

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Physicians for Human Rights,  
520 Eighth Avenue, 23<sup>rd</sup> Floor,  
New York, NY 10018,

Community Initiatives D/B/A  
Council for Global Equality  
1000 Broadway, Suite #480  
Oakland, CA 94607

*Plaintiffs,*

vs.

U.S. DEPARTMENT OF STATE  
2201 C Street, NW  
Washington, DC 20520

*Defendant.*

Case No. 26-cv-

**COMPLAINT FOR INJUNCTIVE RELIEF**

Plaintiffs Physicians for Human Rights and the Council for Global Equality bring this action against the U.S. Department of State (“State”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Plaintiffs allege as follows:

**Jurisdiction and Venue**

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper under 28 U.S.C. § 1391(e), as Plaintiff Physicians for Human Rights is located in the State of New York, maintains headquarters within this district, and a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred here.

### **Parties**

3. Plaintiff Physicians for Human Rights is a not-for-profit organization incorporated under the laws of the State of New York and based in New York, N.Y. Plaintiff uses the power of science and forensic medicine to establish a fact-based record of human rights abuses, humanitarian violations, and international crimes around the world.

4. Plaintiff Community Initiatives D/B/A Council for Global Equality is a not-for-profit fiscal sponsor headquartered in Oakland, California and doing business as the Council for Global Equality in Washington, D.C. Plaintiff works to support inclusion and equal treatment for LGBTQI+ people across the globe through a focus on strengthening human rights, the rule of law, and inclusive health, economic, and development policies.

5. Defendant State is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. State has possession, custody, and control of records to which Plaintiff seeks access.

### **Facts**

6. The President's Emergency Plan for AIDS Relief ("PEPFAR") is a program overseen by the State Department that has been central to global efforts to combat HIV infection, deaths, and disease.<sup>1</sup>

7. Despite being credited with saving millions of lives, PEPFAR has recently experienced significant disruptions and threats to its effective operation under the current Administration.<sup>2</sup> Plaintiff Physicians for Human Rights has conducted research with partner

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<sup>1</sup> Ellora Onion-De, *PEPFAR Has Saved Tens of Millions of Lives. Why Is It at Risk?*, Council on Foreign Relations (Aug. 11, 2025), <https://www.cfr.org/articles/pepfar-has-saved-tens-millions-lives-why-it-risk>.

<sup>2</sup> *Id.* (detailing the negative impact of the Trump-Vance Administration's "ninety-day aid pause" and the shuttering of the U.S. Agency for International Development, among other disruptions, on the PEPFAR program).

organizations to document the impact of the Administration's actions on PEPFAR and HIV programs and has worked to disseminate its findings to the public.<sup>3</sup>

8. PEPFAR has historically released data showing the number of people receiving lifesaving treatment and planning documents regarding the program.<sup>4</sup> However, State has not released this information this past year, which leaves serious questions about whether and to what extent the Administration's actions have led to the preventable infection, disease, and/or deaths of thousands of individuals due to the withdrawal of lifesaving care.<sup>5</sup>

9. To shed light on the disruptive impact of the Administration's policies on the delivery of lifesaving care and services, and to reestablish PEPFAR's longstanding transparency,<sup>6</sup> Plaintiffs filed several FOIA requests:

*PEPFAR Data*

10. On December 22, 2025, Plaintiffs sent a FOIA request to State seeking the following:

All data sets containing PEPFAR Monitoring, Evaluation, and Reporting (MER) data used or prepared for Panorama or Panorama Spotlight that include any Fiscal Year ("FY") 2025 data for any Monitoring, Evaluation, and Reporting ("MER") indicators.

11. The request stated that responsive records include:

data cubes, CSV files, TSV files, database export files, excel files, zip files, or any other data files regardless of format, including files exported from the DATIM system and/or those imported into or utilized by the Panorama system. Exported CSV files from the DATIM system

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<sup>3</sup> See On the Brink of Catastrophe: U.S. Foreign Aid Disruption to HIV Services in Tanzania and Uganda, Research Brief, Physicians for Human Rights, Sep. 3, 2025, <https://phr.org/our-work/resources/on-the-brink-of-catastrophe-u-s-foreign-aid-disruption-to-hiv-services-in-tanzania-and-uganda/>.

<sup>4</sup> See, e.g., PEPFAR Data Portal, <https://data.pepfar.gov/> (last visited Jan. 29, 2026) (providing PEPFAR data up to FY 2024).

<sup>5</sup> See PEPFAR Data Calendar, <https://data.pepfar.gov/calendar> (last visited Jan. 29, 2026) (listing "TBD" as the release date for 2025 Q1, Q2, Q3, and Q4 Spotlight Data Publish).

<sup>6</sup> *Supra* notes 1, 2, 3 & 4.

reflecting this data for the first, second, third, and fourth quarters of FY 2025 are responsive to this request.

12. The request further stated:

These files are in the control of the Global Health Security and Diplomacy Bureau (GHSD). This data has historically been released quarterly by the State Department and cannot be reasonably assessed to be exempt from disclosure.

13. The request sought records from October 1, 2024 until the date of the search.

14. On December 22, 2025, the State Department acknowledged this request and assigned it tracking number F-2026-07134.

15. On January 6, 2026, State informed Plaintiffs that it had assigned their request to the “complex track” for processing and was extending the time limit to respond due to “unusual circumstances.”

16. On January 30, 2026, Plaintiffs, through counsel, sent State a letter asking it to commit to prompt production of the requested records. State responded that the request was being processed but did not commit to any timeline for production.

17. Plaintiffs have received no subsequent communication from State regarding this FOIA request.

*PEPFAR Bridge Budgets & Plans*

18. On December 22, 2025, Plaintiffs sent a FOIA request to State seeking the following:

All documents, attachments, and files for the FY2026 PEPFAR Bridge Budgets, which include final, approved Bridge Plans, memoranda including planning level budgets, the approved Bridge Plan Budgets as submitted to the Global Health Security and Diplomacy Bureau (GHSD), and the approved Bridge Plan targets as submitted to GHSD.

19. The request stated that responsive records include:

- 1) Memoranda to each country or operating unit ambassador setting out the planning level budget for the bridge period. These were likely issued by either Jeff Graham or Becky Bunnell in the Bureau of Global Health Security and Diplomacy in August or September 2025.
- 2) All final Bridge Plan documents that were approved for implementation. These should include the Bridge proposals, including full detailed implementing mechanism budgets and targets for the Bridge Period and were likely submitted between September 15, 2025 and November 1, 2025.

20. The request further provided:

Per GHSD guidance on the process for submitting Bridge Plan proposals, these documents were to be submitted to the “FY26 PEPFAR Bridge SharePoint”. A path for this was described as “PEPFAR SharePoint > OU Folder > Country/Region Name > HQ Collaboration > FY26 PEPFAR Bridge”. The full contents of the country/region level “FY26 PEPFAR Bridge” SharePoint folders would likely be fully responsive to the request to the extent it includes both the Planning Memorandum funding level and the final documents described.

21. The request sought records from July 1, 2025, until the date of the search.

22. On December 22, 2025, the State Department acknowledged this request and assigned it tracking number F-2026-07135.

23. On January 6, 2026, State informed Plaintiffs that it had assigned their request to the “complex track” for processing and was extending the time limit to respond due to “unusual circumstances.”

24. Plaintiffs have received no subsequent communication from State regarding this FOIA request.

#### *Exhaustion of Administrative Remedies*

25. As of the date of this Complaint, Defendant has failed to notify Plaintiffs of determinations regarding the FOIA requests described herein. Through Defendant’s failure to respond within the time limits required by law, Plaintiffs have constructively exhausted

administrative remedies on these requests. 5 U.S.C. § 552(a)(6)(C)(i).

**CLAIM FOR RELIEF**

**Count 1 (Violation of FOIA, 5 U.S.C. § 552)**

1. Plaintiffs incorporate by reference the foregoing paragraphs as though fully set forth herein.

2. By failing to respond to Plaintiffs' requests with determinations within the statutorily mandated time period, Defendant State has violated its duties under 5 U.S.C. § 552, including but not limited to, State's duties to conduct a reasonable search for responsive records, to take reasonable steps to release all nonexempt information, and to not withhold non-exempt portions of responsive records.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs request that this Court:

1. Order Defendant to conduct adequate searches for any and all responsive records to Plaintiffs' FOIA requests using search methods reasonably calculated to lead to discovery of all responsive records;
2. Order Defendant to produce any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. Enjoin Defendant from continuing to withhold any and all non-exempt responsive records;
4. Award Plaintiffs their costs, attorneys' fees, and other disbursements for this action; and
5. Grant any other relief this Court deems appropriate.

Dated: February 11, 2026

Respectfully submitted,

/s/ Daniel A. McGrath

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