHS domain name which to search for those possible conversations. We have still been working with other divisions to get possible responsive records to the rest of your request. I hope this email gives a better understanding of my previous clarification request and adequately updates you on the status of your request.

Brittany Briscoe  
OS FOIA Division Intake  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)

**From:** Torres, Christopher <Christopher.Torres@ahca.myflorida.com>  
**Sent:** Thursday, November 2, 2023 3:19 PM  
**To:** Briscoe, Brittany (OS/ASPA) (CTR) <Brittany.Briscoe@hhs.gov>  
**Cc:** Sheeran, Andrew <Andrew.Sheeran@ahca.myflorida.com>; Weida, Jason <Jason.Weida@ahca.myflorida.com>  
**Subject:** RE: HHS FOIA Clarification Letter -- 2023-01153-FOIA-OS

Good afternoon, Ms. Briscoe,

In consideration of your most recent email of October 16, 2023, we held a meeting with the head of our information systems to discuss the problem you raised (that the proposed search as provided was too broad without knowing the specific HHS employee recipients or their email addresses) along with possible solutions. The concern from our end is that the information that you are requesting (i.e., the names and/or email addresses of personnel within HHS connected to the information we are seeking) is impossible for us to satisfy. In short, the reason we made this request is precisely because we know almost nothing about the possible communications requested except the names and email addresses of the outside parties (employees with Florida Health Justice Project and the National Health Law Program) and the topic of discussion (Medicaid Redeterminations). Who these individuals may have communicated with at HHS and what they discussed is exactly what we need to learn.

While we neither agree with nor understand the stated technical challenges of locating the information as previously requested, to resolve this impasse we suggest that HHS only search for those emails to or from the individuals previously identified in our first request. The time frame for the search, as originally stated, should be from January 1, 2023, until the submission of our FOIA request (August 28, 2023). Specifically, the individuals are:

Florida Health Justice Project ("FHJP")

- a. Katy DeBriere – Legal Director, [debriere@floridahealthjustice.org](mailto:debriere@floridahealthjustice.org)
- b. Miriam Harmatz – Director of Advocacy, [harmatz@floridahealthjustice.org](mailto:harmatz@floridahealthjustice.org)
- c. Lynn Hearn – Senior Attorney, [hearn@floridahealthjustice.org](mailto:hearn@floridahealthjustice.org)

National Health Law Program (“NHLP”)  
North Carolina Office

- a. Sarah Grusin – Senior Attorney, [grusin@healthlaw.org](mailto:grusin@healthlaw.org)
- b. Miriam Heard- Senior Attorney, [heard@healthlaw.org](mailto:heard@healthlaw.org)
- c. Amanda Avery- Senior Attorney, [avery@healthlaw.org](mailto:avery@healthlaw.org)
- d. Jane Perkins- Litigation Director, Senior Advisor to the Executive Director, [perkins@healthlaw.org](mailto:perkins@healthlaw.org)

Thank you again for your assistance. Please contact us if you have any other questions regarding the parameters of AHCA’s FOIA request.

Christopher C. Torres  
Chief of Civil Litigation  
AHCA

**From:** Briscoe, Brittany (OS/ASPA) (CTR) <[Brittany.Briscoe@hhs.gov](mailto:Brittany.Briscoe@hhs.gov)>  
**Sent:** Monday, October 16, 2023 10:56 AM  
**To:** Torres, Christopher <[Christopher.Torres@ahca.myflorida.com](mailto:Christopher.Torres@ahca.myflorida.com)>  
**Cc:** Sheeran, Andrew <[Andrew.Sheeran@ahca.myflorida.com](mailto:Andrew.Sheeran@ahca.myflorida.com)>; Weida, Jason <[Jason.Weida@ahca.myflorida.com](mailto:Jason.Weida@ahca.myflorida.com)>  
**Subject:** RE: HHS FOIA Clarification Letter -- 2023-01153-FOIA-OS

Hello Mr. Torres

I have been working with Office of the Chief Information Officer (OCIO), one of the divisions who would possibly have records responsive to your request since receiving the updates from you. As your request stands, we can not run a search of emails as none of the names and or emails provided are HHS employees/domains. The Office of the Chief Information Officer reports due to technology constraints, HHS cannot run a blind search against all users in HHS or an operating/staff division. Electronic searches run against our live email system and a search against all HHS employees would crash our system.

Regarding the search terms, we would need the domain names for each entity in the list so that we could identify emails to or from a custodian to those entities. For example, “emails to or from Jane Doe ([Jane.Doe@hhs.gov](mailto:Jane.Doe@hhs.gov)) and @organization.org or @commercial\_entity.com” with specific key words and date ranges.

Please let me know if you have any HHS employees, HHS employee emails/domain names that I can include in your request so that a search for emails can be conducted.

Brittany Briscoe  
OS FOIA Division Intake  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)