

**EXHIBIT B**

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop C5-11-  
06 Baltimore, Maryland 21244-1850



**Office of Strategic Operations and Regulatory Affairs / Freedom of Information**  
**Group Request has been assigned:** Control Number: **032520247069** and PIN: **XK4N**

4/2/2024

**James Orth**  
**Nelson Mullins Riley & Scarborough LLP**  
**330 Madison Avenue**  
**27<sup>th</sup> Floor**  
**New York, NY 10017**

Dear Mr. Orth:

This letter is to acknowledge receipt of your Freedom of Information Act (FOIA) (5 U.S.C. § 552) request and to provide you with a tracking number. The Centers for Medicare & Medicaid Services (CMS) received your FOIA request on **March 25, 2024**, for records pertaining to **“BCRC mass tort claims documents”**.

To check the status of your request as it is being processed, please refer to the CMS FOIA website at <https://foia-request.cms.gov/check-status> and enter the control number and PIN (listed at the top of the page) that has been assigned to your request.

Once we complete our initial analysis of your request, we will initiate a search for responsive records. If, however, we determine that your request needs clarification, we will contact you. Additionally, if our searching units advise us that you have requested a voluminous number of records that requires extensive search, production, and review, we will contact you to discuss options for narrowing the scope to process your request as quickly and efficiently as possible.

Please note that CMS receives a very high volume of FOIA requests. The following unusual circumstances, as defined by 5 USC § 552(a)(6), may affect our ability to fulfill a FOIA request within 20 business days. These include circumstances such as (1) the request requires us to search for and collect records from multiple components and/or field offices; (2) the request involves a voluminous number of records that must be located, compiled, transferred to this office, and reviewed. In addition, given our high volume of requests, and in accordance with federal regulations, our processing policy includes factors such as the date and complexity of the request.

The FOIA assumes that requesters are willing to pay fees up to \$25.00. If estimated fees to process your request exceed \$25.00, we will notify you and may suspend processing until we receive written confirmation that you are willing to pay the estimated fees. Additionally, if the estimated fees exceed \$250.00, the law authorizes us to collect the fees *in advance* of processing the request.

If your request sought a fee waiver or expedited processing, we will send additional communication to provide you with our determination decision(s).

If you are not satisfied with any aspect of the processing and handling of this request, please contact Breita Gillard at 410-786-5126.

You also have the right to seek dispute resolution services from:

Desiree Gaynor  
CMS FOIA Public Liaison  
Centers for Medicare & Medicaid Services  
7500 Security Blvd., MS: C5-11-06  
Baltimore, Maryland 21244-1850  
Telephone: (410) 786-5353 Fax (443)-380-8871

and/or:

Office of Government Information Services  
National Archives and Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely,

*Kathleen Smith*

Kathleen Smith  
Acting Director, Division of FOIA Analysis – B  
Freedom of Information Group

**NEW:** You can now pay for CMS FOIA requests online through a secure website operated by the Department of the Treasury. Please have your invoice (CMS Form 633) readily available and click here to access [Pay.Gov](https://www.pay.gov/public/form/start/1279541226) and pay online. <https://www.pay.gov/public/form/start/1279541226>