UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| CHILDREN'S HEALTH DEFENSE,<br><br>Plaintiff,<br><br>v.<br><br>FOOD AND DRUG ADMINISTRATION,<br><br>Defendant. | Civil Action No. 23-2316 (LLA) |

**FIFTH DECLARATION OF SUZANN BURK**

I, Suzann Burk, hereby declare as follows:

1. I am the Director of the Division of Disclosure and Oversight Management ("DDOM") in the Center for Biologics Evaluation and Research ("CBER"), United States Food and Drug Administration ("FDA"), in Silver Spring, Maryland. I have been the Director of DDOM since June 24, 2018.

2. I signed declarations in this case on October 12, 2023; November 29, 2023; August 22, 2025; and June 17, 2026 in support of FDA's requests for a stay of proceedings. *See* Declaration of Suzann Burk (Oct. 12, 2023), ECF No. 11-2; Supplemental Declaration of Suzann Burk (Nov. 29, 2023), ECF No. 14-2; Declaration of Suzann Burk (Aug. 22, 2025), ECF No. 23-1; Fourth Declaration of Suzann Burk (June 17, 2026), ECF No. 28-1 ("4th Burk Decl."). I also understand that FDA has submitted my declarations from other cases in this case. *See* ECF No. 26-1; ECF No. 27-1.

3. I submit this latest declaration in support of FDA's status report regarding why the ongoing stay remains necessary. The statements contained in this declaration are based on my

personal knowledge, as well as official FDA records and information available to me in my official capacity.

**CBER DISCLOSURE OFFICE'S PROGRESS**
**IN RESPONDING TO THE *PHMPT I* AND *II* ORDERS**

4. CBER's disclosure staff has devoted substantial resources since 2022 to satisfy the unprecedented production orders entered by the United States District Court for the Northern District of Texas in *Public Health & Medical Professionals for Transparency v. FDA*, Civ. A. No. 21-1058 (MTP) (N.D. Tex.) ("*PHMPT I*"), and *Public Health & Medical Professionals for Transparency v. FDA*, Civ. A. No. 22-0915 (MTP) (N.D. Tex.) ("*PHMPT II*"). *See* 4th Burk Decl. ¶ 5 (stating that the *PHMPT I* and *PHMPT II* orders have collectively required CBER's disclosure office to produce millions of pages and to hire temporary contract staff to meet these orders). As of August 26, 2025, CBER's disclosure office production obligation in *PHMPT I* is complete. *See id.* ¶ 6. As of June 30, 2025, the first phase of CBER's disclosure office production obligation in *PHMPT II* is complete. *See id.*

5. Currently, CBER is obligated to produce approximately 2.8 million pages at a minimum rate of 180,000 pages per month as part of the second phase of CBER's disclosure office production obligation is ongoing. *See id.* Through September 1, 2026, CBER's disclosure office has produced more than 2.7 million pages in response to the follow-on order in *PHMPT II*.

**PLAINTIFF'S PLACEMENT IN THE COMPLEX TRACK OF THE FOIA QUEUE**

5. Plaintiff submitted its FOIA request, assigned FOIA Request Nos. 22-6494, on September 7, 2022, and CBER's FOIA office placed this request in the Complex Track, where, as of September 2, 2026, it is No. 250 (behind 249 earlier submitted requests, many of which relate to the response to the COVID-19 pandemic).

* * *

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

Executed on September 11, 2026.

Suzann H. Burk -S

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Date: 2026.09.11 07:50:47 -04'00'

Suzann Burk
Director
Division of Disclosure and Oversight Management
Center for Biologics Evaluation and Research
Food and Drug Administration
U.S. Department of Health and Human Resources