

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

STATE OF ILLINOIS, *et al.*,

Plaintiffs,

v.

RUSSELL VOUGHT, in his official  
capacity as Director of the Office of  
Management and Budget, *et al.*,

Defendants.

No. 26-cv-1566

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO ENFORCE  
DISCOVERY ORDER**

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## INTRODUCTION

This Court entered an order on February 25, 2026, granting Plaintiffs' motion for expedited discovery in part and directing Defendants to produce several categories of documents in less than three business days. ECF No. 50. Defendants complied with that order on March 2, producing several hundred pages of records from the Centers for Disease Control and Prevention ("CDC") and the Office of Management and Budget ("OMB"). That is in addition to the 1263-page certified administrative record Defendants voluntarily produced on February 23. ECF No. 44.

On March 4, Plaintiffs filed a motion to enforce the Court's discovery order, disputing Defendants' assertion of the deliberative process privilege for certain withheld information and arguing that Defendants' production is incomplete. ECF No. 55 ("Mot."). Plaintiffs' arguments lack merit. Defendants' declarations and privilege logs show that the withheld information is predecisional and deliberative, and thus protected by the deliberative process privilege. In particular, the documents are predecisional because they discuss future grant terminations and do not simply reflect or explain Plaintiffs' hypothesized "Targeting Directive." And even if the grant terminations implemented such a directive, the deliberations leading to the termination decisions are still privileged under Seventh Circuit precedent.

To be sure, the deliberative process privilege may be outweighed by a plaintiff's particularized need for the information, beyond the information being relevant or even important to the claims at issue. But Plaintiffs have not even attempted to show a particularized need, much less that any particularized need outweighs the government's interest in preventing the disclosure of its predecisional, deliberative materials. Thus, Plaintiffs have failed to overcome Defendants' proper assertions of deliberative process privilege.

Plaintiffs also fail to show that Defendants' production is incomplete. Defendants' declarations and privilege logs explain, for all withheld information, which privilege applies and

why. And there was no requirement for Defendants to attest that no responsive documents exist for any given category of discovery. Defendants conducted a good-faith search in response to the Court's discovery order and produced the responsive, nonprivileged documents that were identified, totaling several hundred pages. This fully complied with the Court's order.

### **BACKGROUND**

On February 11, Plaintiffs filed their Complaint and moved for a temporary restraining order, ECF Nos. 1, 3, which the Court granted the next day. ECF No. 21. On Saturday, February 14, Plaintiffs moved for expedited discovery, "including production of the administrative record" and sweeping requests for Executive Branch communications, requesting production that coming Monday. ECF No. 28 at 1, 7; ECF No. 28-1 at 5–6. On February 23, Defendants filed a combined motion to transfer this case to the Court of Federal Claims and stay all further proceedings, as statutorily required by 28 U.S.C. § 1292(d)(4)(B), as well as a motion to dismiss. ECF No. 43. In support of this motion, Defendants voluntarily filed a 1263-page certified administrative record. ECF No. 44.

On February 25, the Court granted in part Plaintiffs' motion for expedited discovery. The Order provided in relevant part:

Plaintiffs' motion for expedited discovery [28] is granted in part. Defendants shall produce to plaintiffs documents responsive to plaintiffs' first requests for production Nos. 2, 3 (limited to the CDC), 4 (limited to the CDC), and 5 (limited in its cross-reference to Requests Nos. 2, 3, and 4 and, as to Requests 3 and 4, limited to the CDC). Defendants must also produce: (1) documents explaining how plaintiffs were selected for inclusion in Attachment B to Budget Data Request 26-09; (2) guidance, directives, or instructions issued after December 1, 2025, from OMB to HHS or CDC on selecting states for grant review; (3) guidance, directives, or instructions issued after August 7, 2025, from OMB to HHS or CDC on whether and how to evaluate grant alignment with agency priorities; and (4) guidance, directives, or instructions issued after August 7, 2025, internal to HHS or CDC on whether and how to evaluate grant alignment with agency priorities.

ECF No. 50 at 1. On March 2, Defendants produced to Plaintiffs 172 pages of CDC records, as well as three native excel files, and 30 pages of OMB records. On March 4, Plaintiffs filed the present motion to enforce.

#### ARGUMENT

At the outset, two threshold deficiencies discussed in Defendants' prior briefing are fatal to Plaintiffs' motion. First, Defendants' motion to transfer triggered a statutorily mandated stay that bars further proceedings, including discovery. 28 U.S.C. § 1292(d)(4)(B); *see* ECF No. 34 at 3; ECF No. 43. Even if discovery was warranted to resolve Plaintiffs' preliminary injunction motion, ECF No. 50 at 2, the automatic stay bars further discovery now that the Court has entered a preliminary injunction, ECF Nos. 63, 64; *see* ECF No. 67, ¶ 7. Second, to the extent Plaintiffs' claims proceed, they should be resolved based on the administrative record, not discovery. *See* ECF No. 34 at 5–6. In administrative law cases such as this, “[t]he task of the reviewing court is to apply the appropriate APA standard of review to the agency decision based on the record the agency presents to the reviewing court.” *Fla. Power & Light Co. v. Lorion*, 470 U.S. 729, 743–44 (1985) (citation omitted). “If that finding is not sustainable on the administrative record made, then the . . . decision must be vacated and the matter remanded to [the agency] for further consideration.” *Camp v. Pitts*, 411 U.S. 138, 143 (1973) (per curiam).

Regardless, the Court should deny Plaintiffs' motion because Defendants have properly asserted the deliberative process privilege, and their production is complete. These issues are addressed in turn below.

**I. Defendants Have Properly Asserted the Deliberative Process Privilege**

**A. Defendants Have Shown that the Privilege Applies, and Plaintiffs Have Not Shown a Particularized Need for the Withheld Information**

“Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process.” *United States v. Nixon*, 418 U.S. 683, 705 (1974). And “frank discussion of legal and policy matters is essential to the decisionmaking process of a governmental agency.” *United States v. Farley*, 11 F.3d 1385, 1389 (7th Cir. 1993). Thus, courts have long recognized the importance of the deliberative process privilege to “protect[] communications that are part of the decision-making process of a governmental agency.” *Id.* (citing *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 150–52 (1975)). Under this doctrine, “communications made prior to and as a part of an agency determination are protected from disclosure.” *Id.* (citing *NLRB*, 421 U.S. at 151). Documents must be “predecisional,” meaning “they were generated before the agency’s final decision on the matter,” and “deliberative,” meaning “they were prepared to help the agency formulate its position.” *U.S. Fish & Wildlife Serv. v. Sierra Club, Inc.*, 592 U.S. 261, 268 (2021). To “make out a *prima facie* case” that documents are protected by the deliberative process privilege, (1) an appropriate agency official “must make a formal claim of privilege, after personal consideration of the problem; (2) the responsible official must demonstrate, typically by affidavit, precise and certain reasons for preserving the confidentiality of the documents in question; and (3) the official must specifically identify and describe the documents.” *Rodriguez v. City of Chicago*, 329 F.R.D. 182, 186 (N.D. Ill. 2019) (quoting *K.L. v. Edgar*, 964 F. Supp. 1206, 1209 (N.D. Ill. 1997)).<sup>1</sup>

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<sup>1</sup> This affidavit may first be submitted in response to a motion challenging the government’s assertion of the deliberative process privilege. *See Rodriguez*, 329 F.R.D. at 187 n.1.

The privilege is not absolute, and it may be overcome where “the moving party has shown a particularized need for the withheld information.” *Id.*; *see Farley*, 11 F.3d at 1389. It is not enough that information is “relevant and generally important” to the movant’s claims. *Farley*, 11 F.3d at 1389–90. If the movant shows a particularized need, the court must “balance [the movant]’s particularized need for the documents against their nature and the effect of disclosure on the government.” *Id.* at 1390.

Here, Defendants have produced declarations and privilege logs showing that the information at issue is pre-decisional and deliberative, *see Faircloth Decl. & Ex. A; Shapiro Decl. & Ex. A*, which “fairly advise” Plaintiffs of the basis for each “asserti[on of] the deliberative process privilege,” *U.S. Equal Emp. Opportunity Comm’n v. Dolgencorp, LLC*, No. 13 C 4307, 2015 WL 13650774, at \*2 (N.D. Ill. May 26, 2015); *see Sierra Club, Inc.*, 592 U.S. at 268; *United States v. Reynolds*, 345 U.S. 1, 8 (1953) (warning against “[t]oo much judicial inquiry into the claim of privilege” because that “would force disclosure of the thing the privilege was meant to protect”). *Contra* Mot. 8. Thus, Defendants have made “a *prima facie* case” that the information is protected by the deliberative process privilege. *Rodriguez*, 329 F.R.D. at 186.

It is thus Plaintiffs’ burden to “show[] a particularized need for the withheld information.” *Id.*; *see Farley*, 11 F.3d at 1389. But Plaintiffs have not even attempted to make that showing, much less on a document-by-document basis as the Seventh Circuit requires. *See United States v. Zingsheim*, 384 F.3d 867, 872 (7th Cir. 2004) (whether the privilege applies or may be overcome “must be addressed and resolved . . . one document . . . at a time”). Their discussion of particularized need is limited to one footnote, which states, “this Court has already found that plaintiffs have good cause for these records.” Mot. 8 n.1. What the Court found, however, was good cause to require Defendants to produce the documents set out in the Court’s order. ECF No.

50. The Court did not find good cause to require the production of the particular information for which Defendants have made a prima facie showing of deliberative process privilege. Nor did it find that Plaintiffs have “shown a particularized need for the withheld information,” *Rodriguez*, 329 F.R.D. at 186; *see Farley*, 11 F.3d at 1389, which requires more than that the documents are “relevant” or even “important” to Plaintiffs’ claims, *Farley*, 11 F.3d at 1389–90. In fact, the Court had no occasion to make such findings, as its discovery order was issued before Defendants asserted the deliberative process privilege and submitted declarations and privilege logs in support. Thus, Plaintiffs have failed to “show[] a particularized need for the withheld information,” which is fatal to their motion. *Rodriguez*, 329 F.R.D. at 186; *see Farley*, 11 F.3d at 1389. Indeed, their motion goes so far as to suggest, if inadvertently, that there is *no* need for the withheld information, because, in their view, the materials already produced “confirm what Plaintiffs have suspected all along: OMB directed CDC and other federal agencies to cancel grants in the four targeted Plaintiff States (the ‘Targeting Directive’)”—so “that question is now answered.” Mot. 1.

Having failed to show a particularized need, Plaintiffs have also failed to show that the required balancing test—weighing any “particularized need for the documents against their nature and the effect of disclosure on the government”—favors disclosure. *Farley*, 11 F.3d at 1390. That too is fatal to their motion.

#### **B. Plaintiffs Fail to Show the Privilege Does Not Apply**

Plaintiffs put all their eggs in one basket: disputing that the deliberative process privilege applies in the first place. Mot. 6–9. But their three arguments on this point are meritless. *First*, the withheld information is “predecisional,” *Sierra Club*, 592 U.S. at 268, not “post-decisional,” Mot. 7. Plaintiffs describe the documents as “internal HHS emails discussing planned grant terminations and [the] underlying basis for those terminations” and “internal HHS emails discussing the grant termination notices to Congress.” Mot. 7 (citing CDC\_001338; CDC\_001346–50). These

descriptions concede the point: they confirm the documents discuss grant terminations being planned for the *future*. Likewise, CDC’s privilege log explains that CDC\_001338 “contains deliberations regarding the coordination and review of potential future grant actions”; CDC\_001346 “contains a universe of awards, including awards not at issue in this litigation, that were subject to consideration and deliberations by the agency related to potential future actions”; and CDC\_001349 “contains information regarding the process for potential future grant terminations.” Faircloth Decl., Ex. A, at 4.<sup>2</sup>

Plaintiffs claim the privilege “does not apply to the agency’s discussions on ‘how to spin its prior decisions,’” Mot. 6 (quoting *Stevens v. U.S. Department of Homeland Security*, No. 14 C 3305, 2020 WL 1701882, at \*6 (N.D. Ill. Apr. 8, 2020)), and that in CDC\_001332, OMB “provid[es] talking points to HHS on how to spin the cuts that ‘we are making,’” *id.* 7. But CDC’s privilege log explains that this document “contains *deliberations* regarding a press strategy for a potential *future* agency decision.” Faircloth Decl., Ex. A, at 3 (emphasis added). *Stevens* acknowledges that the privilege applies where, as here, communications “would reveal the deliberative process underlying a *not-yet-finalized* policy decision.” 2020 WL 1701882, at \*6 (quotations omitted).

The documents’ dates show the documents were created *before* the challenged grant terminations were finalized on February 11, 2026, when CDC sent its termination letters to the grantees. CDC\_001338 is dated February 2, 2026; CDC\_001332 is dated February 4, 2026; and CDC\_001349 is dated February 8, 2026. CDC\_001346 is dated February 11, 2026, and, as is clear on the face of the document, it relates to other potential future actions “over the next two weeks.”

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<sup>2</sup> CDC\_001347–48 redacts only personally identifiable information, which Plaintiffs do not challenge.

*Second*, Plaintiffs claim some of the documents are not privileged because they involve the implementation of Plaintiffs’ hypothesized “Targeting Directive” by OMB “direct[ing] CDC and other federal agencies to cancel grants in the four targeted Plaintiff States.” Mot. 1, 7. But even if the “Targeting Directive” existed, the withheld information would still be privileged. The documents do not simply “reflect[]” the hypothesized “Targeting Directive” and “the reasons supporting it,” *Sierra Club*, 592 U.S. at 268, but contain internal deliberations about potential *future* actions. The Shapiro Declaration explains that OMB-00000021 contains deliberations about future actions on HHS grant awards and “OMB developing further efforts to assist HHS in its grant award process.” Shapiro Decl. ¶ 8. The declaration explains that OMB-00000023 contains deliberations about “formulating the actual content of [a future] meeting” regarding spending by HHS and other agencies. *Id.* ¶ 9. And the declaration explains that OMB-00000026 contains deliberations about “the means by which HHS will eventually make funding decisions, which funding decisions are made, and how OMB can assist those efforts moving forward.” *Id.* ¶ 11. Similarly, CDC’s privilege log explains that CDC\_001335 “contains deliberations regarding the coordination and review of potential future grant actions,” and CDC\_001390 “contains information regarding decisional processes to be used for potential future agency decisions.”<sup>3</sup> Faircloth Decl., Ex. A, at 3, 6.

Even if the documents relate to how CDC will “implement” the supposed “Targeting Directive,” Mot. 7, they are still privileged. “*Farley* demonstrates that documents related to the *implementation* of an agency’s law or policy—such as the [documents] in this case—are precisely the type of documents that are protected under deliberative process privilege.” *O’Toole v. Perez*,

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<sup>3</sup> Plaintiffs also cite CDC\_001334, but that document redacts only personally identifiable information, which Plaintiffs do not challenge.

No. 14 C 2467, 2016 WL 4975203, at \*5 (N.D. Ill. Sept. 16, 2016); *see Farley*, 11 F.3d at 1389 (“since the documents reflect an agency’s preliminary positions about how to exercise discretion on a policy, they are privileged”); *United States ex rel. Proctor v. Safeway, Inc.*, No. 11-CV-3406, 2019 WL 1040971, at \*5 (C.D. Ill. Mar. 5, 2019), *report and recommendation adopted sub nom. United States v. Safeway Inc.*, No. 11-CV-3406, 2019 WL 7208426 (C.D. Ill. Dec. 27, 2019) (“disclosure of decision-making information concerning the development and *implementation* of the Lower Cash Price Policy could put at risk the disclosure of confidential information protected by” the deliberative process privilege (emphasis added)). Likewise, courts have found that where an agency sets a “general approach” and later makes decisions applying that approach to particular cases, deliberative documents leading to those subsequent decisions “can properly be considered predecisional and subject to the privilege.” *Chemcentral/Grand Rapids Corp. v. U.S. E.P.A.*, No. 91 C 4380, 1992 WL 724965, at \*12 (N.D. Ill. Aug. 20, 1992), *report and recommendation adopted*, No. 91 C 4380, 1992 WL 281322 (N.D. Ill. Oct. 6, 1992); *see In re Fin. Oversight & Mgmt. Bd. for Puerto Rico*, 390 F. Supp. 3d 311, 322 (D.P.R. 2019) (where agency sets a “broad framework” and then makes decisions applying it, deliberative documents relating to those later decisions are privileged).

**Third**, Plaintiffs argue the deliberative process privilege is inapplicable where a plaintiff’s claims implicate the defendants’ “decision-making” process and “motivation.” Mot. 8. But “the Seventh Circuit has not” endorsed that position. *Ill. Coal. for Immigrant & Refugee Rts., Inc. v. Wolf*, No. 19 C 6334, 2020 WL 7353408, at \*2 (N.D. Ill. Dec. 15, 2020). Instead, it has held that “whether an exception [to the deliberative process privilege] applies must be addressed and resolved one lawsuit—indeed, one document—at a time.” *Id.* (quoting *Zingsheim*, 384 F.3d at 872). Moreover, whereas Plaintiffs’ proposed rule “rests on the premise that relevance alone [i.e.,

the relevance of Defendants' decision-making process and motivation] is sufficient to defeat the privilege," the Seventh Circuit has held that "[r]elevance alone is an insufficient reason for breaching the deliberative process privilege." *Id.* (quoting *Farley*, 11 F.3d at 1390). Thus, this Court should follow the lead of *Illinois Coalition for Immigrant and Refugee Rights* and assess Defendants' assertion of the deliberative process privilege "on a document-by-document basis" rather than through Plaintiffs' proposed categorical approach. *Id.* This is particularly true given that many of the withheld documents discuss grants that have been considered for termination but have not been terminated, including at agencies other than CDC, as explained in Defendants' declarations and privilege logs. *See, e.g.*, Faircloth Decl., ¶¶ 8–9.

For the foregoing reasons, Defendants have established that the deliberative process privilege protects the withheld information, and Plaintiffs have failed to show otherwise. There is no need for the Court to review the documents *in camera*. *Contra* Mot. 2, 8–9. "[I]n camera review is generally disfavored" and is warranted only if "needed in order to make a responsible de novo determination on the [privilege] claims." *Wilson v. U.S. Dep't of Treasury*, No. 15 C 9364, 2016 WL 8504990, at \*5 (N.D. Ill. Oct. 12, 2016) (quoting *PHE, Inc. v. Dep't of Justice*, 983 F.2d 248, 253 (D.C. Cir. 1993), then *Silets v. U.S. Dep't of Justice*, 945 F.2d 227, 228–29 (7th Cir. 1991)). The Court's "responsibility is not . . . to question [the agency's] veracity where nothing appears to raise the issue of good faith." *Id.* (quoting *Maroscia v. Levi*, 569 F.2d 1000, 1003 (7th Cir. 1977)) (cleaned up). Here, Defendants' declarations and privilege logs, together with the authority cited herein, establish the privilege's applicability, and there is no need for *in camera* review. Such review is certainly unnecessary to assess the *relevance* of the withheld information, as Plaintiffs suggest, Mot. 8–9, because even if the information were "relevant and generally important" to Plaintiffs' claims, that does not defeat the privilege, *Farley*, 11 F.3d at 1389–90.

## II. Defendants' Production Is Complete

Plaintiffs complain that Defendants have withheld in full certain email attachments without identifying the applicable privilege. Mot. 9. But Defendants' declarations and privilege logs explain which privilege applies to the withheld information and why. CDC's privilege log explains that CDC\_001324, which is a spreadsheet attached to the email in CDC\_001323, is protected by the deliberative process privilege because it "contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions." Faircloth Decl., Ex. A, at 3. And the privilege log explains that CDC\_001310 (which is an email chain redacted in part, not an attachment withheld in full), is protected by the deliberative process privilege because it "discusses awards and award information not at issue in this litigation that were subject to consideration and deliberations by the agency relating to potential actions." *Id.* at 2.

CDC\_001266–68 is an email chain. The latest email in the chain contains a hyperlink to a spreadsheet, CDC\_001267, but because the spreadsheet was not attached to the email, it was not included with the original production, and Defendants did not consider it to have been withheld. Nonetheless, Defendants have now produced the spreadsheet as CDC\_001268.1, and CDC's privilege log explains that it is protected by the deliberative process privilege and has been withheld because it "contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions." Faircloth Decl., Ex. A, at 1. Defendants have also now separately produced the earlier two emails on that email chain, along with their attached spreadsheets, as CDC\_001436–39. CDC's privilege log explains that these attachments are

protected by the deliberative process privilege and have been withheld for the same reason as CDC\_001268.1. Faircloth Decl., Ex. A, at 8.<sup>4</sup>

Plaintiffs further complain about the redaction of personally identifiable information in CDC\_001323. Mot. 9–10. But CDC’s privilege log explains that Defendants redacted the “email address of OMB personnel” because “[r]eleasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.” Faircloth Decl., Ex. A, at 2. The privilege log “[n]ote[s] that only the recipient’s email address was intended to be withheld; the recipient’s name, Katharine Sullivan, was redacted inadvertently.” *Id.*

Finally, the Court’s discovery order did not require Defendants to “attest that no responsive documents exist for any given demand.” Mot. 10. Rather, in the statement accompanying the order, after referencing the ordered discovery generally, the Court stated, “if there are no responsive documents, defendants should be able to promptly certify that none exist.” ECF No. 50 at 2–3. In response to the Court’s order, Defendants conducted a good-faith search and produced the responsive, nonprivileged documents that were identified, totaling several hundred pages. There were not “no responsive documents,” *id.*, and thus the referenced certification was inapplicable.

#### CONCLUSION

For the foregoing reasons, Plaintiffs’ motion to enforce should be denied.

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<sup>4</sup> Plaintiffs also claim that Defendants withheld documents referenced in CDC\_001264. Mot. 9. But those documents were workplans generated by grant recipients, which are already in Plaintiffs’ possession.

Dated: March 23, 2026

Respectfully submitted,

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

STATE OF ILLINOIS, *et al.*,

Plaintiffs,

v.

RUSSELL VOUGHT, in his official capacity  
as Director of the Office of Management and  
Budget, *et al.*,

Defendants.

No. 26-cv-1566

**DECLARATION OF JORDAN FAIRCLOTH**

I, Jordan Faircloth, do hereby declare as follows:

1. I am the Deputy Chief of Staff at the Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services (HHS). I have served in this capacity since April 29, 2025. In this position, I assist the CDC Chief of Staff in providing strategic counsel to the CDC Director and ensuring proactive coordination of agency-wide priorities and policies in direct support of CDC's mission. I also oversee the operations and management of the Office of the Chief of Staff.

2. I am familiar with this litigation, as well as the decision to terminate the grants at issue in this litigation. The following statements are based on my personal knowledge or on information supplied to me in the course of my professional responsibilities.

3. I submit this Declaration in support of certain deliberative process privilege assertions identified in the withholding log in Exhibit A and more fully described below.

### **Deliberative Process Privilege**

4. I have personally reviewed the documents identified in Exhibit A over which the agency is asserting the deliberative process privilege. For the reasons explained below and detailed in the attached log, I have personally concluded the deliberative process privilege applies.

5. Since at least August 2025, when President Trump issued Executive Order 14,332, “Improving Oversight of Federal Grantmaking,” 90 Fed. Reg. 38,929 (Aug. 12, 2025), HHS and CDC have been undertaking a process to “review discretionary grants to ensure that they are consistent with agency priorities and the national interest.” *Id.* at 38,930, § 3. As part of this process, and as directed by the Executive Order, as consistent with applicable law, the agency has “continu[ed] existing coordination with OMB.” *Id.*

6. As part of this process, the agency has identified agency priorities and has reviewed, and continues to review, grants for alignment with those priorities. The agency has taken actions on grants as a result of this process, including termination of the grants at issue in this litigation.

7. **Category 1: Agency Priorities Grants Review Generally.** The document in this category contains predecisional and deliberative information regarding the agency priorities grants review process generally, which the agency was discussing and proposing plans to undertake at the time the email was sent. This information is predecisional because it was prepared before the agency priorities grants review process began to provide HHS operating divisions with advice for and in anticipation of conducting policy deliberations. This information is deliberative because it discusses the substantive policy decisions and considerations that agency personnel could potentially consider in their decision-making process. Release of this

information would compromise the agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. The document in this category is identified in Exhibit A as Document Number 32.

8. **Category 2: Agency Priorities Grants Review for Grants at Issue in This Litigation.** These documents contain predecisional and deliberative information regarding the grants at issue in this litigation. In many instances the documents contain information about grants that have not been terminated and that are not at issue in this litigation. Documents in this category are identified in Exhibit A as Document Numbers 1, 4, 8, 9, 13, 22, 25, 42, 43, 44, 45, and 46.

9. Two email chains and seven spreadsheets in this category concern predecisional and deliberative communications related to a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release of information regarding grants for which the agency considered potential grant actions could affect the agency's ongoing management of those grants and ability to consider them in future decision making. The ability of agency officials to conduct their duties and candidly address agency priorities would be chilled if sensitive debates and considerations risked being made public and potentially misunderstood. Release of this information would therefore compromise the intra- and inter-agency deliberative process and hamper the agency's ability to manage deliberations in a functional and ordered manner. Documents in this category are identified in Exhibit A as Document Numbers 1, 4, 8, 9, 13, 25, 44, 45, and 46.

10. Three of the email chains in this category concern predecisional and deliberative intra- and inter-agency communications regarding the ongoing process for and review of proposed grant actions. Release of this information would chill intra- and inter-agency communications, impeding the ability of HHS and Executive Branch officials to freely exchange information and to have open, frank discussions regarding proposed policy decisions. Release would therefore compromise the intra- and inter-agency deliberative process and hamper the agency's ability to manage deliberations in a functional and ordered manner. Documents in this category are identified in Exhibit A as Document Numbers 22, 42, and 43.

11. **Category 3: Agency Priorities Grants Review Primarily Related to Non-Challenged Grants.** The documents in this category contain predecisional and deliberative information primarily regarding grants review and actions not at issue in this litigation.

12. Seven documents in this category relate to predecisional and deliberative material regarding the communications and press strategy for potential future agency decisions. Release of this information would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Documents in this category are identified in Exhibit A as Document Numbers 14, 35, 36, 37, 38, 39, 40, and 41. The following documents are draft versions of a deliberative nature regarding the communications and press strategy for potential future agency decisions: Document Numbers 35, 36, 37, 38, and 39.

13. One email in this category relates to predecisional and deliberative material regarding proposed grant terminations across multiple HHS Operating Divisions, including grants not at issue in this litigation. Release would compromise the intra-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's

ability to manage deliberations in a functional and ordered manner. The document in this category is identified in Exhibit A as Document Number 20.

14. The minimal amount of withheld information in this category of documents regarding the grants at issue in this litigation relates to inter-agency deliberations regarding prioritization of grants review workstreams. Release would compromise the inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Documents in this sub-category are identified in Exhibit A as Document Numbers 40 and 41.

15. All the documents and information described above contain pre-decisional and deliberative information. These documents are internal to the government, and the release of this information would compromise the intra- and inter-agency decision-making process for the reasons described above.

Executed this 23rd day of March 2026, in Atlanta, Georgia.

JORDAN L.  
FAIRCLOTH -S2

Digitally signed by JORDAN  
L. FAIRCLOTH -S2  
Date: 2026.03.23 20:52:20  
-04'00'

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Jordan Faircloth

# Ex. A

## Withholding Log

Doc. No.	Beg Bates	End Bates	Doc Date	Author	Recipient	CC Recipient	Withholding Type	Justification
1	CDC_001268.1	CDC_001268.1	1/26/2026	Shirley Byrd (CDC/OCOO)			Deliberative Process Privilege	Spreadsheet hyperlinked on CDC_001267 regarding Centers for Disease Control and Prevention awards containing predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
2	CDC_001269	CDC_001269	2/6/2026	Matthew Buckham (HHS/IOS)	James Miller (HHS/IOS)	Cristina Del Rosso (HHS/OGC)	Attorney Client Privilege	Email requesting legal advice regarding grants review.
3	CDC_001275	CDC_001276	2/6/2026	Sam Beyda (OS/IOS)	Jordan Faircloth (CDC/IOD); Cristina Del Rosso (HHS/OGC); Benjamin Robles (HHS/OGC); James Miller (HHS/IOS)	Colleen White (HHS/ASFR); Matthew Buckham (HHS/IOS); Quy Le (ACF)	Personally Identifiable Information	Email chain containing cellular telephone numbers of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
4	CDC_001277	CDC_001277	2/6/2026	Centers for Disease Control and Prevention Personnel			Attorney-Client Privilege; Deliberative Process Privilege	Spreadsheet attachment to CDC_001275 to CDC_001276 regarding Centers for Disease Control and Prevention awards containing legal advice and predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. The spreadsheet further contains HHS Office of the General Counsel attorney advice relating to the potential actions on the awards.
5	CDC_001278	CDC_001283	1/30/2026	Marc Garufi (EOP)	Dawayne Nutt (HHS/ASFR); Katie McKenna (EOP/OMB)	Farnoosh Faezi-Marian (EOP/OMB); Katherine Swartz (HHS/ASFR)	Deliberative Process Privilege; Personally Identifiable Information	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it contains deliberations regarding how to respond to and the process for responding to an OMB request for information regarding federal awards to entities in certain states. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone numbers of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
6	CDC_001287	CDC_001293	1/30/2026	Marc Garufi (EOP)	Dawayne Nutt (HHS/ASFR); Katie McKenna (EOP/OMB)	Farnoosh Faezi-Marian (EOP/OMB); Katherine Swartz (HHS/ASFR)	Deliberative Process Privilege; Personally Identifiable Information	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it contains deliberations regarding how to respond to and the process for responding to an OMB request for information regarding federal awards to entities in certain states. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone numbers of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.

Withholding Log

Doc. No.	Beg Bates	End Bates	Doc Date	Author	Recipient	CC Recipient	Withholding Type	Justification
7	CDC_001298	CDC_001304	2/4/2026	Farnoosh Faezi-Marian (EOP/OMB)	Dawayne Nutt (HHS/ASFR); Marc Garufi (EOP); Katie McKenna (EOP/OMB)	Katherine Swartz (HHS/ASFR)	Deliberative Process Privilege; Personally Identifiable Information	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it contains deliberations regarding how to respond to and the process for responding to an OMB request for information regarding federal awards to entities in certain states. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone numbers of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
8	CDC_001310	CDC_001312	1/23/2026	Sam Beyda (OS/IOS)	Shirley Byrd (CDC/OCOO); Jordan Faircloth (CDC/IOD)	Jamie Legier (CDC/OCOO); Jon Messick (CDC/OCOO)	Deliberative Process Privilege	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it discusses awards and award information not at issue in this litigation that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
9	CDC_001313	CDC_001313	2/7/2026	Centers for Disease Control and Prevention Personnel; Office of the General Counsel Personnel			Attorney-Client Privilege; Deliberative Process Privilege	Spreadsheet attachment to CDC_001314 to CDC_001315 regarding Centers for Disease Control and Prevention awards containing legal advice and predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. The spreadsheet further contains HHS Office of the General Counsel attorney advice relating to the potential actions on the awards.
10	CDC_001314	CDC_001315	2/7/2026	Quy Le (ACF)	James Miller (HHS/IOS)	Cody Inman (ACF); Sam Beyda (OS/IOS); Jordan Faircloth (CDC/IOD)	Attorney-Client Privilege; Deliberative Process Privilege	Email reflecting request for attorney advice from HHS Office of the General Counsel regarding universe of awards subject to potential agency action. The material is predecisional and deliberative because it relates to the review of the attachment at CDC_001313, which is covered by the deliberative process privilege for the reasons stated in that entry.
11	CDC_001316	CDC_001316	2/6/2026	Sam Beyda (OS/IOS)	James Miller (HHS/IOS); Babs Hough (ACF); Martha Verno (ACF); Cody Inman (ACF); Quy Le (ACF); Colleen White (ACF)		Personally Identifiable Information	Email chain containing cellular telephone numbers of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
12	CDC_001323	CDC_001323	1/28/2026	Sam Beyda (OS/IOS)	Katharine Sullivan (EOP/OMB)	James O'Neill (OS/IOS); West Cuthbert (HHS/IOS)	Personally Identifiable Information	Email containing email address of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties. Note that only the recipient's email address was intended to be withheld; the recipient's name, Katharine Sullivan, was redacted inadvertently.

Withholding Log

Doc. No.	Beg Bates	End Bates	Doc Date	Author	Recipient	CC Recipient	Withholding Type	Justification
13	CDC_001324	CDC_001324	1/26/2026	Centers for Disease Control and Prevention Personnel			Deliberative Process Privilege	Spreadsheet attachment to CDC_001323 regarding Centers for Disease Control and Prevention awards containing predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
14	CDC_001328	CDC_001328	2/5/2026	Jordan Faircloth (CDC/IOD)	James Miller (HHS/IOS); Sam Beyda (OS/IOS); Mitchell Hailstone (HHS/IOS); Colleen White (HHS/ASFR); Caitrin Shuy (HHS/ASFR); Cristina Del Rosso (HHS/OGC); Benjamin Robles (HHS/OGC)		Deliberative Process Privilege	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it contains information regarding consideration and deliberation by the agency regarding potential actions on awards not at issue in this litigation. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
15	CDC_001332	CDC_001333	2/4/2026	Andrew Nixon (HHS/ASPA)	Matthew Buckham (HHS/IOS); Richard Danker (HHS/ASPA)		Deliberative Process Privilege; Personally Identifiable Information	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it contains deliberations regarding a press strategy for a potential future agency decision. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone number of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
16	CDC_001334	CDC_001334	2/5/2026	James Miller (HHS/IOS)	Sam Beyda (OS/IOS); Benjamin Robles (HHS/OGC); West Cuthbert (HHS/IOS); Matthew Buckham (HHS/IOS); Cristina Del Rosso (HHS/OGC); Jordan Faircloth (CDC/IOD); Gustav Chiarello (ASFR); Caitrin Shuy (HHS/ASFR); Colleen White (HHS/ASFR); Mitchell Hailstone (HHS/IOS)		Personally Identifiable Information	Email chain containing email addresses and cellular telephone number of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
17	CDC_001335	CDC_001337	2/2/2026	James Miller (HHS/IOS)	Katharine Sullivan (EOP/OMB); Matthew Buckham (HHS/IOS); Stefanie Spear (HHS/IOS)	Kenneth Callahan (HHS/IOS); Daniel Wasserman (EOP/WHO); Caitrin Shuy (HHS/ASFR)	Deliberative Process Privilege; Personally Identifiable Information	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it contains deliberations regarding the coordination and review of potential future grant actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone numbers of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.

Withholding Log

Doc. No.	Beg Bates	End Bates	Doc Date	Author	Recipient	CC Recipient	Withholding Type	Justification
18	CDC_001338	CDC_001341	2/2/2026	Matthew Buckham (HHS/IOS)	James Miller (HHS/IOS); Caitrin Shuy (HHS/ASFR); Gustav Chiarello (ASFR)	Cristina Del Rosso (HHS/OGC)	Deliberative Process Privilege; Personally Identifiable Information	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it contains deliberations regarding the coordination and review of potential future grant actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone numbers of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
19	CDC_001342	CDC_001345	2/2/2026	Matthew Buckham (HHS/IOS)	Katharine Sullivan (EOP/OMB)	Stefanie Spear (HHS/IOS); Kenneth Callahan (HHS/IOS); Daniel Wasserman (EOP/WHO); James Miller (HHS/IOS); Caitrin Shuy (HHS/ASFR); Cristina Del Rosso (HHS/OGC); Gustav Chiarello (ASFR); John Walker (HHS/ASPE)	Deliberative Process Privilege; Personally Identifiable Information	Email chain reflecting predecisional and deliberative information. The information is predecisional and deliberative because it contains deliberations regarding the coordination and review of potential future grant actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone numbers of OMB personnel and cellular telephone numbers of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
20	CDC_001346	CDC_001346	2/11/2026	James Miller (HHS/IOS)	Matthew Buckham (HHS/IOS)	Cristina Del Rosso (HHS/OGC)	Attorney -Client Privilege; Deliberative Process Privilege; Personally Identifiable Information	Email requesting legal advice regarding grants cancellations. Email also reflects predecisional and deliberative information. The information is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation, that were subject to consideration and deliberations by the agency related to potential future actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email also contains cellular telephone number of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
21	CDC_001347	CDC_001348	2/9/2026	Darcie Johnston (OS/IEA)	James Miller (HHS/IOS); Gary Andres (HHS/ASL); Richard Danker (HHS/ASPA); Mitchell Hailstone (HHS/IOS); Gustav Chiarello (ASFR); Caitrin Shuy (HHS/ASFR)	Cristina Del Rosso (HHS/OGC); Kenneth Callahan (HHS/IOS); Matthew Buckham (HHS/IOS); Colleen White (HHS/ASFR); Sam Beyda (OS/IOS)	Personally Identifiable Information	Email chain containing cellular telephone numbers of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
22	CDC_001349	CDC_001350	2/8/2026	Caitrin Shuy (HHS/ASFR)	Gary Andres (HHS/ASL); Gustav Chiarello (ASFR); Colleen White (HHS/ASFR); Braden Murphy (HHS/ASL); Paige Decker (HHS/ASL); James Miller (HHS/IOS); Matthew Buckham (HHS/IOS)	Jordan Cox (HHS/ASFR)	Deliberative Process Privilege	Email chain containing predecisional and deliberative information. The material is predecisional and deliberative because it contains information regarding the process for potential future grant terminations. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.

Withholding Log

Doc. No.	Beg Bates	End Bates	Doc Date	Author	Recipient	CC Recipient	Withholding Type	Justification
23	CDC_001351	CDC_001351	2/5/2026	James Miller (HHS/IOS)	Sam Beyda (OS/IOS); Benjamin Robles (HHS/OGC); West Cuthbert (HHS/IOS)	Matthew Buckham (HHS/IOS); Cristina Del Rosso (HHS/OGC); Jordan Faircloth (CDC/IOD); Gustav Chiarello (ASFR); Caitrin Shuy (HHS/ASFR); Colleen White (HHS/ASFR); Mitchell Hailstone (HHS/IOS)	Personally Identifiable Information	Email chain containing email addresses and cellular telephone number of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
24	CDC_001352	CDC_001353	2/5/2026	West Cuthbert (HHS/IOS)	Sam Beyda (OS/IOS); James O'Neill (OS/IOS)		Personally Identifiable Information	Email chain containing email addresses and cellular telephone number of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
25	CDC_001354	CDC_001354	2/6/2026	Centers for Disease Control and Prevention Personnel; Office of the General Counsel Personnel			Attorney-Client Privilege; Deliberative Process Privilege	Spreadsheet attachment to CDC_001355 regarding Centers for Disease Control and Prevention awards reflecting request for legal advice and predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. The spreadsheet further reflects a request for HHS Office of the General Counsel attorney advice regarding potential actions related to the universe of awards subject to consideration.
26	CDC_001355	CDC_001355	2/6/2026	Sam Beyda (OS/IOS)	Benjamin Robles (HHS/OGC)	Cristina Del Rosso (HHS/OGC)	Attorney-Client Privilege; Personally Identifiable Information	Email chain containing legal advice and request for legal advice regarding potential action on awards identified in attached spreadsheet. Email chain also contains cellular telephone number of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
27	CDC_001367	CDC_001368	11/7/2025	Cristina Del Rosso (HHS/OGC)	Chad Clifford (HHS/ASFR)	Caitrin Shuy (HHS/ASFR); Lena Yueh (HHS/OGC)	Attorney-Client Privilege; Personally Identifiable Information	Email chain containing legal advice and request for legal advice regarding grant terminations. Email chain also contains cellular telephone number of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
28	CDC_001369	CDC_001371	6/20/2025	Sean Keveney (HHS/OGC)	Heather Flick Melanson (HHS/IOS)		Attorney-Client Privilege; Personally Identifiable Information	Memorandum attachment to CDC_001367 to CDC_001368 containing legal advice regarding terms for inclusion in notices of awards. Memorandum also contains the signature of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy.
29	CDC_001372	CDC_001380	6/25/2025	Sean Keveney (HHS/OGC)	Heather Flick (HHS/IOS)		Attorney-Client Privilege; Personally Identifiable Information	Memorandum attachment to CDC_001367 to CDC_001368 containing legal advice regarding award termination options. Memorandum also contains the signature of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy.
30	CDC_001381	CDC_001389	9/22/2025	Robert Foster (HHS/OGC)	Assistant Secretary for Financial Resources		Attorney-Client Privilege	Memorandum attachment to CDC_001367 to CDC_001368 containing legal advice regarding termination of federal awards and preparation of decision memoranda.

Withholding Log

Doc. No.	Beg Bates	End Bates	Doc Date	Author	Recipient	CC Recipient	Withholding Type	Justification
31	CDC_001390	CDC_001391	1/22/2026	James O'Neill (OS/IOS)	Sam Beyda (OS/IOS); Jayanta Bhattacharya (NIH/OD); Willy Chertman (HHS/IOS); James Miller (HHS/IOS); West Cuthbert (HHS/IOS)		Deliberative Process Privilege; Personally Identifiable Information	Email chain containing predecisional and deliberative information. The material is predecisional and deliberative because it contains information regarding decisional processes to be used for potential future agency decisions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses for personnel from a variety of agencies. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
32	CDC_001395	CDC_001398	9/30/2025	Jordan Faircloth (CDC/IOD)	Eric Osterhues (HHS/OGC); Matthew Buzzelli (CDC/IOD)	West Cuthbert (HHS/IOS); Sam Beyda (OS/IOS)	Attorney-Client Privilege; Deliberative Process Privilege	Email chain containing legal advice regarding grant action reviews. Email chain also contains predecisional and deliberative information. The material is predecisional and deliberative because it contains information regarding the deliberative process to be used for grant action reviews. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
33	CDC_001399	CDC_001399	2/4/2026	Office of Management and Budget			Deliberative Process Privilege	Spreadsheet attachment to CDC_001400 regarding Centers for Disease Control and Prevention awards reflecting predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
34	CDC_001400	CDC_001400	2/5/2026	Sam Beyda (OS/IOS)	Cristina Del Rosso (HHS/OGC); James Miller (HHS/IOS)		Deliberative Process Privilege; Personally Identifiable Information	Email chain containing predecisional and deliberative information. The material is predecisional and deliberative because it contains information regarding deliberative processes regarding grant action reviews. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone number of OMB personnel and cellular telephone number of HHS personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
35	CDC_001407	CDC_001407	2/6/2026	Centers for Disease Control and Prevention			Deliberative Process Privilege	Document attachment to CDC_001416 to CDC_001417 reflecting predecisional and deliberative information. The material is predecisional and deliberative because it is a draft document that contains press strategy for a potential future agency grant award action not at issue in this litigation. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
36	CDC_001408	CDC_001408	2/6/2026	Centers for Disease Control and Prevention			Deliberative Process Privilege	Document attachment to CDC_001416 to CDC_001417 reflecting predecisional and deliberative information. The material is predecisional and deliberative because it is a draft letter to recipients of grants not at issue in this litigation regarding a proposed grant action. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.

Withholding Log

Doc. No.	Beg Bates	End Bates	Doc Date	Author	Recipient	CC Recipient	Withholding Type	Justification
37	CDC_001409	CDC_001410	2/6/2026	Centers for Disease Control and Prevention			Deliberative Process Privilege	Document attachment to CDC_001416 to CDC_001417 reflecting predecisional and deliberative information. The material is predecisional and deliberative because it is a draft document that contains press strategy for a potential future agency grant award action not at issue in this litigation. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
38	CDC_001411	CDC_001412	2/6/2026	Centers for Disease Control and Prevention			Deliberative Process Privilege	Document attachment to CDC_001416 to CDC_001417 reflecting predecisional and deliberative information. The material is predecisional and deliberative because it is a draft letter to congressional staff regarding proposed agency grant actions on awards not at issue in this litigation. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
39	CDC_001413	CDC_001415	2/6/2026	Centers for Disease Control and Prevention			Deliberative Process Privilege	Document attachment to CDC_001416 to CDC_001417 reflecting predecisional and deliberative information. The material is predecisional and deliberative because it is a draft document that contains deliberations regarding press strategy for a potential future agency grant award action not at issue in this litigation. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
40	CDC_001416	CDC_001417	2/6/2026	Katharine Sullivan (EOP/OMB)	Paige Decker (HHS/ASL)	James Miller (HHS/IOS); Daniel Wasserman (EOP/WHO); Colin Yokanovich (EOP/OMB); Clark Milner (EOP/WHO); Jay Fields (EOP/WHO); James Braid (EOP/WHO); Matthew Buckham (HHS/IOS); Sam Beyda (OS/IOS); Kenneth Callahan (HHS/IOS); Jordan Faircloth (CDC/IOD); Mark Paoletta (EOP/OMB); Daniel Shapiro (EOP/OMB)	Deliberative Process Privilege	Email chain containing predecisional and deliberative information. The material is predecisional and deliberative because it contains proposed actions on grant awards not at issue in this litigation. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
41	CDC_001418	CDC_001420	2/5/2026	Daniel Wasserman (EOP/WHO)	Katharine Sullivan (EOP/OMB)	James Miller (HHS/IOS); Colin Yokanovich (EOP/OMB); Donald Dempsey (EOP/OMB); Clark Milner (EOP/WHO); Mark Paoletta (EOP/OMB); Daniel Shapiro (EOP/OMB); Matthew Buckham (HHS/IOS); Kenneth Callahan (HHS/IOS); Sam Beyda (OS/IOS); Jordan Faircloth (CDC/IOD)	Deliberative Process Privilege; Personally Identifiable Information	Email chain containing predecisional and deliberative information. The material is predecisional and deliberative because it contains press strategy for a potential future agency grant award action not at issue in this litigation. The email chain also reflects internal decision-making processes and proposed actions regarding a universe of grant awards, including awards not at issue in this litigation. Release would compromise the intra- and inter-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses and cellular telephone numbers of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.

Withholding Log

Doc. No.	Beg Bates	End Bates	Doc Date	Author	Recipient	CC Recipient	Withholding Type	Justification
42	CDC_001423	CDC_001424	2/7/2026	Katharine Sullivan (EOP/OMB)	Matthew Buckham (HHS/IOS)	James Miller (HHS/IOS); Kenneth Callahan (HHS/IOS); Donald Dempsey (EOP/OMB); Colin Yokanovich (EOP/OMB); Grace Bruno (Eop/OMB); West Cuthbert (HHS/IOS); Cristina Del Rosso (HHS/OGC); Benjamin Robles (HHS/OGC)	Attorney Client Privilege; Deliberative Process Privilege; Personally Identifiable Information	Email chain containing request for legal advice regarding agency grant reviews. Email chain also contains predecisional and deliberative information. The material is predecisional and deliberative because it discusses proposed grant actions. Release of this information would compromise the agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
43	CDC_001425	CDC_001426	2/7/2026	Katharine Sullivan (EOP/OMB)	Matthew Buckham (HHS/IOS)	James Miller (HHS/IOS); Kenneth Callahan (HHS/IOS); Donald Dempsey (EOP/OMB); Colin Yokanovich (EOP/OMB); Grace Bruno (Eop/OMB); West Cuthbert (HHS/IOS); Cristina Del Rosso (HHS/OGC); Benjamin Robles (HHS/OGC); Mark Paoletta (EOP/OMB); Daniel Shapiro (EOP/OMB)	Attorney Client Privilege; Deliberative Process Privilege; Personally Identifiable Information	Email chain containing request for legal advice regarding agency grant reviews. Email chain also contains predecisional and deliberative information. The material is predecisional and deliberative because it discusses proposed grant actions. Release of this information would compromise the agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner. Email chain also contains email addresses of OMB personnel. Releasing this information would constitute a clearly unwarranted invasion of personal privacy by subjecting agency personnel to harassment and annoyance in conducting their official duties.
44	CDC_001430	CDC_001435	1/23/2026	Shirley Byrd (CDC/OCOO)	Sam Beyda (HHS/IOS); Jordan Faircloth (CDC/IOD); Jamie Legier (CDC/OCOO)	Kody Jordan (CDC/OD/OCS)	Deliberative Process Privilege	Email chain containing predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the intra-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
45	CDC_001437	CDC_001437	1/22/2026	Shirley Byrd (CDC/OCOO)			Deliberative Process Privilege	Spreadsheet attachment to CDC_001436 regarding Centers for Disease Control and Prevention awards containing predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the inter- and intra-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.
46	CDC_001439	CDC_001439	1/22/2026	Shirley Byrd (CDC/OCOO)			Deliberative Process Privilege	Spreadsheet attachment to CDC_001438 regarding Centers for Disease Control and Prevention awards containing predecisional and deliberative information. The material is predecisional and deliberative because it contains a universe of awards, including awards not at issue in this litigation and that have not been terminated, that were subject to consideration and deliberations by the agency relating to potential actions. Release would compromise the inter- and intra-agency deliberative process by interfering with the uninhibited exchange of ideas and would hamper the agency's ability to manage deliberations in a functional and ordered manner.

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**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STATE OF ILLINOIS, et al,  
  
                                Plaintiffs,  
  
                                v.  
  
RUSSELL VOUGHT, et al.,  
  
                                Defendants.

Case No. 26-cv-01566  
  
**DECLARATION OF DANIEL  
SHAPIRO**  
  
Judge: Hon. Manish S. Shah

1 I, Daniel Shapiro, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am a Deputy General Counsel the Office of Management and Budget's  
3 ("OMB") Office of General Counsel, Executive Office of the President, headquartered in  
4 Washington, D.C. In this position, I am familiar with the records produced in this litigation and  
5 with the privileged and nonresponsive records described below. I have served in this position  
6 since January 2025. This declaration is based on my personal knowledge and information  
7 provided to me in my official capacity by others.

8 2. In connection with my job responsibilities, I am familiar with this litigation  
9 brought by Plaintiffs, as well as with OMB's involvement in discussions related to the  
10 termination of grants in Plaintiff states by the Centers for Disease Control and Prevention  
11 ("CDC"), within the Department of Health and Human Services ("HHS"). The following  
12 statements are based upon my personal knowledge or on information supplied to me in the  
13 course of my professional responsibilities.

14 3. On February 25, 2026, this court granted in part Plaintiffs' motion for expedited  
15 discovery, and ordered OMB to produce certain categories of records to Plaintiffs. ECF No. 50.  
16 On March 2, 2026, through counsel, OMB produced records to Plaintiffs with redactions taken to  
17 protect privileged information and to protect personally identifiable information.

18 4. Exhibit A attached to this declaration is a list of emails and other documents  
19 which OMB produced to Plaintiffs on March 2, 2026, documents withheld in full as privileged,  
20 and two additional nonresponsive attachments to a produced document. Please note that for  
21 emails, Exhibit A lists each email separately even when appearing in the same thread. Please  
22 also note that Exhibit A only lists email metadata as it appears in the document itself, and may  
23 omit metadata which may have appeared with an individual email when originally transmitted.<sup>1</sup>  
24 For these documents and in the manner described below, I make these statements in support of  
25 Defendants' assertions of the deliberative process privilege, to protect personally identifiable  
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28 <sup>1</sup> For example, as appearing on BATES OMB-00000026, the email of February 2, 2026 at 11:20 AM identifies the sender but not any recipient or subject line.

1 information, and to justify why the two additional attachments were determined to be not  
2 responsive to the Court's ordered discovery.

3 DELIBERATIVE PROCESS PRIVILEGE IN OMB'S PRODUCTION

4 5. OMB protected privileged information pursuant to the deliberative process  
5 privilege, appearing in BATES OMB-00000001 through OMB-00000007, OMB-00000021,  
6 OMB-00000023 through OMB-00000028, and OMB-00000030. OMB also withheld a  
7 privileged document in full, titled "Data\_Request\_PH - Copy (2).xlsx", attached to the email  
8 appearing at BATES OMB-00000030. I have personally reviewed all of these documents and  
9 determined that they are protected by the deliberative process privilege.

10 6. The email appearing at BATES OMB-00000001 is an email communication from  
11 OMB to HHS officials, requesting briefings related to grants, including CDC grants. The  
12 privileged material consists of OMB's request for what content HHS would provide in the  
13 briefings, the purpose OMB had in requesting the briefings, and the anticipated format of the  
14 briefings. This information is predecisional and deliberative not only to the content of the  
15 requested briefing, but to any efforts OMB would take based on that information in the future.

16 7. The document appearing at BATES OMB-00000002 through OMB-00000020 is  
17 a Powerpoint slide deck titled "HRSA\_CDC\_SAMHSA Grants Review.pptx", and is an  
18 attachment to the email appearing at OMB-00000001. The privileged material, appearing on six  
19 slides, consists of multiple series of bulletpointed questions directed to HHS related to "Grants  
20 NOFO and Award Review" and "Program Deep-Dive", related to activities at CDC, the Health  
21 Resources & Services Administration ("HRSA"), and the Substance Abuse and Mental Health  
22 Services Administration ("SAMHSA"), to which OMB requested HHS provide answers in its  
23 subsequent briefings. This information is predecisional and deliberative not only to the content  
24 of the requested briefing, but to any efforts OMB would take based on that information in the  
25 future.

26 8. The email appearing at BATES OMB-00000021 and OMB-00000022 is an email  
27 communication from OMB to HHS after a meeting the previous day related to HHS grant  
28 awards. The privileged material in the first paragraph (following "the productive conversations

1 Friday regarding") recounts the content of the deliberations in that meeting, and suggestions on  
2 future OMB and HHS actions. The privileged material in the next few paragraphs (following  
3 "Please send a list of" and prior to "It would be my assumption") is a request from OMB to HHS  
4 to provide OMB with certain information related to HHS grant awards, and context for why  
5 OMB is making this request. The privileged material in the following paragraph (following "It  
6 would be my assumption") consists of OMB's belief as to an aspect of HHS's internal processes.  
7 The final privileged material in this document (following "OMB may be") consists of a tentative  
8 view of how OMB may interact with HHS in the future in its grant award processes. This  
9 privileged information is predecisional and deliberative to OMB developing further efforts to  
10 assist HHS in its grant award process.

11 9. The email appearing at BATES OMB-00000023 is an email communication from  
12 OMB to a variety of federal agencies including HHS related to spending by those agencies, and  
13 setting up a meeting the following day to discuss. The privileged content of this document  
14 consists of the specific proposed content to be discussed at the meeting, and specific requested  
15 information for other agencies to provide. The privileged content is predecisional and  
16 deliberative to formulating the actual content of the meeting.

17 10. The email appearing at BATES OMB-00000024 and OMB-00000025 is an email  
18 communication from OMB to a variety of federal agencies including HHS related to spending by  
19 those agencies. The first set of privileged material (appearing after "You all had some very  
20 intriguing ideas for") reflects tentative ideas for subsequent actions by the agencies. The next  
21 privileged material constitutes details of OMB's review of those tentative ideas, and discussion  
22 of additional information OMB was requesting from agencies, and potential timelines and form  
23 of subsequent OMB outreach. The next privileged sections (following "AG:", "Commerce:",  
24 etc.) consist of notes detailing those tentative ideas for subsequent actions by agencies within the  
25 identified agencies and agency components, including CDC. The privileged content is  
26 predecisional and deliberative in developing final actions by relevant agencies regarding  
27 spending decisions.

28

1           11.     The email thread appearing at BATES OMB-00000026 through OMB-00000029  
2 is an email thread discussion between OMB and HHS officials related to grant awards at HHS.  
3 The first two privileged portions (appearing on BATES OMB-00000026) consist of HHS and  
4 OMB officials discussing and clarifying the basis upon which HHS makes its funding decisions.  
5 The next set of privileged material (following "Thanks to those of you that participated in" and  
6 "(Dan Wasserman included above)" ) consists of information which OMB is requesting from  
7 HHS, along with proposed timelines. This includes four sets of bulletpoint requests related to  
8 four particular HHS operating divisions. The next privileged passage addresses a fifth particular  
9 HHS operating division. The next privileged passage (appearing after "ideas about how to  
10 approach this project:") was provided by the author to HHS to provide context as to how OMB is  
11 requesting HHS address OMB's questions, with a particular example funding issue as an  
12 illustration. The next privileged passage (appearing after "to the EOP team, I believe") consists  
13 of the author's tentative views on one aspect of their request which still requires internal  
14 confirmation. All of this privileged information is predecisional and deliberative to the means by  
15 which HHS will eventually make funding decisions, which funding decisions are made, and how  
16 OMB can assist those efforts moving forward. The remainder of this document (starting with  
17 Katharine Sullivan's email dated January 17, 2026, at 3:24 PM) contains identical content to the  
18 document appearing at BATES OMB-00000021 and OMB-00000022, and therefore identical  
19 information was protected as privileged, as described and justified above.

20           12.     The email appearing at BATES OMB-00000030 is an email from OMB to HHS  
21 related to HHS grants. The privileged material is a discussion of the level of review given to this  
22 matter at OMB. This information is predecisional and deliberative because it reveals the relative  
23 prioritization of this matter alongside other matters which may have been given more or less  
24 priority.

25           13.     Finally, OMB protected one privileged document in full. This document is titled  
26 "Data\_Request\_PH - Copy (2).xlsx", and is an attachment to the email appearing at BATES  
27 OMB-00000030. This is an Excel spreadsheet, and is a precursor version of the document  
28 eventually produced in the Administrative Record at BATES CDC\_0000567 through

1 CDC\_0000573. This document contains OMB's tentative views on possible future HHS funding  
2 actions, and is predecisional and deliberative as to HHS's subsequent funding decisions.

3 14. Disclosure of any of this information would compromise the deliberative process.  
4 If information such as this were disclosed, it would cause a chilling effect on government  
5 officials' willingness to engage in the free and candid exchange of views and contextual facts  
6 necessary for agency decisionmaking.

7 PERSONALLY IDENTIFIABLE INFORMATION

8 15. OMB protected two types of contact information for federal employees  
9 throughout this production: official email addresses and official phone numbers.

10 16. OMB protected certain email addresses appearing on BATES OMB-00000001,  
11 OMB-00000021, OMB-00000023, OMB-00000024, OMB-00000026, OMB-00000028, and  
12 OMB-00000030.

13 17. OMB redacted only email addresses and did not redact the identities of parties to  
14 an email when the document listed the individual's name separately. The full identities of parties  
15 to each email or their principals, including parties whose names are not listed separately from  
16 their respective email addresses, are listed in the privilege log.

17 18. Because of these disclosures, the additional public disclosure of particular email  
18 addresses would do nothing to shed light on issues relevant to this litigation, but would only  
19 serve to subject federal officials to harassment and annoyance in the performance of their official  
20 duties.

21 19. OMB protected phone numbers appearing on BATES OMB-00000021, OMB-  
22 00000023, OMB-00000024, OMB-00000026, OMB-00000029, and OMB-00000030. Public  
23 disclosure of this information would do nothing to shed light on issues relevant to this litigation,  
24 but would only serve to subject federal officials to harassment and annoyance in the performance  
25 of their official duties.

26 NONRESPONSIVE

27 20. The email appearing at BATES OMB-00000001 contains two additional  
28 attachments which are not responsive to the court's production order.

1           21.     One of these attachments is titled “HHS-ACF Grants and Program  
2 Analysis.pptx”. This document is a Powerpoint slide deck related to an OMB review of grants,  
3 Notices of Funding Opportunities (“NOFOs”), awards, and program analysis at the  
4 Administration for Children and Families (“ACF”) within HHS. Because this document solely  
5 relates to a discrete HHS operating division outside CDC, it was determined to be not responsive  
6 to the court's order. Please be advised that the content of this document is very similar to the  
7 content of the document appearing at BATES OMB-00000002 through OMB-00000020, except  
8 that it relates to ACF and not to HRSA, CDC, and SAMHSA.

9           22.     The other attachment is titled “HHS-NIH Grants and Program Analysis.pptx”.  
10 This document is a Powerpoint slide deck related to an OMB review of grants, NOFOs, awards,  
11 and program analysis at the National Institutes of Health (“NIH”) within HHS. Because this  
12 document solely relates to a discrete HHS operating division outside CDC, it was determined to  
13 be not responsive to the court's order. Please be advised that the content of this document is very  
14 similar to the content of the document appearing at BATES OMB-00000002 through OMB-  
15 00000020, except that it relates to NIH and not to HRSA, CDC, and SAMHSA.

16 DELIBERATIVE PROCESS PRIVILEGE IN HHS’S PRODUCTION

17           23.     Additionally, OMB protected privileged information pursuant to the deliberative  
18 process privilege contained within HHS’s production, appearing in BATES CDC\_001278  
19 through CDC\_001283, CDC\_001287 through CDC\_001293, CDC\_001298 through  
20 CDC\_001304, CDC\_001322 through CDC\_001333, CDC\_001335 through CDC\_001345,  
21 CDC\_001390, CDC\_001391, CDC\_001399, CDC\_001400, CDC\_001418 through  
22 CDC\_001420, and CDC\_001423 through CDC\_001426. I have personally reviewed all of these  
23 documents and determined that they are protected by the deliberative process privilege.

24           24.     The email thread appearing at BATES CDC\_001278 through CDC\_001283 is a  
25 discussion between HHS and OMB officials related to BDR 26-09, and the expected timelines  
26 for HHS and its operating divisions to submit data to OMB in response. The privileged material  
27 appearing after “Then I think”, appearing after “NIH and CDC that they”, and appearing after  
28 “Thank you, Dawayne. Should we” reflect back-and-forth deliberations between HHS and OMB

1 officials related to the anticipated timing of those submissions. The next set of privilege  
2 material, appearing after “I am attaching”, contains a description of which particular HHS  
3 operating divisions’ submissions were attached to the email. The next set of privileged material,  
4 appearing after “in Farnoosh’s absence”, contains deliberation over the timing of subsequent  
5 submissions. The next set of privileged material, appearing after “Hi Dawayne-“ and before  
6 “Thank you” contains OMB’s deliberative comments and questions as to potential changes  
7 which could be made to a submission. The next set of privileged material, appearing after “I am  
8 sending of the submissions for” contains further descriptions of which particular HHS operating  
9 divisions’ submissions were attached to the email. The next set of privileged material, appearing  
10 after “I will be sending over a” describes the nature of a forthcoming submission and  
11 deliberation over the timing of subsequent submissions. The next set of privileged material,  
12 appearing after “Checking in to ask if HHS is” contains a question as to the nature and timing of  
13 HHS’s forthcoming submissions. The next set of privileged material, appearing after “Hi  
14 Dawayne – NIH should” contains OMB’s answer to HHS’s question on how to understand its  
15 obligations under the BDR. The next set of privileged material, appearing after “Can you see  
16 the” contains HHS relaying a question to OMB as to how to understand its obligations under the  
17 BDR. In various ways, all of this information is predecisional and deliberative to the timing of  
18 submissions from HHS to OMB pursuant to BDR 26-09, to OMB’s expectations of timing and  
19 content, and to the nature of changes to the submissions made during the drafting process.

20 25. The email thread appearing at BATES CDC\_001287 through CDC\_001293 is  
21 another iteration of the discussion between HHS and OMB officials related to BDR 26-09, and  
22 the expected timelines for HHS and its operating divisions to submit data to OMB in response.  
23 The privileged material appearing after “Based upon my conversations with” contains a  
24 characterization of HHS’s internal processes for responding to the BDR, in light of deliberations  
25 over the timing of HHS’s submissions. The remainder of the privileged material in this thread is  
26 identical to material described above in the discussion of BATES CDC\_001278 through  
27 CDC\_001283. In various ways, all of this information is predecisional and deliberative to the  
28 timing of submissions from HHS to OMB pursuant to BDR 26-09, to OMB’s expectations of

1 timing and content, and to the nature of changes to the submissions made during the drafting  
2 process.

3 26. The email thread appearing at BATES CDC\_001298 through CDC\_001304 is yet  
4 another iteration of the discussion between HHS and OMB officials related to BDR 26-09, and  
5 the expected timelines for HHS and its operating divisions to submit data to OMB in response.  
6 The privileged material appearing after “I’m checking in to ask about” contains deliberation as to  
7 the timing of a subsequent HHS submission and speculation as to a potential cause of the timing.  
8 The privileged material appearing after “They have had a chance to review the” contains a status  
9 and timing update for the review of a prior submission related to a particular HHS operating  
10 division. The remainder of the privileged material in this thread is identical to material described  
11 above in the discussions of BATES CDC\_001278 through CDC\_001283 and CDC\_001287  
12 through CDC\_001293. In various ways, all of this information is predecisional and deliberative  
13 to the timing of submissions from HHS to OMB pursuant to BDR 26-09, to OMB’s expectations  
14 of timing and content, and to the nature of changes to the submissions made during the drafting  
15 process.

16 27. The email thread appearing at BATES CDC\_001332 through CDC\_001333 is an  
17 email thread involving OMB and HHS personnel related to a public announcement of CDC cuts.  
18 The first OMB set of privileged material, appearing in Rachel Cauley’s 5:47 PM email, contain  
19 an OMB official’s question regarding the timing of an announcement. The next OMB set of  
20 privileged material, following “make sure you have all the info. We” is a description of a  
21 proposed announcement not yet made regarding the CDC cuts. The next OMB set of privileged  
22 material, following “Why? We’re” is a characterization of the purpose of the proposed  
23 announcement and how it would fit into broader messaging efforts. All of this information is  
24 predecisional and deliberative as to the content of public governmental communications and the  
25 development of messaging strategy.

26 28. The email thread appearing at BATES CDC\_001335 through CDC\_001337 is  
27 another iteration of the email thread appearing at OMB-00000026 through OMB-00000029, and  
28 is an email thread discussion between OMB and HHS officials related to grant awards at HHS.

1 All of the OMB privileged material in this thread is identical to that which appears in OMB-  
2 00000026 through OMB-00000029, and is protected for the same reasons.

3 29. The email thread appearing at BATES CDC\_001338 through CDC\_001341 is  
4 another iteration of the email thread appearing at CDC\_001335 through CDC\_001337 and  
5 OMB-00000026 through OMB-00000029, and is an email thread discussion between OMB and  
6 HHS officials related to grant awards at HHS. As demonstrated in subsequent discussion in this  
7 thread, the privileged material following “We can’t review” is a discussion within HHS as to  
8 their review processes for purpose of relaying to OMB, which reflects the information  
9 subsequently provided to OMB in OMB-00000026 through OMB-00000029. This information  
10 is predecisional and deliberative to the means by which HHS will eventually make funding  
11 decisions, which funding decisions are made, and how OMB can assist those efforts moving  
12 forward. The remaining OMB privileged material in this thread is identical to that which appears  
13 in CDC\_001335 through CDC\_001337 and OMB-00000026 through OMB-00000029, and is  
14 protected for the same reasons.

15 30. The email thread appearing at BATES CDC\_001342 through CDC\_001345 is  
16 another iteration of the email thread appearing at CDC\_001335 through CDC\_001337,  
17 CDC\_001338 through CDC\_001341, and OMB-00000026 through OMB-00000029. The OMB  
18 privileged material in this thread is identical to that which appears in OMB-00000026 through  
19 OMB-00000029 and is protected for the same reasons.

20 31. The email thread appearing at BATES CDC\_001390 and CDC\_001391 is a  
21 follow-on email from OMB’s Deputy Director for Management to a variety of external agency  
22 colleagues, including colleagues in HHS, related to BDR 26-09. The first set of privileged  
23 material, following “Thanks again for” contains details of OMB personnel involved in the phone  
24 call. The second set of privileged material, preceding “I look forward to seeing everyone there”,  
25 contains deliberation as to the timing and location of a subsequent meeting which had not yet  
26 taken place. The protected information is predecisional and deliberative because the identities of  
27 OMB personnel in the meeting, given their respective portfolios, would tend to reveal the  
28

1 contours of policy considerations taken into account, and would tend to reveal the timing of  
2 subsequent meetings which may reveal relative prioritization.

3 32. The email thread appearing at BATES CDC\_001400 is a continuation of the  
4 email appearing at OMB-00000030. The privileged material in the two documents is identical,  
5 and is protected for the same reasons.

6 33. The email thread appearing at BATES CDC\_001418 through CDC\_001420 is a  
7 discussion related to HHS grants. The privileged material following “identified earlier this  
8 week” is a description of which waste the OMB official was talking about. The privileged  
9 material following “You guys need to deal” is also a description of which waste the OMB  
10 official was talking about. This material, because it tends to identify which waste was under  
11 relevant discussion by the OMB and HHS officials, would reveal deliberations over the possible  
12 sequencing of HHS actions related to grants.

13 34. The email thread appearing at BATES CDC\_001423 and CDC\_001424 is a  
14 discussion between OMB and HHS personnel related to HHS grants. The first set of privileged  
15 material, following “Thanks Katie,” contains an HHS official’s summary of the content of a  
16 deliberative discussion between HHS officials, provided to an OMB official as an update on  
17 HHS activities. The next set of privileged material, following “Per Matt’s direction want to be”,  
18 following “I spoke to JC”, and the next full paragraphs, contains an OMB official’s request for  
19 information from HHS and the deliberative context for making that information request. This  
20 information is predecisional and deliberative to how HHS may take steps on funding actions and  
21 to how OMB may assist those efforts.

22 35. The email thread appearing at CDC\_001425 and CDC\_001426 is a further  
23 iteration of this discussion between OMB and HHS personnel related to HHS grants. The  
24 privileged material appearing following “Good we checked in –“ is OMB’s response to the HHS  
25 official’s summary of the contents of a phone call, with additional selected facts provided in  
26 response to provide context to the deliberation. This information is predecisional and  
27 deliberative to how HHS may take steps on funding actions and to how OMB may assist those  
28

1 efforts. The remaining privileged material is identical to the material protected in CDC\_001423  
2 and CDC\_001424, and is protected for the same reason.

3 36. The document identified as CDC\_001339 was withheld in full under the  
4 deliberative process privilege, and is identical to the document withheld by OMB titled  
5 “Data\_Request\_PH – Copy (2).xlsx”, and is protected for the same reasons.

6 37. Disclosure of any of this information would compromise the deliberative process.  
7 If information such as this were disclosed, it would cause a chilling effect on government  
8 officials’ willingness to engage in the free and candid exchange of views and contextual facts  
9 necessary for agency decisionmaking.

10  
11  
12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
13 and correct.

14 Dated: March 23, 2026

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17 /s/ Daniel Shapiro  
18 Daniel Shapiro

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# **Ex. A**

Email or document beginning Bates	Email or document ending Bates	Reason for protecting	Email Subject or Document Title	Email Author	Email Recipient	Email CC Recipient	Email BCC Recipient	Email Date/time
OMB-00000001	OMB-00000001	Personally Identifiable Information, Deliberative Process Privilege	Request for HHS Grant Briefings	Farnoosh Faezi-Marian (OMB)	Dale Bell (HHS), Jane Gelbmann (HHS), Stephen Clapham (HHS)	Stephanie Winker (HHS), Steven Mackey (OMB), Shristi Humagai (OMB), Marc Garufi (OMB), Chantel Boyens (OMB), Robin Griffin (OMB), Farnoosh Faezi-Marian (OMB)		January 5, 2026, 1:33 PM
OMB-00000002	OMB-00000020	Deliberative Process Privilege	HRSA_CDC_SAMHSA Grants Review					
n/a		Nonresponsive	HHS-ACF Grants and Program Analysis.pptx					
n/a		Nonresponsive	HHS-NIH Grants and Program Analysis.pptx					
OMB-00000021	OMB-00000022	Personally Identifiable Information, Deliberative Process Privilege	Grant Awards	Katharine Sullivan (OMB)	Matthew Buckham (HHS), Stefanie Spear (HHS)	Kenneth Callahan (HHS), Daniel Wasserman (WHO)	Katharine Sullivan (OMB)	January 17, 2026, 3:23 PM
OMB-00000023	OMB-00000023	Personally Identifiable Information, Deliberative Process Privilege	PMC Deputies Call	Eric Ueland (OMB)	Steven Vaden (USDA), Paul Dabbar (DOC), Robert Salesses (DOD), Chase Forrester (Education), Rebecca Michael (DOE), Jim O'Neill (HHS), Troy Edgar (DHS), Andrew Hughes (HUD), Katharine MacGregor (DOI), Todd Blanche (DOJ), Keith Sonderling (DOL), Michael Rigas (State), Derek Theurer (Treasury), Stephen Bradbury (DOT), Paul Lawrence (VA), David Fotouhi (EPA), Bill Briggs (SBA), Edward Forst (GSA), Jaclyn Jester (NASA), Brian Stone (NSF), David Wright (NRC), Scott Kupor (OPM), Thomas Holland (SSA), Steven Vaden (USDA), Paul Dabbar's Confidential Assistant (DOC), Bryn MacDonnell (DOD), Steve Bradbury's scheduler (DOT), David Taggart (NRC)	Katharine Sullivan (OMB), Mark Paoletta (OMB)		January 22, 2026, 11:02 PM

OMB-0000024	OMB-0000025	Personally Identifiable Information, Deliberative Process Privilege	Friday PMC follow up	Katharine Sullivan (OMB)	Steven Bradbury (DOT), Katharine MacGregor (DOI), Stephen Vaden (USDA), Paul Dabbar (DOC), West Cuthbert (HHS), Madison Biedermann (Education), David Fotouhi (EPA)	Hal Duncan (OMB), Mark Paoletta (OMB)	Katharine Sullivan (OMB)	January 25, 2026, 7:14 PM
OMB-0000026	OMB-0000026	Personally Identifiable Information, Deliberative Process Privilege	Re: Grant Awards - Implementation Call follow up	Katharine Sullivan (OMB)	Matthew Buckham (HHS)	Stefanie Spear (HHS), Kenneth Callahan (HHS), Daniel Wasserman (WHO), JC Miller (HHS), Caitrin Shuy (HHS), Cristina Del Rosso (HHS), Gustav Chiarello (HHS), John Walker (HHS)		February 2, 2026, 1:38 PM
OMB-0000026	OMB-0000026	Personally Identifiable Information, Deliberative Process Privilege		Matthew Buckham (HHS)				February 2, 2026, 11:20 AM
OMB-0000026	OMB-0000028	Personally Identifiable Information, Deliberative Process Privilege	Re: Grant Awards - Implementation Call follow up	Katharine Sullivan (OMB)	Katharine Sullivan (OMB), Matthew Buckham (HHS), Stefanie Spear (HHS)	Kenneth Callahan (HHS), Daniel Wasserman (WHO), JC Miller (HHS), Caitrin Shuy (HHS)		February 1, 2026, 7:11 PM
OMB-0000028	OMB-0000029	Personally Identifiable Information, Deliberative Process Privilege	Grant Awards	Katharine Sullivan (OMB)	Matthew Buckham (HHS), Stefanie Spear (HHS)	Kenneth Callahan (HHS), Daniel Wasserman (WHO)		January 17, 2026, 3:24 PM
OMB-0000030	OMB-0000030	Personally Identifiable Information, Deliberative Process Privilege	Quick Notes	Colin Yokanovich (OMB)	Caitrin Shuy (HHS), Sam Beyda (HHS)	Donald Dempsey (OMB)		February 4, 2026, 2:11 PM
n/a		Deliberative Process Privilege	Data_Request_PH - Copy (2).xlsx					