UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MISSISSIPPI MEDICAL PROFESSIONALS FOR INFORMED CONSENT

-AND-

INFORMED CONSENT ACTION NETWORK,

Plaintiffs,

v.

CENTERS FOR DISEASE CONTROL AND PREVENTION

-AND-

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendants.

Civ. A. No. 25-135-HSO-BWR

ANSWER

Defendants, the Centers for Disease Control and Prevention ("CDC") and the United States Department of Health and Human Services ("HHS," collectively the "Defendants"), respectfully submit the following Answer in response to the Complaint from Plaintiffs Mississippi Medical Professionals for Informed Consent and Informed Consent Action Network (the "Plaintiffs") (ECF No. 1). Defendants reserve their rights to amend, alter, or supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to Defendants through the course of the litigation.

Defendants respond to the separately numbered paragraphs and requested relief contained in the Complaint. To the extent the Complaint refers to or quotes from external documents,

statutes, or other sources, Defendants may refer to such materials for their accurate and complete contents in response; however, Defendants' references are not intended to be, and should not be construed to be, an admission that the cited materials are: (a) correctly cited or quoted by Plaintiffs; (b) relevant to this, or any other, action; or (c) admissible in this, or any other, action. Defendants expressly deny all allegations in the Complaint, including the relief sought, that are not specifically admitted or otherwise qualified in this Answer.

The first unnumbered paragraph purports to describe this lawsuit, to which no response is required. To the extent a response is required, Defendants admit that Plaintiffs bring this case against Defendants under the Freedom of Information Act ("FOIA") and deny that Plaintiffs are entitled to the relief requested or any relief whatsoever.

Defendants respond to the Complaint in like numbered paragraphs as follows:

JURISDICTION AND VENUE[1]

1. This paragraph sets forth legal conclusions regarding jurisdiction to which no response is required. To the extent a response is required, Defendants admit that this Court has jurisdiction over this matter subject to the terms and limitations of FOIA.

2. This paragraph sets forth legal conclusions regarding venue to which no response is required. To the extent a response is required, Defendants admit that venue for claims under the FOIA is available in this district for proper FOIA challenges.

[1] For ease of reference, Defendants replicate the headings contained in the Complaint. Although Defendants believe that no response is required to such headings, to the extent a response is deemed required and to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

PARTIES

3. Defendants are without sufficient information or knowledge to admit or deny the allegations of this paragraph.

4. Defendants are without sufficient information or knowledge to admit or deny the allegations of this paragraph.

5. Defendants admit only that Defendant CDC is a federal agency organized within HHS and subject to FOIA. Defendants are without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph.

6. Defendants admit only that Defendant HHS is a federal agency subject to FOIA. Defendants are without sufficient information or knowledge to admit or deny the remaining allegations in this paragraph.

STATEMENT OF FACTS

7. Defendants admit that on April 9, 2025, Plaintiffs sent a FOIA request to CDC. The remaining allegations in this paragraph purport to characterize the referenced document, to which no response is required. Defendants respectfully refer the Court to the cited document for its true and complete contents and deny any allegations inconsistent therewith.

8. Defendants admit that CDC acknowledged receipt of Plaintiff's FOIA request on April 9, 2025, and assigned reference case number 25-01124-FOIA to the request.

9. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny that they have failed to determine whether to comply with the request.

COUNT I
FAILURE TO MAKE DETERMINATION BY REQUIRED DEADLINE
(VIOLATION OF FOIA, 5 U.S.C. § 552)

10. Defendants incorporate by reference the above paragraphs as though set forth fully herein.

11. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

12. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

13. Defendants lack sufficient information or knowledge to admit or deny the allegations of this paragraph, and so deny the same.

14. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, the allegation is denied.

COUNT II
FAILURE TO PROVIDE AN ETIMATED COMPLETION DATE
(VIOLATION OF FOIA, 5 U.S.C. § 552)

15. Defendants incorporate by reference the above paragraphs as though set forth fully herein.

16. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

17. Defendants admit that they have not provided an estimated completion date.

COUNT III
IMPROPER WITHHOLDING OF INFORMATION AND DATA
(VIOLATION OF FOIA, 5 U.S.C. § 552)

18. Defendants incorporate by reference the above paragraphs as though set forth fully herein.

19. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

20. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

COUNT IV
FAILURE TO ESTABLISH AN ADEQUATE SEARCH
(VIOLATION OF FOIA, 5 U.S.C. § 552)

21. Defendants incorporate by reference the above paragraphs as though set forth fully herein.

22. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

23. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

COUNT V
ENTITLEMENT TO WAIVER OF SEARCH AND DUPLICATION FEES

24. Defendants incorporate by reference the above paragraphs as though set forth fully herein.

25. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

26. Defendants admit that Plaintiff sought a waiver of search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii).

27. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

PRAYER FOR RELIEF

This section contains Plaintiffs' request for relief, to which no response is required. Defendants

deny that Plaintiffs are entitled to any of the requested relief or to any relief whatsoever.

Any allegation that is not expressly and specifically admitted is expressly and specifically denied.

AFFIRMATIVE DEFENSES

In further response to the Complaint, Defendants raise the following defenses. Defendants respectfully request and reserve the right to amend, alter, and supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to it through the course of the litigation.

First Defense

The Court lacks subject matter jurisdiction over any of Plaintiffs' request for relief that exceed the relief authorized under FOIA.

Second Defense

Plaintiffs are not entitled to compel production of responsive records protected from disclosure by one or more exemptions or exclusions to the FOIA, 5 U.S.C. § 552, as amended.

Third Defense

Plaintiffs' request is an improper FOIA request because it does not reasonably describe the records sought as required by 5 U.S.C. § 552(a)(3)(A), is unreasonably broad and presents an unduly burdensome effort of review, redaction, and production for Defendants.

Fourth Defense

Plaintiffs are not entitled to any relief whatsoever, including attorney's fees and costs.

Dated: June 20, 2025

Respectfully submitted,

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/s/ *Gregg Mayer*
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