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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

INFORMED CONSENT ACTION NETWORK,

Plaintiff,

-against-

NATIONAL INSTITUTES OF HEALTH, and  
HEALTH RESOURCES & SERVICES ADMINISTRATION

Defendants.

**STIPULATION**  
Case 1:18-cv-02000-PAC

WHEREAS, on August 25, 2017, Informed Consent Action Network ("ICAN" or "Plaintiff") submitted a Freedom of Information Act ("FOIA") request to the National Institutes of Health ("NIH") which stated, in relevant part:

Section 300-aa27(b) provides that "The Secretary shall establish a task force on safer childhood vaccines which shall consist of the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, and the Director of the Centers for Disease Control." This section further provides that "The Director of the National Institutes of Health shall serve as chairman of the task force . . . [and] the task force shall prepare recommendations to the Secretary concerning implementation of the requirements of subsection (a) of this section."

By this letter, please provide the following records, created after January 1, 2009, in NIH's possession to the above referenced address in electronic form on a CD or DVD:

**Any and all recommendations to the Secretary of HHS pursuant to 42 U.S.C. §300aa-27(b)(3).**

WHEREAS, on March 6, 2018, ICAN filed a Complaint for Declaratory and Injunctive Relief in the United States District Court, Southern District of New York against NIH and the Health Resources & Services Administration ("HRSA", together with NIH, "Defendants");

WHEREAS, the parties hereto now desire to resolve this action;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties by and through their respective counsel:

1. That after conducting a reasonable search of the files most likely to contain responsive records, neither the NIH nor HRSA were able to identify any records reflecting recommendations by the Task Force on Safer Childhood Vaccines to the Secretary of the Department of Health & Human Services pursuant to 42 U.S.C. § 300aa-27(b)(3) at any time between from January 1, 2009 and April 10, 2018, the date the searches were completed;
2. That the above-captioned action is voluntarily dismissed, with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), each side to bear its own costs, attorney fees, and expenses; and
3. That this stipulation may be signed in counterparts, and that electronic (PDF) or fax signatures may be deemed originals for all purposes.

Dated: June 1, 2018  
New York, New York

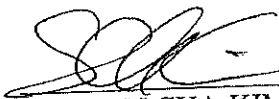
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*New York New York  
June 4, 2018*

Dated: May 31, 2018  
New York, New York

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*Accorded  
Paul Hootby  
USDJ*