

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,	)	
425 Third Street SW, Suite 800	)	
Washington, DC 20024,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	
	)	
U.S. DEPARTMENT OF HEALTH	)	
AND HUMAN SERVICES,	)	
200 Independence Avenue SW	)	
Washington, DC 20201,	)	
	)	
Defendant.	)	
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**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Health and Human Services to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552. As grounds therefor, Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff Judicial Watch, Inc. (“Plaintiff”) is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, integrity in government, and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes

the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of Health and Human Services is an agency of the U.S. Government and is headquartered at 200 Independence Avenue, S.W., Washington, DC 20201. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On May 23, 2024, Plaintiff sent a FOIA request to the National Institute of Allergy and Infectious Diseases (“NIAID”), part of the National Institutes of Health (“NIH”) and a component of Defendant, seeking access to records and communications of:

**1. Dr. David Morens, former top Scientific Advisor to retired NIAID Director Dr. Anthony Fauci, and current Senior Advisor at NIH, soliciting help, advice, or assistance in any manner from any employee of the NIAID or NIH’s Freedom of Information Act (FOIA) office including a) Margeret Moore b) Robin Schofield c) Marianne Manheim to circumvent, avoid (i.e. through use of private email, phone calls, deleting emails, etc.), or otherwise not respond in accordance with FOIA laws and regulations to FOIA requests.**

**2. Dr. Anthony Fauci, retired NIAID Director, NIH, soliciting help, advice, or assistance in any manner from any employee of the NIAID or NIH’s Freedom of Information Act (FOIA) office including a) Margeret Moore b) Robin Schofield c) Marianne Manheim to circumvent, avoid (i.e. through use of private email, phone calls, deleting emails, etc.), or otherwise not respond in accordance with FOIA laws and regulations to FOIA requests.**

**3. Communications between NIH and / or NIAD FOIA employees, including a) Marianne Manheim; b) Robin Schofield; c) Karen Lampe; concerning withholding information requested through FOIA regarding EcoHealth Alliance (EHA) and / or the Wuhan Institute of Virology (WIV).**

**4. Communications of Dr. David Morens, including use of private email, or advising anyone (internal or external to NIH) to communicate using private email channels (i.e. gmail) to conduct official government business when discussing the “Daszak Grant”, “COVID”, “EcoHealth Alliance”, “EHA”, “secret”. “kickbacks”, “Trump”, “Tony” “WIV”, or the “Wuhan Institute of Virology”. This paragraph includes communications with a) Dr. Anthony Fauci, email domains.@nih.gov or @gmail.com b) Dr. Peter Daszak, EcoHealth Alliance email domain @ecohealthalliance.org c) Dr. Gerald Keusch, Boston University email domain @bu.edu d) Rich Roberts, New England Biolabs email domain @neb.com e) Jay Peter Hotez, Baylor College of Medicine email domain @bcm.edu e) Tom Monath, Croze Biopharma,**

email domain @crozebiopharma.com f) James LeDuc, University of Texas Medical Branch, email domain @utmb.edu g) Laura Kramer, NY Health Department, email domain @health.ny.gov h) Nancye Green, Donovan Green Health, email domain@dgtwo.com

5. **Communications of Dr. David Morens with any employee at EcoHealth Alliance (email domain: @ecohealthalliance.org) regarding how to respond to NIH compliance efforts, requests, or investigations, concerning the NIH grant with EcoHealth Alliance.**

6. **Communications of Dr. Anthony Fauci, including using a private email, or advising anyone (internal or external to NIH) to communicate using private email channels (i.e. gmail) to conduct official government business when discussing the “Daszak Grant”, “COVID”, “EcoHealth Alliance”, “EHA”, “secret”, “kickbacks”, “Trump”, “Tony” “WIV”, or the “Wuhan Institute of Virology”. This paragraph includes communications with a) Dr. Anthony Fauci, email domains.@nih.gov or @gmail.com b) Dr. Peter Daszak, EcoHealth Alliance email domain @ecohealthalliance.org c) Dr. Gerald Keusch, Boston University email domain @bu.edu d) Rich Roberts, New England Biolabs email domain @neb.com e) Jay Peter Hotez, Baylor College of Medicine email domain @bcm.edu e) Tom Monath, Croze Biopharma, email domain @crozebiopharma.com f) James LeDuc, University of Texas Medical Branch, email domain @utmb.edu g) Laura Kramer, NY Health Department, email domain @health.ny.gov h) Nancye Green, Donovan Green Health, email domain@dgtwo.com**

The time frame for this request was identified as “January 1, 2020, to present.”

6. The NIH acknowledged receipt of the request on May 23, 2024, and advised Plaintiff that the request had been designated as “FOIA request #61843.”

7. As of the date of this Complaint, the Defendant has failed to: (i) determine whether to comply with the request; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

**COUNT I**  
**(Violation of FOIA, 5 U.S.C. § 552)**

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.

9. Defendant is in violation of FOIA.

10. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

11. Plaintiff has no adequate remedy at law.

12. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by June 24, 2024, at the latest. Because Defendant failed to make a final determination on Plaintiff's request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: July 24, 2024`

Respectfully submitted,

/s/ James F. Peterson  
JAMES F. PETERSON (DC Bar # 450171)  
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