

**EXHIBIT A**



Aaron C. Lang  
T: (704) 417-3012  
aaron.lang@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

301 S College Center, 23rd Floor  
Charlotte, NC 28202  
T: (704) 417-3000 F: (704) 377-4814  
nelsonmullins.com

March 22, 2024

**VIA FOIA.GOV PORTAL**

Joseph Tripline  
FOIA Public Liaison  
Centers for Medicare & Medicaid Services  
North Building, Room N2-20-06  
7500 Security Boulevard  
Baltimore, MD 21244  
joseph.tripline@cms.hhs.gov  
FOIA\_Request@cms.hhs.gov

**RE: Freedom of Information Act Request**

Dear Mr. Tripline:

We submit the following request on behalf of The Lanier Law Firm (“Requester”), which has its principal place of business in Houston, Texas pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended. Please provide Requester, through the undersigned as counsel, copies of certain described records in the possession of the Centers for Medicare & Medicaid Services (“CMS”), specifically:

**Communications—including but not limited to emails, text messages, and/or Zoom, Microsoft Teams, or Outlook Calendar invites—created at any time from January 1, 2020 to present, between CMS and the United States Department Health and Human Services (“HHS”), or any subsidiary thereof, regarding the talcum powder mass tort litigation against Johnson & Johnson.**

We are willing to pay all reasonable fees for obtaining the above-requested records. As provided for in 5 U.S.C. § 552(a)(6)(A)(i), please provide us with your determination regarding the above-requested records within twenty (20) days of this request. If waiting for all requested records would cause delay, please send records as they become available. In addition, after a thorough review is conducted, please inform us in writing if any of the above-requested records do not exist. *See Am. Civil Liberties Union v. CIA*, 710 F.3d 422, 426 (D.C. Cir. 2013) (holding that, as a general rule, government agencies must acknowledge the existence of information in response to a FOIA request and may not refuse to confirm or deny the existence of records that do not fall into a FOIA exception).

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Please note that Requester does not seek the names of individuals or any other personally identifiable information (“PII”). CMS should provide unique identifiers for individuals, if available. Otherwise, Requester understands that CMS will redact any PII, including names. If CMS withholds records based on its assessment that statutory exemptions apply to any of the records requested, produce all reasonably segregable material and describe in detail the nature of the information withheld and the specific exemption or privilege.

Moreover, should any documents be withheld in total, we request that you justify the terms of your assertion of exemption and provide an index of allegedly exempted documents. *See Vaughn v. Rosen*, 484 F.2d 820, 828 (D.C. Cir. 1973), *cert. denied sub nom. Rosen v. Vaughn*, 415 U.S. 977 (1974) (holding that when a government agency declines to release documents sought under FOIA, it “should undertake to justify in much less conclusory terms its assertion of exemption and to index the information”).

The Freedom of Information Act requires timely compliance with this request following receipt. Electronic versions in the native format of the requested documents are preferred. For documents not available in this format, please provide records electronically in a text-searchable, static-image format (PDF). Please also provide any data in a workable format such as Microsoft Excel. If terms or codes are not in the form template and/or defined publicly, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request. If your response to any request, or any portion thereof, is to deny it, please set forth in writing the specific reasons for such denial, including which specific exemption you contend applies.

Thank you for your attention and effort in this matter. Please contact me at (704) 417-3012 if you have any questions regarding this request.

Sincerely,

NELSON MULLINS RILEY & SCARBOROUGH LLP

/s/ Aaron C. Lang

Aaron C. Lang