

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WHITE COAT WASTE PROJECT
7288 Hanover Green Dr.
Mechanicsville, VA 23111

Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
200 Independence Ave., S.W.
Washington DC 20201,

Defendant.

Civ. No. 26-cv-3216

**Complaint for Declaratory and
Injunctive Relief**

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, seeking the release of records related to animal experiments funded with taxpayer dollars at the National Institutes of Health's Rocky Mountain Laboratories and to the undeclared importation of biological materials into the United States by personnel associated with those laboratories.

Jurisdiction and Venue

2. This Court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

Parties

4. Plaintiff White Coat Waste Project, Inc. (White Coat Waste) is a bipartisan taxpayer watchdog organization pursuant to Section 501(c)(3) of the Internal Revenue Code, with its registered office located at 7288 Hanover Green Drive, Mechanicsville, VA, 23111. White Coat Waste's mission is to find, expose, and defund wasteful taxpayer-funded animal experiments. White Coat Waste is the requester of the information at issue here.

5. Defendant Department of Health and Human Services (DHHS) is an agency of the United States.

6. The National Institutes of Health (NIH) is a component of DHHS.

7. The National Institute of Allergy and Infectious Diseases (NIAID) is a component of NIH.

8. Rocky Mountain Laboratories (RML) is a component of NIAID.

9. The Centers for Disease Control and Prevention (CDC) is a component of DHHS.

10. The Office of Inspector General for the United States Department of Health and Human Services (OIG) is a component of DHHS.

11. The Office of the Secretary (OS) is a component of DHHS.

12. DHHS, NIH, NIAID, RML, CDC, OIG, OS, and their subcomponents have possession, custody, and control of the records White Coat Waste seeks.

Statement of Facts

FOIA Case No. 63232

13. On January 9, 2025, White Coat Waste submitted a FOIA request through the NIH FOIA public portal to the National Institute of Allergy and Infectious Diseases (NIAID) seeking “copies of the following Rocky Mountain Laboratory (RML) IACUC-approved protocols, including their attachments, reviews and amendments:

- 2020-065.6: Rearing and Maintenance of an Ixodes scapularis Tick Colony
- 2022-030-E: Pathogenesis of Novel Filoviruses in Nonhuman Primates
- 2022-043-E: Cross-Protection of VSV-Nipah Against Hendra Virus Challenge in the African Green Monkey Model
- 2022-047-E: Pathogenic potential of novel bat paramyxovirus in pigs (Pilot Study)
- 2022-026-E: Protective efficacy of a VSV-based vaccine against highly pathogenic avian influenza virus infection in ferrets and cynomolgus macaques
- 2022-051-E: Protective efficacy of VSV-Sudan against lethal challenge with Sudan virus in nonhuman primates

- 2022-052-E: ChAdOx1 BiEBOV vaccine efficacy against Sudan virus (SUDV) in the cynomolgus macaque model
- 2022-053-E: Virulence comparison of West and Central African monkeypox strains, including the current outbreak strain in the Cynomolgus macaque model
- 2022-054-E: Identification of lead replicating RNA vaccine candidate for CCHFV in nonhuman primates
- 2020-007-E.3: Defining the Peripheral Route of Bornavirus Infection in the Rhesus Macaque Model
- 2021-060-E: Ornithodoros tick colony feeding and maintenance on mice[.]”

14. That same day, the NIH FOIA Request Portal sent White Coat Waste an automated acknowledgment confirming NIH's receipt of the submission. The portal also notified White Coat Waste that the status of the request had been updated to “Received” and assigned it FOIA Case No. 63232.

15. To date, White Coat Waste has not received any further response or production, or any denial letter, for this request.

16. As of the filing of this Complaint, White Coat Waste has not received a final determination and response regarding FOIA Case No. 63232.

17. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat Waste is deemed to have exhausted its administrative remedies with regard to FOIA Case No. 63232 because the agency has failed to meet the statutory time limit.

FOIA Case No. 63370

18. On January 29, 2025, White Coat Waste submitted a FOIA request through the NIH FOIA public portal to NIAID seeking “a census [of] all currently active IACUC-approved protocols at the Rocky Mountain Laboratory (RML) where at least one nonhuman primate is required,” as well as “copies of RML’s three most recent IACUC meeting minutes.”

19. That same day, the portal notified White Coat Waste that the status of the request had been updated to “Received” and assigned it FOIA Case No. 63370.

20. On January 30, 2025, an NIAID Government Information Specialist emailed White Coat Waste an interim letter further acknowledging the request. The letter confirmed the agency received the request on January 29, 2025, restated the records sought, and advised that any responsive documents located would be reviewed for releasability.

21. On February 4, 2025 an NIAID Government Information Specialist emailed White Coat Waste seeking clarification regarding the meaning of “census” as used in the FOIA request.

22. That same day, February 4, 2025, White Coat Waste responded and clarified its request, and NIAID acknowledged the clarification.

23. On February 11, 2025 an NIAID Government Information Specialist emailed White Coat Waste regarding its processing of FOIA Request 63370 and requested that WCW agree to exclude certain categories of information, including non-key personnel information, letters of support, vendor information, personal and proprietary information, and specific animal housing and procedure-room locations.

24. That same day, White Coat Waste responded and agreed to NIAID's requested exclusions.

25. To date, White Coat Waste has not received any further response or production, or any denial letter, for this request.

26. As of the filing of this Complaint, White Coat Waste has not received a final determination and response regarding FOIA Case No. 63370.

27. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat Waste is deemed to have exhausted its administrative remedies with regard to FOIA Case No. 63370 because the agency has failed to meet the statutory time limit.

FOIA Case No. 64739

28. On October 9, 2025, White Coat Waste submitted a FOIA request through the NIH FOIA public portal to NIAID seeking “a copy of the

following Rocky Mountain Laboratory (RML) IACUC-approved protocols, including their attachments, reviews and amendments:

- 2022-031: Establishment of the ferret model for filoviruses
- 2023-039: Establishment of a rhesus macaque model for Heartland Virus
- 2023-038: Comparative pathogenesis of SFTSV in non-human primates
- 2021-004: Assessing disease kinetics and severity of mutated SARS-CoV-2 variants in the African green monkey
- 2021-005: Comparison of new SARS-CoV-2 variants in rhesus macaques
- 2021-008: Defining Time to Immunity of the GMP-Produced VSV-Nipah Vaccine in African Green Monkeys
- 2021-012: Defining the Time to Immunity of the VSV-Lassa Vaccine Against Lassa Virus Challenge in a Macaque Model
- 2021-014: Ebola Postexposure Prophylaxis Using the VSV-EBOV Vector in the Rhesus macaque Model
- 2021-018: Efficacy of VSV-based vaccines against filoviruses in cynomolgus macaques
- 2024-005: Rapid Protection of VSV-KFDV in the Pigtailed Macaque Model[.]”

29. The request also sought “any photos and/or videos of any of the animals held for or used in experiments under the above protocols.”

30. On November 17, 2025, an NIAID Government Information Specialist emailed White Coat Waste an interim letter acknowledging the request and assigning it FOIA Case No. 64739. The letter confirmed the agency received the request on October 9, 2025, restated the records sought, and advised that any responsive documents located would be reviewed for releasability.

31. On December 15, 2025, the same Government Information Specialist wrote White Coat Waste to ask whether it would agree to exclude from the scope of the request “secondary individuals and related information (email addresses, phone/fax numbers, and work addresses), letters of support, biosketches other than the PI, bibliographies, specific animal information (location of where they are housed, procedure rooms, etc.), facility security (referring to access to the building; square footage; technology used to secure the building), and vendor information (e.g., transportation services/invoices).” White Coat Waste responded that same day agreeing to the proposed exclusions.

32. To date, White Coat Waste has not received any further response or production, or any denial letter, for this request.

33. As of the filing of this Complaint, White Coat Waste has not received a final determination and response regarding FOIA Case No. 64739.

34. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat Waste is deemed to have exhausted its administrative remedies with regard to FOIA Case No. 64739 because the agency has failed to meet the statutory time limit.

FOIA Case No. 65720

35. On May 14, 2026, White Coat Waste submitted a FOIA request through the NIH FOIA public portal to the National Institutes of Health seeking “copies of all records relating to the undeclared importation, transportation, smuggling, customs inspection, customs detention, permitting, declaration, or transfer of biological materials, pathogen samples, infectious substances, or select agents brought into the United States from Africa by personnel associated with the National Institutes of Health, including Rocky Mountain Laboratories (‘RML’) and/or the National Institute of Allergy and Infectious Diseases (‘NIAID’), including but not limited to records concerning Dr. Vincent Munster and/or any NIH employees, contractors, fellows, collaborators, or visiting scientists involved in the transport, receipt, handling, declaration, or importation of such materials.”

36. The request specified that, “from January 1, 2026 through the date of search,” White Coat Waste sought:

1. “All correspondence, including but not limited to letters, physical mail, emails and attachments, text message threads or conversations, and message threads or conversations on messaging platforms functionally similar to text messages (e.g., Signal, WhatsApp, Facebook Messenger, Slack Twitter/X, direct messages), to or from the Director of NIH, Director of NIAID, Director of the Division of Intramural Research at NIAID, Director and Deputy Director of RML, Associate Director for RML, RML Biorisk Management Site Supervisor (Responsible Official RML Select Agent Program), Biosafety Manager of RML, and any NIH personnel responsible for laboratory operations, biosafety compliance, pathogen transport, customs compliance, or incident reporting containing any of the following key terms:

- Vincent Munster
- Munster
- smuggling
- pathogen
- biological material
- undeclared
- import violation
- import permit

- select agent
 - biosafety violation
 - chain of custody
 - customs detention
 - seizure
2. All correspondence, including but not limited to letters, physical mail, emails and attachments, text messages, and communications conducted through messaging platforms functionally similar to text messaging (including but not limited to Signal, WhatsApp, Facebook Messenger, Slack, Twitter/X direct messages, or similar applications), between the Director of NIH, the Director of NIAID, the Director and Deputy Director of RML, NIH biosafety officers, and any NIH personnel responsible for laboratory operations, biosafety compliance, pathogen transport, customs compliance, or incident reporting — and the U.S. Customs and Border Protection (‘CBP’), Centers for Disease Control and Prevention (‘CDC’), USDA/APHIS, Federal Bureau of Investigation (‘FBI’), Department of Justice (‘DOJ’), or the HHS Office of Inspector General (‘OIG’).
3. All memoranda, investigative files, incident reports, compliance reviews, inspection reports, customs enforcement records, import

violation records, detention or seizure records, biosafety compliance records, administrative or disciplinary records, investigative or oversight referrals, briefing materials, situation reports, after-action reports, internal assessments, chain-of-custody documents, shipping and transport records, laboratory records, final reports, and other investigative or administrative records relating to the undeclared importation, transportation, declaration, inspection, detention, handling, or transfer of biological materials, pathogen samples, infectious substances, or select agents into the United States by personnel associated with NIH, RML, NIAID, including Vincent Munster.”

37. That same day, the NIH FOIA Request Portal sent White Coat Waste an automated acknowledgment confirming NIH’s receipt of the submission. The portal also notified White Coat Waste that the status of the request had been updated to “Received” and assigned it FOIA Case No. 65720.

38. To date, White Coat Waste has not received any further response or production, or any denial letter, for this request.

39. As of the filing of this Complaint, White Coat Waste has not received a final determination and response regarding FOIA Case No. 65720.

40. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat Waste is deemed to have exhausted its administrative remedies with regard to FOIA Case No. 65720 because the agency has failed to meet the statutory time limit.

FOIA Request No. 26-0496

41. On May 14, 2026, White Coat Waste submitted a FOIA request through the FOIA.gov national portal to the Office of Inspector General for the United States Department of Health and Human Services (OIG) seeking “copies of all records relating to the undeclared importation, transportation, smuggling, customs inspection, customs detention, permitting, declaration, or transfer of biological materials, pathogen samples, infectious substances, or select agents brought into the United States from Africa by personnel associated with the National Institutes of Health (NIH), including Rocky Mountain Laboratories (‘RML’) and/or the National Institute of Allergy and Infectious Diseases (‘NIAID’), including but not limited to records concerning Dr. Vincent Munster and/or any NIH employees, contractors, fellows, collaborators, or visiting scientists involved in the transport, receipt, handling, declaration, or importation of such materials.”

42. The request specified that, “from January 1, 2026 through the date of search,” White Coat Waste sought:

1. “All correspondence, including but not limited to letters, physical mail, emails and attachments, text message threads or conversations, and message threads or conversations on messaging platforms functionally similar to text messages (e.g., Signal, WhatsApp, Facebook Messenger, Slack Twitter/X, direct messages), to or from OIG personnel containing any of the following key terms:

- Vincent Munster
- Munster
- smuggling
- pathogen
- biological material
- undeclared
- import violation
- import permit
- select agent
- biosafety violation
- chain of custody
- customs detention
- seizure

2. All correspondence, including but not limited to letters, physical mail, emails and attachments, text messages, and communications conducted through messaging platforms functionally similar to text messaging (including but not limited to Signal, WhatsApp, Facebook Messenger, Slack, Twitter/X direct messages, or similar applications), between OIG personnel and the NIH/NIAID, the U.S. Customs and Border Protection ('CBP'), Centers for Disease Control and Prevention ('CDC'), USDA/APHIS, Federal Bureau of Investigation ('FBI'), or the Department of Justice ('DOJ') relating to the January 2026 undeclared importation, transportation, declaration, inspection, detention, handling, or transfer of biological materials, pathogen samples, infectious substances, or select agents into the United States by personnel associated with NIH, RML, NIAID, including Vincent Munster, and any subsequent investigations.
3. All memoranda, investigative files, incident reports, compliance reviews, inspection reports, customs enforcement records, import violation records, detention or seizure records, biosafety compliance records, administrative records, investigative or oversight referrals, briefing materials, situation reports, after-action reports, internal assessments, chain-of-custody documents,

shipping and transport records, final reports, and other investigative or administrative records relating to the January 2026 undeclared importation, transportation, declaration, inspection, detention, handling, or transfer of biological materials, pathogen samples, infectious substances, or select agents into the United States by personnel associated with NIH, RML, NIAID, including Vincent Munster.”

43. That same day, the FOIA.gov portal confirmed that the request had been created and was being transmitted to the OIG, and assigned it Submission ID 2914431.

44. On May 15, 2026, the OIG acknowledged receipt of the request, assigned it request number 26-0496, and advised that the request was “being processed as expeditiously as possible.”

45. To date, White Coat Waste has not received any further response or production, or any denial letter, for this request.

46. As of the filing of this Complaint, White Coat Waste has not received a final determination and response regarding FOIA Request No. 26-0496.

47. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat Waste is deemed to have exhausted its administrative remedies with regard to FOIA

Request No. 26-0496 because the agency has failed to meet the statutory time limit.

FOIA Request No. 2026-HHS-FOIA-002857

48. On May 14, 2026, White Coat Waste submitted a FOIA request through the FOIA.gov national portal to the Office of the Secretary of the United States Department of Health and Human Services (OS) seeking “copies of all records relating to the undeclared importation, transportation, smuggling, customs inspection, customs detention, permitting, declaration, or transfer of biological materials, pathogen samples, infectious substances, or select agents brought into the United States from Africa by personnel associated with the National Institutes of Health (NIH), including Rocky Mountain Laboratories (‘RML’) and/or the National Institute of Allergy and Infectious Diseases (‘NIAID’), including but not limited to records concerning Dr. Vincent Munster and/or any NIH employees, contractors, fellows, collaborators, or visiting scientists involved in the transport, receipt, handling, declaration, or importation of such materials.”

49. The request specified that, “from January 1, 2026 through the date of search,” White Coat Waste sought:

1. “All correspondence, including but not limited to letters, physical mail, emails and attachments, text message threads or conversations, and message threads or conversations on

messaging platforms functionally similar to text messages (e.g., Signal, WhatsApp, Facebook Messenger, Slack Twitter/X, direct messages), to or from Secretary Robert F. Kennedy containing any of the following key terms:

- Vincent Munster
 - Munster
 - smuggling
 - pathogen
 - biological material
 - undeclared
 - import violation
 - import permit
 - select agent
 - biosafety violation
 - chain of custody
 - customs detention
 - seizure
2. All correspondence, including but not limited to letters, physical mail, emails and attachments, text messages, and communications conducted through messaging platforms functionally similar to text messaging (including but not limited

to Signal, WhatsApp, Facebook Messenger, Slack, Twitter/X direct messages, or similar applications), between HHS Secretary Robert F. Kennedy and the NIH/NIAID personnel, the HHS Office of the Inspector General ('OIG'), the U.S. Customs and Border Protection ('CBP'), Centers for Disease Control and Prevention ('CDC'), USDA/APHIS, Federal Bureau of Investigation ('FBI'), or the Department of Justice ('DOJ') relating to the January 2026 undeclared importation, transportation, declaration, inspection, detention, handling, or transfer of biological materials, pathogen samples, infectious substances, or select agents into the United States by personnel associated with NIH, RML, NIAID, including Vincent Munster, and any subsequent investigations.

3. All memoranda, investigative files, incident reports, compliance reviews, inspection reports, customs enforcement records, import violation records, detention or seizure records, biosafety compliance records, administrative records, investigative or oversight referrals, briefing materials, situation reports, after-action reports, internal assessments, chain-of-custody documents, shipping and transport records, final reports, and other investigative or administrative records relating to the January

2026 undeclared importation, transportation, declaration, inspection, detention, handling, or transfer of biological materials, pathogen samples, infectious substances, or select agents into the United States by personnel associated with NIH, RML, NIAID, including Vincent Munster.”

50. That same day, the FOIA.gov portal confirmed that the request had been created and was being transmitted to the Office of the Secretary.

51. Also that day, the HHS FOI/Privacy Acts Division sent White Coat Waste an automated letter acknowledging receipt of the request and identifying it by reference number 2026-HHS-FOIA-002857.

52. To date, White Coat Waste has not received any further response or production, or any denial letter, for this request.

53. As of the filing of this Complaint, White Coat Waste has not received a final determination and response regarding FOIA Request No. 2026-HHS-FOIA-002857.

54. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat Waste is deemed to have exhausted its administrative remedies with regard to FOIA Request No. 2026-HHS-FOIA-002857 because the agency has failed to meet the statutory time limit.

FOIA Request No. 2026-HHS-FOIA-002861

55. On May 15, 2026, White Coat Waste submitted a FOIA request through the FOIA.gov national portal to the Centers for Disease Control and Prevention (CDC) seeking “copies of all records relating to the undeclared importation, transportation, smuggling, customs inspection, customs detention, permitting, declaration, or transfer of biological materials, pathogen samples, infectious substances, or select agents brought into the United States from Africa by personnel associated with the National Institutes of Health (‘NIH’), including Rocky Mountain Laboratories (‘RML’) and/or the National Institute of Allergy and Infectious Diseases (‘NIAID’), including but not limited to records concerning Dr. Vincent Munster and/or any NIH employees, contractors, fellows, collaborators, or visiting scientists involved in the transport, receipt, handling, declaration, or importation of such materials.”

56. The request specified that, “from January 1, 2026 through the date of search,” White Coat Waste sought:

1. “All correspondence, including but not limited to letters, physical mail, emails and attachments, text message threads or conversations, and message threads or conversations on messaging platforms functionally similar to text messages (e.g., Signal, WhatsApp, Facebook Messenger, Slack Twitter/X, direct

messages), to or from any CDC personnel to whom the January 2026 incident was referred, assigned, assessed, investigated, or discussed, containing any of the following key terms:

- Vincent Munster
- Munster
- smuggling
- pathogen
- biological material
- undeclared
- import violation
- import permit
- select agent
- biosafety violation
- chain of custody
- customs detention
- seizure

2. All correspondence, including but not limited to letters, physical mail, emails and attachments, text messages, and communications conducted through messaging platforms functionally similar to text messaging (including but not limited to Signal, WhatsApp, Facebook Messenger, Slack, Twitter/X

direct messages, or similar applications), between any CDC personnel to whom the January 2026 incident was referred, assigned, assessed, investigated, or discussed and the NIH/NIAID, the HHS Office of the Inspector General ('OIG'), the HHS Office of the Secretary, the Customs and Border Protection ('CBP'), USDA/APHIS, Federal Bureau of Investigation ('FBI'), or the Department of Justice ('DOJ') relating to the January 2026 undeclared importation, transportation, declaration, inspection, detention, handling, or transfer of biological materials, pathogen samples, infectious substances, or select agents into the United States by personnel associated with NIH, RML, or NIAID, including Vincent Munster, and any subsequent investigations.

3. All memoranda, investigative files, incident reports, compliance reviews, inspection reports, customs enforcement records, import violation records, detention or seizure records, biosafety compliance records, administrative records, investigative or oversight referrals, briefing materials, situation reports, after-action reports, internal assessments, chain-of-custody documents, shipping and transport records, final reports, and other investigative or administrative records relating to the January 2026 undeclared importation, transportation, declaration,

inspection, detention, handling, or transfer of biological materials, pathogen samples, infectious substances, or select agents into the United States by personnel associated with NIH, RML, or NIAID, including Vincent Munster.”

57. That same day, the FOIA.gov portal confirmed that the request had been created and was being transmitted to the CDC, and assigned it Submission ID 2915446.

58. Also that day, the HHS FOI/Privacy Acts Division sent White Coat Waste an automated letter acknowledging receipt of the request and identifying it by reference number 2026-HHS-FOIA-002861.

59. To date, White Coat Waste has not received any acknowledgment, response, or production, or any denial letter, for FOIA Request No. 2026-HHS-FOIA-002861.

60. As of the filing of this Complaint, White Coat Waste has not received a final determination and response regarding FOIA Request No. 2026-HHS-FOIA-002861.

61. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), White Coat Waste is deemed to have exhausted its administrative remedies with regard to FOIA Request No. 2026-HHS-FOIA-002861 because the agency has failed to meet the statutory time limit.

Request for Relief

WHEREFORE, White Coat Waste respectfully requests that this Court:

- (1) Declare DHHS's failure to comply with FOIA to be unlawful;
- (2) Enjoin DHHS from continuing to withhold the public records responsive to White Coat Waste's FOIA requests and otherwise order DHHS to produce the requested public records without further delay;
- (3) Grant White Coat Waste an award of attorneys' fees and other litigation costs reasonably incurred in this action, to the extent permitted by law; and
- (4) Grant White Coat Waste such other and further relief which the Court deems proper.

Date: September 15, 2026 Respectfully submitted,

/s/ Matthew Strugar
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