

# **EXHIBIT J**

**From:** [Kotler, Sarah](#)  
**To:** [Amrit Singh](#)  
**Cc:** [Natasha Arnpriester](#)  
**Subject:** RE: follow-on foia request  
**Date:** 04 May 2020 09:32:51

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Thanks for clarifying.

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**From:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>  
**Sent:** Monday, May 4, 2020 9:06 AM  
**To:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>  
**Cc:** Natasha Arnpriester <[natasha.arnpriester@opensocietyfoundations.org](mailto:natasha.arnpriester@opensocietyfoundations.org)>  
**Subject:** RE: follow-on foia request

Dear Ms. Kotler, thank you for your email. We did intend to include Mr. Marks. Since the request asks for communications to and from other high-level FDA officials involved in the FDA's decisions about testing, that would include Dr Shuren and other high level officials involved as well.

Many thanks,  
Amrit

Amrit Singh  
Director, Accountability, Liberty and Transparency Division,  
and Senior Lawyer, National Security and Counterterrorism  
Open Society Justice Initiative  
224 W. 57<sup>th</sup> St  
New York, N.Y. 10019  
Tel: +1 212 5480660  
Fax: +1 212 548 4662

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**From:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>  
**Sent:** 04 May 2020 08:34  
**To:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>  
**Cc:** Natasha Arnpriester <[natasha.arnpriester@opensocietyfoundations.org](mailto:natasha.arnpriester@opensocietyfoundations.org)>  
**Subject:** RE: follow-on foia request

Good morning. I have reviewed your request. One question – you mention Dr. Peter Marks with respect to test kits. Dr. Marks is our director of the Center for Biologics, which does not regulate test kits. The kits are regulated by the our Center for Devices, and the director is Jeffrey Shuren. Did you mean to ask for Dr. Marks' records or Dr. Shuren's? The Center for Biologics regulates vaccines. Thanks.

Sarah

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**From:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>  
**Sent:** Friday, May 1, 2020 2:55 PM  
**To:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>

**Cc:** Natasha Arnpriester <[natasha.arnpriester@opensocietyfoundations.org](mailto:natasha.arnpriester@opensocietyfoundations.org)>

**Subject:** follow-on foia request

Dear Ms. Kotler—

Pursuant to our conversation yesterday, please find attached a follow-on FOIA request that I just submitted through the FDA portal which has been assigned a Reference number: FDA2064605.

We withdraw our April 27, 2020 request without prejudice to the propriety of that request.

Best, Amrit

Amrit Singh

Director, Accountability, Liberty and Transparency Division,  
Open Society Justice Initiative

224 W. 57<sup>th</sup> St

New York, N.Y. 10019

Tel: +1 212 5480660

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**From:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>

**Sent:** 30 April 2020 12:02

**To:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>

**Cc:** Russ, Wilson <[Wilson.Russ@fda.hhs.gov](mailto:Wilson.Russ@fda.hhs.gov)>; Natasha Arnpriester <[natasha.arnpriester@opensocietyfoundations.org](mailto:natasha.arnpriester@opensocietyfoundations.org)>

**Subject:** RE: FDA Receipt of FOI Request

Yes, that is fine. Thanks.

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**From:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>

**Sent:** Thursday, April 30, 2020 12:00 PM

**To:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>

**Cc:** Russ, Wilson <[Wilson.Russ@fda.hhs.gov](mailto:Wilson.Russ@fda.hhs.gov)>; Natasha Arnpriester <[natasha.arnpriester@opensocietyfoundations.org](mailto:natasha.arnpriester@opensocietyfoundations.org)>

**Subject:** Re: FDA Receipt of FOI Request

Apologies I can't make it at 2, if OK we will call you at 2.30pm

Amrit Singh

Director, Accountability, Liberty and Transparency Division  
Open Society Justice Initiative

224 W. 57th St.

New York, N.Y. 10019

Ph: + 1 212 548 0660

Fax: 1 212 548 4662

On Apr 30, 2020, at 11:40 AM, Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)> wrote:

Hi, my 2:00 call got canceled so if you'd like to speak at 2 instead of 2:30, let me know. Thanks.

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**From:** Kotler, Sarah  
**Sent:** Wednesday, April 29, 2020 8:09 AM  
**To:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>  
**Cc:** Russ, Wilson <[Wilson.Russ@fda.hhs.gov](mailto:Wilson.Russ@fda.hhs.gov)>; Natasha Arnpriester <[natasha.arnpriester@opensocietyfoundations.org](mailto:natasha.arnpriester@opensocietyfoundations.org)>  
**Subject:** RE: FDA Receipt of FOI Request

Hi, how about 2:30 on Thursday? I'm at 240-839-0812.

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**From:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>  
**Sent:** Tuesday, April 28, 2020 8:16 PM  
**To:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>  
**Cc:** Russ, Wilson <[Wilson.Russ@fda.hhs.gov](mailto:Wilson.Russ@fda.hhs.gov)>; Natasha Arnpriester <[natasha.arnpriester@opensocietyfoundations.org](mailto:natasha.arnpriester@opensocietyfoundations.org)>  
**Subject:** RE: FDA Receipt of FOI Request

Dear Ms. Kotler,  
My colleague Natasha Arnpriester and I are available to talk with you tomorrow, April 29, from 11am-1pm and 4-5pm. We also available on Thursday, April 30, after 12.30pm.  
If that works for you, please let us know what phone number to call.  
Best,  
Amrit

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**From:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>  
**Sent:** 28 April 2020 18:09  
**To:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>  
**Cc:** Russ, Wilson <[Wilson.Russ@fda.hhs.gov](mailto:Wilson.Russ@fda.hhs.gov)>; Natasha Arnpriester <[natasha.arnpriester@opensocietyfoundations.org](mailto:natasha.arnpriester@opensocietyfoundations.org)>  
**Subject:** RE: FDA Receipt of FOI Request

Please contact me by phone so we can discuss how you can craft your request to actually implicate FDA records in a way that would require us to conduct a search. If you can send me some times you are free over the next few days, I will let you know what works for me.

Sarah

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**From:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>  
**Sent:** Tuesday, April 28, 2020 6:04 PM  
**To:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>  
**Cc:** Russ, Wilson <[Wilson.Russ@fda.hhs.gov](mailto:Wilson.Russ@fda.hhs.gov)>; Natasha Arnpriester

[<natasha.arnpriester@opensocietyfoundations.org>](mailto:natasha.arnpriester@opensocietyfoundations.org)

**Subject:** RE: FDA Receipt of FOI Request

Dear Ms. Kotler –

Thank you for your response. We respectfully submit that our FOIA request does reference records originating with FDA. If after FDA conducts its required FOIA search it determines that there are no responsive records, then that will of course be your response. In the meantime, we look forward to FDA's careful review of our request and its thorough search for responsive records, as the Freedom of Information Act requires, and within the timeframe the Act specifies.

Best wishes,

Amrit Singh

Director, Accountability, Liberty and Transparency Division,  
Open Society Justice Initiative

224 W. 57<sup>th</sup> St

New York, N.Y. 10019

Tel: +1 212 5480660

Fax: +1 212 548 4662

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**From:** Kotler, Sarah <[Sarah.Kotler@fda.hhs.gov](mailto:Sarah.Kotler@fda.hhs.gov)>

**Sent:** 28 April 2020 12:04

**To:** Amrit Singh <[amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)>

**Cc:** Russ, Wilson <[Wilson.Russ@fda.hhs.gov](mailto:Wilson.Russ@fda.hhs.gov)>

**Subject:** RE: FDA Receipt of FOI Request

Dear Requester,

FDA is not clear on what records you are seeking from FDA, as your request does not appear to refer to FDA or any records that original with FDA. Please resubmit your request to specify records specific to FDA that you are seeking.

Please contact me if you have questions about your request. You may also contact the FDA FOIA Public Liaison for assistance at: Office of the Executive Secretariat, US Food & Drug Administration, 5630 Fishers Lane, Room 1050, Rockville, MD 20857, E-mail: [FDAFOIA@fda.hhs.gov](mailto:FDAFOIA@fda.hhs.gov).

Sincerely,

Sarah Kotler

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**From:** [FDA\\_FOI@fda.gov](mailto:FDA_FOI@fda.gov) <[FDA\\_FOI@fda.gov](mailto:FDA_FOI@fda.gov)>

**Sent:** Tuesday, April 28, 2020 9:13 AM

**To:** [amrit.singh@opensocietyfoundations.org](mailto:amrit.singh@opensocietyfoundations.org)

**Subject:** FDA Receipt of FOI Request

Open Society Justice Initiative Open Society Justice Initiative

Re: Confirmation # FDA2064419

Requester Ctrl #:

In Reply refer to: 2020-3301

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

Records concerning the timing and substance of the Executive Branch's response to COVID-19

We will respond as soon as possible and may charge you a fee for processing your request. If your informational needs change, and you no longer need the requested records, please contact us to cancel your request, as charges may be incurred once processing of your request has begun. For more information on processing fees, please see

<http://www.fda.gov/RegulatoryInformation/FOI/FOIAFees/default.htm>.

Due to an increase in the number of incoming requests, we may be unable to comply with the twenty-working-day time limit in this case, as well as the ten additional days provided by the FOIA. The actual processing time will depend on the complexity of your request and whether sensitive records, voluminous records, extensive search, and/or consultation with other HHS components or other executive branch agencies are involved. Please note that requests for medical device approval records (e.g. 510K, PMA, DEN) may take up to 18 to 24 months to process.

If you have any questions about your request, please call Rochelle A. Coleman, Information Technician at 301-796-8982 or write to us at:

Division of Freedom of Information,  
U.S. Food and Drug Administration  
5630 Fishers Lane, Room 1050  
Rockville, MD 20857  
Fax: 301-827-9267

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

FDA FOIA Public Liaison  
Office of the Executive Secretariat  
5630 Fishers Lane, Room 1050  
Rockville, MD 20857  
E-Mail: [FDAFOIA@fda.hhs.gov](mailto:FDAFOIA@fda.hhs.gov)

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](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Note: Do NOT reply directly to this E-mail