UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY, Plaintiff, v. CENTERS FOR DISEASE CONTROL AND PREVENTION and U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, Defendants.	No. 1:20-cv-02761-AT

DECLARATION OF JENNIFER PINSOF

Pursuant to 28 U.S.C. § 1746, I, Jennifer Pinsof, declare and state as follows:

1. I am an attorney at the Knight First Amendment Institute at Columbia University ("Knight Institute"). I have served in this role since August 24, 2020.

2. My colleague submitted a Freedom of Information Act ("FOIA") request (the "Request") to the Centers for Disease Control and Prevention ("CDC") on March 19, 2020, on behalf of the Knight Institute. The Request sought records governing the circumstances in which CDC employees may communicate with members of the press and the public.

3. The Knight Institute filed a complaint in this Court on April 2, 2020, and then filed an amended complaint on May 8, 2020, seeking the immediate release of all agency records responsive to the Request.

4. I represent the plaintiff in this matter.

5. I submit this declaration in support of Plaintiff's Cross-Motion for Partial Summary Judgment.

6. On June 9, 2020, the CDC made its initial production to the Knight Institute in this case. That production contained certain of the "prioritized records" sought by the Knight Institute: "(i) the CDC's currently operative employee communications or speech policies and (ii) any policies or guidelines concerning the coordination of statements and/or public appearances with the Office of Vice President Mike Pence or the White House Coronavirus Task Force." ECF No. 24. The production did not contain any records for which interagency consultation was required. The CDC released fifteen pages in full or in part and withheld twenty pages in full.

7. On June 18, 2020, the CDC informed the Knight Institute that it completed processing of the prioritized records that required interagency consultation. The CDC identified four pages of responsive records, all of which were withheld in full.

8. On July 6, 2020, the CDC made its second production in this case, consisting of records responsive to the remainder of the Knight Institute's request and the records the agency had previously released to the Knight Institute. The CDC released 267 pages in full or in part and withheld 362 pages in full.

9. On September 3, 2020, the CDC made two supplemental productions to Plaintiff containing reprocessed records from Parts 1, 2, and 4 of the CDC's July 6, 2020 Production.

10. Attached hereto as Exhibit 1 is a true and correct copy of an April 30, 2020 email sent by Michawn Rich with the subject line "Rundown." The CDC released this record in Part 6, pages 111–13 of the July 6, 2020 production.

11. Attached hereto as Exhibit 2 is a true and correct copy of an email chain ending with a February 26, 2020 email sent by Caitlin E. Shockey with the subject line redacted. The CDC released this record in Part 5, page 63 of the July 6, 2020 production.

12. Attached hereto as Exhibit 3 is a true and correct copy of an email chain ending with a May 15, 2020 email sent by Ryan Murphy with the subject line "UPDATED: for clearances." The CDC released this record in Part 6, pages 45–47 of the July 6, 2020 production.

13. Attached hereto as Exhibit 4 is a true and correct copy of a May 22, 2020 email sent by Michael Caputo with the subject line "Moving forward together." The CDC released this record in Part 6, pages 93–94 of the July 6, 2020 production.

14. Attached hereto as Exhibit 5 is a true and correct copy of a document dated March 18, 2020, titled "DRAFT CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response." The CDC released this record in Part 2, pages 41–58 of the July 6, 2020 production.

15. Attached hereto as Exhibit 6 is a true and correct copy of a document titled "DRAFT CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response." The CDC released this record in pages 1–21 of the June 9, 2020 production.

16. Attached hereto as Exhibit 7 is a true and correct copy of an email chain ending with a March 13, 2020 email sent by Lynn Sokler with the subject line "RE: CDC Comms and Media Strategy." Also included is an attachment to that email titled "DRAFT CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response." The CDC released this record in Part 5, pages 32–62 of the July 6, 2020 production.

17. Attached hereto as Exhibit 8 is a true and correct copy of a February 24, 2020 email sent by Dagny Olivares with the subject line "Updated Comm & Media Strategy (for ASPA)." Also included is an attachment to that email titled "DRAFT CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response." The CDC released this record in Part 6, pages 27–44 of the July 6, 2020 production.

18. Attached hereto as Exhibit 9 is a true and correct copy of an email chain ending with a February 10, 2020 email sent by Sara Bedrosian with the subject line "Request for review/feedback: 2019-nCov Response Communication Strategy Group/due Friday, February 14 by 4 PM." Also included is an attachment to that email titled "DRAFT CDC Communication and Media Strategy for 2019 Novel Coronavirus Response." The CDC released this record in Part 6, pages 7–24 of the July 6, 2020 production.

19. Attached hereto as Exhibit 10 is a true and correct copy of an email chain ending with a March 11, 2020 email sent by Katherine Lyon Daniel with the subject line "RE: COVID Communication and Media Strategy Plan." Also included is an attachment to that email titled "DRAFT CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response." The CDC released this record in Part 5, pages 72–93 of the July 6, 2020 production.

20. Attached hereto as Exhibit 11 is a true and correct copy of a January 9, 2020 email sent by Ryan Murphy with the subject line "ASPA Playbook." Also included is an attachment to that email titled "Office of the Assistant Secretary for Public Affairs Playbook." The CDC released this record in Part 6, pages 48–92 of the July 6, 2020 production.

21. Attached hereto as Exhibit 12 is a true and correct copy of an email chain ending with a February 8, 2020 email sent by Dagny Olivares with the subject line "RE: 2019-nCov Response Communication Strategy Group." Also included is an attachment to that email titled "DRAFT CDC Communication and Media Strategy for 2019 Novel Coronavirus Response." The CDC released this record in Part 4, pages 47–62 of the July 6, 2020 production.

22. Attached hereto as Exhibit 13 is a true and correct copy of all the records released in the CDC's June 9, 2020 production, including a record titled "DRAFT CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response" (referred to in Plaintiff's brief

as Document 1); a March 16, 2020 email sent by Ardeana Scott with the subject line "Social Media and New Media – Reminder of Policies"; a record titled "CDC Media Relations Policy: Release of Information to News Media," updated September 3, 2019; and an April 30, 2020 email sent by Michawn Rich with the subject line "Rundown" (referred to in Plaintiff's brief as Document 35).

23. Attached hereto as Exhibit 14 is a true and correct copy of a document titled "CDC Communication and Media Strategy for 2018 Ebola Response in Eastern DRC." The CDC released this record in a September 3, 2020 supplemental production.

24. Attached hereto as Exhibit 15 is a true and correct copy of an email chain ending with a February 25, 2020 email sent by Sara Bedrosian with the subject line "FW: CDC Comm & Media Strategy." Also included is an attachment to that email titled "DRAFT CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response." The CDC released this record in Part 4, pages 1–19 of the July 6, 2020 production.

25. Attached hereto as Exhibit 16 are true and correct copies of emails sent or received by members of the CDC Office of the Associate Director of Communication, including a February 14, 2020 email from Sara Bedrosian with the subject line "2019-nCov Response Communication Strategy Group/due Friday, February 14 by 4 PM," released in Part 3, page 1 of the July 6, 2020 production; an email chain ending with a March 11, 2020 email sent by Katherine Lyon Daniel with the subject line "RE: COVID Communication and Media Strategy Plan," released in Part 5, page 72 of the July 6, 2020 production; an email chain ending with a March 13, 2020 email sent by Carol Crawford with the subject line "FW: Social Media and New Media – Reminder of Policies – DRAFT EMAIL," released in Part 4, pages 42–44 of the July 6, 2020 production; and an email chain ending with a March 13, 2020 email sent by Lynn Sokler

with the subject line "RE: CDC Comms and Media Strategy," released in Part 5, pages 32–33 of the July 6, 2020 production.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted,

/s/ *Jennifer Pinsof*

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