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 Attorney General of California
 2 KATHLEEN BOERGERS, State Bar No. 213530
 Supervising Deputy Attorney General
 3 KARLI EISENBERG, State Bar No. 281923
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 Deputy Attorney General
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 Sacramento, CA 94244-2550
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 7 E-mail: Neli.Palma@doj.ca.gov
*Attorneys for Plaintiff the State of California, by and
 8 through Attorney General Xavier Becerra*

9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12

13 CITY AND COUNTY OF SAN FRANCISCO,
 14 Plaintiff,
 15 vs.
 16 ALEX M. AZAR II, et al.,
 Defendants.

No. C 19-02405 WHA
 No. C 19-02769 WHA
 No. C 19-02916 WHA

SECOND DECLARATION OF NELI N. PALMA IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

17 STATE OF CALIFORNIA, by and through
 18 ATTORNEY GENERAL XAVIER BECERRA,
 19 Plaintiff,
 20 vs.
 21 ALEX M. AZAR, et al.,
 22 Defendants.

Date: October 30, 2019
 Time: 8:00 AM
 Courtroom: 12
 Judge: Hon. William H. Alsup
 Action Filed: 5/2/2019

23 COUNTY OF SANTA CLARA, et al.
 24 Plaintiffs,
 25 vs.
 26 U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, et al.,
 27 Defendants.

1 I, Neli N. Palma, declare:

2 1. I am a member of the California State Bar, admitted to practice before this Court,
3 employed by the Office of the California Attorney General as a Deputy Attorney General, and
4 counsel to Plaintiffs in this action. I have personal knowledge of the facts set forth herein, and if
5 called upon as a witness, I could testify to them competently under oath.

6 2. Attached hereto as **Exhibit D** is a true and correct copy of an email chain from the
7 U.S. Department of Health & Human Services (HHS), Office for Civil Rights (OCR) obtained by
8 Plaintiff State of California from counsel for Defendants on or about September 23, 2019, in
9 response to the State's FOIA request (FOIA 092319 0193-95—Plaintiff added bate-stamp
10 numbers to the production for easier reference).

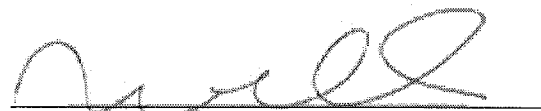
11 3. The aforementioned email chain is heavily redacted and lacks the referenced
12 attachments; however, Plaintiff is attempting to secure the complete email chain with attachments
13 from Defendants (see true and correct copy of email chain with counsel, dated July 30 to October
14 7, 2019 attached hereto as **Exhibit E**).

15 4. Attached hereto as **Exhibit F** are true and correct copies of documents obtained by
16 Plaintiff State of California from counsel for Defendants on October 8, 2019, in response to the
17 State's FOIA request.

18 5. Attached hereto as **Exhibit G** is a true and correct copy of a January 19, 2018
19 HHS press release "HHS Takes Major Actions to Protect Conscience Rights and Life," available
20 at [https://www.hhs.gov/about/news/2018/01/19/hhs-takes-major-actions-protect-conscience-](https://www.hhs.gov/about/news/2018/01/19/hhs-takes-major-actions-protect-conscience-rights-and-life.html)
21 [rights-and-life.html](https://www.hhs.gov/about/news/2018/01/19/hhs-takes-major-actions-protect-conscience-rights-and-life.html).

22 I declare under penalty of perjury under the laws of the United States and the State of
23 California that the foregoing is true and correct.

24 Executed on the 10th of October in Sacramento, California.

25 

26 Neli N. Palma
27 Deputy Attorney General

28

EXHIBIT D

From:	Ancalle, Mandi (HHS/OCR) (CTR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34F6FE0ADD414D61A37C4C271CF0C774-MANDI.ANCAL>
To:	Brown, Louis (HHS/OCR) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b54bffa1d54fe7b32b8e7d91223d0b-Brown, Loui>; Hyams, David (HHS/OCR) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d894f7b1a28749e8ba7ec5eeba49d75f-David.Hyams>
CC:	Butterfield, Justin (HHS/OCR) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=db73d3f3c73a44a1813170eccb75f244-Butterfield>; Noronha, Maya (HHS/OCR) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=503bcc36327340069356d5aa33afe468-Noronha, Ma>
Subject:	RE: (2 MORE) Conscience cases
Date:	2018/01/11 14:44:27
Importance:	High
Priority:	Urgent
Type:	Notes

PRE-DECISIONAL & DELIBERATIVE PROCESS PRIVILEGED

(b)(5)

Thanks,
Mandi D. Ancalle
 Policy Advisor (Contractor)
 Office for Civil Rights
 U.S. Department of Health & Human Services
 200 Independence Ave. S.W.
 Washington, D.C. 20201
 Email: Mandi.Ancalle@hhs.gov
 Phone: 202-205-9244

From: Brown, Louis (HHS/OCR)
Sent: Thursday, January 11, 2018 2:36 PM
To: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Ancalle, Mandi (HHS/OCR) (CTR) <Mandi.Ancalle@hhs.gov>
Cc: Butterfield, Justin (HHS/OCR) <Justin.Butterfield@hhs.gov>; Noronha, Maya (HHS/OCR) <Maya.Noronha@hhs.gov>
Subject: RE: (2 MORE) Conscience cases

Copying Maya in for her awareness!
 Louis Brown Jr., Esq.
 Senior Advisor for Civil Rights to the Director
 Office for Civil Rights
 U.S. Department of Health and Human Services

PRE-DECISIONAL, CONFIDENTIAL, AND DELIBERATIVE PROCESS

From: Hyams, David (HHS/OCR)
Sent: Thursday, January 11, 2018 2:35 PM

To: Brown, Louis (HHS/OCR); Ancalle, Mandi (HHS/OCR) (CTR)
Cc: Butterfield, Justin (HHS/OCR)
Subject: RE: (2 MORE) Conscience cases

Now these are legit cases!

(b)(5)

Thank you,
David

From: Brown, Louis (HHS/OCR)
Sent: Thursday, January 11, 2018 12:12 PM
To: Hyams, David (HHS/OCR) <David.Hyams@hhs.gov>; Ancalle, Mandi (HHS/OCR) (CTR) <Mandi.Ancalle@hhs.gov>
Cc: Butterfield, Justin (HHS/OCR) <Justin.Butterfield@hhs.gov>
Subject: FW: (2 MORE) Conscience cases

FYII

From: Noonan, Timothy (OS/OCR)
Sent: Thursday, January 11, 2018 2:10 PM
To: Severino, Roger (HHS/OCR)
Cc: Novy, Steve (OS/OCR); Brown, Louis (HHS/OCR); Butterfield, Justin (HHS/OCR); Frohboese, Robinsue (HHS/OCR); Bell, March (HHS/OCR)
Subject: RE: Conscience cases

The below are 2 additional cases filed yesterday and today.

(b)(5); (b)(7)(A)

From: Noonan, Timothy (OS/OCR)
Sent: Thursday, January 11, 2018 9:12 AM
To: Severino, Roger (HHS/OCR)
Cc: Novy, Steve (OS/OCR); Brown, Louis (HHS/OCR); Butterfield, Justin (HHS/OCR); Frohboese, Robinsue (HHS/OCR); Bell, March (HHS/OCR)
Subject: RE: Conscience cases

(b)(5); (b)(7)(A)

From: Noonan, Timothy (OS/OCR)
Sent: Wednesday, January 10, 2018 1:01 PM
To: Severino, Roger (HHS/OCR)
Cc: Novy, Steve (OS/OCR); Brown, Louis (HHS/OCR); Butterfield, Justin (HHS/OCR); Frohboese, Robinsue (HHS/OCR); Bell, March (HHS/OCR)
Subject: RE: Conscience cases

We are reviewing the list right now as part of the open cases in the CCMO. Dates of receipt as follows:

(b)(5); (b)(7)(A)

From: Severino, Roger (HHS/OCR)
Sent: Wednesday, January 10, 2018 12:58 PM
To: Noonan, Timothy (OS/OCR)
Cc: Novy, Steve (OS/OCR); Brown, Louis (HHS/OCR); Butterfield, Justin (HHS/OCR); Frohboese, Robinsue (HHS/OCR); Bell, March (HHS/OCR)
Subject: RE: Conscience cases

(b)(5)

From: Noonan, Timothy (OS/OCR)
Sent: Wednesday, January 10, 2018 12:55 PM
To: Severino, Roger (HHS/OCR)
Cc: Novy, Steve (OS/OCR); Brown, Louis (HHS/OCR); Butterfield, Justin (HHS/OCR); Frohboese, Robinsue (HHS/OCR); Bell, March (HHS/OCR)
Subject: Conscience cases

Roger,

(b)(7)(E)

Sender:	Ancalle, Mandi (HHS/OCR) (CTR) </o=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34F6FE0ADD414D61A37C4C271CF0C774-MANDI.ANCAL.>
Recipient:	Brown, Louis (HHS/OCR) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b54bffa1d54fe7b32b8e7d91223d0b-Brown, Loui>; Hyams, David (HHS/OCR) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d894f7b1a28749e8ba7ec5eeba49d75f-David.Hyams>; Butterfield, Justin (HHS/OCR) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=db73d3f3c73a44a1813170eccb75f244-Butterfield>; Noronha, Maya (HHS/OCR) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=503bcc36327340069356d5aa33afe468-Noronha, Ma>

Sent Date:	2018/01/11 14:44:26
Delivered Date:	2018/01/11 14:44:27

EXHIBIT E

From: [Takemoto, Benjamin \(CIV\)](#)
To: [Karli Eisenberg](#)
Cc: [Kathleen Boergers](#); [Neli Palma](#); [Stephanie Yu](#); [Kopplin, Rebecca M. \(CIV\)](#)
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim
Date: Monday, October 7, 2019 10:48:45 AM

Dear Karli,

Thank you for your e-mails. I am happy to report that HHS still plans to make its next production around tomorrow, October 8, 2019, as I indicated in my September 20, 2019 e-mail. HHS is also currently reviewing the items that you flagged in your September 26, 2019 e-mail.

In response to your request for bi-weekly productions, HHS respectfully insists on monthly productions. Bi-weekly productions (which, contrary to your assertion, HHS has never promised) put significant demands on HHS, as the time to search, review for responsiveness, review for exemptions, and transmit to you is compressed to an untenable timeframe. In addition, monthly productions would benefit both HHS and California: as I previously indicated, monthly productions are more efficient and may enable the agency to increase the volume of its productions.

You also asked for an estimate of when productions would be complete. Predicting productions is not an exact science. Each production requires significant resources, including searching for responsive documents, reviewing for responsiveness, reviewing for exemptions, and transmitting to you. This is compounded by the extraordinary demands on HHS's FOIA office at the moment; as I previously indicated, HHS is currently responding to scores of requests, many of which are in active litigation, and which amount to a monthly production obligation of approximately 16,375 pages. Furthermore, any prediction in this case would be even more speculative in light of the breadth of California's request. For these reasons, HHS has been careful to approximate production dates and, as I have previously indicated, is unable to predict an exact date on which production will be complete.

Despite all of this, HHS is working expeditiously to respond to California's request, as evidenced by the thousands of responsive pages produced to date: approximately 5,000 pages on July 22, 2019; 767 pages on September 5, 2019; and 203 pages on September 23, 2019. And, as indicated above, HHS plans to make another production around October 8, 2019 and monthly productions thereafter.

Last, HHS respectfully declines California's request for a *Vaughn* index. As you are no doubt aware, "[t]here is no statutory requirement of a *Vaughn* index or affidavit." *See Fiduccia v. DOJ*, 185 F.3d 1035, 1042 (9th Cir. 1999). Rather, "*Vaughn* index" is a term that the D.C. Circuit has used to describe certain evidence that the government may produce in support of its motion for summary judgment. *See id.* It is not customary for plaintiffs in FOIA cases to obtain *Vaughn* indexes in advance of summary judgment briefing, and HHS will not depart from this custom here.

Sincerely,
Ben

--

Benjamin T. Takemoto

Trial Attorney

U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>

Sent: Friday, October 04, 2019 3:09 PM

To: Takemoto, Benjamin (CIV) <btakemot@CIV.USDOJ.GOV>

Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>

Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Dear Ben,

We are looking forward to Monday's FOIA production. We hope that the Monday production includes the referenced documents from our September 26, 2019 email and a *Vaughn* index.

We renew our request that you provide us with a date certain by which you plan for the production to be complete. Please provide us with that completion date by Monday, October 7, 2019.

Karli

Karli Eisenberg

Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567

*****Please note the new phone number.***

From: Karli Eisenberg

Sent: Thursday, September 26, 2019 4:57 PM

To: 'Takemoto, Benjamin (CIV)' <Benjamin.Takemoto@usdoj.gov>

Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV)
<Rebecca.M.Kopplin@usdoj.gov>

Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Dear Ben,

We do not agree to a unilaterally-imposed monthly production schedule. As we have noted, we submitted our FOIA request to HHS on April 25, 2018—well over a year ago. HHS did not produce any documents until we filed this lawsuit. Indeed, after filing this lawsuit, HHS did not reach out to discuss complying with its FOIA requirements. Instead, we had to contact you to request that HHS begin complying with its mandatory, statutory obligations under FOIA. As a result of this extensive delay, we have been prejudiced and we do not agree to monthly productions of documents. We request that HHS provide documents every two weeks, as your September 4, 2019 email said that HHS would.

Regarding your productions to date, we are incredibly alarmed at the overwhelming number of redactions. There are entire pages that are redacted, with no explanation other than a simple citation to the FOIA exemption statute. As a result, we have no way of knowing the validity of that claimed FOIA exemption. In terms of the partially redacted documents, there are several redactions that seem entirely unwarranted and unlawful. For example, in your second production, there is an email exchange with Alliance Defending Freedom which is redacted. Your production cites (b)(5), but (b)(5) is reserved for *intra-agency* or *inter-agency* memorandum. We request that you immediately provide this redacted information.

Specific concerns related to the September 23, 2019 production further include the following (see attached production bate-stamped for ease of reference):

- FOIA 092319 0003 – Referenced attachment is missing; please provide immediately.
- FOIA 092319 0005 – Referenced attachment is missing; please provide immediately.
- FOIA 092319 0018 – Exemption (b)(5) protects inter-agency or intra-agency memorandum which would not be available to a party other than an agency in litigation with the agency. This third party communication must be immediately produced without redaction and complete with any attachments.
- FOIA 092319 0019 – Please produce records related to the “master list” referenced in this document.
- FOIA 092319 0026 – Please produce records related to the “master chart” referenced in this document.
- FOIA 092319 0034-35 – Exemption (b)(5) protects inter-agency or intra-agency memorandum which would not be available to a party other than an agency in litigation with the agency. This third party communication must be immediately produced without redaction and complete with any attachments.
- FOIA 092319 0043 – Please produce records related to the “Midwest list” referenced in this document.
- FOIA 092319 0065 – Please produce the attachment referenced in this document.
- FOIA 092319 0075 – Please produce records related to the “UC’s request” referenced in this document.
- FOIA 092319 0107 – Please produce “Sarah’s template” referenced in this document.
- FOIA 092319 0109 – Please produce the “excel” referenced in this document.
- FOIA 092319 0128 – Please produce the invitation list referenced in this document

(for the January 18, 2018 new division event).

- FOIA 092319 0130-31 – Exemption (b)(5) protects inter-agency or intra-agency memorandum which would not be available to a party other than an agency in litigation with the agency. This third party communication must be immediately produced without redaction and complete with any attachments.
- FOIA 092319 0132-33 – Exemption (b)(5) protects inter-agency or intra-agency memorandum which would not be available to a party other than an agency in litigation with the agency. This third party communication must be immediately produced without redaction and complete with any attachments.
- FOIA 092319 0149 – Exemption (b)(5) protects inter-agency or intra-agency memorandum which would not be available to a party other than an agency in litigation with the agency. This third party communication must be immediately produced without redaction and complete with any attachments. Please also produce any records relate to OCR Transaction Number 17-264789.
- FOIA 092319 0160-69 – Exemption (b)(5) protects inter-agency or intra-agency memorandum which would not be available to a party other than an agency in litigation with the agency. This third party communication must be immediately produced without redaction and complete with any attachments.
- FOIA 092319 0171-73 – Exemption (b)(5) protects inter-agency or intra-agency memorandum which would not be available to a party other than an agency in litigation with the agency. This third party communication must be immediately produced without redaction and complete with any attachments.
- FOIA 092319 0189 – Please produce the “OCR Enforcement Chart” referenced in this document.
- FOIA 092319 0193 – Please produce records related to PIMS 17-258677 as referenced in this document.
- FOIA 092319 0195 – Please produce records related to the “2 additional cases” as referenced in this document.
- FOIA 092319 0200-03 – Exemption (b)(5) protects inter-agency or intra-agency memorandum which would not be available to a party other than an agency in litigation with the agency. This third party communication must be immediately produced without redaction and complete with any attachments.

Further, we request that HHS provide us with a *Vaughn* index for all redactions so that we can know whether the exemption is being properly claimed. Without an index, we cannot even begin to gauge the propriety of the wholesale redactions in the productions.

Lastly, we request that you provide us with a date certain by which you plan for the production to be complete. Given the slow pace at which we are receiving documents and given that such a large portion of those documents are redacted in some form, we are incredibly worried that you plan to simply continue slowly releasing documents over the next 2-4 years, without any end date. This is not what Congress intended when it passed FOIA. Also, without a certain completion date, ultimate resolution of the ongoing case we be delayed indefinitely.

Thank you for your attention to these matters, and we look forward to discussing search terms on or around October 14th.

Karli

From: Takemoto, Benjamin (CIV) <Benjamin.Takemoto@usdoj.gov>
Sent: Friday, September 20, 2019 2:58 PM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV)
<Rebecca.M.Kopplin@usdoj.gov>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

I hope this e-mail finds you well. I wanted to update you on the FOIA production as well as to chart a path forward in light of the considerable burdens facing HHS.

First, HHS plans to produce approximately 200 pages, which prioritize items #25, #24, #6, #27, and #26 by focusing on e-mails and calendar invites, on Monday, September 23. This is, as I indicated in my September 4 e-mail, approximately two weeks after September 9 (not September 20, as you indicated in your last e-mail). Following that production, HHS plans to make another production around October 8, which may or may not contain prioritized items.

After October 8, HHS intends to make monthly productions, endeavoring to produce records responsive to items #25, #24, #6, #27, and #26. Monthly productions will be more efficient and may enable the agency to increase the volume of its productions. Monthly productions are also preferable in light of the considerable burdens facing the agency. HHS's FOIA office is involved in approximately 40 litigations covering approximately 85 FOIA requests: Of those litigations, 19 are in the production phase. Currently, the FOIA office's monthly production obligation is approximately 16,375 pages.

Going forward, HHS is amenable to working with Plaintiff to generate targeted search terms to apply to documents beyond the 13,300 pages that I previously referenced. HHS has collected approximately 60 GB of additional documents, which the agency is currently in the process of rendering searchable. Once that step is complete (HHS expects it to take approximately two weeks), HHS is open to discussing search terms.

Last, as I referenced in my September 6 e-mail, HHS intends to share with you an index describing portions of the administrative record that are responsive to California's FOIA request. HHS is finalizing that index and intends to share it with you sometime next week.

Best,
Ben

--

Benjamin T. Takemoto
Trial Attorney
U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Sent: Friday, September 06, 2019 3:30 PM
To: Takemoto, Benjamin (CIV) <btakemot@CIV.USDOJ.GOV>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>; Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Ben,

Thank you for providing the tracking information. We look forward to receipt of this 700 page production and the rolling productions to follow. Per your email below, we expect the next production will be September 20.

Thank you again.

Best Regards,

Karli

Karli Eisenberg

Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567

*****Please note the new phone number.***

From: Takemoto, Benjamin (CIV) <Benjamin.Takemoto@usdoj.gov>
Sent: Friday, September 6, 2019 12:12 PM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>; Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <Rebecca.M.Kopplin@usdoj.gov>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

As previously discussed, HHS has sent you an interim production in response to your FOIA request. You can find the tracking information attached.

Best,
Ben

--

Benjamin T. Takemoto
Trial Attorney
U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Takemoto, Benjamin (CIV)
Sent: Wednesday, September 04, 2019 4:43 PM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>; Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

I respectfully disagree with your characterization of our e-mail exchange. I told you on August 15, 2019 that HHS expected the next major stage (review of certain collected documents) to begin on August 26, 2019, but that I could update you sooner if you wanted. I did not hear from you until the evening of August 26, 2019, and I provided an update to you the following day. HHS has promptly provided Plaintiff with updates whenever it has asked, and HHS is happy to do so again here.

Taking your last question first—and at the risk of being repetitive—HHS has made a significant production to Plaintiff in the form of the 549,940 page administrative record, much of which is responsive to Plaintiff's FOIA request. To facilitate Plaintiff's understanding of the overlap between the administrative record and the FOIA request, HHS is currently working on an index identifying the documents in the administrative record that are responsive to Plaintiff's FOIA request. HHS expects to have the index completed by September 20. Further, HHS expects to make another production of approximately 700 pages by September 9.

In response to your other questions:

1. HHS is searching for all items in Plaintiff's FOIA request. And, as Plaintiff asked, HHS is attempting to prioritize items 25, 24, 6, 27, and 26 from Plaintiff's FOIA request.
2. HHS is using a combination of methods to collect potentially responsive documents, including search terms. In an effort to prioritize records responsive to item 25, HHS will use search terms.
3. HHS sent Plaintiff the administrative record on July 22. Many of the 549,940 pages in

the administrative record are responsive to Plaintiff's FOIA request. Separately, HHS has collected 13,300 potentially responsive pages from certain custodians. The next production of approximately 700 pages comes from these 13,300 pages. HHS continues to search for responsive records from other custodians.

4. It is not possible at this time to predict how long it will take HHS to review and produce all responsive documents. HHS has begun to review the 13,300 potentially responsive records mentioned above. In an effort to prioritize production of documents responsive to items 25, 24, 6, 27, and 26 as Plaintiff has requested, HHS will apply search terms in connection with those items to the 13,300 potentially responsive pages. HHS expects to begin producing documents from these prioritized searches of the 13,300 records approximately two weeks after HHS's 700 page production discussed above.
5. As explained, HHS made a production on July 22, 2019. It expects the next production to occur by September 9, 2019 and additional rolling productions shortly after that.

Once again, HHS is working to diligently respond to Plaintiff's extraordinarily broad FOIA request and Plaintiff's inquiries despite the considerable resource constraints facing HHS's FOI/Privacy Acts Division, and it will continue to do so.

Best,
Ben

Benjamin T. Takemoto
Trial Attorney
U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Sent: Wednesday, August 28, 2019 4:13 PM
To: Takemoto, Benjamin (CIV) <btakemot@CIV.USDOJ.GOV>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: Re: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Dear Ben,

On August 15, you informed me that you would give me "an update" on August 21 "regarding the search for documents related to the five prioritized items." You did not provide any update on August 21. After I contacted you, you still failed to give me that update. Indeed, since we have begun these meet and confer discussions, you have not provided me with any concrete details regarding production.

Among many other things, despite my requests, you have not told me:

- (1) Whether HHS is searching for all items or just request #25;
- (2) Whether HHS is using certain search terms for Request #25 (or all the requests);
- (3) How many documents have been located;
- (4) How long it will take to review documents;
- (5) How long until production will begin;
- (6) What the status is related to the documents that HHS began searching for 18 months ago.

It is becoming increasingly clear that HHS is not meaningfully participating in this meet and confer and California will need to expend additional attorneys fees to seek a court order. We expect some type of concrete response by September 4 with answers to these questions and a proposed production schedule. We also expect the first production by September 9.

Sincerely,

Karli

Karli Eisenberg

Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567

*****Please note the new phone number.***

From: Takemoto, Benjamin (CIV) <Benjamin.Takemoto@usdoj.gov>
Sent: Tuesday, August 27, 2019 3:12 PM
To: Karli Eisenberg
Cc: Kathleen Boergers; Neli Palma; Stephanie Yu; Kopplin, Rebecca M. (CIV)
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

I also want to reiterate that Defendants have produced a considerable number of documents in response to Plaintiffs' FOIA request by producing to Plaintiffs the administrative record supporting the challenged rule. As you know, the administrative record is over 500,000 pages long. Of course, Defendants continue to endeavor to search for, collect, and produce documents responsive to your request that have not already been produced as part of the administrative record, but any suggestion that Defendants have not produced any responsive documents since Plaintiffs submitted their FOIA request is incorrect.

Best,
Ben

--

Benjamin T. Takemoto
Trial Attorney
U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Takemoto, Benjamin (CIV)
Sent: Tuesday, August 27, 2019 4:41 PM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>; Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

HHS continues to work expeditiously to search for, collect, and produce documents responsive to California's FOIA request. It has collected a large quantity of potentially responsive documents, which it plans to begin reviewing for purposes of making rolling productions shortly. However, at this time, I am unable to provide a specific date when productions will begin. I will provide you with additional information as soon as I have it.

Best,
Ben

--

Benjamin T. Takemoto
Trial Attorney
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Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Sent: Monday, August 26, 2019 6:23 PM
To: Takemoto, Benjamin (CIV) <btakemot@CIV.USDOJ.GOV>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;

Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>

Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Dear Ben,

Per your email below, would you please provide me with an update? Given that HHS has been searching and reviewing documents for over 18 months, we expect a production of responsive documents within the next two weeks.

Thank you very much.

Karli

Karli Eisenberg

Deputy Attorney General

California Department of Justice

Office of the Attorney General

1300 I Street, Sacramento, CA 95814

Office: (916) 210-7913

Fax: (916) 324-5567

*****Please note the new phone number.***

From: Takemoto, Benjamin (CIV) <Benjamin.Takemoto@usdoj.gov>

Sent: Thursday, August 15, 2019 2:51 PM

To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>

Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;

Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV)

<Rebecca.M.Kopplin@usdoj.gov>

Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

HHS has collected some, but not all, potentially responsive documents. It is in the process of collecting all potentially responsive documents. It will start running a search for documents related to the five prioritized items within the next few days and hopes to have much of the results ready for internal review by August 26. It can then begin production soon afterward. Although we appreciate your requests for a timeline, a definitive timeline is impossible to give until HHS has identified all potentially responsive documents. However, I could give you an update next Wednesday regarding the search for documents related to your five prioritized items.

Best,

Ben

Benjamin T. Takemoto
Trial Attorney

U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Sent: Wednesday, August 14, 2019 12:40 PM
To: Takemoto, Benjamin (CIV) <btakemot@CIV.USDOJ.GOV>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>; Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Dear Ben,

Thanks for your response. A couple clarifications:

1. Could you clarify: Is HHS "in the process of collecting potentially responsive documents" to Request #25? Or, as to all documents?
2. As you know, we were told in May 2018 that a search was underway. *See* attached letter. What is the status of those documents for which the search has been underway for 18 months? How does that relate to our prioritization request?
3. We have asked you twice previously for a timeline. Please give us an estimate for production of responsive documents to Request #25 by close of business this Thursday, August 15, 2019 PST.

Thank you for your prompt attention to this issue.

Best Regards,

Karli

Karli Eisenberg
Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567
****Please note the new phone number.**

From: Takemoto, Benjamin (CIV) <Benjamin.Takemoto@usdoj.gov>
Sent: Tuesday, August 13, 2019 12:06 PM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV)
<Rebecca.M.Kopplin@usdoj.gov>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

I hope this e-mail finds you well. HHS is amenable to prioritizing your request in the order that you asked for. Currently, HHS is in the process of collecting potentially responsive documents and rendering them in searchable form. Once that step is complete, it would be open to working with Plaintiff regarding search terms to apply to those potentially responsive documents.

Please let me know how you would like to proceed.

Thanks,
Ben

--

Benjamin T. Takemoto
Trial Attorney
U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Takemoto, Benjamin (CIV)
Sent: Monday, August 12, 2019 4:53 PM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

I don't have an update for you at the moment, but your e-mail is received and I will continue to endeavor to get you HHS's position as soon as possible.

Best,

Ben

Benjamin T. Takemoto
Trial Attorney
U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Sent: Monday, August 12, 2019 4:47 PM
To: Takemoto, Benjamin (CIV) <htakemot@CIV.USDOJ.GOV>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>; Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Dear Ben,

Do you have an update for us on this? If we do not hear from you by the end of tomorrow, we will have to consider litigation options, including but not limited to filing a motion for summary adjudication, thereby expending additional attorneys' fees.

Thank you for your prompt attention to this matter.

Karli

Karli Eisenberg
Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567
****Please note the new phone number.**

From: Takemoto, Benjamin (CIV) <Benjamin.Takemoto@usdoj.gov>
Sent: Friday, August 2, 2019 10:54 AM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>

Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV)
<Rebecca.M.Kopplin@usdoj.gov>

Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Thank you, Karli. I will let you know of HHS's position as soon as I can.

--

Benjamin T. Takemoto
Trial Attorney
U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Sent: Friday, August 02, 2019 1:51 PM
To: Takemoto, Benjamin (CIV) <btakemot@CIV.USDOJ.GOV>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Dear Ben,

Thank you very much for taking the time to speak with us this morning. As we discussed, California requests that Defendants begin producing documents as soon as possible. With that in mind, our prioritized requests are: #25, #24, #6, #27, and #26. We additionally request that Defendants provide us with a timeline and/or compliance plan with regard to these five prioritized requests and more broadly with regard to the entirety of the FOIA letter and its requests therein.

Thank you very much.

Best,

Karli

Karli Eisenberg
Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567
****Please note the new phone number.**

From: Karli Eisenberg
Sent: Thursday, August 1, 2019 1:00 PM
To: 'Takemoto, Benjamin (CIV)' <Benjamin.Takemoto@usdoj.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV)
<Rebecca.M.Kopplin@usdoj.gov>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Ben,

Great. Let's actually use a dial-in number in case my colleagues are available to join:

- 888-363-4735
- Code: 273 8836#

Thank you very much.

Karli

Karli Eisenberg
Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567
*****Please note the new phone number.***

From: Takemoto, Benjamin (CIV) <Benjamin.Takemoto@usdoj.gov>
Sent: Thursday, August 1, 2019 12:40 PM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV)
<Rebecca.M.Kopplin@usdoj.gov>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

Tomorrow at 10 a.m. PT sounds great. Should I use the number in your signature block?

Thanks,
Ben

--

Benjamin T. Takemoto
Trial Attorney
U.S. Department of Justice, Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station, Washington, DC 20044
Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Sent: Thursday, August 01, 2019 11:25 AM
To: Takemoto, Benjamin (CIV) <btakemot@CIV.USDOJ.GOV>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;
Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>
Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Ben,

Unfortunately, I am unavailable at noon today. Could we do today at 2 pm PT? Or tomorrow at 10 am? Or 11:30 am PT?

Thank you!

Karli

Karli Eisenberg
Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567
*****Please note the new phone number.***

From: Takemoto, Benjamin (CIV) <Benjamin.Takemoto@usdoj.gov>
Sent: Wednesday, July 31, 2019 1:06 PM
To: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>
Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;

Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV)

<Rebecca.M.Kopplin@usdoj.gov>

Subject: RE: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Hi Karli,

Thanks for the e-mail. We would be happy to talk tomorrow at noon PT if that works for you. I want to emphasize, though, that we do not view this as a Rule 26(f) conference; it is merely to informally discuss California's FOIA claim.

Best,

Ben

--

Benjamin T. Takemoto

Trial Attorney

U.S. Department of Justice, Civil Division, Federal Programs Branch

P.O. Box 883, Ben Franklin Station, Washington, DC 20044

Tel: (202) 532-4252 / Fax: (202) 616-8460

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From: Karli Eisenberg <Karli.Eisenberg@doj.ca.gov>

Sent: Tuesday, July 30, 2019 3:04 PM

To: Takemoto, Benjamin (CIV) <btakemot@CIV.USDOJ.GOV>

Cc: Kathleen Boergers <Kathleen.Boergers@doj.ca.gov>; Neli Palma <Neli.Palma@doj.ca.gov>;

Stephanie Yu <Stephanie.Yu@doj.ca.gov>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>

Subject: California v. Azar et al, No. 3:19-cv-02769-WHA - FOIA Claim

Dear Ben,

We are writing to meet and confer on California's outstanding FOIA request and the associated cause of action. As it has already been over a year and Defendants have failed to produce any documents, we would likely to resolve the outstanding requests as quickly as possible without further court intervention. Among other things, we would be willing to discuss prioritizing requests. I can make myself available anytime today or Wednesday for a conference call.

We look forward to hearing from you.

Best Regards,

Karli

Karli Eisenberg

Deputy Attorney General
California Department of Justice
Office of the Attorney General
1300 I Street, Sacramento, CA 95814
Office: (916) 210-7913
Fax: (916) 324-5567

*****Please note the new phone number.***

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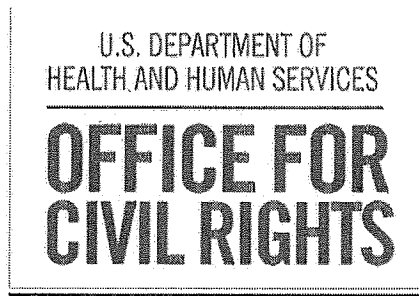
CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

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EXHIBIT F



January 18 Great Hall Event: HHS Announcement of New Division on Conscience and Religious Freedom

On January 18, 2018, HHS will announce the establishment of a new Conscience and Religious Freedom Division within its Office for Civil Rights specializing in enforcement of and compliance with laws that protect conscience and free exercise of religion, and that prohibit coercion and discrimination.

HHS is taking a leading role in implementing President Trump's Executive Order on Free Speech and Religious Liberty and the Department of Justice's Religious Liberty Guidance.

Please join Acting Secretary Hargan, Leader McCarthy, Rep. Hartzler, and special guests as we celebrate this important milestone.

Main Event:

What: HHS Announcement of New Division on Conscience and Religious Freedom

Date: Thursday, January 18, 2018, 10:30-11:30 am ET

Location:

HHS Great Hall, First Floor
200 Independence Avenue, SW
Hubert H. Humphrey Bldg.
Washington, DC 20201

Congressional Speakers:

*Rep. Kevin McCarthy, House Majority Leader
*Rep. Vicky Hartzler, Co-Chair of House Values Action Team
Sen. James Lankford, R-OK

HHS Speakers:

*Eric Hargan, HHS Acting Secretary
*Roger Severino, Director of the Office for Civil Rights at HHS.

Leadership Speakers:

*Montse Alvarado, Executive Director of the Becket Fund for Religious Liberty
*Rabbi Mitchell Rocklin, President of the Jewish Coalition for Religious Liberty, an Army National Guard Chaplain, and a member of the Rabbinical Council of America's Executive Committee

***Dr. Everett Piper**, President of Oklahoma Wesleyan University.

***Asma Uddin**, Fellow, Initiative on Security and Religious Freedom at UCLA; founder of AltMuslimah

*Confirmed.

This event will be livestreamed at www.hhs.gov/live and open to the press.

From: Butterfield, Justin (HHS/OCR)
Sent: 10 Jan 2018 17:22:09 +0000
To: Brown, Louis (HHS/OCR);Weigel, Gabriela (OS/OCR) (CTR);Hyams, David (HHS/OCR);Ancalle, Mandi (HHS/OCR) (CTR)
Subject: Cases to Review for Conscience
Attachments: Open Cases DO - edited.xlsx

(b)(5);
(b)(7)(E)

(b)(5);
(b)(7)(E)
(b)(5);
(b)(7)(E)

In the attached Open Cases DO.XLSX file, here are you assignments to look for [redacted]
[redacted]
[redacted]

March's emphasis for this is accuracy, not speed.

Louis: 1-49
Gabriela: 50-98
Mandi: 99-148
David: 149-195
Justin: 196-242

For each of the cases assigned to you in the Excel spreadsheet, look up the corresponding PIMS number and if it is a conscience case, send it in an email to me (Case name and number). Here is a PIMS link that brings up all these cases so you don't have to type each one in:

(b)(5)
[redacted]

Let me know if you have any questions!

Justin

✖
Justin E. Butterfield
Senior Advisor
Office for Civil Rights
U.S. Department of Health & Human Services
Office: (202) 969-3806
Mobile: (b)(6)

(b)(7)(A);
(b)(7)(C)

Case Number	Case Title	Start Date	Age	Region Assigned	Assigned Staff	Last Transfer Date
DO-14-191081-CP-CR-PS		9/9/2014 0:00	1219	Region DO - Directors Office	Gabriela.Welgel	11/8/2017
DO-16-224756-CP-CR-PS		11/9/2015 0:00	793	Region DO - Directors Office	David.Hyams	11/8/2017
DO-16-224756-CP-CR-PS		11/9/2015 0:00	793	Region DO - Directors Office	Sarah.Albrecht	11/8/2017
DO-16-226910-CP-CR-557		12/17/2015 0:00	755	Region DO - Directors Office	Cathleen.Cachero	11/8/2017
DO-16-245593-CP-CR		8/4/2016 0:00	524	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-256840-CP-CR-Rac		12/15/2016 0:00	391	Region DO - Directors Office	CM_RDO_StaffAssign	11/8/2017
DO-17-256840-CP-CR-Rac		12/15/2016 0:00	391	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-258677-CP-CR-PS		1/9/2017 0:00	366	Region DO - Directors Office	David.Hyams	11/8/2017
DO-17-259047-CP-CR-557		12/20/2016 0:00	386	Region DO - Directors Office	Simone.Peart	11/8/2017
DO-17-259451-CP-CR		1/17/2017 0:00	358	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-260802-CP-CR		1/31/2017 0:00	344	Region DO - Directors Office	Vanecy.Nwigwe	11/8/2017
DO-17-261798-CP-CR		2/12/2017 0:00	332	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-262204-CP-CR-Rac		1/30/2017 0:00	345	Region DO - Directors Office	Anthony.Zayas	11/8/2017
DO-17-263450-CP-CR		3/1/2017 0:00	315	Region DO - Directors Office	Vanecy.Nwigwe	11/8/2017
DO-17-264789-CP-CR-PS		3/14/2017 0:00	302	Region DO - Directors Office	David.Hyams	11/8/2017
DO-17-264789-CP-CR-PS		3/14/2017 0:00	302	Region DO - Directors Office	Sarah.Albrecht	11/8/2017
DO-17-264940-CP-CR		3/16/2017 0:00	300	Region DO - Directors Office	Leo.Murphy	1/9/2018
DO-17-265577-CP-CR		3/22/2017 0:00	294	Region DO - Directors Office	Fong.Yip	11/8/2017
DO-17-266883-CP-CR		4/5/2017 0:00	280	Region DO - Directors Office	Vanecy.Nwigwe	11/8/2017
DO-17-266916-CP-CR		4/5/2017 0:00	280	Region DO - Directors Office	Karel.Hadacek	11/8/2017
DO-17-267249-CP-CR		4/9/2017 0:00	276	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-267362-CP-CR		4/10/2017 0:00	275	Region DO - Directors Office	Marisa.Smith	11/8/2017
DO-17-267386-CP-CR		4/10/2017 0:00	275	Region DO - Directors Office	Fong.Yip	11/8/2017
DO-17-267700-CP-CR		4/13/2017 0:00	272	Region DO - Directors Office	Marisa.Smith	11/8/2017
DO-17-268916-CP-CR		4/27/2017 0:00	258	Region DO - Directors Office	Leo.Murphy	11/8/2017
DO-17-269158-CP-CR		4/28/2017 0:00	257	Region DO - Directors Office	Vanecy.Nwigwe	11/8/2017
DO-17-269179-CP-CR		4/29/2017 0:00	256	Region DO - Directors Office	Leo.Murphy	11/8/2017
DO-17-269722-CP-HIP-HIP		5/5/2017 0:00	250	Region DO - Directors Office	Simone.Peart	11/8/2017
DO-17-269793-CP-CR		5/5/2017 0:00	250	Region DO - Directors Office	Fong.Yip	11/8/2017
DO-17-269796-CP-CR-Rac		4/20/2017 0:00	265	Region DO - Directors Office	Steven.Mitchell	11/8/2017

(b)(7)(A);
(b)(7)(C)

DO-17-269942-CP-CR		5/8/2017 0:00	247	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-270031-CP-CR		5/9/2017 0:00	246	Region DO - Directors Office	Fong.Yip	11/8/2017
DO-17-270179-CP-CR		5/10/2017 0:00	245	Region DO - Directors Office	Serena.Mosley-Day	11/8/2017
DO-17-270454-CP-CR		5/12/2017 0:00	243	Region DO - Directors Office	Leo.Murphy	11/8/2017
DO-17-270624-CP-CR		4/17/2017 0:00	268	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-271248-CP-CR		5/20/2017 0:00	235	Region DO - Directors Office	Fong.Yip	11/8/2017
DO-17-271523-CP-CR		5/23/2017 0:00	232	Region DO - Directors Office	Serena.Mosley-Day	11/8/2017
DO-17-272121-CP-CR		5/31/2017 0:00	224	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-272296-CP-CR		5/22/2017 0:00	233	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-272964-CP-CR		6/8/2017 0:00	216	Region DO - Directors Office	Fong.Yip	11/8/2017
DO-17-272987-CP-CR-557		4/14/2017 0:00	271	Region DO - Directors Office	CM_RDO_StaffAssign	11/8/2017
DO-17-272987-CP-CR-557		4/14/2017 0:00	271	Region DO - Directors Office	Serena.Mosley-Day	11/8/2017
DO-17-273087-CP-CR		6/9/2017 0:00	215	Region DO - Directors Office	Mekio.Cashwell	11/8/2017
DO-17-273200-CP-CR		6/12/2017 0:00	212	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-273383-CP-CR		6/14/2017 0:00	210	Region DO - Directors Office	Fong.Yip	11/8/2017
DO-17-273385-CP-CR-Rac		6/14/2017 0:00	210	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-273488-CP-CR		6/14/2017 0:00	210	Region DO - Directors Office	Vanfecy.Nwigwe	11/8/2017
DO-17-273898-CP-CR-Acc		6/20/2017 0:00	204	Region DO - Directors Office	Lisa.Anderson	11/8/2017
DO-17-273992-CP-CR		6/20/2017 0:00	204	Region DO - Directors Office	Leo.Murphy	11/8/2017
DO-17-274269-CP-CR		6/23/2017 0:00	201	Region DO - Directors Office	Ralph.Balsamo	11/8/2017
DO-17-274769-CP-CR-Rac		6/28/2017 0:00	196	Region DO - Directors Office	Adam.Eigensee	11/8/2017
DO-17-274771-CP-CR-PS		6/27/2017 0:00	197	Region DO - Directors Office	David.Hyams	11/8/2017
DO-17-274771-CP-CR-PS		6/27/2017 0:00	197	Region DO - Directors Office	Sarah.Albrecht	11/8/2017
DO-17-275027-CP-CR		7/3/2017 0:00	191	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-275236-CP-CR-557		7/6/2017 0:00	188	Region DO - Directors Office	Monika.Rushford	11/8/2017
DO-17-276010-CP-CR		7/14/2017 0:00	180	Region DO - Directors Office	Serena.Mosley-Day	11/8/2017
DO-17-276148-CP-HIP		7/14/2017 0:00	180	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-276254-CP-CR		7/17/2017 0:00	177	Region DO - Directors Office	Serena.Mosley-Day	11/8/2017
DO-17-276441-CP-CR		7/18/2017 0:00	176	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-276442-CP-CR		7/18/2017 0:00	176	Region DO - Directors Office	Steven.Mitchell	11/8/2017

(b)(7)(A);
(b)(7)(C)

DO-17-277069-CP-CR		7/24/2017 0:00	170	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277334-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277336-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277337-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277338-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277339-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277340-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277341-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277353-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277358-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277360-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	CM_RDO_StaffAssign	11/8/2017
DO-17-277360-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277361-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277362-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277363-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277364-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277366-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277368-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277369-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277370-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277373-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277377-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277378-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277379-CP-CR		7/25/2017 0:00	169	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277400-CP-CR		7/26/2017 0:00	168	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277403-CP-CR		7/26/2017 0:00	168	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277406-CP-CR		7/26/2017 0:00	168	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277408-CP-CR		7/26/2017 0:00	168	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277413-CP-CR		7/27/2017 0:00	167	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277415-CP-CR		7/27/2017 0:00	167	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277416-CP-CR		7/27/2017 0:00	167	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-277419-CP-CR		7/27/2017 0:00	167	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-277624-CP-CR		7/26/2017 0:00	168	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277625-CP-CR		7/26/2017 0:00	168	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277628-CP-CR		7/26/2017 0:00	168	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-277844-CP-CR		7/31/2017 0:00	163	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278072-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Allsha.Welch	11/8/2017
DO-17-278180-CP-HIP		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278231-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017

(b)(7)(A);
(b)(7)(C)

DO-17-278236-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278239-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278243-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278244-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278245-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278253-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278254-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278256-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278283-CP-CR		8/3/2017 0:00	160	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278301-CP-CR		8/4/2017 0:00	159	Region DO - Directors Office	David.Hyams	11/8/2017
DO-17-278697-CP-CR		8/9/2017 0:00	154	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-278813-CP-HIP		8/10/2017 0:00	153	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-279149-CP-CR		8/14/2017 0:00	149	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-279153-CP-CR		8/14/2017 0:00	149	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-279255-CP-CR		8/14/2017 0:00	149	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-279394-CP-CR		8/16/2017 0:00	147	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-279709-CP-CR		7/28/2017 0:00	166	Region DO - Directors Office	Lisa.Anderson	11/8/2017
DO-17-279865-CP-CR		8/18/2017 0:00	145	Region DO - Directors Office	CM_RDO_StaffAssign	11/8/2017
DO-17-279865-CP-CR		8/18/2017 0:00	145	Region DO - Directors Office	Fong,Yip	11/8/2017
DO-17-279883-CP-CR		8/21/2017 0:00	142	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-279891-CP-CR		8/21/2017 0:00	142	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-279923-CP-CR		8/21/2017 0:00	142	Region DO - Directors Office	Lisa.Alston	12/4/2017
DO-17-280010-CP-CR		8/22/2017 0:00	141	Region DO - Directors Office	Joseph.Hudach	11/8/2017
DO-17-280179-CP-CR		8/21/2017 0:00	142	Region DO - Directors Office	Serena.Mosley-Day	11/8/2017
DO-17-280299-CP-CR		8/23/2017 0:00	140	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-280637-CP-CR		8/28/2017 0:00	135	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-280706-CP-CR		8/24/2017 0:00	139	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-280899-CP-CR		8/29/2017 0:00	134	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-281288-CP-CR		9/1/2017 0:00	131	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-281298-CP-CR		9/1/2017 0:00	131	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-281302-CP-CR		9/1/2017 0:00	131	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-281358-CP-CR		9/5/2017 0:00	127	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-281459-CP-CR		9/5/2017 0:00	127	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282002-CP-HIP		9/12/2017 0:00	120	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282090-CP-CR		9/12/2017 0:00	120	Region DO - Directors Office	David.Hyams	11/22/2017

(b)(7)(A);
(b)(7)(C)

DO-17-282090-CP-CR		9/12/2017 0:00	120	Region DO - Directors Office	Mandi.Ancalle	11/22/2017
DO-17-282111-CP-CR		9/12/2017 0:00	120	Region DO - Directors Office	David.Hyams	11/22/2017
DO-17-282128-CP-HIP		9/13/2017 0:00	119	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282236-CP-CR		9/11/2017 0:00	121	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282385-CP-HIP		9/15/2017 0:00	117	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282406-CP-HIP		9/16/2017 0:00	116	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282416-CP-HIP		9/16/2017 0:00	116	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282449-CP-HIP		9/17/2017 0:00	115	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282553-CP-CR		9/18/2017 0:00	114	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282619-CP-HIP		9/19/2017 0:00	113	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282620-CP-HIP		9/19/2017 0:00	113	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282622-CP-HIP		9/19/2017 0:00	113	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-282641-CP-CR		9/19/2017 0:00	113	Region DO - Directors Office	Steven.Mitchell	11/8/2017
DO-17-282670-CP-CR		9/19/2017 0:00	113	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-283045-CP-CR		9/18/2017 0:00	114	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-283232-CP-CR		9/25/2017 0:00	107	Region DO - Directors Office	Lisa.Alston	11/8/2017
DO-17-283431-CP-HIP		9/27/2017 0:00	105	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-17-283432-CP-HIP		9/27/2017 0:00	105	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-17-283503-CP-HIP		9/28/2017 0:00	104	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-17-283522-CP-CR		9/26/2017 0:00	106	Region DO - Directors Office	Lisa.Alston	12/12/2017
DO-17-284187-CP-CR		9/28/2017 0:00	104	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-17-284275-CP-CR		9/28/2017 0:00	104	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-17-289033-CP-CR		9/10/2017 0:00	122	Region DO - Directors Office	Sarah.West	12/1/2017
DO-18-283740-CP-CR		10/1/2017 0:00	101	Region DO - Directors Office	Lisa.Alston	11/16/2017

(b)(7)(A);
(b)(7)(C)

DO-18-284103-CP-HIP		10/4/2017 0:00	98	Region DO - Directors Office	Satia.Koroma	11/15/2017
DO-18-284104-CP-HIP		10/4/2017 0:00	98	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-18-284109-CP-HIP		10/4/2017 0:00	98	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-18-284110-CP-CR		10/4/2017 0:00	98	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-18-284511-CP-CR-PS		10/9/2017 0:00	93	Region DO - Directors Office	David.Hyams	11/15/2017
DO-18-284511-CP-CR-PS		10/9/2017 0:00	93	Region DO - Directors Office	Gabriela.Weigel	11/15/2017
DO-18-284511-CP-CR-PS		10/9/2017 0:00	93	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-18-284790-CP-CR		10/11/2017 0:00	91	Region DO - Directors Office	Lisa.Alston	11/16/2017
DO-18-284811-CP-CR		10/12/2017 0:00	90	Region DO - Directors Office	Lisa.Alston	11/29/2017
DO-18-284827-CP-CR		10/10/2017 0:00	92	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-18-284925-CP-CR		10/11/2017 0:00	91	Region DO - Directors Office	Lisa.Alston	11/29/2017
DO-18-284942-CP-HIP		10/13/2017 0:00	89	Region DO - Directors Office	Lisa.Alston	11/20/2017
DO-18-284947-CP-CR		10/13/2017 0:00	89	Region DO - Directors Office	Lisa.Alston	11/20/2017
DO-18-284978-CP-CR		10/11/2017 0:00	91	Region DO - Directors Office	Lisa.Alston	11/15/2017
DO-18-285041-CP-CR		10/14/2017 0:00	88	Region DO - Directors Office	Lisa.Alston	11/22/2017
DO-18-285044-CP-CR		10/14/2017 0:00	88	Region DO - Directors Office	Lisa.Alston	11/22/2017
DO-18-285059-CP-CR		10/15/2017 0:00	87	Region DO - Directors Office	Lisa.Alston	11/30/2017
DO-18-285061-CP-CR		10/15/2017 0:00	87	Region DO - Directors Office	Lisa.Alston	11/22/2017
DO-18-285170-CP-CR		10/16/2017 0:00	86	Region DO - Directors Office	Lisa.Alston	11/20/2017
DO-18-285191-CP-CR		10/16/2017 0:00	86	Region DO - Directors Office	Lisa.Alston	11/24/2017
DO-18-285254-CP-CR		10/17/2017 0:00	85	Region DO - Directors Office	Lisa.Alston	11/20/2017
DO-18-285277-CP-CR		10/17/2017 0:00	85	Region DO - Directors Office	Lisa.Alston	11/27/2017
DO-18-285341-CP-CR		10/18/2017 0:00	84	Region DO - Directors Office	Lisa.Alston	11/27/2017
DO-18-285357-CP-CR		10/16/2017 0:00	86	Region DO - Directors Office	Lisa.Alston	11/24/2017
DO-18-285361-CP-HIP		10/18/2017 0:00	84	Region DO - Directors Office	Lisa.Alston	11/27/2017
DO-18-285450-CP-CR		10/18/2017 0:00	84	Region DO - Directors Office	Lisa.Alston	11/29/2017
DO-18-285550-CP-HIP		10/19/2017 0:00	83	Region DO - Directors Office	Lisa.Alston	11/30/2017

(b)(7)(A);
(b)(7)(C)

DO-18-285566-CP-CR		10/19/2017 0:00	83	Region DO - Directors Office	Lisa Alston	11/30/2017
DO-18-285736-CP-CR		10/21/2017 0:00	81	Region DO - Directors Office	Lisa Alston	11/28/2017
DO-18-285779-CP-CR		10/23/2017 0:00	79	Region DO - Directors Office	Lisa Alston	11/30/2017
DO-18-285913-CP-CR		10/24/2017 0:00	78	Region DO - Directors Office	Lisa Alston	12/1/2017
DO-18-285938-CP-CR		10/24/2017 0:00	78	Region DO - Directors Office	Lisa Alston	12/12/2017
DO-18-286101-CP-CR		10/25/2017 0:00	77	Region DO - Directors Office	Lisa Alston	12/1/2017
DO-18-286110-CP-CR		10/25/2017 0:00	77	Region DO - Directors Office	Lisa Alston	12/1/2017
DO-18-286275-CP-CR		10/27/2017 0:00	75	Region DO - Directors Office	Lisa Alston	12/1/2017
DO-18-286503-CP-CR		10/30/2017 0:00	72	Region DO - Directors Office	Lisa Alston	12/7/2017
DO-18-286583-CP-HIP		10/31/2017 0:00	71	Region DO - Directors Office	Michelle Nguyen	1/9/2018
DO-18-286670-CP-CR		10/31/2017 0:00	71	Region DO - Directors Office	John Murphy	1/9/2018
DO-18-286995-CP-CR		11/5/2017 0:00	66	Region DO - Directors Office	Lisa Alston	12/28/2017
DO-18-287016-CP-CR		11/5/2017 0:00	66	Region DO - Directors Office	Lisa Alston	12/28/2017
DO-18-287034-CP-CR		11/6/2017 0:00	65	Region DO - Directors Office	Michelle Nguyen	12/7/2017
DO-18-287042-CP-CR		11/6/2017 0:00	65	Region DO - Directors Office	Lisa Alston	12/7/2017
DO-18-287049-CP-CR		11/6/2017 0:00	65	Region DO - Directors Office	Lisa Alston	12/7/2017
DO-18-287080-CP-CR		11/6/2017 0:00	65	Region DO - Directors Office	Lisa Alston	12/13/2017
DO-18-287168-CP-CR		11/7/2017 0:00	64	Region DO - Directors Office	Lisa Alston	12/8/2017
DO-18-287191-CP-HIP		11/7/2017 0:00	64	Region DO - Directors Office	Lisa Alston	12/12/2017
DO-18-287201-CP-CR		11/7/2017 0:00	64	Region DO - Directors Office	Lisa Alston	12/8/2017
DO-18-287280-CP-CR		11/8/2017 0:00	63	Region DO - Directors Office	Lisa Alston	11/15/2017
DO-18-287298-CP-CR		11/8/2017 0:00	63	Region DO - Directors Office	Lisa Alston	12/11/2017
DO-18-287319-CP-CR		11/8/2017 0:00	63	Region DO - Directors Office	Lisa Alston	12/12/2017
DO-18-287510-CP-CR		11/10/2017 0:00	61	Region DO - Directors Office	Lisa Alston	12/12/2017
DO-18-287601-CP-CR		11/12/2017 0:00	59	Region DO - Directors Office	Lisa Alston	12/13/2017
DO-18-287621-CP-CR		11/13/2017 0:00	58	Region DO - Directors Office	Lisa Alston	12/13/2017
DO-18-287626-CP-CR		11/8/2017 0:00	63	Region DO - Directors Office	Lisa Alston	11/15/2017
DO-18-287703-CP-CR		11/14/2017 0:00	57	Region DO - Directors Office	Lisa Alston	12/14/2017
DO-18-287874-CP-CR		10/25/2017 0:00	77	Region DO - Directors Office	?	11/21/2017
DO-18-287887-CP-CR		11/15/2017 0:00	56	Region DO - Directors Office	Lisa Alston	12/14/2017
DO-18-287908-CP-CR		11/15/2017 0:00	56	Region DO - Directors Office	Lisa Alston	12/14/2017
DO-18-287930-CP-CR		11/15/2017 0:00	56	Region DO - Directors Office	Lisa Alston	12/18/2017

(b)(7)(A);
(b)(7)(C)

DO-18-288083-CP-CR		10/30/2017 0:00	72	Region DO - Directors Office	Lisa.Alston	12/12/2017
DO-18-288210-CP-CR		11/19/2017 0:00	52	Region DO - Directors Office	Lisa.Alston	12/19/2017
DO-18-288274-CP-CR		11/20/2017 0:00	51	Region DO - Directors Office	Lisa.Alston	12/20/2017
DO-18-288549-CP-CR		11/21/2017 0:00	50	Region DO - Directors Office	Mekio.Cashwell	11/27/2017
DO-18-288627-CP-CR		11/27/2017 0:00	44	Region DO - Directors Office	Lisa.Alston	12/21/2017
DO-18-288653-CP-HIP		11/27/2017 0:00	44	Region DO - Directors Office	Lisa.Alston	12/21/2017
DO-18-288812-CP-CR		11/28/2017 0:00	43	Region DO - Directors Office	Lisa.Alston	12/26/2017
DO-18-288923-CP-CR		11/29/2017 0:00	42	Region DO - Directors Office	Lisa.Alston	12/26/2017
DO-18-288961-CP-HIP		11/29/2017 0:00	42	Region DO - Directors Office	Lisa.Alston	12/28/2017
DO-18-289117-CP-CR		11/30/2017 0:00	41	Region DO - Directors Office	Lisa.Alston	12/27/2017
DO-18-289191-CP-CR		12/1/2017 0:00	40	Region DO - Directors Office	Lisa.Alston	12/29/2017
DO-18-289289-CP-CR		12/3/2017 0:00	38	Region DO - Directors Office	Lisa.Alston	1/3/2018
DO-18-289447-CP-CR		12/4/2017 0:00	37	Region DO - Directors Office	Lisa.Alston	1/4/2018
DO-18-289612-CP-CR		11/14/2017 0:00	57	Region DO - Directors Office	Lisa.Alston	12/28/2017
DO-18-289617-CP-CR		12/5/2017 0:00	36	Region DO - Directors Office	Lisa.Alston	1/5/2018
DO-18-289710-CP-CR-PS		12/6/2017 0:00	35	Region DO - Directors Office	David.Hyams	12/12/2017
DO-18-289710-CP-CR-PS		12/6/2017 0:00	35	Region DO - Directors Office	Gabriela.Weigel	12/12/2017
DO-18-289725-CP-CR		12/6/2017 0:00	35	Region DO - Directors Office	Lisa.Alston	1/5/2018
DO-18-289810-CP-CR		12/6/2017 0:00	35	Region DO - Directors Office	Lisa.Alston	12/7/2017
DO-18-290374-CP-CR		11/22/2017 0:00	49	Region DO - Directors Office	Michelle.Nguyen	12/26/2017
DO-18-290498-CP-CR		11/27/2017 0:00	44	Region DO - Directors Office	Lisa.Alston	12/28/2017
DO-18-291425-CP-CR		12/22/2017 0:00	19	Region DO - Directors Office	?	12/28/2017
DO-18-291432-CP-CR		12/22/2017 0:00	19	Region DO - Directors Office	?	12/28/2017
DO-18-291585-CP-CR		12/19/2017 0:00	22	Region DO - Directors Office	?	12/28/2017

From: Novy, Steve (OS/OCR)
Sent: 12 Jan 2018 21:00:41 +0000
To: Severino, Roger (HHS/OCR);Bell, March (HHS/OCR);Frohboese, Robinsue (HHS/OCR);Noonan, Timothy (OS/OCR);Allen, Jane (HHS/OCR);Butterfield, Justin (HHS/OCR);Brown, Louis (HHS/OCR);Hyams, David (HHS/OCR);Ancalle, Mandi (HHS/OCR) (CTR);Fuller, Maqueda (HHS/OCR) (CTR)
Subject: Conscience Complaint Plan
Attachments: 01-12-17 CONSCIENCE COMPLAINT PLAN (1).docx

Good Afternoon All,

Attached is the plan for continuing the conscience complaint count thru the long weekend and thru Thursday, 01-18-18. At this time I anticipate no issues.

Please let me know if you have any questions.

Thanks, Steve

From: Butterfield, Justin (HHS/OCR)
Sent: 10 Jan 2018 23:25:35 +0000
To: Noronha, Maya (HHS/OCR)
Cc: Hyams, David (HHS/OCR); Ancalle, Mandi (HHS/OCR) (CTR)
Subject: Conscience Reg Polish - Pre Page 38
Attachments: Conscience Reg with draft responses to clearance comments as mmn provide....docx

PRE-DECISIONAL & DELIBERATIVE PROCESS PRIVILEGED

Maya,

Attached are my polishing edits to the portion pre page 38 (History of OCR Enforcement). Note that this section is being revised by David and Mandi, but David said that their revisions will take a while so I should go ahead and do the polish now.

David and Mandi, you may want to base your revisions on this version since it has some typo, punctuation, grammar edits.

Justin



Justin E. Butterfield
Senior Advisor
Office for Civil Rights
U.S. Department of Health & Human Services
Office: (202) 969-3806
Mobile: (b)(6)

EXHIBIT G

HHS.gov

U.S. Department of Health & Human Services

FOR IMMEDIATE RELEASE

January 19, 2018

Contact: HHS Press Office

202-690-6343

media@hhs.gov

HHS Takes Major Actions to Protect Conscience Rights and Life

On Friday, January 19, 2018, the Department of Health and Human Services (HHS) announced two major actions to protect life and the conscience rights of Americans.

HHS' Centers for Medicare & Medicaid Services (CMS) is issuing new guidance to state Medicaid directors restoring state flexibility to decide program standards. The letter issued today rescinds 2016 guidance that specifically restricted states' ability to take certain actions against family-planning providers that offer abortion services.

Additionally, HHS' Office for Civil Rights (OCR) is announcing a new proposed rule to enforce 25 existing statutory conscience protections for Americans involved in HHS-funded programs, which protect people from being coerced into participating in activities that violate their consciences, such as abortion, sterilization, or assisted suicide.

"Today's actions represent promises kept by President Trump and a rollback of policies that had prevented many Americans from practicing their profession and following their conscience at the same time," said Acting HHS Secretary Eric D. Hargan. "Americans of faith should feel at home in our health system, not discriminated against, and states should have the right to take reasonable steps in overseeing their Medicaid programs and being good stewards of public funds."

"America's doctors and nurses are dedicated to saving lives and should not be bullied out of the practice of medicine simply because they object to performing abortions against their conscience," said OCR Director Roger Severino. "Conscience protection is a civil right guaranteed by laws that too often haven't been enforced. Today's proposed rule will provide our new Conscience and Religious Freedom Division with enforcement tools that will make sure our conscience laws are not empty words on paper, but guarantees of justice to victims of unlawful discrimination."

Background

New Draft Conscience Regulation

- The proposed rule provides practical protections for Americans' conscience rights and is modelled on existing regulations for other civil rights laws.

- The laws undergirding the proposed regulation include the Coats-Snowe, Weldon, and Church Amendments, as well as parts of Medicare, Medicaid, the Affordable Care Act, and others (25 statutes in total).
- The proposed rule applies to entities that receive funds through programs funded or administered in whole or in part through HHS.
- The proposed rule requires, for instance, that entities applying for federal grants certify that they are complying with the above-mentioned conscience-protection statutes.
- Since President Trump took office, OCR has stepped up enforcement of these conscience statutes, many of which saw little to no enforcement activity under the previous administration.
- The proposed rule includes a public comment period of 60 days.
- Friday's proposed rule follows the announcement on Thursday of a new Conscience and Religious Freedom Division in OCR, charged with implementing the proposed regulation as finalized and enforcing statutes that protect individuals and organizations from being compelled to participate in procedures such as abortion, sterilization, and assisted suicide when it would violate their religious beliefs or moral convictions.

New Medicaid Guidance Restoring State Flexibility

- On Friday, January 19, 2018, CMS issued a State Medicaid Director Letter restoring state flexibility to establish reasonable standards for their Medicaid programs.
- The letter rescinded an April 2016 guidance (State Medicaid Directors Letter #16-005), which limited states' long-standing authority to regulate providers operating within their states.
- The 2016 letter had said that states that attempted to protect the integrity of their program standards by disqualifying abortion providers from their Medicaid programs would come under CMS scrutiny, and would be required to present to CMS evidence of criminal action or unfitness to perform healthcare services.
- As stated in the Friday letter to state Medicaid directors, CMS is concerned that the 2016 letter may have gone beyond merely interpreting what the statute and current regulations require.
- This decision returns CMS policy to what it was prior to the issuance of the 2016 letter.
- States will still be required to comply with all applicable statutory and regulatory requirements, including the requirement that provider qualification standards be reasonable.

The new State Medicaid Directors Letter is here: <https://www.medicaid.gov/federal-policy-guidance/downloads/smd18003.pdf> - PDF

The conscience regulation can be found in the Federal Register here:

<https://www.federalregister.gov/documents/2018/01/26/2018-01226/protecting-statutory-conscience-rights-in-health-care-delegations-of-authority>

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Note: All HHS press releases, fact sheets and other news materials are available at <https://www.hhs.gov/news>.

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Last revised: January 19, 2018
