

EXHIBIT 9

From: [Olin, Jay K. \(CMS/OSORA\)](#)
To: [Fiet, Kyle](#)
Subject: RE: Request for FOIA Request Acknowledgement
Date: Tuesday, February 26, 2019 7:21:55 AM
Attachments: [image001.png](#)
[120720187005 FOIA Acknowledgement Letter - FIG.PDF](#)

Good Morning Mr. Fiet,
Attached is the Acknowledgement Letter CMS should have sent to you for your December 4, 2018 request. We regret any inconvenience this may have caused.

Sincerely,

Jay Olin

*Director, Division of FOIA Analysis – C
Office of Strategic Operations and Regulatory Affairs
Freedom of Information Group
Centers for Medicare & Medicaid Services
Direct: 410-786-3677
Fax: 443-380-7260
E-mail: james.olin@cms.hhs.gov*

From: Fiet, Kyle [mailto:kfiet@sidley.com]
Sent: Monday, February 25, 2019 11:13 AM
To: CMS FOIA Request
Subject: RE: Request for FOIA Request Acknowledgement
The FOIA request was submitted on December 4, 2018, not December 4, 2014. My apologies for the typo in my original email.

KYLE J. FIET
Counsel

SIDLEY AUSTIN LLP
+1 202 736 8446
kfiet@sidley.com

From: Fiet, Kyle
Sent: Monday, February 25, 2019 10:41 AM
To: 'FOIA_Request@cms.hhs.gov' <FOIA_Request@cms.hhs.gov>
Subject: Request for FOIA Request Acknowledgement

Dear CMS FOIA Office,
On December 4, 2014, my colleague, William Sarraille, submitted a FOIA request (attached). We the CMS FOIA Office has told on the phone that it received this request and that it was assigned tracking no. 120720187005, but we have never received anything in writing from CMS to acknowledge receipt. I have called individuals at CMS on two prior occasions to request a written confirmation that CMS has received this request, but we have received nothing. I ask that you please provide a written confirmation that CMS has received this FOIA request and that the tracking number is correct as soon as possible. Thank you.

KYLE J. FIET
Counsel

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<https://protect2.fireeye.com/url?k=4ab1d029-16e5c955-4ab1e116-0cc47adc5fa2-fed57a77a9349023&u=http://www.sidley.com/>



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DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop N2-20-16
Baltimore, Maryland 21244-1850



Office of Strategic Operations and Regulatory Affairs / Freedom of Information Group

Request has been assigned: Control Number **120720187005** and PIN **SQ7X**

February 26, 2019

William A. Sarraille
Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005

Dear William A. Sarraille,

The purpose of this letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request (5 U.S.C. § 552) and to provide you with a tracking number for your request. Your FOIA request, dated **12/4/2018** was received on **12/4/2018** by the Centers for Medicare & Medicaid Services (CMS). To check the status of your request as it is being processed, please refer to the CMS FOIA website <http://www.cms.gov/apps/FOIA> and enter the control number and PIN (listed above) that have 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 amount of records that require extensive search, production and review, we will contact you to discuss options for narrowing the scope of your request in order 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 Federal FOIA Regulations, may impact 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 amount 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 of the request as well as the complexity of the request.

The FOIA law 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, for

requests in which the estimated fees exceed \$250.00, the law authorizes us to collect the fees *in advance* prior to 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 James Olin.

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

Joseph Tripline
CMS FOIA Public Liaison
Centers for Medicare & Medicaid Services
7500 Security Blvd., MS N2-20-16
Baltimore, Maryland 21244-1850
Telephone: (410) 786-5353 fax (443)-380-7260

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
Fax: 202-741-5769

Sincerely yours,

Jay Olin

Director, Division of FOIA Analysis – C
CMS Freedom of Information Group