



Kohl Harrington <kohl@harringtonfilms.com>

---

## FDA Receipt of FOI Request

---

FDA\_FOI@fda.gov <FDA\_FOI@fda.gov>  
To: kohl@harringtonfilms.com

Sun, Apr 26, 2020 at 8:28 PM

Harrington Films Kohl Harrington

Re: Confirmation # FDA2064347  
Requester Ctrl #:  
In Reply refer to: 2020-3257

The Food and Drug Administration (FDA) has received your Freedom of Information Act (FOIA) request for records regarding:

I would like all records that have been provided already for 2019-1704. I would also like all future records being released for this FOIA request to be sent to me as well. FDA attempts to close this request as a full denial, and the requester Daniel Shulof sued FDA in court and is now getting these records from FDA. The original request was "Recs re: Center for Veterinary Medicine investigating a "potential association" between reports of dilated cardiomyopathy (DCM) in dogs and certain pet foods the animals consumed "

[Quoted text hidden]

No particular form is prescribed for making a FOIA request. You may submit a FOIA request using PAL or in any manner that conforms to the HHS FOIA regulations. <http://www.hhs.gov/foia/statutes-and-resources/45cfr5/index.html>

(<http://www.hhs.gov/foia/statutes-and-resources/45cfr5/index.html>)

#### Privacy Act Statement

This Statement is provided pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a): The information you are requested to provide in order to use PAL is authorized to be collected under the Freedom of Information Act (5 U.S.C. § 552). Completing the PAL fields is voluntary, but failing to provide any or all of the requested information may prevent HHS from creating a PAL account for you, or may prevent HHS from processing your request. The principal purposes for which HHS will use the information that you provide in PAL are to create a PAL account for you, and to track, process, and respond to requests that you submit to HHS through your PAL account. The information you provide will be included in a Privacy Act system of records, and will be used and may be disclosed for the purposes and routine uses described and published in the following System of Records Notice (SORN): 09-90-0058 Tracking Records and Case Files for FOIA and Privacy Act Requests and Appeals <https://www.federalregister.gov/articles/2016/03/29/2016-07060/privacy-act-of-1974-system-of-records-notice> (<https://www.federalregister.gov/articles/2016/03/29/2016-07060/privacy-act-of-1974-system-of-records-notice>)

Please note that the HHS FOIA PAL site works best if you use Internet Explorer in compatibility mode.

All requests received after 5 pm Eastern Time, will be considered "received" on the next business day.

Appeal - [2020-00185-A-O](#) [Create Appeal \(CreateAppeal.aspx?reqno=2020-00185-A-OS\)](#) [← Back](#)  
S [\(RequestStatus.aspx\)](#)

#### Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

**Mr. Kohl Harrington**

[kohl@harringtonfilms.com](mailto:kohl@harringtonfilms.com)

Requester Default Category: News Media

#### Appeal Details

Date Requested 05/04/2020

Status Closed

#### General Information

Appeal Type

Appeal



FOIA Reference No.

Delivery Mode

Payment Mode

**Shipping Address**

**Appeal Information**

Description

Date Range for Record Search:  From(mm/dd/yyyy) To (mm/dd/yyyy)

Consent Attachment

Proof of Identity Attachment

**Fee Information**

Willing Amount (\$)

Willing to Pay All Fees

**Billing Address**

**Staff Divisions**

Note: If you know which Staff Division(s) maintain the records you are seeking please make your selection(s) from the list below.

To learn more about the Staff Divisions please click here (<http://www.hhs.gov/about/foa/osleadership/index.html>)

Staff Divisions

- Assistant Secretary for Administration
- Assistant Secretary for Legislation
- Assistant Secretary for Public Affairs
- Asst Secretary for Financial Resources
- Asst Secretary for Planning & Evaluation
- Asst Secy for Preparedness & Response
- Ctr for Faith Based & Community Partners
- Departmental Appeals Board
- Immediate Office of the Secretary
- Intergovernmental and External Affairs
- Office for Civil Rights
- Office of Global Health Affairs
- Office of Health Reform
- Office of Medicare Hearings and Appeals
- Office of the General Counsel
- Office of the National Coordinator
- OS FOIA Division

**Other Information**



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs  
Washington, D.C. 20201

RE: 2020-00185-A-OS

May 05, 2020

Mr. Kohl Harrington  
Sent via PAL: [kohl@harringtonfilms.com](mailto:kohl@harringtonfilms.com)

Dear Mr. Harrington:

This is in response to your Freedom of Information Act (FOIA) appeal, dated: **May 04, 2020**, concerning “...FDA FOIA request 2020-3257 and the decision that this FOIA request was closed for other reasons...”

We received your appeal on **May 04, 2020**.

If you are not satisfied with any aspect of the processing and handling of this appeal, you have the right to seek dispute resolution services from:

HHS FOIA/PA Public Liaison  
FOI/Privacy Acts Division  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)  
200 Independence Avenue, SW, Suite 729H  
Washington, DC 20201

Telephone: (202) 690-7453  
Fax: (202) 690-8320  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

and/or:

Office of Government Information Services  
National Archives and Records 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](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brandon J. Gaylord".

Brandon J. Gaylord  
Director  
FOI/Privacy Act Division



Kohl Harrington <kohl@harringtonfilms.com>

---

## Appealing FDA's determination to close requests

1 message

---

Taylor, Natasha (OS/ASPA) <Natasha.Taylor@hhs.gov>

Wed, May 6, 2020 at 5:06 PM

To: "kohl@harringtonfilms.com" <kohl@harringtonfilms.com>

Cc: "Gaylord, Brandon (OS/ASPA)" <Brandon.Gaylord@hhs.gov>, "Taylor, Natasha (OS/ASPA)" <Natasha.Taylor@hhs.gov>

**Case No's. 2020-00170-A-OS; 00171-A-OS; 00172-A-OS; 00173-A-OS; 00174-A-OS; 00177-A-OS; 00178-A-OS; 00179-A-OS; 00180-A-OS; 00169-A-OS; 00183-FOIA-OS; 00184-A-OS; 00185-A-OS; 00186-A-OS; 00175-A-OS; 00176-A-OS; 00187-A-OS; 00188-FOIA; 00189-A-OS; 00181-A-OS; 00182-A-OS**

Dear Mr. Harrington:

This communication pertains to your Freedom of Information Act (FOIA) appeals, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division. Your appeals challenges the Food and Drug Administration's (FDA) determination to close your request without proper justification.

Please be advised, that the appeals referenced above have been aggregated, and will be adjudicated under **2020-00170-A-PHS**. 2020-00171-A-OS; 00172-A-OS; 00173-A-OS; 00174-A-OS; 00177-A-OS; 00178-A-OS; 00179-A-OS; 00180-A-OS; 00169-A-OS; 00183-FOIA-OS; 00184-A-OS; 00185-A-OS; 00186-A-OS; 00175-A-OS; 00176-A-OS; 00187-A-OS; 00188-FOIA; 00189-A-OS; 00181-A-OS; and, 00182-A-OS will be administratively closed with no further action.

Pursuant to 45 CFR 5.35 (c) your appeal falls under "unusual circumstances" in that our office will need to consult with another office or agency that has substantial interest in the determination of the appeal. The actual processing time will depend on the complexity of the issues presented in the appeal and consultation with other U.S. Department of Health and Human Services (HHS) components involved. For more information about how your appeal will be processed please see 45 CFR 5.34 <http://www.hhs.gov/foia/45cfr5.html>

The FOIA and the HHS FOIA regulations are available at the following web addresses: <http://www.justice.gov/oip/doj-foia-regulations> and <http://www.hhs.gov/foia/45cfr5.html>.

If you have any questions, please email us at [foiarequest@psc.hhs.gov](mailto:foiarequest@psc.hhs.gov).



# FOIA Request Confirmation

Confirmation Number: FDA2064412

## Requester:

### General

Description of Requester:	<b>Educational institution or noncommercial scientific institution operated primarily for scholarly or scientific research</b>
Max Amount Willing to Pay:	<b>\$25</b>

### Organization

Organization Name:	<b>Harrington Films</b>		
Primary Phone:	<b>323-237-9958</b>	Other Phone:	
Email:	<b>kohl@harringtonfilms.com</b>		

### Mailing Address

Address 1:	<b>29201 Heathercliff Road</b>
Address 2:	<b>#1205</b>
City:	<b>Malibu</b>
State:	<b>CA</b>
Zip Code:	<b>90265</b>

### Billing Address

Address 1:	<b>29201 Heathercliff Road</b>
Address 2:	<b>#1205</b>
City:	<b>Malibu</b>
State:	<b>CA</b>
Zip Code:	<b>90265</b>

### Details

Requester Name:	<b>Kohl Harrington</b>	Request Letter:	
Requester File #:		Requested Date From:	<b>01/23/2019</b>
Requested Date From:	<b>01/23/2019</b>	Requested Date To:	<b>01/23/2019</b>
Subject of Request:	<b>I'm requesting all video from Sean Duke filmed on this day 01.23.19 ((employee info: works at /DHHS/FDA/ORA/ORA/OHAFO/OHAFOE/DHAFOEII/HAFIB, Job Title is CONSUMER SAFETY OFFICER, email is Sean.Duke@fda.hhs.gov)</b>		

### Waiver of Fees

Justification:	
----------------	--

### Expedited Processing

Reason:	
Justification:	

[Print](#) [Create Another Request](#) [Close](#)

Within 10 business days of the submission of your online request, you will receive by electronic mail an FOIA Control Number. If you need to communicate with FDA regarding your request, please refer to this Control Number. Requests received after 4:00 P.M. E.S.T. will be considered to have been received on the following business day.

If your informational needs change, and you need to cancel your request, please contact the Division of Freedom of Information by telephone, mail, or fax. Please include your control number in the correspondence. For contact information, please see [FDA's FOIA page](#).