

EXHIBIT D



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

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

Ref: 2020-00010-A-PHS
FDA FOIA # 2016-1341

April 15, 2020

Nicole DeWitt
Frier Levitt Attorneys at Law
84 Bloomfield Avenue
Pine Brook, NJ 07058
ndewitt@frierlevitt.com

Dear Ms. DeWitt:

This is in response to your October 30, 2019, Freedom of Information Act (FOIA) appeal, concerning the failure of a timely response by the FDA to the request referenced above, submitted by you on February 8, 2016.

Because the actions necessary to complete your initial request are yet to be accomplished, I am remanding this request back to FDA for completion. Once FDA issues their final response, you will receive appeal rights for any possible denials.

This action will close your appeal and allow the necessary, remaining processes to take place in response to your initial request. FDA has placed your request in the complex processing queue and estimates that your request will be completed by November of 2020. We will, however, monitor the progress of this request.

If you would like to discuss our response, you may contact the HHS FOIA Public Liaison for assistance at:

HHS FOIA Public Liaison
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Telephone: (202) 690-7453
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers

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mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

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
Fax: 202-741-5769

You have the right to judicial review of this action in a United States District Court in accordance with 5 USC § 552(a)(4)(B).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brandon J. Gaylord". The signature is fluid and cursive, with the first name "Brandon" and last name "Gaylord" clearly distinguishable.

Brandon J. Gaylord
Supervisory Government Information Specialist
and HHS FOIA/PA Public Liaison