

Exhibit 101



December 4, 2023

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
FREEDOM OF INFORMATION ACT OFFICE
HUBERT H. HUMPHREY BUILDING, ROOM 729H
200 INDEPENDENCE AVENUE, SW
WASHINGTON, D.C. 20201

Phone: (202) 690-7453

SENT VIA HHS ONLINE PORTAL: <https://requests.publiclink.hhs.gov/App/Index.aspx>

RE: Freedom of Information Act (“FOIA”) Request of Ehsan Zandifar (our file: Zandifar - HHS)

Dear Chief FOIA Officer of the Department of Health and Human Services,

I, C. Peter Sorenson, am writing on behalf of Ehsan Zandifar. His address is 3051 Brighton 3rd Street, Apt #313, Brooklyn, New York, 11235. Sorenson Law LLC can be reached via email at peter@sorensonfoialaw.com.

Ehsan Zandifar has asked me to represent him on the matter of making this FOIA request.

This request (see below in Section I) involves records in the possession of the Department of Health and Human Services (HHS) involving Zandifar’s work at the University of Washington School of Medicine.

I. REQUEST

Dr. Zandifar requests, pursuant to the FOIA, records from the Department of Health and Human Services (hereafter HHS):

- 1) All records which discuss or describe Dr. Ehsan Zandifar’s work at the University of

Washington School of Medicine;

- 2) All records discussing or describing IRB Number: HSD49496 mentioning Dr. Zandifar;
- 3) All records discussing or describing Dr. Zandifar on two other IRB approved projects;
- 4) All records discussing or describing Ehsan Zandifar;
- 5) All records which discuss or describe Dr. Ehsan Zandifar's efforts to learn more about the fact that his name was left off a research paper;
- 6) All records discussing or describing his participation in another project named gallbladder polyps vs cancer vs stone;
- 7) All records discussing or describing his participation in renal elastography project, a project at the University of Washington;
- 8) All records discussing or describing any communication about Dr. Zandifar's complaint to the ombudsman office;
- 9) All records discussing or describing any communication about Dr. Zandifar's complaint to the office of vice dean of research Dr. John Slattery;
- 10) All records discussing or describing any communication about Dr. Zandifar's complaint to Ms. Gail Gray;
- 11) All records discussing or describing any communication about Dr. Zandifar's complaint to Dr. Dighe, director of body imaging;
- 12) All records discussing or describing any communications inside University of Washington or DHHS after Dr. Zandifar became aware that his research was published without respect to his authorship right;
- 13) All records discussing or describing any communications inside UW or DHHS with the Diversity, Equity and Inclusion office, DEI office and the office of President of UW, president provost, UW medical school, director of personal policy, human resources, department of radiology including but not limited to Ms. Northquist, Ms. Barbara Van Ess, Ms. Gail Gray, BRIT and UCIRO officers, Ms. Alina Mc Lauchlan;
- 14) All records discussing or including his complaint to DHHS filled office;
- 15) All records discussing or describing in the DHHS about his previous FOIA request No. 2023-00104-FOPA-OS/ which has been withdrawn by him.

II. TIME FRAME OF THIS REQUEST

The time frame for this request is for all records created or received between July 1, 2016 until an adequate search for responsive records occurs.

III. HOW RESPONSIVE RECORDS SHOULD BE PROVIDED

Dr. Zandifar requests copies of the responsive records for this FOIA request be provided in a digital format, either via email, or stored on a thumb drive, CD or other electronic data storage device. See 5 U.S.C. § 552 (a)(3)(B). Providing these records in an electronic format will save agency staff processing time, as well as reducing the cost of making paper copies of all responsive records.

IV. RECORDS FOR COMMERCIAL USE; PROCESSING FEES

The records sought are for commercial use. If HHS follows all deadlines under FOIA, Dr. Zandifar is willing to pay up to \$50 for the processing of this request. Please inform Sorenson Law LLC if the estimated fees will exceed this \$50 before processing our request.

V. POLICY AND LEGAL DIRECTION FOR OPEN GOVERNMENT

Disclosure of the above referenced agency records are also sought in order to promote government transparency, and to reflect the Administration's policy to support our nation's fundamental commitment to open government. As the Supreme Court has observed, "virtually every document generated by an agency is available in one form or another, unless it falls within one of the Act's nine exemptions." *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 136 (1975). FOIA was designed to "pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny," see, e.g., *Dept. of the Air Force v. Rose*, 425 U.S. 352, 361 (1976), and in order "to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978); see also *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *United States Dept. of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989).

The above-described agency records are subject to disclosure under FOIA, and are not otherwise exempt from disclosure pursuant to FOIA's nine statutory exemptions. See 5 U.S.C. § 552(b)(1) - (9). To the extent that a determination is made by your FOIA office staff that any limited portions of the records listed above will be withheld from disclosure for this request, FOIA expressly requires all agencies to disclose "[a]ny reasonably segregable portion of a record . . . after deletion of the portions of the record which are exempt." 5 U.S.C. §552(b). See, e.g., *Oglesby v. U.S. Dept. of Army*, 79 F.3d 1172, 1178 (D.C. Cir. 1996); see also *Abdelfattah v. U.S. Dept. Of Homeland Security*, 488 F.3d 178, 186-187 (3rd Cir).

The 2007 Openness Promotes Effectiveness in our National Government Act amendments to FOIA (the "OPEN Government Act") requires identification of the amount of any material withheld, the location of any withholdings, a direct reference to the specific statutory exemption supporting each withholdings asserted, and if technically possible, also require that this information shall "be indicated at the place in the record where such deletion is made." See 5 U.S.C. § 552(b). Therefore, I would appreciate your assistance in expressly identifying any exempt responsive records (or portions thereof) and the applicable FOIA exemptions for any responsive materials withheld for this FOIA 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, and in addition, please provide the approximate date that you anticipate a final response will be provided.

VI. AUTHORIZATION

Dr. Zandifar has authorized me to make this request on its behalf and to receive records on behalf of it. Furthermore, Sorenson Law Office is willing and able to sign any forms the agency may require to formalize this request.

VII. CONSEQUENCES OF AGENCY FAILURE TO FOLLOW DEADLINES

An effect of the 2007 Amendments was to impose consequences on agencies that fail to comport with FOIA's requirements. See S.Rep. No. 110-59. To underscore Congress's belief in the importance of the statutory time limit, the 2007 Amendments declare that "[a]n agency shall not assess search fees ... if the agency fails to comply with any time limit" of FOIA. § 552(a)(4)(A)(viii) (emphasis added). *Bensman v National Park Service*, 806 F.Supp.2d 31 (DCD 2011).

Therefore, I would appreciate your assistance in expressly identifying any exempt responsive records (or portions thereof) and the applicable FOIA exemptions for any responsive materials withheld for this FOIA request.

VIII. ESTIMATED DATE OF COMPLETION REQUESTED

Dr. Zandifar specifically requests the agency to provide an estimated date of completion for this request.

IX. CONTACT

Please provide a receipt for this request and provide a tracking number so that we may inquire about the status of this request.

If you have any questions regarding this FOIA request or need help locating documents, or if I can be of any other assistance, please feel free to contact me at (541) 606-9173, or via

email to: peter@sorensonfoialaw.com and gianina@sorensonfoialaw.com.

If you send me any emails, please send a copy of that email to Ms. Gianina Spano at: gianina@sorensonfoialaw.com.

Please provide us the name, email address, and phone number of the person at HHS who will be working on this request.

Thank you in advance for your assistance.

Best,

C. Peter Sorenson
Sorenson Law LLC
PO Box 10836
Eugene, Oregon 97440