

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Informed Consent Action Network v. Food and Drug Administration

Informed Consent Action Network · No. Civil Action No. 2025-0824 (GMH) · Decided January 29, 2026

SUMMARY

The United States District Court for the District of Columbia grants the government's motion to stay ICAN's FOIA action. The court holds that the government demonstrated exceptional circumstances and due diligence under 5 U.S.C. § 552(a)(6)(C)(i), and orders the case stayed through April 16, 2027.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	G. Michael Harvey
JURISDICTION	United States District Court for the District of Columbia
DECIDED	January 29, 2026
DOCKET	Civil Action No. 2025-0824 (GMH)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a Freedom of Information Act action seeking to compel the FDA and HHS to produce requested records. The government moved to stay the action for eighteen months while it processed the request.
STANDARD OF REVIEW	The court applied the statutory standard under 5 U.S.C. § 552(a)(6)(C)(i), requiring the government to demonstrate exceptional circumstances and due diligence.
PRECEDENTIAL VALUE	Published memorandum opinion; the court applied binding D.C. Circuit precedent.

TOPICS

- administrative law
- judicial review of agency action
- civil procedure
- statutory interpretation

PRACTICE AREAS

- Freedom of Information Act
- administrative law
- federal civil procedure
- health law

QUESTIONS PRESENTED

1. Whether the court had authority under FOIA to stay the action and modify the statutory production timeline.
2. Whether the government demonstrated exceptional circumstances and due diligence under 5 U.S.C. § 552(a)(6)(C)(i).

HOLDINGS

1. FOIA authorizes a court to modify production timelines, including by staying proceedings, when the agency demonstrates exceptional circumstances and due diligence.
2. The government established exceptional circumstances because the PHMPT litigation imposed extraordinary document-production obligations that substantially exceeded ordinary FOIA processing capacity.
3. The government exercised due diligence in responding to the FOIA request.

KEY QUOTATIONS

“the time limits prescribed by Congress” in FOIA “become not mandatory but directory” (at 2)

“If the production orders in PHMPT I and II do not constitute being “deluged with a volume of requests vastly in excess of that anticipated by Congress,” Open Am., 547 F.2d at 616, then it is difficult to imagine what would.” (at 3)

“Accordingly, the Court GRANTS Defendants’ motion to stay, ECF No. 15, and ORDERS that this matter shall be stayed until and including April 16, 2027.” (at 4)

FACTUAL BACKGROUND

ICAN, a Texas not-for-profit organization, submitted a FOIA request seeking communications concerning FDA guidance on the development of COVID-19 vaccines. The FDA office responsible for the request, CBER, was also subject to production obligations in separate litigation requiring the government to produce more than nine million pages by October 1, 2026, including at least 180,000 pages per month in one case. CBER processed requests through tracks based on complexity and had expanded its capacity by adding staff and contractors.

PROCEDURAL HISTORY

ICAN sued the FDA and HHS over a FOIA request submitted on August 17, 2020. The government moved to stay the proceedings under 5 U.S.C. § 552(a)(6)(C)(i), asserting exceptional circumstances and due diligence. The district court granted the motion and stayed the matter through April 16, 2027.

DISPOSITION

other

CASES CITED

- Open Am. v. Watergate Special Prosecution Force, 547 F.2d 605, 616 (D.C. Cir. 1976)

- Informed Consent Action Network v. FDA, 2025 WL 2938703, at *2-*3 (D.D.C. Oct. 16, 2025)
- Democracy Forward Found. v. Dep't of Just., 354 F. Supp. 3d 55, 61-62 (D.D.C. 2018)
- Appleton v. FDA, 254 F. Supp. 2d 6, 9-10 (D.D.C. 2003)
- Child.'s Health Def. v. FDA, No. 23-cv-220, 2024 WL 147851, at *3 (D.D.C. Jan. 12, 2024)
- Informed Consent Action Network v. FDA, No. 25-cv-827, 2025 WL 2480080, at *1 (D.D.C. Aug. 28, 2025)
- Elec. Frontier Found. v. Dep't of Just., 517 F. Supp. 2d 111, 119 (D.D.C. 2007)
- Edmond v. U.S. Att'y, 959 F. Supp. 1, 3 (D.D.C. 1997)
- Landis v. North American Co., 299 U.S. 248, 254 (1936)

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