

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. 25-cv-00832 (TSC) · Decided February 5, 2026

SUMMARY

The United States District Court for the District of Columbia considered Defendants’ motion to stay a FOIA action brought by Informed Consent Action Network against the FDA and HHS. The court found exceptional circumstances and due diligence supporting an Open America stay, but denied the requested eighteen-month duration. The court stayed the matter until October 1, 2026, and ordered the parties to file a joint status report by that date.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Tanya S. Chutkan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	February 5, 2026
DOCKET	Civil Action No. 25-cv-00832 (TSC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a Freedom of Information Act action seeking records from the FDA and HHS. After the complaint and answer were filed, defendants moved to stay the proceedings for eighteen months because of competing FOIA production obligations imposed by a Texas federal court.
STANDARD OF REVIEW	The court applied the statutory standard for an Open America stay, requiring the agency to demonstrate exceptional circumstances and due diligence in responding to the FOIA request.
PRECEDENTIAL VALUE	published

TOPICS

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

PRACTICE AREAS

- administrative law
- Freedom of Information Act
- civil procedure

QUESTIONS PRESENTED

1. Whether the court may stay a FOIA action under the Open America doctrine when the agency demonstrates exceptional circumstances and due diligence.
2. Whether defendants demonstrated exceptional circumstances warranting a stay of proceedings.
3. Whether defendants demonstrated due diligence in processing FOIA requests.
4. Whether the requested eighteen-month stay was warranted, or whether a shorter stay was appropriate.

HOLDINGS

1. A court may retain jurisdiction and allow an agency additional time to complete its FOIA review when the agency demonstrates exceptional circumstances and due diligence.
2. Defendants demonstrated exceptional circumstances because the FDA office processing the request faced an unforeseeable and unprecedented workload caused by Texas-court production orders, compounded by increased FOIA requests and related litigation.
3. Defendants demonstrated due diligence by maintaining a multi-track, generally first-in, first-out processing system and taking steps to hire, train, reassign, and organize personnel and resources to address the workload.
4. An eighteen-month stay was not warranted, but a stay through October 1, 2026, approximately eight months from the order, was necessary and appropriate.

KEY QUOTATIONS

“Such “exceptional circumstances” exist when an agency “is deluged with a volume of requests for information vastly in excess of that anticipated by Congress” and its “existing resources are inadequate to deal with the volume of such requests within the [otherwise applicable] time limits.”” (at 2)

“Based on the foregoing, it is hereby ORDERED that this matter shall be stayed for approximately eight months, until and including October 1, 2026.” (at 8)

FACTUAL BACKGROUND

Plaintiff submitted a complex FOIA request seeking emails containing specified terms and involving specified FDA employees or addresses. The request was assigned FOIA number 2020-819 and placed on the Complex Track; the FDA provided only a partial response in 2022. Defendants showed that the FDA office responsible for processing the request was also subject to Texas-court orders requiring production of approximately 9.1 million pages concerning COVID-19 vaccines by October 1, 2026, while managing an increased FOIA workload and related litigation.

PROCEDURAL HISTORY

Plaintiff filed a FOIA request in January 2020 and received a partial response in 2022. Plaintiff filed this action on March 20, 2025, alleging that defendants had not completed their determination or produced the requested records. After defendants answered, they moved for an eighteen-month stay. The court granted the motion in part and denied it in part, ordering a stay through October 1, 2026, followed by a joint status report.

DISPOSITION

other

CASES CITED

- Open Am. v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976)
- SafeCard Servs., Inc. v. Sec. and Exch. Comm'n, 926 F.2d 1197, 1200 (D.C. Cir. 1991)
- Landis v. N. Am. Co., 299 U.S. 248, 254 (1936)
- Informed Consent Action Network v. Food and Drug Admin., No. 25-cv-823, 2025 WL 2938703 (D.D.C. Oct. 16, 2025)
- Child.'s Health Def. v. FDA, No. 23-cv-220, 2024 WL 147851 (D.D.C. Jan. 12, 2024)
- Informed Consent Action Network v. Food and Drug Admin., No. 24-cv-1761, 2024 WL 4836405 (D.D.C. Nov. 20, 2024)
- Informed Consent Action Network v. Food and Drug Admin., No. 25-cv-0827, 2025 WL 2480080 (D.D.C. Aug. 28, 2025)

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