

Exhibit 8



DEFENSE HEALTH AGENCY
7700 ARLINGTON BOULEVARD, SUITE 5101
FALLS CHURCH, VIRGINIA 22042-5101

December 19, 2023

Aaron Siri
200 Park Ave
17th Floor
New York, NY 10166

DHA Initial Case No: 2024-00194-F (Commercial Use Category)

Dear Aaron Siri:

This is in response to your December 7, 2023, Freedom of Information Act (FOIA) request received by the Defense Health Agency (DHA) on December 8, 2023. Your request has been assigned FOIA tracking number 2024-00194-F. You are seeking the following:

“All data sets, study designs, and analysis plans for the study titled, “A Prospective Study of the Incidence of Myocarditis/Pericarditis and New Onset Cardiac Symptoms following Smallpox and Influenza Vaccination.”¹

Responsive records should include all drafts, amendments, and final versions of the study designs and analysis plans. Information helpful to fulfilling the request: Walter Reed National Military Medical Center Department of Research Programs is the likely custodian of responsive records.

This correspondence serves as an interim response to your FOIA request. Presently, we are unable to respond to your request within the FOIA’s 20-day statutory time period due to a high volume of requests, limited resources, and the need to search for and collect records from a facility geographically separated from this office. Additionally, requests with a potential high volume of responsive records could further delay the response time. As such, the DHA may choose to provide rolling releases to constitute its response.

In accordance with 32 Code of Federal Regulations Part § 286.8(a), the DHA FOIA Service Center responds to requests in the order received. Your request has been logged into our Complex queue and the **estimated** completion date is January 24, 2024. We regret the substantial delay in processing requests. However, we will endeavor to process this request and provide responsive documents as soon as possible.

With the Freedom of Information Reform Act of 1986, Congress amended the FOIA to allow some processing costs to be passed on to the requesters. Also, the DoDM Manual 5400.07, DoD Freedom of Information Act Program, January 25, 2017, states, regardless of the requester’s fee category, all requesters must agree to pay the likely chargeable fees associated with processing their requests. This regulation also allows the assessment of search fees even if

no responsive records are located; or if responsive records are located but determined to be exempt from release.

We have classed your request as a “commercial-use” request. As a “commercial use” requester, you are expected to pay for the cost of searching for responsive records, the cost of reviewing responsive records found for a release determination, and the cost of duplication of responsive records released. Your FOIA request indicates your willingness to pay \$100.00 for responsive records. As a matter of policy, the DHA does not bill requesters when their fees do not exceed \$25.00; and this office will notify you prior to proceeding if the cost exceeds the amount you have indicated. Consequently, all fees will be waived for this request because we are unable to meet the 20-day statutory time limit.

For any further assistance concerning the processing of this request, you have the right to contact the Defense Health Agency Public Liaison Officer, Mr. Joseph Davidge at DHA FOIA Public Liaison Office (J-1/EASI), 7700 Arlington Blvd, Suite 5101, Falls Church, VA 22042-5101, dha.foiapublicliaison@health.mil or (703) 681-3310.

If you have any questions about the processing of your request under the FOIA, please contact the DHA FOIA Service Center at (703) 681-3310 or email: DHA.FOIA@health.mil and refer to FOIA tracking number referenced above.

Sincerely,

Vivian Gales-
Wilkes

Digitally signed by Vivian
Gales-Wilkes
Date: 2023.12.19
11:20:21 -05'00'

Mrs. Vivian Gales-Wilkes
FOIA and Privacy Act Integrator
DHA FOIA Requester Service Center