

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL
FOUNDATION,
611 Pennsylvania Ave SE #231
Washington, D.C. 20003

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES
200 Independence Ave., SW
Washington, D.C. 20201

CENTERS FOR MEDICARE AND
MEDICAID SERVICES
7500 Security Boulevard
Baltimore, Maryland 21244

Defendants.

Civil Action No. 1:26-cv-320

COMPLAINT

1. America First Legal Foundation (“AFL”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel the United States Department of Health and Human Services (“HHS”) and the Centers for Medicare and Medicaid Services (“CMS”) to comply with its statutory obligations to promptly make available agency records concerning the Increasing Organ Transplant Access (“IOTA”) Model.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief in accordance with 28 U.S.C. § 2201 *et seq.*

3. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff AFL is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating the findings through reports, press releases, and other media, including social media platforms, to educate the public.

5. Defendant HHS is a federal agency within the meaning of 5 U.S.C. § 552(f), headquartered at 200 Independence Ave. SW, Washington, D.C. 20201. HHS has possession, custody, and control of the records AFL seeks.

6. Defendant CMS is a federal agency within the meaning of 5 U.S.C. § 552(f), headquartered at 7500 Security Boulevard, Baltimore, Maryland 21244. CMS has possession, custody, and control of the records AFL seeks.

FACTS

7. On August 18, 2025, AFL submitted a FOIA request to HHS and CMS seeking records demonstrating the role of third-party entities, including Organ Procurement Organizations, nonprofit organizations such as the United Network for Organ Sharing or the Association of Organ Procurement Organizations, and any for-profit entities, in shaping the Increasing Organ Transplant Access Model (“IOTA Model”), published at 89 Fed. Reg. 96,280. Exs. 1, 2.

8. In both requests, AFL sought fee waivers and requested production on a rolling basis. AFL additionally requested expedited processing from CMS.

HHS FOIA Request

9. On August 18, 2025, HHS confirmed receipt of AFL’s FOIA request and assigned it tracking number 2025-03598-FOIA-OS. Ex. 3.

10. As of the date of this filing, AFL has received no further communications or responsive records from HHS regarding this FOIA request.

11. Despite the passage of more than 20 statutory working days and any permissible 10-day extension, HHS has not made a determination on AFL’s request, has not produced any records, and has not otherwise communicated with AFL beyond the August 18, 2025, acknowledgement.

CMS FOIA Request

12. On August 19, 2025, CMS confirmed receipt of AFL’s FOIA request and assigned it tracking number 081820257101. Ex. 4.

13. On August 27, 2025, after receiving confirmation that its FOIA request had been received, AFL submitted a request for expedited processing to CMS based on an urgent need to inform the public about the implementation of the IOTA Model and the role of third-party entities in federally funded organ transplant policy, which raises serious questions of significant public interest. Ex. 5.

14. On September 4, 2025, CMS denied AFL's request for expedited processing, finding that the request did not meet the criteria for expedited processing under applicable regulations. Ex. 6.

15. CMS stated that it would process AFL's request on a "first in, first out" basis.

16. CMS's own FOIA portal confirms that responsive records have been located and "returned to the FOIA office for review and disclosure analysis." Ex. 7.

17. Despite having located responsive records, CMS's portal lists the "Projected Date of Response" as "Undetermined." *Id.*

18. As of the date of this filing, AFL has received no responsive records from CMS concerning this FOIA request.

19. Despite the passage of more than the statutory 20 working days and any permissible 10-day extension, CMS has not made a determination on AFL's underlying request, has not produced any records, and has not otherwise communicated with AFL beyond the acknowledgment and denial of expedited processing.

CLAIM FOR RELIEF

Violation of FOIA, 5 U.S.C. § 552

20. AFL repeats and realleges paragraphs 1–19, as fully set forth herein.

21. AFL properly requested records within the possession, custody, and control of the Defendants.

22. FOIA requires each Defendant to determine within 20 working days after receipt of a request whether to comply and to immediately notify the requester of that determination, the reasons therefor, and the requester’s right to appeal an adverse determination. *See* 5 U.S.C. § 552(a)(6)(A)(i).

23. Defendants have failed to comply with FOIA’s statutory deadlines.

24. Accordingly, AFL has constructively exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C)(i).

25. Defendants violated the FOIA by unlawfully withholding non-exempt records responsive to this request. *See* 5 U.S.C. § 552(a)(3)(A).

26. AFL is entitled to injunctive relief compelling Defendants to conduct a search reasonably calculated to uncover all responsive records, to promptly produce all non-exempt records by a date certain, and to produce a Vaughn index for any withheld materials.

RELIEF REQUESTED

WHEREFORE, AFL respectfully requests this Court:

i. Declare that the records sought by this request, as described in the foregoing, must be disclosed pursuant to 5 U.S.C. § 552;

ii. Order Defendants to conduct, by a date certain, a search reasonably calculated to locate all records responsive to AFL's FOIA request, including all locations and custodians likely to contain responsive materials, and to demonstrate that it employed search methods reasonably likely to lead to the discovery of responsive records;

iii. Order Defendants to produce by a date certain all non-exempt records responsive to AFL's FOIA requests, accompanied by a Vaughn index of any responsive records or portions of responsive records being withheld under a claim of exemption.

iv. Order the Defendants to grant AFL's requests for fee waivers;

v. Award AFL attorney fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E);
and

vi. Grant such other and further relief as this court deems just and proper.

Dated: February 4, 2026

Respectfully submitted,

/s/ Robert A. Crossin

Robert A. Crossin (DC Bar No. 90036740)

Megan Redshaw (Mo. Bar No. 72472)*

AMERICA FIRST LEGAL FOUNDATION

611 Pennsylvania Avenue SE #231

Washington, DC 20003

Bobby.crossin@aflegal.org

Megan.redshaw@aflegal.org

(301) 893-4177

Counsel for America First Legal Foundation

** Pro Hac Vice motion forthcoming*

EXHIBIT 1



August 18, 2025

Via FOIA Portal

Department of Health and Human Services
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Freedom of Information Act Request: Third-Party Involvement in Development of 89 FR 96280 (IOTA Model)

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL’s X page has over 354,000 followers, and the X page of our Founder and President has over 4,300 followers.

I. Background

The Increasing Organ Transplant Access Model (“IOTA Model”) is a Centers for Medicare and Medicaid Services (“CMS”) initiative under the Department of Health and Human Services (“HHS”) to improve access to organ transplants through performance-based incentives for transplant hospitals.¹ By financially rewarding higher transplant volumes, the IOTA Model directly links organ procurement to

¹ *Medicare Program; Alternative Payment Model Updates and the Increasing Organ Transplant Access (IOTA) Model*, 89 Fed. Reg. 96,280 (Dec. 4, 2024), <https://perma.cc/766D-AY9G>.

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payment structures, making transparency in its development critical to maintaining public trust in the Nation's transplant system.

On July 21, 2025, HHS released findings² arising from an investigation led by the Health Resources and Services Administration ("HRSA"),³ documenting serious ethical misconduct by Organ Procurement Organizations ("OPOs"). These findings raise concerns that performance-based financial incentives, if improperly influenced, could exacerbate unethical organ procurement practices and compromise patient safety. Public understanding of the model's development is necessary to ensure that the rulemaking process was not unduly shaped by the same entities under scrutiny for these practices.

The IOTA Model also introduced Health Equity Plans, initially proposed as mandatory and later modified in the final rule.⁴ While designed to address disparities in transplant access, these plans risk incentivizing hospitals to prioritize certain patients based on equity criteria instead of purely clinical need, potentially leading to discriminatory organ allocation practices. Identifying the role of third-party entities, including OPOs, nonprofits, and for-profit organizations, in shaping these provisions is essential to evaluating whether the final rule reflects sound policy or private influence.

II. Requested Records

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, AFL requests access to records held by HHS related to the development of the *Medicare Program; Alternative Payment Model Updates and the Increasing Organ Transplant Access (IOTA) Model*, 89 Fed. Reg. 96, 280.

Specifically, AFL seeks records demonstrating the role of third-party entities,⁵ including OPOs, nonprofit organizations such as the United Network for Organ Sharing or the Association of Organ Procurement Organizations, and any for-profit entities in shaping this rule. Our focus is on whether third-party influence exacerbated unethical or improper organ procurement practices.

² Press Release, U.S. DEP'T OF HEALTH & HUM. SERVS., *HHS Finds Systemic Disregard for Sanctity of Life in Organ Transplant System* (July 21, 2025), <https://perma.cc/2J37-Z2VU>.

³ Letter from Suma Nair, Assoc., Adm'r. Health Res. & Servs. Admin., to Richard N. Formica Jr., M.D., President, Organ Procurement & Transplantation Network Bd. of Dirs., and Rexanah Wyse Morrissett, Esq., Interim Exec. Dir., Organ Procurement and Transplantation Network (May 28, 2025), <https://perma.cc/GQR7-SMDH>.

⁴ Medicare Program; Alternative Payment Model Updates and the Increasing Organ Transplant Access (IOTA) Model, *supra* note 2 at 96, 405–07.

⁵ For purposes of this request, "third parties" or "third-party entities" shall be construed as any organization or entity that does not qualify as an agent of the U.S. Government.

AFL respectfully requests the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a), covering the period from January 1, 2021, to the date of this request:

1. All correspondence, including emails, letters, and memoranda, between HHS personnel and representatives of third-party entities regarding the development, drafting, or implementation of the IOTA Model.
2. All meeting records, including agendas, minutes, notes, or summaries for in-person, virtual, or telephonic meetings involving HHS personnel and third-party entities, such as OPOs, nonprofit organizations, or for-profit organizations, where the IOTA Model was discussed.
3. All submissions by third parties, including reports, white papers, policy proposals, or other materials provided to HHS that contributed to the formulation of the IOTA Model or influenced the content of 89 Fed. Reg. 96,280.
4. All internal HHS documents including drafts, memos, or policy briefs referencing or reflecting the influence or recommendations of third-party entities regarding the IOTA Model.
5. All communications between HHS personnel discussing the role of third-party entities in developing the IOTA Model.
6. All documents or communications discussing public comments submitted by third-party entities during the rulemaking process for 89 Fed. Reg. 96,280.
7. All records regarding the processing of this request.

III. Custodians

- A. Robert F. Kennedy Jr., Secretary
- B. Jim O'Neill, Acting Deputy Secretary
- C. Steven Sheingold, Acting Associate Deputy Assistant Secretary, Office of Health Policy
- D. Blood, Organ, and Tissue Senior Executive Council

IV. Processing

Processing should strictly comply with the processing memorandum issued by the Office of the Attorney General on Freedom of Information Act Guidelines.⁶ If you have any questions or believe further discussions regarding search and processing will

⁶ *Freedom of Information Act Guidelines*, U.S. DEPT OF JUSTICE, Office of Information Policy (Mar. 15, 2022), <https://perma.cc/5V4K-XZLD>.

facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org.

V. Fee Waiver Request

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 45 C.F.R. § 5.54. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest.

Accordingly, AFL has been granted fee waivers on this basis by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, as well as the Office of the Director of National Intelligence. Second, the waiver is proper as disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government."⁷

VI. Production

To accelerate the release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington DC 20003. If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Thank you in advance for your cooperation.

Sincerely,
/s/ Laura Stell
 Counsel
 America First Legal Foundation

⁷ 5 U.S.C. § 552(a)(4)(A)(iii).

EXHIBIT 2



August 18, 2025

Via FOIA Portal

CMS FOIA Officer
Centers for Medicare & Medicaid Services
Mailstop N2-20-16
7500 Security Boulevard
Baltimore, MD 21244

Freedom of Information Act Request: Third-Party Involvement in Development of 89 FR 96280 (IOTA Model)

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL’s X page has over 354,000 followers, and the X page of our Founder and President has over 4,300 followers.

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The Increasing Organ Transplant Access Model (“IOTA Model”) is a Centers for Medicare and Medicaid Services (“CMS”) initiative under the Department of Health and Human Services (“HHS”) to improve access to organ transplants through performance-based incentives for transplant hospitals.¹ By financially rewarding higher transplant volumes, the IOTA Model directly links organ procurement to

¹ *Medicare Program; Alternative Payment Model Updates and the Increasing Organ Transplant Access (IOTA) Model*, 89 Fed. Reg. 96,280 (Dec. 4, 2024), <https://perma.cc/766D-AY9G>.

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payment structures, making transparency in its development critical to maintaining public trust in the Nation's transplant system.

On July 21, 2025, HHS released findings² arising from an investigation led by the Health Resources and Services Administration ("HRSA"),³ documenting serious ethical misconduct by Organ Procurement Organizations ("OPOs"). These findings raise concerns that performance-based financial incentives, if improperly influenced, could exacerbate unethical organ procurement practices and compromise patient safety. Public understanding of the model's development is necessary to ensure that the rulemaking process was not unduly shaped by the same entities under scrutiny for these practices.

The IOTA Model also introduced Health Equity Plans, initially proposed as mandatory and later modified in the final rule.⁴ While designed to address disparities in transplant access, these plans risk incentivizing hospitals to prioritize certain patients based on equity criteria instead of purely clinical need, potentially leading to discriminatory organ allocation practices. Identifying the role of third-party entities, including OPOs, nonprofits, and for-profit organizations, in shaping these provisions is essential to evaluating whether the final rule reflects sound policy or private influence.

II. Requested Records

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, AFL requests access to records held by CMS related to the development of the *Medicare Program; Alternative Payment Model Updates and the Increasing Organ Transplant Access (IOTA) Model*, 89 Fed. Reg. 96, 280.

Specifically, AFL seeks records demonstrating the role of third-party entities,⁵ including OPOs, nonprofit organizations such as the United Network for Organ Sharing or the Association of Organ Procurement Organizations, and any for-profit entities in shaping this rule. Our focus is on whether third-party influence exacerbated unethical or improper organ procurement practices.

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³ Letter from Suma Nair, Assoc., Adm'r. Health Res. & Servs. Admin., to Richard N. Formica Jr., M.D., President, Organ Procurement & Transplantation Network Bd. of Dirs., and Rexanah Wyse Morrissett, Esq., Interim Exec. Dir., Organ Procurement and Transplantation Network (May 28, 2025), <https://perma.cc/GQR7-SMDH>.

⁴ Medicare Program; Alternative Payment Model Updates and the Increasing Organ Transplant Access (IOTA) Model, *supra* note 2 at 96, 405–07.

⁵ For purposes of this request, "third parties" or "third-party entities" shall be construed as any organization or entity that does not qualify as an agent of the U.S. Government.

AFL respectfully requests the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a), covering the period from January 1, 2021, to the date of this request:

1. All correspondence, including emails, letters, and memoranda, between CMS personnel and representatives of third-party entities regarding the development, drafting, or implementation of the IOTA Model.
2. All meeting records, including agendas, minutes, notes, or summaries for in-person, virtual, or telephonic meetings involving CMS personnel and third-party entities where the IOTA Model was discussed.
3. All submissions by third parties, including reports, white papers, policy proposals, or other materials provided to CMS that contributed to the formulation of the IOTA Model or influenced the content of 89 Fed. Reg. 96,280.
4. All internal CMS documents, including drafts, memos, or policy briefs referencing or reflecting the influence or recommendations of third-party entities regarding the IOTA Model.
5. All communications between CMS personnel discussing the role of third-party entities in developing the IOTA Model.
6. All documents or communications discussing public comments submitted by third-party entities during the rulemaking process for 89 Fed. Reg. 96,280.
7. All records regarding the processing of this request.

III. Custodians

- A. Dr. Mehmet Oz, Administrator
- B. Stephanie Carlton, Deputy Administrator and Chief of Staff
- C. John Brooks, Deputy Administrator and Chief Policy and Regulatory Officer
- D. Chris Klomp, Deputy Administrator and Director of Medicare

IV. Processing

Processing should strictly comply with the processing memorandum issued by the Office of the Attorney General on Freedom of Information Act Guidelines.⁶ If you have any questions or believe further discussions regarding search and processing will facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org.

⁶ *Freedom of Information Act Guidelines*, U.S. DEPT OF JUSTICE, Office of Information Policy (Mar. 15, 2022), <https://perma.cc/5V4K-XZLD>.

V. Fee Waiver Request

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 45 C.F.R. § 5.54. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest.

Accordingly, AFL has been granted fee waivers on this basis by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, as well as the Office of the Director of National Intelligence. Second, the waiver is proper as disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government."⁷

VI. Production

To accelerate the release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington DC 20003.

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Thank you in advance for your cooperation.

Sincerely,

/s/ Laura Stell

Counsel

America First Legal Foundation

⁷ 5 U.S.C. § 552(a)(4)(A)(iii).

EXHIBIT 3



AFL FOIA <foia@aflegal.org>

Request Acknowledgement by U.S. Department of Health & Human Services

foiarequest@hhs.gov <foiarequest@hhs.gov>

Mon, Aug 18, 2025 at 3:43 PM

To: foia@aflegal.org

Dear Will Scolinos,

Request #2025-03598-F0IA-0S has been assigned to the request you submitted. In all future correspondence regarding this request please reference request #2025-03598-F0IA-0S.

Regards,
U.S. Department of Health & Human Services

EXHIBIT

4



CMS FOIA Request Acknowledgement: Control Number 081820257101

CMS FOIA (No Reply) <FOIANoReply@cms.hhs.gov>
To: foia@aflegal.org

Tue, Aug 19, 2025 at 7:21 AM

Centers for Medicare & Medicaid Services

Freedom of Information Group's FOIA Service Center

Refer to: Control Number 081820257101 and PIN 2MMC

Dear Laura Stell:

Thank you for contacting the Centers for Medicare & Medicaid Services' (CMS) Freedom of Information Act (FOIA) Service Center. We are acknowledging receipt of your FOIA request received by one of CMS's FOIA processing offices on 08/18/2025.

Once your request is assigned to a CMS FOIA Coordinator, you will receive additional direct communication as needed for our agency to process and respond to your request. If our searching units advise us that you have requested a voluminous number of records that requires extensive search, production, and review, we will contact you to discuss options for narrowing the scope to process your request as quickly and efficiently as possible.

Please note that CMS receives a very high volume of FOIA requests annually and every effort is made to respond to FOIA requests received by our agency within 20 business days per FOIA regulations. The following unusual circumstances, as defined by 5 USC § 552(a)(6), may affect 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 number of records that must be located, compiled, transferred to this office, and reviewed.

To check the status of your request as it is being processed, please use CMS's FOIA check status link: [CMS FOIA Request Status](#) to enter both the Control Number and 4 character PIN as they appear above in this email. If you have submitted more than one request, you will receive a separate acknowledgement email containing an individual Control Number and PIN for each request submitted.

For FOIA inquiries pertaining to requests for beneficiary claim records, you may contact CMS's regional FOIA processing office at: OPOLEFOIA@cms.hhs.gov. For all other FOIA inquiries, you may contact CMS's central FOIA office at: FOIA_Request@cms.hhs.gov. If you are inquiring about a specific FOIA request, please be sure to include the Control Number in the subject line. For additional information and helpful resources, please visit our CMS FOIA Service Center webpage: [CMS FOIA Service Center](#).

Additionally, federal agencies are authorized by law to collect fees necessary to process and respond to FOIA requests. The FOIA statute assumes that requesters are willing to pay fees up to \$25.00. If you have not specified a fee limit, CMS will notify you if the fees estimated to process your request exceed \$25.00, and CMS may suspend processing until we receive written confirmation that you are willing to pay the estimated fees. If the estimated fees exceed \$250.00, the law authorizes us to collect the fees in advance of processing the request.

If you are not satisfied with any aspect of the processing and handling of this request, please contact Jennifer Watson at 667-414-0535.

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

Desiree Gaynor
CMS FOIA Public Liaison
Centers for Medicare & Medicaid Services
[7500 Security Blvd.](#), MS C5-11-06
Baltimore, Maryland 21244-1850

Telephone: (410) 786-5353 fax (443)-380-8871

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,

The CMS FOIA Service Center

EXHIBIT

5



AFL FOIA <foia@aflegal.org>

Control Number 081820257101 - Request for Expedited Processing

AFL FOIA <foia@aflegal.org>

Wed, Aug 27, 2025 at 11:11 AM

To: FOIA_Request@cms.hhs.gov

Cc: Laura Stell <laura.stell@aflegal.org>, Megan Redshaw <megan.redshaw@aflegal.org>

Good morning,

Consistent with 45 CFR 5.27, AFL seeks expedited processing of this request. A failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of organ transplant patients across the country. Knowing the degree of outside influence in shaping organ transplant policy is critical to ensuring the transplantation system operates in the best interest of patients, rather than the financial interests of third parties. Moreover, there is an urgent need to inform the public regarding the alleged governmental activity in allowing self-interested entities to shape policies that can result in the life or death of patients across the country. I certify that these assertions are true and correct to the best of my knowledge.

Please advise as to whether CMS will conform its processing timeline to our request.

Best regards,

Laura Stell

EXHIBIT

6

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C5-11-06
Baltimore, Maryland 21244-1850



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

Refer to: Control Number 081820257101 and PIN 2MMC

9/4/2025

Laura Stell
611 Pennsylvania Ave SE
#231
Washington, DC 20003

Dear Laura Stell:

I am responding to your 8/18/2025 letter requesting expedited processing of your Freedom of Information Act (FOIA) request for documents regarding the IOTA Model. The basis for expedited processing set forth in your letter is ‘A failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of organ transplant patients across the country. Knowing the degree of outside influence in shaping organ transplant policy is critical to ensuring the transplantation system operates in the best interest of patients, rather than the financial interests of third parties. Moreover, there is an urgent need to inform the public regarding the alleged governmental activity in allowing self-interested entities to shape policies that can result in the life or death of patients across the country.’

I reviewed your request in line with 5 U.S.C. §552(a)(6)(E). This section provides for expedited processing of FOIA requests when the person requesting the records demonstrates a compelling need as defined by the statute; i.e., an imminent threat to the life and safety of an individual; or, for the media, urgency to inform the public concerning actual or alleged government activity. On the basis of the information available to me, I find that your request does not qualify for expedited processing based upon “compelling need.”

I also reviewed your request in light of “other” circumstances that warrant expedited processing according to this agency’s Federal Register Notice Vol. 81, No. 209 (dated Friday, October 28, 2016). Such circumstances cover the need for disclosure of the specific records in question because the requester must meet: a deadline in litigation, either in court or before an administrative tribunal; or a deadline imposed by a governmental agency for commenting on a proposed regulation. I find that none of these circumstances apply here.

Finally, in line with the provision of our Federal Register Notice that requires consideration of all requests that do not fall within the circumstances enumerated therein, I have considered the situation set forth in your letter. Unfortunately, I cannot conclude from the information you have provided that there is “exceptional need or urgency” justifying expedited processing in this case.

Therefore, I cannot grant your request for expedited processing. This Group will process your request in accordance with this agency's "first in, first out" practice.

If you disagree with this decision, you may appeal. Any such appeal must be mailed within 30 days to: Chief Operating Officer & Deputy Administrator, Centers for Medicare & Medicaid Services, Mail Stop DO-01-60, 7500 Security Boulevard, Baltimore, Maryland 21244. Mark your envelope "Freedom of Information Act Appeal" and enclose a copy of this letter with your appeal.

Questions concerning the status of your request should be directed to Jennifer Watson of my staff at jennifer.watson1@cms.hhs.gov.

Sincerely yours,

Desiree Gaynor

Desiree Gaynor
Director, Division of FOIA Analysis – A
Freedom of Information Group

EXHIBIT

7

Check the Status of Your FOIA Request

Control Number: 081820257101

Date Received: 8/17/2025

Subject: Email communications regarding the IOTA Model

Status of the Request: Responsive records returned to the FOIA office for review and disclosure analysis

Projected Date of Response: Undetermined

Date of Response: Undetermined



What does the status of my request mean?

FOIA Request Received by Centers for Medicare & Medicaid Services

CMS's Central Office Freedom of Information Group or Office of Program Operations and Local Engagement has received your FOIA or Medicare beneficiary claims (Privacy Act) request for agency records; the request has been entered into CMS's FOIA & Privacy Act request tracking and processing management system.

(Note: CMS's Office of Program Operations and Local Engagement plays an essential role in processing Medicare beneficiary claims requests.)

FOIA Request Referred to Program Office(s) for Responsive Records Search and Fee Estimate

Processing of your FOIA or Privacy Act request is underway. Your request has been shared with the appropriate division (program office) within CMS to initiate the records search. If you submitted a request for Medicare beneficiary records, your request will be sent to one of CMS's Medicare Administrative Contractors (MACs) for a records search. In some instances, your request may need to be sent to multiple program offices and/or MACs, which can result in additional time needed to complete the full search. Depending on the type of requester and volume of the request, CMS may

need to generate a fee estimate prior to proceeding with fully processing your request.

See <https://www.archives.gov/files/ogis/assets/fees-at-a-glance-chart.pdf>.

FOIA Request Referred to Program Office(s) for Responsive Records Search, Fee Estimate and Direct Reply to Requester

Your request is in the same status as noted above; however, one of CMS's program offices (most often the Office of Program Operations and Local Engagement) or one of CMS's Medicare Administrative Contractors is authorized to release records directly to you without the need for CMS's Freedom of Information Group's review and FOIA disclosure analysis of records prior to release.

Request Processing Suspended - Pending Information From Requester

Processing your FOIA request may be suspended for two reasons:

- Clarification may be needed for your request in order for CMS to complete an efficient and targeted search for responsive records.
- An advance payment fee may have been assessed in order to continue processing your current request.

Interim Disclosure Determination Issued - Final Determination Pending

Part of your FOIA request has been processed; a portion of CMS agency records has been reviewed by a FOIA analyst and either a partial or full interim records release has been determined and issued, or a full denial of records reviewed thus far has been determined per FOIA statute exemptions. The remainder of your request is continuing to be processed.

Responsive Records Returned to the FOIA Office for Review and Disclosure Analysis

The CMS program office(s) assigned to your request has completed their search for responsive records and returned them to CMS's Freedom of Information Group for review and FOIA disclosure analysis.

(Note: if your request was assigned to multiple program offices for search, the request may still be pending records production or response from other program offices.)

Disclosure Analysis of Responsive Records in Progress

Agency records produced by the program office(s) have been received by CMS's Freedom of Information Group, the case has been assigned to a FOIA analyst, and disclosure analysis of responsive records has begun.

Disclosure Decision Pending

A FOIA analyst has completed the disclosure analysis of agency records and made a disclosure determination to issue either a partial or full release of records, or a full denial based on FOIA statute exemptions. Release or response is pending final review and approval from CMS's Freedom of Information Group leadership.

In Appeal Process

CMS has received your FOIA appeal request in response to a perceived adverse determination or failure to produce agency records; the appeal is under initial review or currently in appeal proceedings.

Appeal Case Closed

An appeal determination has been made and a final response has been sent; additional records may have been released as well. Both the original FOIA request and subsequent appeal are now closed.

Disclosure Decision Issued - Case Closed

Your FOIA request has been fully processed and a disclosure decision issued; either a partial or full set of agency records has been released or a full denial of records response has been issued per FOIA statute exemptions. Your FOIA request is now completed and closed.

Case Closed

Your FOIA request has been reviewed and closed administratively for one of several reasons:

- CMS does not possess any records responsive to your request.
- Your request was withdrawn or a Continued Interest Letter was sent to you and no response was received.
- Requested records were not reasonably described and a clarification response was not received by CMS.
- All records in CMS's possession were referred to another agency for their review and release determination.
- Your request was not an actual FOIA request as defined by the FOIA statute, or it was imperfect and CMS did not receive a response from you to perfect the request in order to be submitted under FOIA.
- The records you requested are not CMS agency records.
- CMS's FOIA tracking and processing system received your request more than once and other request(s) were closed as a duplicate(s).
- If you submitted multiple FOIA requests, they may have been consolidated (with your permission) into fewer requests or a single

request; therefore, other requests entered into CMS's FOIA tracking and processing system were closed.

- CMS's Freedom of Information Group was unable to contact you with questions and answers necessary to fully process your request as originally submitted.



Centers for Medicare & Medicaid Services

Powered by [Sole Solutions, Inc.](#)

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

CLEAR FORM

America First Legal Foundation

Plaintiff

v.

Department of Health and Human Services, Centers for Medi

Defendant

Civil Action No. 1:26-cv-320

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Attorney for the District of Columbia
 Attn: Civil Process Clerk
 U.S. Attorney's Office for D.C.
 601 D Street NW
 Washington D.C. 20530
 Email service to: USADC.ServiceCivil@usdoj.gov

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert A. Crossin, Esq.
 611 Pennsylvania Avenue SE #231
 Washington, D.C. 20003
 bobby.crossin@aflegal.org
 202-596-9846

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 1:26-cv-320

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

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

America First Legal Foundation

Plaintiff

v.

Department of Health and Human Services, Centers for Medi

Defendant

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Civil Action No. 1:26-cv-320

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Attorney General Pam Bondi
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert A. Crossin
611 Pennsylvania Avenue SE #231
Washington, D.C. 20003
bobby.crossin@aflegal.org
202-596-9846

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

America First Legal Foundation

Plaintiff

v.

U.S. Department of Health and Human Services, Centers for Medi

Defendant

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Civil Action No. 1:26-cv-320

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

U.S. Department of Health and Human Services
200 Independence Ave. SW
Washington, DC 20201

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert A. Crossin
611 Pennsylvania Avenue SE #231
Washington, D.C. 20003
bobby.crossin@aflegal.org
202-596-9846

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

America First Legal Foundation

Plaintiff

v.

Centers for Medicare & Medicaid Services, Centers for Medi

Defendant

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Civil Action No. 1:26-cv-320

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert A. Crossin
611 Pennsylvania Avenue SE #231
Washington, D.C. 20003
bobby.crossin@aflegal.org
202-596-9846

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

I. (a) PLAINTIFFS America First Legal Foundation (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)		DEFENDANTS U.S. Department of Health and Human Services Centers for Medicare & Medicaid Services COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>	
(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Robert A. Crossin Megan Redshaw 611 Pennsylvania Ave. SE #231 Washington D.C. 20003		ATTORNEYS (IF KNOWN)	

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="radio"/> 1 U.S. Government Plaintiff </div> <div style="width: 48%;"> <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="radio"/> 2 U.S. Government Defendant </div> <div style="width: 48%;"> <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III) </div> </div>	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY! <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5																				
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT
 (Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
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<input type="radio"/> E. General Civil (Other)		OR	<input type="radio"/> F. Pro Se General Civil	
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<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input checked="" type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multi-district Litigation
 ☐ 7 Appeal to District Judge from Mag. Judge
 ☐ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Violation of 5 U.S.C. § 552

VII. REQUESTED IN COMPLAINT

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

JURY DEMAND:

Check YES only if demanded in complaint
 YES ☐ NO ☒

VIII. RELATED CASE(S) IF ANY

(See instruction)

YES ☐ NO ☒

If yes, please complete related case form

DATE: February 4, 2026

SIGNATURE OF ATTORNEY OF RECORD /s/ Robert A. Crossin

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.