



May 7, 2020

Centers for Disease Control and Prevention
Attn: FOIA Office, MS-D54
1600 Clifton Road, N.E.
Atlanta, GA 30333

RE: FREEDOM OF INFORMATION ACT REQUEST

To Whom It May Concern:

On May 6, 2020, WMUR published an article reporting that Bryant “Corky” Messner has recently been citing his experience with your agency, the Centers for Disease Control and Prevention, to demonstrate his expertise with public health crises in light of the COVID-19 pandemic. However, as the article notes, a public letter dated December 21, 2015 shows that Mr. Messner advocated against public health interests and tried to limit public disclosure from your agency during a multi-state E. coli outbreak connected to his client, Chipotle Mexican Grill, a restaurant chain in which he holds substantial personal investment.

In Mr. Messner’s letter, WMUR reports, he specifically argues that the reporting of individuals cases of E. coli “were not useful and did not serve to inform the public of a significant health risk.” Additionally, Messner argued that CDC E. coli updates on November 5 and 6 of 2015 “caused confusion about the true nature of the outbreak,” despite the fact that both updates each reported new E. coli cases linked to Chipotle, claiming each were not “substantive developments.”

Messner's attempt to muzzle the CDC has been compared "to a blue print of China’s response to the coronavirus outbreak."

What Mr. Messner does not mention is the enormous impact that Chipotle’s E. coli crisis had on his long-time client. Moreover, Messner omitted in his letter his own personal investment in the restaurant chain. WMUR reports that, according to Messner’s personal financial disclosure, which he filed as a candidate for U.S. Senate, he has stock in Chipotle worth as much as \$1.5 million as of 2019. During the time period of the E. coli outbreak, from its high on October 13, 2015 to the date of Messner's letter to the CDC, December 21, 2015, Chipotle's stock fell from \$750.42 to \$522.01, a 30.4% decline in value. If Messner held a

similar number of shares in Chipotle in October 2015 as he did in 2019, he potentially lost \$500,000 in asset value due to the E. coli outbreak at Chipotle, which provides important context on his advocacy against transparency and regular updates for the sake of public health from the CDC.

In light of this reporting, and pursuant to the Freedom of Information Act, I am requesting an opportunity to inspect or obtain copies of public records containing the following:

- Any and all correspondence between agency staff and Bryant (“Corky”) Messner (DOB: 11/15/1956) from January 2002 to present;
- Any and all correspondence between agency staff and employees of the law firm Messner Reeves LLP, to include but not be limited to John K. Shunk, Allison J. Dodd, Adam M. Royval, Thomas Blackburn, Mark. B Collier, Louis M. Grossman, Scott L. Evans, Spencer Kontnik, or Kendra Beckwith; and
- Any and all internal agency correspondence or records pertaining to, or mentioning, “Corky Messner,” “Bryant Messner” or “Messner Reeves.”

If any information which is private or exempt appears on these records, I would ask that you release to me a redacted version of the records.

I also request that you state the specific legal and factual grounds for withholding any documents or portions of documents. And please identify each document that falls with scope of this request but is withheld from release. If requested documents are located in, or originated in, another installation or bureau, please refer this request or any relevant portion of this request to the appropriate installation or bureau.

To the extent that the information is available in electronic format, I would prefer to receive the information by email or PDF, or if necessary on computer disk or CD-ROM, particularly if providing the information reduces time or expense.

To help assess my status for copying and mailing fees, please note that I am a representative of a political organization gathering information for research purposes only, disclosure of this information is likely to be in the public interest and is not for commercial activities. I am willing to pay all reasonable costs incurred in locating and duplicating these materials. Please contact me prior to processing to approve any fees or charges incurred in excess of \$50.

Thank you for your cooperation with this request. I am willing to discuss ways to make this request more manageable to your office. Please do not hesitate to contact me at 603-225-6899 or email me at chairman@nhdp.org.

Thank you,

A handwritten signature in black ink that reads "Raymond C. Buckley". The signature is written in a cursive style with a double underline at the end.

Raymond Buckley
Chair