



November 9, 2020

Via Electronic Filing

Hon. Kimberly A. O'Connor
Albany County Supreme Court
16 Eagle Street
Albany, New York 12207

**Re: Empire Center for Public Policy v. New York State
Department of Health
Index No. 906023-20**

Dear Justice O'Connor:

I am writing to provide Your Honor with an update regarding the above-captioned Article 78 proceeding. In its Memorandum of Law in Support of Respondent's Answer to the Verified Petition, DOH may have given the impression that it would be responding to Empire Center's Freedom of Information Law request by November 5, 2020 (see, e.g., pages 3-4 and 7-8). It did not.

Enclosed please find a letter DOH sent that day. It indicates DOH has completed its search for records (that it admitted in its response reside in its HERDS database), but DOH does not intend to disclose the information before January 13, 2021, or later.

I am happy to address any questions the Court may have.

Yours truly,

A handwritten signature in blue ink, appearing to read "Cameron", is written over the typed name.

Cameron Macdonald

Enclosure

cc: Melissa A. Latino (via NYSCEF)



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

November 5, 2020

Bill Hammond
Empire Center for Public Policy
30 South Pearl Street, Suite 1210
Albany, NY 12207

FOIL #: 20-08-016

Dear Mr. Hammond:

This letter is in regard to your Freedom of Information Law (FOIL) request of August 3, 2020, which is currently being processed.

Please be advised this Office is unable to respond to your request by the date previously given to you because the records potentially responsive to your request are currently being reviewed for applicable exemptions, legal privileges and responsiveness.

We estimate that this Office will complete its process by January 13, 2021. The Department will notify you in writing when/if the responsive materials are available for release or if the time needed to complete your request extends beyond the above date.

Should you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig, Esq.
Records Access Officer

RH/jt