

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

THE OVERSIGHT PROJECT)
211 North Union Street)
Alexandria, VA 22314)
MIKE HOWELL)
211 North Union Street)
Alexandria, VA 22314)
Plaintiffs,)
v.)
U.S. DEPARTMENT OF HEALTH)
AND HUMAN SERVICES)
200 Independence Ave, SW)
Washington, DC 20201)
Defendant.)

Case No. 25-cv-3129

COMPLAINT AND PRAYER FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs THE OVERSIGHT PROJECT and MIKE HOWELL (collectively “Plaintiffs”) for their complaint against Defendant U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (“HHS” or “Department”) allege on knowledge as to Plaintiffs, and on information and belief as to all other matters, as follows:

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel the production of records from HHS and its component, the National Institutes of Health (“NIH”), regarding the medical study of pediatric gender-affirming care.
2. Through this action, Plaintiffs seek to compel the production of records responsive to two FOIA Requests (“Requests”) seeking release of information regarding the impact of pediatric medical treatments for gender dysphoria. These records will help the public better

understand the studied medical outcomes of these treatments.

3. Plaintiffs requested the records at issue in this action from NIH on July 2, 2025. To date, Plaintiffs have not received any determination regarding either request or received any communication beyond what appears to be an automated acknowledgment. NIH's failure to respond timely is a violation of FOIA.

PARTIES

4. Plaintiff The Oversight Project is a nonpartisan public policy organization based in Wyoming with an office in Virginia that works to expose and root out corruption in government, among elected officials, and in the most influential organizations to ensure power resides with the American People. The Oversight Project is a not-for-profit section 501(c)(4) organization which engages in substantial dissemination of information to the public. The Oversight Project is an initiative aimed at obtaining information via FOIA requests and other means to best inform the public. The Oversight Project provides information to Congress for the purposes of Congressional oversight. The Oversight Project and Plaintiff Mike Howell's journalistic work is published most frequently on X (formerly known as Twitter) to provide information directly to the American people. Significant findings are also posted on the Oversight Project's website. That website contains a searchable archive of records obtained by the Oversight Project in the "Doc Depot." The "Doc Depot" is a bespoke technological solution compiled by Oversight Project technical experts to facilitate fully searchable public access to FOIA'd records. Staff for the Oversight Project routinely appear on television, radio, print, and other forms of media to provide expert commentary on salient issues in the national debate.

5. Plaintiff Howell leads The Oversight Project and is an investigative columnist for *The Daily Signal* and a contributor to *The Blaze*.

6. Defendant HHS is a federal agency of the United States within the meaning of 5 U.S.C. § 552(f)(1). HHS has possession, custody, and/or control of the records that Plaintiffs seek. HHS is located at 200 Independence Avenue, S.W., Washington, D.C., 20201. NIH is a subcomponent of HHS.

JURISDICTION AND VENUE

7. This Court has jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) because this action is brought in the District of Columbia and 28 U.S.C. § 1331 because the resolution of disputes under FOIA presents a federal question.

8. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendant HHS's principal place of business is in the District of Columbia.

FACTUAL ALLEGATIONS

The Requests

9. Plaintiffs submitted their FOIA Requests on July 2, 2025.

Request A

10. The first request sought all reports submitted by grantees for *The Impact of Early Medical Treatment in Transgender Youth* study, award number: R01HD082554 ("Request A"), specifically:

All reports, including drafts, regarding 5R01HD082554-01A1—5R01HD082554-09 submitted by Johanna Olson, MD, Children's Hospital Los Angeles and the Keck School of Medicine of the University of Southern California; Stephen Rosenthal, MD, UCSF Benioff Children's Hospital San Francisco; Robert Garofalo, MD, MPH, Ann & Robert H. Lurie Children's Hospital of Chicago and Northwestern University Feinberg School of Medicine; and Norman Spack, MD, Boston Children's Hospital and Harvard Medical School.

A true and correct copy of Request A is attached hereto as Exhibit 1.

11. Request A sought a fee waiver based on Plaintiffs' not-for-profit status, ability to

widely disseminate information through its own publication and through appearances and contributions to traditional and nontraditional media, and the public interest in pediatric gender-affirming care and media coverage of *The Impact of Early Medical Treatment in Transgender Youth* study.

Request B

12. The second request sought internal final documents about two drugs used in pediatric gender-affirming care (“Request B”), specifically:

- A. All internal final documents concerning physiological side effects of Supprelin; and
- B. All internal final documents concerning physiological side effects of Lupron.

A true and correct copy of Request B is attached hereto as Exhibit 2.

13. Request B sought a fee waiver based on Plaintiffs’ not-for-profit status, ability to widely disseminate information through its own publication and through appearances and contributions to traditional and nontraditional media, and the public interest in pediatric gender-affirming care and media coverage of *The Impact of Early Medical Treatment in Transgender Youth* study.

14. On July 2, 2025, NIH acknowledged receipt of the Requests by what appears to be automated responses and assigned tracking numbers #64267 and #64268. True and correct copies of the acknowledgment letters are attached hereto as Exhibits 3 and 4.

15. Under FOIA, HHS has twenty (20) business days to produce responsive documents or issue a determination communicating the scope of the documents it intends to produce and/or withhold, the reasons for any withholding, and notifying the requester that it may appeal any adverse determination.

16. Twenty business days from July 2, 2025 is July 31, 2025.

17. To avoid litigation, Plaintiffs sought an update on the requests on September 3, 2025. A true and correct copy of the email is attached hereto as Exhibit 5. NIH has not responded to this inquiry.

18. As of the date of this Complaint, HHS has failed to: (i) produce the requested records or demonstrate that the records are lawfully exempt from disclosure; (ii) notify Plaintiffs of the scope of any responsive records it intends to produce or withhold and the reasons for any withholdings; (iii) issue a determination on Plaintiffs' requests for fee waivers; or (iv) inform Plaintiffs that they may appeal any adequately specific, adverse determination.

FIRST CLAIM FOR RELIEF
Violation of FOIA, 5 U.S.C. § 552
Failure to Conduct Adequate Searches for Responsive Records.

19. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

20. Plaintiffs properly requested records within the possession, custody, and control of Defendant.

21. Defendant is subject to FOIA and therefore must make reasonable efforts to search for requested records.

22. Defendant has failed to promptly review agency records for the purpose of locating and collecting those records that are responsive to Plaintiffs' FOIA Request.

23. Defendant's failure to conduct searches for responsive records violates HHS regulations.

24. Plaintiffs have a statutory right to the information they seek.

25. Defendant is in violation of FOIA.

26. Plaintiffs are being irreparably harmed by reason of Defendant's violation of FOIA. Plaintiffs are being denied information to which they are statutorily entitled and that is important

to carrying out Plaintiffs' functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

27. Plaintiffs have no adequate remedy at law.

28. Plaintiffs have constructively exhausted their administrative remedies.

SECOND CLAIM FOR RELIEF
Violation of FOIA, 5 U.S.C. § 552
Wrongful Withholding of Non-Exempt Responsive Records

29. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

30. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

31. Defendant is subject to FOIA and therefore must release to a FOIA requester any non-exempt records and provide a lawful reason for withholding any records.

32. Defendant is wrongfully withholding non-exempt records requested by Plaintiffs by failing to produce any records responsive to Plaintiffs' FOIA Request.

33. Defendant is wrongfully withholding non-exempt agency records requested by Plaintiffs by failing to segregate exempt information in otherwise non-exempt records responsive to Plaintiffs' FOIA Request.

34. Defendant's failure to provide all non-exempt responsive records violates FOIA and HHS regulations.

35. Plaintiffs have a statutory right to the information they seek.

36. Defendant is in violation of FOIA.

37. Plaintiffs are being irreparably harmed by reason of Defendant's violation of FOIA. Plaintiffs are being denied information to which they are statutorily entitled and that is important

to carry out Plaintiffs' functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

38. Plaintiffs have no adequate remedy at law.

39. Plaintiffs have constructively exhausted their administrative remedies.

THIRD CLAIM FOR RELIEF
Violation of FOIA, 5 U.S.C. § 552
Wrongful Denial of Fee Waiver

40. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

41. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

42. Defendant has constructively denied Plaintiffs' applications for fee waivers pursuant to 5 U.S.C. § 552(a)(4)(A)(ii) & (iii) and 45 C.F.R. § 5.54.

43. The Requests do not have a commercial purpose because the Oversight Project is a 501(c)(4) nonprofit, Howell acts in his capacity as an Oversight Project employee, and release of the information sought does not further Plaintiffs' commercial interest.

44. Plaintiffs are members of the news media as they "gather[] information of potential interest to a segment of the public, use[] . . . [their] editorial skills to turn the raw materials into a distinct work, and distribute[] that work to an audience." 5 U.S.C. § 552(a)(4)(A)(ii).

45. Disclosure of the information sought by the Requests also "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." 5 U.S.C. § 552(a)(4)(A)(iii).

46. Defendant has "failed to comply with a[]time limit under paragraph (6)" as to the Requests. 5 U.S.C. § 552(a)(4)(A)(viii)(I).

47. Plaintiffs have a statutory right to fee waivers.

48. Defendant is in violation of FOIA by denying fee waivers.

49. Plaintiffs are being irreparably harmed by reason of Defendant's violation of FOIA.

Plaintiffs are being denied fee waivers to which they are statutorily entitled and that is important to carry out Plaintiffs' functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

50. Plaintiffs have no adequate remedy at law.

51. Plaintiffs have constructively exhausted their administrative remedies.

FOURTH CLAIM FOR RELIEF
Violation of FOIA, 5 U.S.C. § 552
Statutory Bar Against Charging Fees

52. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

53. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

54. The Requests do not have a commercial purpose because the Oversight Project is a 501(c)(4) nonprofit, Howell acts in his capacity as an Oversight Project employee, and release of the information sought does not further Plaintiffs' commercial interest.

55. Plaintiffs are members of the news media as "gather[] information of potential interest to a segment of the public, use[] . . . [their] editorial skills to turn the raw materials into a distinct work, and distribute[] that work to an audience." 5 U.S.C. § 552(a)(4)(A)(ii)(III).

56. Disclosure of the information sought by the Requests also "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." 5 U.S.C. § 552(a)(4)(A)(iii).

57. Defendant has “failed to comply with a[] time limit under paragraph (6)” as to the Requests. 5 U.S.C. § 552(a)(4)(A)(viii)(I).

58. Defendant is currently statutorily barred from charging fees related to Plaintiffs’ FOIA Requests. Therefore, Plaintiffs have a statutory right to have their requests processed without being charged any fees.

59. Plaintiffs are being irreparably harmed by reason of Defendant’s violation of FOIA. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

60. Plaintiffs have no adequate remedy at law.

61. Plaintiffs have constructively exhausted their administrative remedies.

WHEREFORE as a result of the foregoing, Plaintiffs pray that this Court:

- A. Order Defendant to conduct a search or searches reasonably calculated to uncover all records responsive to Plaintiffs’ FOIA Requests;
- B. Order Defendant to produce, within twenty days of the Court’s order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to Plaintiffs’ FOIA Requests and indexes justifying the withholding of any responsive records withheld in whole or in part under claim of exemption;
- C. Enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiffs’ FOIA Requests;
- D. Enjoin Defendant from assessing fees or costs for Plaintiffs’ FOIA Requests;
- E. Retain jurisdiction over this matter as appropriate;
- F. Award Plaintiffs their costs and reasonable attorneys’ fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and

G. Grant such other and further relief as this Court may deem just and proper.

Dated: September 11, 2025

Respectfully submitted,

/s/ Eric Neal Cornett
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Counsel for Plaintiffs

EXHIBIT 1

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

Submitted Via: [Public Access Link](#)

July 2, 2025

National Institutes of Health
Gorka Garcia-Malene
Building 1, Room 334
1 Center Drive, MSC 0188
Bethesda, MD 20892-0188

Ms. Garcia-Malene:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the United States Department of Health and Human Services, 45 C.F.R. § 5.1–5.71, I respectfully request the following:

1. All reports, including drafts, regarding 5R01HD082554-01A1—5R01HD082554-09 submitted by Johanna Olson, MD, Children’s Hospital Los Angeles and the Keck School of Medicine of the University of Southern California; Stephen Rosenthal, MD, UCSF Benioff Children's Hospital San Francisco; Robert Garofalo, MD, MPH, Ann & Robert H. Lurie Children’s Hospital of Chicago and Northwestern University Feinberg School of Medicine; and Norman Spack, MD, Boston Children’s Hospital and Harvard Medical School.

Timeframe of Search

The time period for this request is February 4, 2014, through the present.

Custodians

Please limit your search to employees of the National Institute of Child Health and Human Development.

Search Instructions

To further narrow down the scope of the request, requester does not seek correspondence that merely forwards without comment press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment added by any party in the thread. For any responsive documents, please provide the entire communications chain, and all attachments.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

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The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as 'encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

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“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

The term “employee” means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

Please comply fully with Freedom of Information Act. Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

The Oversight Project requests a waiver of all fees associated with processing this request. The Oversight Project is a 501(c)(4) non-profit dedicated to critical examination of government actions. Given The Oversight Project’s purpose and that this request is primarily and fundamentally for furthering that non-commercial purpose, a fee waiver is appropriate here because disclosure is likely to contribute to the public’s understanding of government operations in a meaningful way. The requested information is in the public interest as it relates to an issue of public concern, as evidenced by its placement in the

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NIH's FOIA reading room.¹ Discussion of an NIH-funded study on the impact of pediatric gender-affirming care has been covered extensively by the national media.²

The Oversight Project uses the information requested and analyzes it in order to educate the public through the creation and distribution of unique editorial content on social media,³ and its website.⁴ Examples of this content include distribution of records and analysis of President Joseph R. Biden's use of auto-pens;⁵ distribution of records and analysis of the Small Business Administration's implementation of Executive Order 14019;⁶ and distribution of records and analysis of false statements made by former Department of Homeland Security Secretary Alejandro Mayorkas regarding now-debunked allegations that Customs and Border Protection agents whipped migrants crossing the Rio Grande River.⁷ In addition to the work published on our website and social media, myself and other employees of The Oversight Project regularly contribute to other traditional and non-traditional media⁸

As the foregoing demonstrates, The Oversight Project qualifies for a fee waiver. If, however, you deny this request for a fee waiver, please advise me in advance of the estimated charges exceeding \$50. Please send me a detailed and itemized explanation of those charges.

¹ FOIA Reading Room. National Institutes for Health. <https://foiaportal.nih.gov/app/ReadingRoom.aspx> (last visited June 25, 2025).

² Chris Nesi, *Woke doc refused to publish \$10 million trans kids study that showed puberty blockers didn't help mental health*, New York Post (Oct. 23, 2024) <https://nypost.com/2024/10/23/us-news/doctor-refused-to-publish-trans-kids-study-that-showed-puberty-blockers-didnt-help-mental-health/>; Azeen Ghoraysi *U.S. Study on Puberty Blockers Goes Unpublished Because of Politics, Doctor Says*, New York Times (Oct. 23, 2024) <https://www.nytimes.com/2024/10/23/science/puberty-blockers-olson-kennedy.html> (last visited June 25, 2025).

³ Oversight Project (@ItsYourGov), X, <https://x.com/ItsYourGov> (last visited June 25, 2025).

⁴ Oversight Project - It's Your Government, Oversight Project, <https://itsyourgov.org/> (last visited June 25, 2025).

⁵ *Trump Reacts to Autopen Controversy*, Oversight Project (Mar. 13, 2025), <https://itsyourgov.org/trump-reacts-to-autopen-controversy/> (last visited June 25, 2025).

⁶ *Oversight Project Exposes Biden Administration's Attempts to Mobilize Federal Resources to Juice Democratic Turnout in Michigan*, Oversight Project (May 15, 2024), <https://itsyourgov.org/litigation/oversight-project-exposes-biden-administrations-attempts-to-mobilize-federal-resources-to-juice-democratic-turnout-in-michigan/> (last visited June 25, 2025).

⁷ *Oversight Project Exposes Secretary Mayorkas Lied about CBP Agents "Whipping" Migrants in Del Rio, TX*, Oversight Project (Oct. 12, 2022), <https://itsyourgov.org/litigation/oversight-project-exposes-secretary-mayorkas-lied-about-cbp-agents-whipping-migrants-in-del-rio-tx/> (last visited June 9, 2025).

⁸ N.P.R. Staff, *TRANSCRIPT: NPR's Interview with the Heritage Foundation's Oversight Project*, National Public Radio (May 10, 2024), <https://www.npr.org/2024/05/10/1250252668/transcript-npr-interview-heritage-foundation-oversight-project> (last visited June 25, 2025); Tony Perkins, *Kyle Brosnan Identifies how Biden's Staff May Have Abused the Autopen*, YouTube (Mar. 17, 2025), <https://www.youtube.com/watch?v=ay6li3qEmYI> (last visited June 25, 2025).

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Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at foia@itsyourgov.org.

Sincerely,

Mike Howell
President
The Oversight Project
211 North Union Street
Alexandria, VA 22314

EXHIBIT 2

OVERSIGHT PROJECT

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Submitted Via: [Public Access Link](#)

July 2, 2025

National Institutes of Health
Gorka Garcia-Malene
Building 1, Room 334
1 Center Drive, MSC 0188
Bethesda, MD 20892-0188

Ms. Garcia-Malene:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the United States Department of Health and Human Services, 45 C.F.R. § 5.1–5.71, I respectfully request the following:

1. All internal final documents concerning physiological side effects of Supprelin, Histrelin, and Vantas; and
2. All internal final documents concerning physiological side effects of Lupron, Leuprorelin, Leuprolide, Lucrin, Lupaneta, A-43818, Abbott-43818, DC-2-269, TAP-144, and Eligard.

Timeframe of Search

The time period for this request is February 4, 2014, through the date you receive this request.

Custodians

Please limit your search to employees of the National Institute of Child Health and Human Development.

Search Instructions

To further narrow down the scope of the request, requester does not seek correspondence that merely forwards without comment press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment added by any party in the thread. For any responsive documents, please provide the entire communications chain, and all attachments.

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The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

The term “employee” means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

Please comply fully with Freedom of Information Act. Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

The Oversight Project requests a waiver of all fees associated with processing this request. The Oversight Project is a 501(c)(4) non-profit dedicated to critical examination of government actions. Given The Oversight Project’s purpose and that this request is primarily and fundamentally for furthering that non-commercial purpose, a fee waiver is appropriate here because disclosure is likely to contribute to the public’s understanding of government operations in a meaningful way. The requested information is in the public interest as it relates to an issue of public concern, as evidenced by its placement in the

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

NIH's FOIA reading room.¹ Discussion of an NIH-funded study on the impact of pediatric gender-affirming care has been covered extensively by the national media.²

The Oversight Project uses the information requested and analyzes it in order to educate the public through the creation and distribution of unique editorial content on social media,³ and its website.⁴ Examples of this content include distribution of records and analysis of President Joseph R. Biden's use of auto-pens;⁵ distribution of records and analysis of the Small Business Administration's implementation of Executive Order 14019;⁶ and distribution of records and analysis of false statements made by former Department of Homeland Security Secretary Alejandro Mayorkas regarding now-debunked allegations that Customs and Border Protection agents whipped migrants crossing the Rio Grande River.⁷ In addition to the work published on our website and social media, myself and other employees of The Oversight Project regularly contribute to other traditional and non-traditional media⁸

As the foregoing demonstrates, The Oversight Project qualifies for a fee waiver. If, however, you deny this request for a fee waiver, please advise me in advance of the estimated charges exceeding \$50. Please send me a detailed and itemized explanation of those charges.

¹ FOIA Reading Room. National Institutes for Health. <https://foiaportal.nih.gov/app/ReadingRoom.aspx> (last visited June 25, 2025).

² Chris Nesi, *Woke doc refused to publish \$10 million trans kids study that showed puberty blockers didn't help mental health*, New York Post (Oct. 23, 2024) <https://nypost.com/2024/10/23/us-news/doctor-refused-to-publish-trans-kids-study-that-showed-puberty-blockers-didnt-help-mental-health/>; Azeen Ghoraysi *U.S. Study on Puberty Blockers Goes Unpublished Because of Politics, Doctor Says*. New York Times (Oct. 23, 2024) <https://www.nytimes.com/2024/10/23/science/puberty-blockers-olson-kennedy.html> (last visited June 25, 2025).

³ Oversight Project (@ItsYourGov), X, <https://x.com/ItsYourGov> (last visited June 25, 2025).

⁴ Oversight Project - It's Your Government, Oversight Project, <https://itsyourgov.org/> (last visited June 25, 2025).

⁵ *Trump Reacts to Autopen Controversy*, Oversight Project (Mar. 13, 2025), <https://itsyourgov.org/trump-reacts-to-autopen-controversy/> (last visited June 25, 2025).

⁶ *Oversight Project Exposes Biden Administration's Attempts to Mobilize Federal Resources to Juice Democratic Turnout in Michigan*, Oversight Project (May 15, 2024), <https://itsyourgov.org/litigation/oversight-project-exposes-biden-administrations-attempts-to-mobilize-federal-resources-to-juice-democratic-turnout-in-michigan/> (last visited June 25, 2025).

⁷ *Oversight Project Exposes Secretary Mayorkas Lied about CBP Agents "Whipping" Migrants in Del Rio, TX*, Oversight Project (Oct. 12, 2022), <https://itsyourgov.org/litigation/oversight-project-exposes-secretary-mayorkas-lied-about-cbp-agents-whipping-migrants-in-del-rio-tx/> (last visited June 9, 2025).

⁸ N.P.R. Staff, *TRANSCRIPT: NPR's Interview with the Heritage Foundation's Oversight Project*, National Public Radio (May 10, 2024), <https://www.npr.org/2024/05/10/1250252668/transcript-npr-interview-heritage-foundation-oversight-project> (last visited June 25, 2025); Tony Perkins, *Kyle Brosnan Identifies how Biden's Staff May Have Abused the Autopen*, YouTube (Mar. 17, 2025), <https://www.youtube.com/watch?v=ay6li3qEmYI> (last visited June 25, 2025).

OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at foia@itsyourgov.org.

Sincerely,

Mike Howell
President
The Oversight Project
211 North Union Street
Alexandria, VA 22314

EXHIBIT 3



FOIA FOIA <foia@itsyourgov.org>

Status Update for Request #64267

1 message

noreply@ains.com <noreply@ains.com>
To: oversightproject@heritage.org

Wed, Jul 2, 2025 at 2:47 PM

Dear Mike Howell,

The status of your FOIA request #64267 has been updated to the following status 'Received'. To log into the NIH FOIA Public Portal click on the Application URL below.

<https://foiportal.nih.gov>

Sincerely,

National Institutes of Health

EXHIBIT 4



FOIA FOIA <foia@itsyourgov.org>

Status Update for Request #64268

1 message

noreply@ains.com <noreply@ains.com>
To: oversightproject@heritage.org

Wed, Jul 2, 2025 at 2:49 PM

Dear Mike Howell,

The status of your FOIA request #64268 has been updated to the following status 'Received'. To log into the NIH FOIA Public Portal click on the Application URL below.

<https://foiportal.nih.gov>

Sincerely,

National Institutes of Health

EXHIBIT 5



FOIA FOIA <foia@itsyourgov.org>

FOIA Requests #64267 & #64268

1 message

It's Your Gov FOIA <foia@itsyourgov.org>
To: NICHDFOIARequest@mail.nih.gov

Wed, Sep 3, 2025 at 1:39 PM

Good Afternoon:

Could you please provide an update on the above referenced requests as well as a point of contact for future correspondence?

--

Sincerely,

Mike Howell
President and Investigative Columnist at The Daily Signal
The Oversight Project
211 North Union St.
Alexandria, VA 22314

<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 type="radio"/> I. FOIA/Privacy Act <input 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.)
 Failure to comply with 5 U.S.C. § 552

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: 09/11/2025	SIGNATURE OF ATTORNEY OF RECORD: /s/ Eric Neal Cornett
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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 cover sheet. 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.

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

The Oversight Project & Mike Howell

Plaintiff

v.

U.S. Department of Health and Human Services

Defendant

)
)
)
)
)
)
)

Civil Action No. 25-cv-3129

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Attorney for the District of Columbia
601 D Street NW
Washington, DC 20004

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:

Eric Neal Cornett
The Oversight Project
211 North Union Street
Alexandria, VA 22314

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. 25-cv-3129

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**

The Oversight Project & Mike Howell

Plaintiff

v.

U.S. Department of Health and Human Services

Defendant

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Civil Action No. 25-cv-3129

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C. 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:

Eric Neal Cornett
The Oversight Project
211 North Union Street
Alexandria, VA 22314

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. 25-cv-3129

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**

The Oversight Project & Mike Howell

Plaintiff

v.

U.S. Department of Health and Human Services

Defendant

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Civil Action No. 25-cv-3129

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Department of Justice
Civil Division
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:

Eric Neal Cornett
The Oversight Project
211 North Union Street
Alexandria, VA 22314

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. 25-cv-3129

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: