

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WHITE COAT WASTE PROJECT  
7288 Hanover Green Dr.  
Mechanicsville, VA 23111

Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
200 Independence Way, S.W.  
Washington DC 20201,

Defendant.

Civ. No. 24-cv- 2773

**Complaint for Declaratory and  
Injunctive Relief**

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, seeking the release of records related to the Department of Health and Human Services' animal experiments.

**Jurisdiction and Venue**

2. This Court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

**Parties**

4. Plaintiff White Coat Waste Project, Inc. (White Coat) is a bipartisan taxpayer watchdog organization pursuant to Section 501(c)(3) of

the Internal Revenue Code, with its headquarters located at 7288 Hanover Green Drive, Mechanicsville, VA, 23111. White Coat's mission is to unite animal-lovers and liberty-lovers to find, expose, and defund wasteful taxpayer-funded animal experiments. White Coat is the requester of the information at issue here.

5. Defendant Department of Health and Human Services (DHHS) is an agency of the United States.

6. The Centers for Disease Control and Prevention (CDC) is a component of DHHS.

7. The National Institute of Health (NIH) is a component of DHHS.

8. The Office of Inspector General for the United States Department of Health and Human Services (OIG) is a component of DHHS.

9. DHHS, CDC, NIH, OIG, and their subcomponents have possession, custody, and control of the records White Coat seeks.

### **Statement of Facts**

#### **FOIA Case No. 22-00121-FOIA**

10. On October 19, 2021, White Coat submitted a FOIA request to the CDC FOIA Office seeking "copies of all email communications (including emails, complete email chains, calendar invitations, and their attachments) from any CDC.gov email containing any the following keywords:

- White Coat Waste[;]
- WCW[;]
- WCWP[;]
- Anthony Bellotti[;]
- Justin Goodman[; or]
- Whitecoatwaste.org.

11. The request specified that White Coat “does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request.”

12. The agency acknowledged the request on October 21, 2022 and assigned the request #22-00121-FOIA.

13. On November 19, 2021, the agency acknowledged that White Coat narrowed the scope of the request to:

Emails from heads, or leadership of the following offices:

- Office of the Director
- Associate Director for Communication
- Associate Director for Policy and Strategy
- Director for Infectious Diseases
- Director for Non-Infectious Diseases

That contain the following keywords:

- White Coat Waste
- WCW
- WCWP
- Anthony Bellotti
- Justin Goodman

- Whitecoatwaste.org

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Between 1/1/2018 to the date of search[.]

14. On January 14, 2022, the CDC acknowledged it located 13 pages of responsive records, all of which originated with the NIH. CDC represented to White Coat that it referred those 13 pages from NIH for its review and direct response to White Coat.

15. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

16. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 22-00121-FOIA.

17. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 22-00121-FOIA because the agency has failed to meet the statutory time limit.

18. CDC, NIH, and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61006*

19. On November 13, 2023, White Coat submitted a FOIA request to the NIH National Institute of Allergy and Infectious Diseases (NIAID) seeking “a copy of the following documents related to NIAID’s grant R24AI165424:

- Funding applications - including their reviews and amendments,

- Disbursement records,
- Any correspondence related to the grant between the grantee or EcoHealth Alliance, and NIAID; as well as between NIAID and NIH employees.”

20. The agency acknowledged the request the same day and assigned the request FOIA Case Number 61006.

21. Between November 13, 2023 and February 20, 2024, White Coat agreed to several limitations on the request proposed by the agency.

22. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

23. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61006.

24. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61006 because the agency has failed to meet the statutory time limit.

25. NIAID, NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 2024-00311-FOIA-OS*

26. On December 8, 2023, White Coat submitted a FOIA request to the OIG seeking “copies of all processing notes, incoming and outgoing emails -including their attachments-, text messages, memos, and letters related to

WCW's October 2, 2023 complaint to Inspector Christi Grimm regarding taxpayer-funded cat experiments at the Louis Stokes VA Medical Center.”

27. The agency's acknowledged the request the same day and assigned it FOIA Case Number 2024-00311-FOIA-OS.

28. On August 23, 2024, White Coat inquired on the status of the request with the OIG FOIA department by telephone. The OIG FOIA department told White Coat the request “fell through the cracks.” White Coat followed up with an email asking the OIG to confirm that the request would be handled the same day. OIG did not respond, but an HHS FOIA officer replied on September 5, 2024 that the request was “resent” to the OIG.

29. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

30. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case Number 2024-00311-FOIA-OS.

31. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case Number 2024-00311-FOIA-OS because the agency has failed to meet the statutory time limit.

32. OIG and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 61147

33. On December 13, 2023, White Coat submitted a FOIA request to NIAID seeking “copies of the following documents related to NIAID protocol 2022-028-E, ‘Experimental Henipavirus Infections in the *Artibeus jamaicensis* bats’:

- All IACUC-approved versions of the protocol; including attachments, reviews, and amendments
- IACUC meeting minutes related to the protocol
- IBC meeting minutes related to the protocol
- Acquisition and disposition records of all animals assigned to the protocol
- Complete veterinary records of all animals assigned to the protocol
- Complete raw and unedited videos, edited videos, and photographs[.]”

34. The agency acknowledged the request the next day and assigned it FOIA Case Number 61147.

35. On April 16, 2024, White Coat agreed to a number of redactions the agency proposed.

36. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

37. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case Number 61147.

38. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case Number 61147 because the agency has failed to meet the statutory time limit.

39. NIAID, NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61240*

40. On January 5, 2024, White Coat submitted a FOIA request to the NIH National Institute of Neurological Disorders and Stroke (NINDS) seeking “a copy of the following documents in relation to NIH grant **R01NS105785**, ‘Spinal Cord Stimulation: A Novel Method to Restore Breathing in Spinal Cord Injury’, to Case Western Reserve University:

1. Funding applications - including their renewals, reviews, and amendments.
2. Disbursement records.
3. The 3 most recent progress reports.”

41. On January 9, 2024, the agency acknowledged the request and assigned it FOIA Case Number 61240.

42. On January 25, 2024, White Coat agreed to certain redactions proposed by the agency.

43. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

44. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case Number 61240.

45. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case Number 61240 because the agency has failed to meet the statutory time limit.

46. NINDS, NIH, and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61272*

47. On January 18, 2024, White Coat submitted a FOIA request to the NIH seeking a “copy of the following documents in relation to NIH grant **OT2OD025297**, ‘Soft Silicone Electrode Nets: implantable technology for visceral organ neural interfacing and functional evaluation, to the University of Pittsburgh:

1. Funding applications - including their renewals, reviews, and amendments.
2. Disbursement records.
3. The 3 most recent progress reports.”

48. The agency’s online portal assigned the request FOIA Case Number 61272.

49. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

50. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61272.

51. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61272 because the agency has failed to meet the statutory time limit.

52. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61335*

53. On January 29, 2024, White Coat submitted a FOIA request to NINDS seeking “a copy of the following documents in relation to NIH grant R01NS109552, ‘Mechanisms of electrical stimulation of a canonical motor microcircuit’, to Northwestern University:

1. Funding applications - including their renewals, reviews, and amendments
2. Disbursement records
3. The 3 most recent progress reports[.]”

54. On February 1, 2024, the agency acknowledged the request, merged the request with another of White Coat’s outstanding requests, and assigned the request FOIA Case Number 61335.

55. Also on February 1, 2024, the agency requested, and White Coat provided, clarification regarding this request. White Coat clarified that it

“would like to receive all available renewal applications, going as far back as 1997,” “would still like to receive the 3 most recent progress reports,” but “no longer [sought] any disbursement records or notices of award for this grant.”

56. On February 28, 2024, White Coat agreed to a variety of redactions proposed by the agency.

57. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

58. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case Number 61335.

59. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case Number 61335 because the agency has failed to meet the statutory time limit.

60. NINDS, NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61418*

61. On February 16, 2024, White Coat submitted a FOIA request to the NIH Office of Research Services (ORS) seeking “copies of any records related to the transfer of non-human primates from Morgan Island between 1/1/23 to the date of search. These records include but are not limited to TSRs, correspondence, DVMax records and regulatory documents.”

62. The agency's online portal assigned the request FOIA Case Number 61418.

63. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

64. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case Number 61418.

65. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case Number 61418 because the agency has failed to meet the statutory time limit.

66. ORS, NIH, and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61529*

67. On March 18, 2024, White Coat submitted a FOIA request to NIAID for "a copy of the following documents related to NIH contract 75N93023P00670 with World Courier Inc.:

1. Contract and Statement of Work
2. IACUC-approved protocols; including reviews and amendments.
3. Physical or electronic submissions to the COR (including but not limited to complete "Pre-Meeting Packets" and laboratory notebooks)

4. Procurement and shipping records for all animals obtained under the contract (including but not limited to invoices, certificates of veterinary inspection, other health certificates, shipping manifests, routing and contact sheets, and CDC notifications)
5. Acquisition and disposition records for the animals obtained under the contract.
6. Complete raw and unedited videos, edited videos, and photographs
7. Animal welfare noncompliance incident reports with associated documents.”

68. On March 28, 2024, the agency acknowledged the request and assigned it FOIA Case Number 61529.

69. On May 7, 2024, after White Coat reached out to the agency about the status of two other outstanding FOIA requests, the agency informed White Coat those other requests were merged with FOIA Case Number 61529.

70. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

71. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case Number 61529.

72. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case Number 61529 because the agency has failed to meet the statutory time limit.

73. NIAID, NIH, and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 61530

74. On March 18, 2024, White Coat submitted a FOIA request to the NIH seeking “a copy of all noncompliance and/or violation reports from National Institutes of Health’s intramural projects between the dates of 1/1/2022 – the present.”

75. The agency’s online portal assigned the request FOIA Case Number 61530.

76. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

77. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61530.

78. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61530 because the agency has failed to meet the statutory time limit.

79. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 61531

80. On March 18, 2024, White Coat submitted a FOIA request to ORS seeking “a census of all cats currently in the NIH’s possession for use in experiments (including each animal’s ID number, breed, name, date of birth, source of animal, and assigned protocol).”

81. The agency’s online portal assigned this request FOIA Case Number 61531.

82. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

83. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61531.

84. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61531 because the agency has failed to meet the statutory time limit.

85. ORS, NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 61546

86. On March 20, 2023, White Coat submitted a FOIA request to the NIH Clinical Center (CC), seeking “a copy of the following documented related to NIH CC’s protocol CCM23-04:

1. All IACUC-approved protocols; including attachments, reviews, and amendments.
2. Acquisition and disposition records of all animals held for or used in experiments.
3. Complete veterinary records of all animals held for or used in experiments.
4. Complete raw and unedited videos, edited videos, and photographs.
5. Animal welfare noncompliance incident reports with associated documents.”

87. On March 25, 2024, the agency acknowledged the request and assigned it FOIA Case Number 61546.

88. On March 26, 2024, White Coat provided the agency with certain clarifications it requested related to this request.

89. On July 16, 2024, White Coat agreed to certain redactions the agency proposed.

90. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

91. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61546.

92. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61546 because the agency has failed to meet the statutory time limit.

93. CC, NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 61612

94. On April 3, 2024, White Coat submitted a FOIA request to the NIH National Institute of Mental Health (NIMH) seeking “a copy of all protocols, active and expired, conducted under NIH grant ZIAMH002032, “Neural Coding of Visual Stimuli.”

95. The agency’s online portal assigned the request FOIA Case Number 61612.

96. On April 24 and 25, 2024, White Coat and the agency corresponded and agreed to limit the request to the past five years.

97. On May 16, 2024, the agency informed White Coat that it located responsive records and a “supervisory level individual is looking over them to ensure the appropriate records were pulled.”

98. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

99. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61612.

100. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61612 because the agency has failed to meet the statutory time limit.

101. NIMH, NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

FOIA Case No. 61614

102. On April 3, 2024, White Coat submitted a FOIA request to the NIH seeking “a copy of the following documents related to NIH OD grant C06OD032019, ‘Establishment of the Bat Resource Center for the Study of Zoonotic Diseases’ to Colorado State University:

1. Funding applications - including their reviews and amendments.
2. Disbursement records.
3. Any correspondence related to the grant between the grantee or EcoHealth Alliance and NIH OD; as well as between NIH OD and other NIH employees.”

103. The agency’s online portal assigned the request FOIA Case Number 61614.

104. To date, White Coat has not received any other acknowledgement, response, or production, or any denial letter, related to this request.

105. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61614.

106. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61614 because the agency has failed to meet the statutory time limit.

107. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61677*

108. On April 17, 2024, White Coat submitted a FOIA request to the NIH seeking “copies of all raw source data for the October 31, 2023 Extramural Nexus blog post titled, ‘Trends in NIH-Supported Basic, Translational, and Clinical Research: FYs 2009-2022.’ (<https://nexus.od.nih.gov/all/2023/10/31/trends-in-nih-supported-basic-translational-and-clinical-research-fys-2009-2022/>)”

109. The agency’s online portal assigned the request FOIA Case Number 61677.

110. To date, White Coat has not received any other acknowledgement, response, or production, or any denial letter, related to this request.

111. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61677.

112. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61677 because the agency has failed to meet the statutory time limit.

113. NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61838*

114. On May 22, 2024, White Coat submitted a FOIA request to the NIAID seeking “copies of all email communications (including emails, complete email chains, calendar invitations, and attachments thereto) or text message threads/conversations or message threads/conversations on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) and call logs between Dr. Shaden Kamhawi and Dr. Abhay Satoskar (Abhay.Satoskar@osumc.edu; 614-366-3417) between August 1, 2021 and December 31, 2021.”

115. On May 23, 2024, the agency acknowledged the request and assigned it FOIA Case Number 61838.

116. Between May 29 and July 26, 2024, White Coat and the agency corresponded about and agreed to certain limitation to the request and redactions to the production

117. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

118. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61838.

119. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61838 because the agency has failed to meet the statutory time limit.

120. NIAID, NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

*FOIA Case No. 61942*

121. On June 5, 2024, White Coat submitted a FOIA request to the NIH Clinical Center (CC) seeking “copies of the acquisition, disposition, and complete veterinary records (Likely through DVMax, or similar database, physical or other electronic medium) of all dogs assigned to the following Clinical Center protocols:

- CCM 19-01
- CCM 19-04
- CCM 18-03
- CCM 17-01
- CCM 22-01
- CCM 23-04

Additionally, WCW also requests the [a]cquisition, disposition, and complete veterinary records as defined above of the following dogs that may or may not have been assigned to the aforementioned protocols:

- 4951205
- 4960298
- 4979185
- 6639682
- 4911297
- 4919956
- 4930152
- 4930569
- 4916451
- 4922019
- 4922728
- 6636799
- CLBCMK
- CLBCPI
- CLBCXX
- CLDCBZ
- CLDCDM
- CLDCJU

- CLDCNM
- CLDCTR
- CLDCUK
- 4686871
- 4694245
- 4698224
- 4700555
- 4817321
- 6799225
- 4982292
- 4990502[.]”

122. On June 10, 2024, the agency acknowledged the request and assigned it FOIA Case Number 61942.

123. On June 11 and 12, 2024, White Coat and the agency corresponded and agreed to limitations and prioritizations related to this request.

124. To date, White Coat has not received any further response or production, or any denial letter, related to this request.

125. As of the filing of this Complaint, White Coat has not received a final determination and response regarding FOIA Case No. 61942.

126. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat is deemed to have exhausted its administrative remedies with regard FOIA Case No. 61942 because the agency has failed to meet the statutory time limit.

127. CC, NIH and DHHS continue to wrongfully withhold the requested records from White Coat.

### **Count I: Violation of FOIA**

128. Plaintiff realleges and incorporates by reference the allegations in each of the preceding paragraphs of this Complaint.

129. DHHS has wrongfully withheld agency records requested by White Coat.

130. White Coat has exhausted applicable administrative remedies with respect to DHHS's wrongful withholding of the requested records.

131. White Coat and the public have been and will continue to be irreparably harmed until DHHS is ordered to comply with White Coat's FOIA requests.

132. White Coat is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

### **Request for Relief**

WHEREFORE, White Coat respectfully requests that this Court:

(1) Declare DHHS's failure to comply with FOIA to be unlawful;

- (2) Enjoin DHHS from continuing to withhold the public records responsive to White Coat's FOIA requests and otherwise order DHHS to produce the requested public records without further delay;
- (3) Grant White Coat an award of attorneys' fees and other litigation costs reasonably incurred in this action, to the extent permitted by law; and
- (4) Grant White Coat such other and further relief which the Court deems proper.

Date: September 27, 2024      Respectfully submitted,

/s/ Matthew Strugar  
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