IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

PUBLIC HEALTH AND MEDICAL PROFESSIONALS FOR TRANSPARENCY, Plaintiff, v. UNITED STATES FOOD AND DRUG ADMINISTRATION, Defendant.	)	Civil Action No. 4:21-cv-01058-P

JOINT STATUS REPORT

In comportment with the Court's instruction at the January 28, 2022 Motions Hearing, the parties hereby submit the instant Joint Status Report. As instructed by the Court, the parties have, in the interim since that hearing, continued to confer and have agreed to the below terms:

- The U.S. Food and Drug Administration's ("FDA") rolling productions will each be due on the first business day of each month, instead of once every thirty days.
- FDA will produce 10,000 pages for the first two productions, which will be due on or before March 1 and April 1, 2022.
- FDA will produce 80,000 pages on or before May 2, June 1, and July 1, 2022; 70,000 pages on or before August 1, 2022; and then 55,000 pages on or before the first business day of each month thereafter.
- FDA can "bank" any processed pages in excess of its monthly quota, such that, for example, if the FDA produces 90,000 pages in May 2022 (or 65,000 pages in September

2022), it would bank 10,000 pages. Then, in a subsequent month, if FDA is unable to produce the full amount of pages required, it can apply the banked pages toward its quota for that month.

- For the SAS files that duplicate the data in CRF files, the FDA will count every 40 rows as one page instead of every 20 rows as one page.

The parties jointly request that the Court enter an order reflecting the above terms.

Dated: February 2, 2022

Respectfully submitted,

SIRI & GLIMSTAD LLP

/s/ Aaron Siri
Aaron Siri, NY Bar No. 4321790
Elizabeth A. Brehm, NY Bar No. 4660353
Gabrielle G. Palmer, CO Bar No. 48948
200 Park Avenue
17th Floor
New York, New York 10166
Tel: (212) 532-1091
aaron@sirillp.com
usmith@sirilp.com
gpalmer@sirillp.com

Attorneys for Plaintiff

BRIAN M. BOYNTON
Acting Assistant Attorney General
Civil Division

ELIZABETH J. SHAPIRO
Deputy Director
Federal Programs Branch

/s/ Antonia Konkoly
ANTONIA KONKOLY
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Room 11110
Washington, D.C. 20005
Tel: (202) 514-2395
Email: antonia.konkoly@usdoj.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, I electronically transmitted the foregoing to the parties and the clerk of court for the United States District Court for the Northern District of Texas using the CM/ECF filing system.

/s/ Antonia Konkoly
ANTONIA KONKOLY
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Room 11110
Washington, D.C. 20005
Tel: (202) 514-2395
Email: antonia.konkoly@usdoj.gov