

Exhibit 3

S&G Information Request Staff

From: S&G Information Request Staff
Sent: Friday, January 15, 2021 2:22 PM
To: NIH FOIA
Cc: Torres, Cora (NIH/OD) [E]
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required (IR#0325)

Good afternoon,

Can you please advise on the status of the above referenced request? Even better, can you provide an estimated date when we can receive production? That would allow us to avoid monthly/ bi-monthly status requests!

Kind regards,
Ashley

From: NIH FOIA <nihfoia@od.nih.gov>
Sent: Wednesday, November 18, 2020 2:35 PM
To: S&G Information Request Staff <foia@sirillp.com>
Cc: Torres, Cora (NIH/OD) [E] <cora.torres@nih.gov>
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required (IR#0325)

Good afternoon,

I apologize for the delay and thank you so much for your patience. We are still conducting the search for your records.

Thank you,

Cora Torres

From: S&G Information Request Staff <foia@sirillp.com>
Sent: Tuesday, November 17, 2020 10:23 AM
To: NIH FOIA <nihfoia@od.nih.gov>
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required (IR#0325)

Good morning,

It has now been 92 work days since our request was submitted, on August 17, 2020. Can you please kindly provide an update on this request?

Thank you,
Ashley Plescia, Paralegal

From: NIH FOIA <nihfoia@od.nih.gov>
Sent: Monday, October 5, 2020 3:17 PM
To: S&G Information Request Staff <foia@sirillp.com>
Cc: NIH FOIA <nihfoia@od.nih.gov>
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required (IR#0325)

Good Afternoon,

The status of this request is that we are still waiting for searches to come back and at this point, we do not have any responsive records yet or any context to provide to you.

As you can imagine, because the custodians you identified in your request are actively working on fighting the pandemic, it is taking some time to get the records back from those custodians.

We invite you to please continue to contact our office with any other questions that may arise, but at this point we do not have any additional updates to share.

Thank you.

Roger Bordine

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Building 31, Room 5B35
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Bethesda, MD 20892

Phone: 301-496-5633

Fax: 301-402-4541

Roger.bordine@nih.gov



From: S&G Information Request Staff <foia@sirillp.com>
Sent: Wednesday, September 30, 2020 1:18 PM
To: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>
Cc: NIH FOIA <nihfoia@od.nih.gov>; S&G Information Request Staff <foia@sirillp.com>
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required (IR#0325)

Can you kindly advise when we can expect a response for the above matter? Our FOIA request was originally submitted August 17, 2020 and expedited processing was granted September 9, 2020.

Thank you!
Ashley Plescia, Paralegal

From: Elizabeth Brehm <ebrehm@sirillp.com>
Sent: Wednesday, September 9, 2020 3:03 PM
To: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>; S&G Information Request Staff <foia@sirillp.com>
Cc: NIH FOIA <nihfoia@od.nih.gov>
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required

Great, thank you, Roger.

From: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>
Sent: Wednesday, September 9, 2020 4:02 PM
To: Elizabeth Brehm <ebrehm@sirillp.com>; S&G Information Request Staff <foia@sirillp.com>
Cc: NIH FOIA <[nihfoia@od.nih.gov](mailto:.nihfoia@od.nih.gov)>
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required

Thank you very much,

Your email was helpful and the NIH FOIA Office has now granted expedited processing.

Thank you.

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Roger.bordine@nih.gov



From: Elizabeth Brehm <ebrehm@sirillp.com>
Sent: Wednesday, September 9, 2020 3:13 PM
To: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>; S&G Information Request Staff <foia@sirillp.com>
Cc: NIH FOIA <[nihfoia@od.nih.gov](mailto:.nihfoia@od.nih.gov)>
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required

Hi Roger,

Thank you for following up. ICAN is interested in records related only to the pandemic which is why ACTIV (Accelerating COVID-19 Therapeutic Interventions and Vaccines) is a search term and why we explained that the request was related to the cited interview of Dr. Francis Collins.

I would imagine there would not be many responsive documents related to Lupus as: (i) the dates are fairly limited to the past 5 months (April 17, 2020); (ii) the searches are limited to 12 specific people; and (iii) there are only 3 search terms to be used in conjunction with the Hydroxychloroquine/HCQ/Plaquenil terms that *do not* specifically limit the search to something COVID-related: preclinical OR pre-clinical OR WG. If there are in fact many work groups or preclinical-related documents dealing with lupus and not COVID from these individuals during this time period, it would be helpful to know that so that we can discuss next steps. However, I feel that limiting our search at this time with additional search terms will only complicate things and risk relevant documents not being captured for very little pay off.

Please advise and let me know if I can offer any other information. I appreciate your assistance.

Regards,
Elizabeth

From: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>
Sent: Wednesday, September 9, 2020 12:10 PM
To: Elizabeth Brehm <ebrehm@sirillp.com>; S&G Information Request Staff <foia@sirillp.com>
Cc: NIH FOIA <nihfoia@od.nih.gov>
Subject: RE: NIH FOIA Request - 54934 Siri - Clarification required

Good Afternoon,

Please see the email sent to you last week seeking further clarification regarding case number 54934.

Thank you.

Roger Bordine
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Phone: 301-496-5633
Fax: 301-402-4541
Roger.bordine@nih.gov



From: NIH FOIA
Sent: Wednesday, September 2, 2020 3:34 PM
To: 'Elizabeth Brehm' <ebrehm@sirillp.com>; NIH FOIA <nihfoia@od.nih.gov>; S&G Information Request Staff <foia@sirillp.com>
Subject: RE: NIH FOIA Request - 54933 Siri - Clarification required

Thank you for your clarification,

In reference to NIH FOIA case number 54934, the issue is that you ask for expedited processing related to COVID-19, but then seek records that do not restrict the search to that topic. That is why it influences our decision on approving expedited processing. Hydroxychloroquine (or HCQ or Plaquenil) are used to treat lupus, and NIH conducts lupus research. To finalize our determination and to speed our search for responsive records, we would need to know that you are interested in records related to the pandemic, as opposed to, e.g., lupus, and your request must include specificity.

Thank you.

Roger Bordine

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Fax: 301-402-4541
Roger.bordine@nih.gov



From: Elizabeth Brehm <ebrehm@sirillp.com>
Sent: Wednesday, September 2, 2020 1:26 PM
To: NIH FOIA <nihfoia@od.nih.gov>; S&G Information Request Staff <foia@sirillp.com>
Subject: RE: NIH FOIA Request - 54933 Siri - Clarification required

Hi Roger. Please see below in response to your below emails:

Request 54933:

1. Yes, where the request mistakenly says "FDA" please correct to NIH. Thank you.
2. Please search the following 12 individuals' records: Francis Collins; Anthony Fauci; Gary Gibbons; James Anderson; Marc Charette; Christine Colvis; Joshua Fessel; Clint Florence; Judith Hewitt; Samantha Jonson; Elizabeth Ottinger; and Antonella (Tony) Punturieri.

Request 54934:

1. The search terms you mention (pre-clinical, preclinical, WG) should only be hit upon if the document also hits upon one or more of the terms "hydroxychloroquine" OR "HCQ" OR "Plaquenil."
2. I am not sure what you mean by: "In order to move forward with a new determination for expedited processing in this case, the request should be amended to require various permutations of the term COVID-19." There are no search terms that we requested that involve the phrase "COVID-19" and so no need to have different permutations.

The terms we would like searched in the listed individuals' emails are:
(ACTIV OR preclinical OR pre-clinical OR WG) AND (hydroxychloroquine OR HCQ OR Plaquenil)

As explained: These search terms should capture any emails that contain one or more of the terms within the first parenthetical *in addition to* one or more of the terms in the second parenthetical. For example, if an email contains the term "preclinical" *but does not contain* "hydroxychloroquine" or "HCQ" or "Plaquenil," it would not be responsive.

Please let me know if this answers all of your questions. I am also open to discussing on a call if that would make things easier.

Thank you for your help.
Regards,

Elizabeth

From: NIH FOIA <nihfoia@od.nih.gov>
Sent: Wednesday, September 2, 2020 12:55 PM
To: Elizabeth Brehm <ebrehm@sirillp.com>; S&G Information Request Staff <foia@sirillp.com>
Cc: NIH FOIA <nihfoia@od.nih.gov>
Subject: NIH FOIA Request - 54933 Siri - Clarification required

Good Afternoon,

Upon further review of the request, 54933, this request is improper to begin with and cannot be processed until clarified. In order for a proper search to be conducted in an expedited timeline, please clarify the scope considering the following:

- 1) When the ICAN request states, "FDA" is that supposed to mean "NIH," and
- 2) Which specific NIH employee's emails (limiting to a reasonable amount of named individuals) would you like to be searched? "All communications" across the roughly 18,000+ employees at the NIH is far too broad for a proper search to be conducted.

This request has been placed on hold until you have clarified the above elements of your request.

Thank you.

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From: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>
Sent: Wednesday, September 2, 2020 12:24 PM
To: Elizabeth Brehm <ebrehm@sirillp.com>; S&G Information Request Staff <foia@sirillp.com>

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

Subject: RE: NIH FOIA Requests - 54933 and 54934 Siri

Good Afternoon,

Considering these explanations for expedited processing, please see below:

The NIH FOIA Office grants expedited processing for case number 54933.

Request number 54934 is being reconsidered for expedited processing. However, as you know, the terms listed are too broad to enable the agency to process this request within a reasonable timeline. Specifically, "pre-clinical" or "preclinical" or "WG" (working group) are extremely broad terms in a year where just one custodian has received tens of thousands of emails on the topic. In order to move forward with a new determination for expedited processing in this case, the request should be amended to require various permutations of the term COVID-19. Also, the request should be amended to the custodians' "Sent" folders if you would like a response in a more reasonable timeline.

Thank you.

Roger Bordine

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Roger.bordine@nih.gov



From: Elizabeth Brehm <ebrehm@sirillp.com>

Sent: Tuesday, September 1, 2020 9:29 PM

To: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>; S&G Information Request Staff <foia@sirillp.com>

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

Subject: RE: NIH FOIA Requests - 54933 and 54934 Siri

Roger,

I received the two denials of expedited processing on FOIA Request Nos. 54933 and 54934. However, the denial letters state an incorrect reason for the expedited processing request. Neither request states that, "The COVID-19 mRNA based vaccine is a matter of immediate concern to the American public, given the extensive media and public interest in the fate of the clinical trials." I have attached again for your review ICAN's submitted request, each of which contain its own justification and explanation for expedited processing. Please (1) confirm that these are the FOIA requests the agency received and (2) kindly review them and their individualized and specific reasoning for expedited processing and advise of the agency's decision on each.

Thank you,

Elizabeth Brehm

From: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>

Sent: Tuesday, September 1, 2020 6:34 PM

To: S&G Information Request Staff <foia@sirillp.com>

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

Subject: NIH FOIA Requests - 54933 and 54934 Siri

Good Afternoon,

Please see the attached letters concerning two of your NIH FOIA requests.

Thank you.

Roger Bordine

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