

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PUBLIC CITIZEN,
1600 20th Street NW
Washington, DC 20009,

Plaintiff,

Civil Action No. 26-222

V.

UNITED STATES DEPARTMENT OF
HEALTH & HUMAN SERVICES,
200 Independence Avenue SW
Washington, DC 20201,

and

UNITED STATES DEPARTMENT
OF COMMERCE,
1401 Constitution Avenue NW
Washington, DC 20230,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Public Citizen brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel Defendants United States Department of Health & Human Services (HHS) and United States Department of Commerce (DOC) to produce records responsive to four FOIA requests seeking agreements that HHS and DOC entered into with pharmaceutical companies Pfizer and Eli Lilly.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
3. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff Public Citizen is a nonprofit organization headquartered in Washington, DC. Public Citizen submitted the FOIA requests at issue in this action.

5. Defendant HHS is an agency of the United States. HHS has possession or control of the records responsive to two of the FOIA requests at issue in this matter.

6. Defendant DOC is an agency of the United States. DOC has possession or control of the records responsive to two of the FOIA requests at issue in this matter.

BACKGROUND

Defendants' deals with pharmaceutical companies

7. On May 12, 2025, the President issued Executive Order 14297, which directed certain federal officials to “communicate most-favored-nation price targets to pharmaceutical manufacturers to bring prices for American patients in line with comparably developed nations.”

8. On July 31, 2025, the President sent letters to Pfizer, Eli Lilly, and other pharmaceutical companies, demanding that the companies make “a commitment” to decrease pharmaceutical prices in the United States and provide the United States “Most-Favored-Nation” (MFN) status with regard to prescription drug prices.

9. After the President sent those demand letters, HHS and DOC negotiated MFN agreements with several pharmaceutical companies.

10. On September 30, 2025, the President announced an MFN agreement with Pfizer. The announcement claimed that the agreement will “provide every State Medicaid program in the country access to MFN drug prices on Pfizer products,” “guarantee[] MFN prices on all new innovative medicines Pfizer brings to market,” “require[] Pfizer to repatriate increased foreign revenue on existing products,” “require[] Pfizer to offer medicines at a deep discount off the list

price when selling directly to American patients,” and result in discounts of 40% to 80% for three listed medications. The announcement did not include the text of the MFN agreement, which still has not been released to the public.

11. On November 6, 2025, the President announced an MFN agreement with Eli Lilly. The announcement stated that the agreement would result in lower prices for certain prescription drugs manufactured by Eli Lilly and that Eli Lilly “will guarantee MFN prices on all new medicines that [it] bring[s] to market, repatriate increased foreign revenue on existing products, and provide every State Medicaid program in the country access to MFN drug prices on [its] products.” The announcement did not include the text of the MFN agreement, which still has not been released to the public.

Public Citizen’s October 21 requests

12. On October 21, 2025, Public Citizen submitted a FOIA request to HHS and a FOIA request to DOC for records regarding the MFN agreement with Pfizer. Both requests sought: “copies of any and all formal or informal agreements related to arrangements between Pfizer and the U.S. government associated with ‘most-favored nation’ (MFN) drug pricing.” Both requests also explained that the request for “[a]greements” includes, but is not limited to, any preliminary or partial agreements or understandings, final formal agreements, contracts, supplementary agreements, and draft agreements or understandings,” and that the request sought “any relevant agreements, including any entered after the date of the September 30, 2025 announcement.”

13. Both requests sought records from May 12, 2025—when the President issued Executive Order 14297—through the date of the search.

14. In both requests, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

15. FOIA.gov confirmed receipt of the request submitted to HHS as submission number 2467661.

16. DOC assigned the request submitted to it tracking number DOC-OS-2026-000938.

17. Neither HHS nor DOC has made a final determination or a final production of records in response to Public Citizen's request.

18. More than 20 business days have passed since Public Citizen submitted each request.

Public Citizen's November 9 requests

19. On November 9, 2025, Public Citizen submitted a FOIA request to HHS and a FOIA request to DOC for records regarding the MFN agreement with Eli Lilly. Both requests sought: "copies of all formal or informal agreements between Eli Lilly and the U.S. government related to 'most-favored nation' (MFN) drug pricing." Both requests also explained that the request for "'agreements' includes, but is not limited to, any preliminary or partial agreements or understandings, final formal agreements, contracts, supplementary agreements, and draft agreements or understandings," and that the request sought "all relevant agreements, including those entered before or after the November 6, 2025 announcement."

20. Both requests sought records from May 12, 2025—when the President issued Executive Order 14297—through the date of the search.

21. In both requests, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

22. FOIA.gov confirmed receipt of the request submitted to HHS as submission number 2507781.

23. DOC assigned the request submitted to it tracking number DOC-OS-2026-000949.

24. Neither HHS nor DOC has made a final determination or a final production of records in response to Public Citizen's request.

25. More than 20 business days have passed since Public Citizen submitted each request.

CLAIM FOR RELIEF

26. Public Citizen has a right under FOIA, 5 U.S.C. § 552, to the records responsive to its October 21 and November 9 requests to HHS and DOC and to a public-interest fee waiver for each request.

27. HHS's failure to disclose the requested records has no legal basis.

28. DOC's failure to disclose the requested records has no legal basis.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

A. Declare that HHS's failure to provide the records responsive to Submission No. 2467661 and Submission No. 2507781 is unlawful;

B. Declare that DOC's failure to provide the records responsive to Request No. DOC-OS-2026-000938 and Request No. DOC-OS-2026-000949 is unlawful;

C. Order HHS and DOC to make the requested records available to Public Citizen at no cost and without delay;

D. Award Public Citizen its costs and reasonable attorneys' fees under 5 U.S.C. § 552(a)(4)(E); and

E. Grant such other relief as this Court may deem just and proper.

Dated: January 27, 2026

Respectfully submitted,

/s/ Zachary R. Shelley

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