



NELSON MULLINS RILEY & SCARBOROUGH LLP
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April 26, 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, from January 2020 to present concerning the implementation of the United States Department of Health and Human Services’ (“HHS”) global resolution model of Medicare liens or MSP recovery claims in mass tort litigation settlements between any employee within Office of Financial Management of CMS and the following email server and top-level domains:

- @ankura.com
- @archersystems.com
- @lienteam.com
- @eisneramper.com
- @epiglobal.com
- @kroll.com
- @providiollc.com
- @verusllc.com

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- **@alvarezandmarsal.com**
- **@browngreer.com**
- **@jndla.com**
- **@g-settlements.com**
- **@kccllc.com**
- **@milestone.com**
- **@neuralit.com**
- **@sagesettlements.com**

To further narrow this request, please note that we do not seek the entire chapter, section, *etc.*, in any material meeting these parameters, but only the specific chapter, section, *etc.* which contains responsive information. We request you treat and exclude as non-responsive all other sections not containing or addressing the described responsive information. *We only seek processing of those sections containing the described information.* We are willing to pay all reasonable fees for obtaining the above-requested records.

In accordance with 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. Additionally, 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).

If CMS withholds any records or a portion thereof based on its assessment that statutory exemptions apply thereto, please produce all reasonably segregable material and describe in detail the nature of the information withheld and the specific exemption or privilege asserted. Moreover, should any documents be withheld in total, we request that you justify the terms of your asserted 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”).

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.

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.

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Thank you for your attention and effort in this matter. Please contact me at (212) 413-9035 if you have any questions regarding this request.

Sincerely,

NELSON MULLINS RILEY & SCARBOROUGH LLP

/s/ James W. Orth

James W. Orth

EXHIBIT A