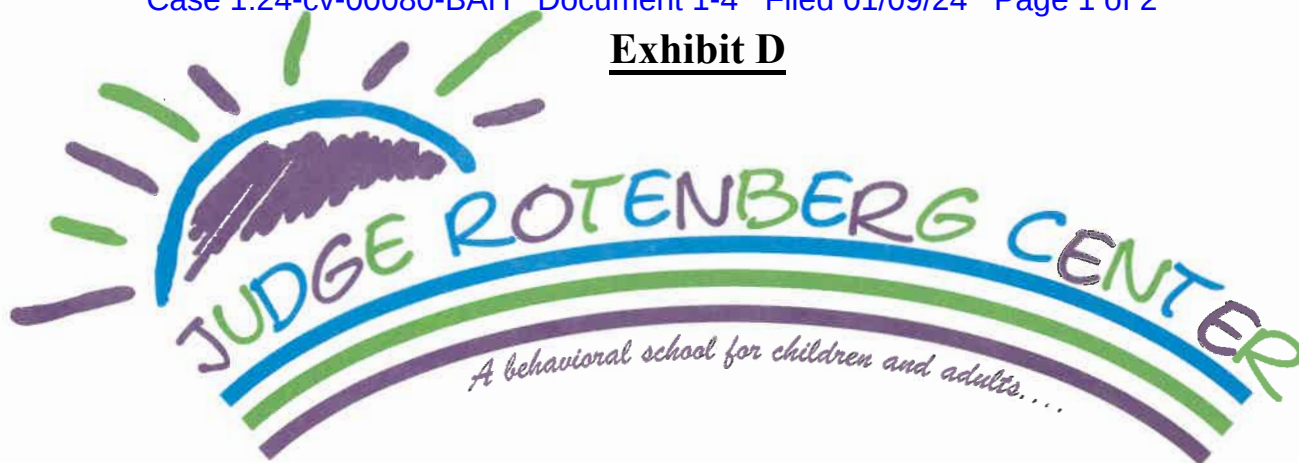


Exhibit D



November 21, 2022

VIA WEB PORTAL

(<https://requests.publiclink.hhs.gov/App/Index.aspx>)

U.S. Department of Health and Human Services
Office of the Secretary
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, S.W.
Washington, D.C. 20201

**Re: Freedom of Information Act Request for Records Concerning
The Judge Rotenberg Educational Center, Inc./Electrical Stimulation Devices**

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and its implementing regulations, 45 C.F.R. Part 5, I hereby request, on behalf of The Judge Rotenberg Educational Center, Inc. (“JRC”) in my capacity as JRC’s Executive Director, a copy of all communications, that were sent, obtained, received, created, generated, drafted, or dated from March 29, 2022 through the present, between the U.S. Department of Health and Human Services (the “Department”) (including, but not limited to, the Office of the Secretary, the Office of the General Counsel, the Office for Civil Rights, and the Administration for Community Living) and the U.S. Congress, the U.S. Food and Drug Administration (“FDA”), the U.S. Department of Justice (including, but not limited to, the Civil Rights Division), the Massachusetts Attorney General’s Office, and the Massachusetts Department of Developmental Services, concerning, relating to, describing, evidencing, regarding, or referring to JRC, aversive therapy, aversive conditioning devices, electrical stimulation devices, or the Graduated Electronic Decelerator device. For purposes of this FOIA request, the term “communications” includes, but is not limited to: transcripts, notes, and minutes of telephone calls, audiovisual meetings, or in person meetings; emails; letters; faxes; memoranda; reports; correspondence; and all other forms of communication. Further, for purposes of this FOIA request, all references to regulatory entities

and legislative bodies include their respective present and former attorneys, agents, employees, consultants, staff, members, representatives, commissioners, and secretaries.

This request does not seek: (i) Department records that are publicly available in FDA docket numbers FDA-2014-N-0238, FDA-2016-N-1111, FDA-2020-P-1166, or FDA-2020-P-1181; (ii) Department records that are publicly available in D.C. Circuit docket numbers 20-1087 or 20-1088; or (iii) Department records that were previously produced in response to FOIA requests numbered 2016-7308, 2016-7184, 2016-7106, 2017-1440, 2018-5569, 2019-11744, 2022-2434.

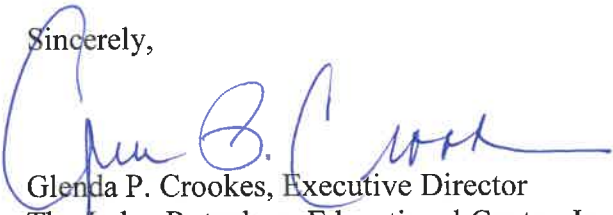
In the interest of receiving the requested materials as quickly as possible, JRC is happy to accept interim responses on a rolling basis. JRC will pay all reasonable fees in supplying this information. If these fees should exceed \$250, please contact me for authorization to proceed.

JRC asks that you please adhere to the statutory and regulatory requirements governing access to public information (5 U.S.C. § 552; 45 C.F.R. Part 5) as well as the March 15, 2022 Freedom of Information Act Guidelines issued by the Attorney General. In accordance with those legal requirements, if you deny any part of this request, please cite each specific reason that you think justifies your refusal to release the requested information and state the harm to the interest protected by a FOIA exemption that you reasonable foresee would be caused by disclosure. If you withhold any portion of a record, please release the remaining portion(s) of the record.

JRC looks forward to receiving processed records in a timely manner.

If you have any questions while processing this request, please contact me or JRC's counsel, Matthew D. Rodgers, Esq., at (617) 342-6817 or mrodgers@eckertseamans.com.

Sincerely,



Glenda P. Crookes, Executive Director
The Judge Rotenberg Educational Center, Inc.
250 Turnpike Street, Canton, MA 02021
(781) 828-2202
g.crookes@judgerc.org

cc: Matthew D. Rodgers, Esq. (via email)