

Exhibit 5

Kelley, Matthew E. (DC)

From: Kelley, Matthew E. (DC)
Sent: Friday, April 10, 2020 4:40 PM
To: 'nihfoia@mail.nih.gov'
Cc: Bodney, David J. (PHX)
Subject: Follow-up regarding FOIA request by Tim Mak/NPR

To the FOIA Officer:

I represent Tim Mak and National Public Radio in connection with the FOIA request they submitted on March 11, 2020. (The email acknowledging receipt of the request did not include a tracking number.)

Because of the urgent need to inform the public about the federal government's response to this pandemic, we have narrowly focused this request to obtain the relevant records as quickly as possible, and we are willing to discuss additional ways to streamline the process.

As you know, because the 20-working-day deadline has passed, we are able to file suit to seek a court order mandating the release of these records. However, we would like to avoid litigation if possible. Therefore, please let us know the estimated completion date for processing this request and whether there may be any other ways to speed up the release of these important records.

If you have any questions or would like to discuss this matter, you may reach me at 202-276-0371 or kelleym@ballardspahr.com, or my colleague in Phoenix, David Bodney, at 602-798-5454 or bodneyd@ballardspahr.com.

Thank you very much for your time and consideration.

Matthew E. Kelley (Pronouns: he, him, his)

Ballard Spahr
LLP

1909 K Street, NW, 12th Floor
Washington, DC 20006-1157
202.508.1112 DIRECT
202.661.2299 FAX

202.276.0371 MOBILE | kelleym@ballardspahr.com
VCARD

www.ballardspahr.com

Kelley, Matthew E. (DC)

From: Bordine, Roger (NIH/OD) [E] <roger.bordine@nih.gov>
Sent: Friday, April 24, 2020 10:27 AM
To: Kelley, Matthew E. (DC)
Cc: NIH FOIA
Subject: RE: Follow-up regarding FOIA request by Tim Mak/NPR - NIAID FOIA Request 53738 Huo/Mak

⚠ EXTERNAL

Good Morning,

This requester received an acknowledgement on March 12, 2020. The search memo was sent to the individuals listed on the same day. We are awaiting records from them. The people listed (and their staff) are all key individuals working on the pandemic response. As you are aware, there are many requests in the queue ahead of this one. This request will be processed in the order it was received *after* those that were granted expedited processing. At this time we do not have a realistic idea of when we will have records available.

Thank you.

Roger Bordine

Program Support
Freedom of Information Office
National Institutes of Health
Building 31, Room 5B35
31 Center Drive
Bethesda, MD 20892

Phone: 301-496-5633

Fax: 301-402-4541

Roger.bordine@nih.gov

