

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

THE PROTECT DEMOCRACY PROJECT, INC.  
2020 Pennsylvania Avenue, NW, #163  
Washington, DC 20006

*Plaintiff,*

v.

U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue, NW  
Washington, DC 20530,

U.S. DEPARTMENT OF THE TREASURY  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

OFFICE OF MANAGEMENT AND BUDGET  
725 17th Street, NW  
Washington, DC 20503

*Defendants.*

Civil Action  
No. 17-1607

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**COMPLAINT**

Plaintiff The Protect Democracy Project, Inc. (hereinafter “Protect Democracy”) brings this action against Defendants the Department of Justice (“DOJ”), Department of the Treasury (“Treasury”), and Office of Management and Budget (“OMB”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

2. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

**PARTIES**

3. Plaintiff Protect Democracy is an organization awaiting 501(c)(3) status, incorporated under the laws of the District of Columbia, and located at 2020 Pennsylvania Avenue, NW, #163, Washington, DC 20006. Plaintiff's mission is to protect American democracy from descending into a modern form of authoritarianism. By reinforcing our checks and balances, Plaintiff works to prevent abuses of power that threaten our free, fair, and fully-informed pursuit of self-government. As a critical part of this mission, Plaintiff seeks to inform public understanding of operations and activities of the government by gathering and disseminating information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Plaintiff regularly requests such information pursuant to FOIA. Plaintiff intends to give the public access to documents transmitted via FOIA on its website, [www.protectdemocracy.org](http://www.protectdemocracy.org), and to provide information about and analysis of those documents as appropriate.

4. Defendants DOJ, Treasury, and OMB are agencies of the executive branch of the federal government of the United States. Defendant DOJ is headquartered at 950 Pennsylvania Avenue, NW, Washington, DC 20530. Defendant Treasury is headquartered at 1500 Pennsylvania Avenue, NW, Washington, DC 20220. Defendant OMB is headquartered at 725 17th Street, NW, Washington, DC 20603. Defendants have possession, custody, and control of the documents that Plaintiff seeks in response to its FOIA requests.

### **STATEMENT OF FACTS**

#### *The Administration Has Failed to Inform the Public of Any Plan to Avoid a Default on U.S. Debt Obligations, Which Would Have a Catastrophic Impact on the U.S. Economy*

5. In 1917, Congress granted the executive branch authority to take on debt without coming to Congress for permission—up to a certain limit—as a means of ensuring the efficient and effective functioning of the federal government. *See* 31 U.S.C. § 3101. For decades after passage of this legislation, Congress regularly raised the debt limit as necessary to avoid a default on U.S. debt obligations. The International Monetary Fund has warned that even a temporary failure to meet those obligations would be “catastrophic,” with dire results not just for the U.S. but for the global economy. Treasury has predicted that failure to raise the debt ceiling would “precipitate another financial crisis.”

6. Within the last ten years, however, this routine legislative act has evolved into an occasion for brinkmanship, with Congress’s consent to raise the ceiling—and thus, the government’s ability to pay its bills—dependent upon a shifting set of conditions and policy concessions. The willingness of some in Congress to hold the U.S. economy hostage through failure to raise the debt limit as necessary to pay the expenses Congress has already authorized poses a substantial threat to the proper functioning of our democracy. The mere risk that Congress would fail to raise the debt ceiling in 2013 led to a first-ever downgrading of the U.S.’s credit rating.

7. In March of this year, U.S. debt obligations surpassed their current statutory limit. At that time, Treasury began undertaking a series of what it deems “extraordinary measures” to ensure that, despite Congress’s failure to raise the debt limit, those dependent on Social Security or Department of Defense pension payments receive their checks and U.S. bondholders have no reason to doubt the full faith and credit of the federal government.

8. Treasury Secretary Steve Mnuchin has stated that the effectiveness of these “extraordinary measures” will run its course by the end of next month.

9. Several Members of Congress have expressed their commitment to attaching certain policy mandates to any lifting of the debt ceiling this year. OMB Administrator Mick Mulvaney is aligned with that approach, though he recently conceded that Secretary Mnuchin’s push for a “clean” raising of the limit—one not tied to negotiations on other policy or spending concerns—had carried the day in White House policy negotiations.

10. Secretary Mnuchin’s imploring that Congress raise the debt limit before recessing in August was not successful. Many Members of Congress are planning to take a hardline on a debt ceiling increase when they return to work in the fall. In the last week, several have made public statements affirming their belief that any raising of the debt limit must be tied to cuts to programs that contribute to that debt.

11. There are only 12 legislative days in September for Congress and the White House to resolve these differences—and they must agree on a stopgap funding measure in those same handful of days in order to avoid a government shutdown. One news outlet recently predicted that September would include a “high-risk showdown” between those in favor of and against attaching structural changes and spending cuts to a lifting of the debt ceiling.

12. Neither Administrator Mulvaney nor Secretary Mnuchin has outlined a strategy for avoiding default on U.S. debts. When asked by reporters on June 9, 2017 how Treasury would avoid an economic tailspin if Congress failed to raise the debt ceiling by fall, Secretary Mnuchin answered: “Treasury secretary superpowers.”

13. The Administration owes U.S. citizens an explanation of its plans to preserve the full faith and credit of the federal government and prevent catastrophic impact on the U.S. and global

economy. To the extent the Administration has a plan, it is important for the public to know what it is. And to the extent there is no plan, the public should be informed of that fact as well in order to enlighten and influence congressional debate on this topic. That is why Protect Democracy filed its FOIA requests with DOJ, Treasury, and OMB, and that is why Plaintiff now seeks redress from the Court for the Defendants' failure to come forward with the requested information, as they are required to do by law.

*FOIA to Defendants and Defendants' Failure to Respond*

14. On April 19, 2017, Plaintiff sent FOIA requests to Defendants seeking the following records:

- 1) Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to requests or legislative proposals, formal or informal, made by the Administration to Congress to raise, suspend, or eliminate the statutory debt limit.
- 2) Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Administration and Members of Congress, congressional staff, congressional committees, or the Congressional Budget Office concerning or referencing the statutory debt limit.
- 3) Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to the consequences to the United States economy and/or government and/or national security in the event that the United States defaulted on its obligations because of the statutory debt limit.
- 4) Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to legal authorities available to the Executive Branch to prevent the United States from defaulting on its obligations in the event that Congress does not raise, suspend, or eliminate the statutory debt limit.
- 5) Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications regarding the statutory debt limit between [DOJ, Treasury, or OMB] and:
  - a. The Social Security Administration;
  - b. The Department of Defense Military Retirement Fund;
  - c. The Securities Industry and Financial Markets Association ("SIFMA");
  - d. Blackrock;

- e. Vanguard Asset Management;
- f. Fidelity Investments;
- g. BNY Mellon;
- h. J.P. Morgan;
- i. Goldman Sachs.

6) In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

The timeframe for this request was January 20, 2017 through the date that searches are conducted for records responsive to this FOIA request. *See* Exhibits A, B, and C (“FOIA requests”).

15. Plaintiff also requested fee waivers pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) or 5 U.S.C. § 552(a)(4)(A)(ii)(II). *See* Exhibits A, B, and C.

16. Plaintiff’s request was submitted to the DOJ by fax on April 19, 2017.

17. Plaintiff’s request was submitted to Treasury by fax on April 19, 2017.

18. Plaintiff’s request was submitted to OMB by fax on April 19, 2017.

19. Plaintiff received acknowledgements of receipt from DOJ and OMB on April 19, 2017. *See* Exhibits D, E. Plaintiff received acknowledgement of receipt from Treasury on April 20, 2017. *See* Exhibit F.

20. On May 8, 2017, Treasury sent a letter granting Plaintiff’s fee waiver request and stating that the agency determined Plaintiff’s FOIA request to be “complex,” requiring “significant processing time.” Treasury reported that Plaintiff’s request was number 522 in the agency’s “FOIA Queue for Complex Track.” *See* Exhibit G. Since May 8, Plaintiff’s FOIA request has fallen to number 530 in that queue. *See* FOIA Queue for Complex Track, *available at*

<https://www.treasury.gov/FOIA/Documents/June-20-2017-Complex-Track-for-DO.PDF> (last visited August 4, 2017).

21. On May 16, 2017, DOJ sent a letter stating that it too had determined Plaintiff's request to be "complex" and reporting that the agency would "need to extend the time limit to respond" to Plaintiff's FOIA request beyond that permitted by statute. DOJ provided no further information about the extent to which it expected to exceed the time limits imposed by FOIA. As of the date of that letter, DOJ had "not yet made a decision" with respect to Plaintiff's fee waiver request. *See* Exhibit H.

22. OMB has provided no correspondence beyond its initial email acknowledging receipt of Plaintiff's FOIA request.

23. Pursuant to FOIA, within 20 business days of receipt of Plaintiff's request—that is, May 17, 2017—Defendants were required to "determine . . . whether to comply with such request" and to "immediately notify" Plaintiff of "such determination and the reasons therefor," Plaintiff's right "to seek assistance from the FOIA Public Liaison of the agency," and, in the case of an adverse determination, Plaintiff's appeal rights. 5 U.S.C. § 552(a)(6)(A)(i).

24. Nearly three months after that statutory deadline, Defendants have failed to make the required determination and notifications. Nor have Defendants DOJ and OMB made a determination regarding Plaintiff's request for a fee waiver.

**COUNT I**  
**(Violation of FOIA, 5 U.S.C. § 552)**

25. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.

26. Defendants are in violation of FOIA by failing to respond to Plaintiff's requests within the statutorily prescribed time limit and by unlawfully withholding records responsive to Plaintiff's request.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court:

(1) Order Defendants, by a date certain, to conduct searches that are reasonably likely to lead to the discovery of any and all records responsive to Plaintiff's request;

(2) Order Defendants, by a date certain, to demonstrate that they have conducted adequate searches;

(3) Order Defendants, by a date certain, to produce to Plaintiff any and all non-exempt records or portions of records responsive to Plaintiff's request, as well as *Vaughn* indexes of any records or portions of records withheld due to a claim of exemption;

(4) Enjoin Defendants from improperly withholding records responsive to Plaintiff's request;

(5) Order Defendants DOJ and OMB to grant Plaintiff's request for a fee waiver;

(6) Grant Plaintiff an award of attorney fees and other reasonable litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E);

(7) Grant Plaintiff such other relief as the Court deems appropriate.

Respectfully submitted,

Date: August 10, 2017

/s/ Justin Florence

JUSTIN FLORENCE (D.C. Bar No. 988953)  
Justin.Florence@protectdemocracy.org  
ANNE TINDALL (D.C. Bar No. 494607)  
Anne.Tindall@protectdemocracy.org  
The Protect Democracy Project, Inc.  
2020 Pennsylvania Ave., NW #163  
Washington, DC 20006  
Phone: 202-599-0466  
Fax: 929-777-8428

*Counsel for Plaintiff*

# **EXHIBIT A**



April 19, 2017

Laurie Day  
Chief, Initial Request Staff  
Office of Information Policy  
Department of Justice  
Suite 11050  
1425 New York Avenue, N.W.  
Washington, DC 20530-0001  
Phone: (202) 514-FOIA  
Fax: (202) 514-1009

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

1. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to requests or legislative proposals, formal or informal, made by the Administration to Congress to raise, suspend, or eliminate the statutory debt limit.
2. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Administration and members of Congress, congressional staff, congressional committees, or the Congressional Budget Office concerning or referencing the statutory debt limit.
3. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to the consequences to the United States economy and/or government and/or national security in the event that the United States defaulted on its obligations because of the statutory debt limit.
4. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to legal authorities available to the Executive Branch to prevent the United States from defaulting on its obligations

in the event that Congress does not raise suspend, or eliminate the statutory debt limit.

5. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications regarding the statutory debt limit between or among the Justice Department and
  - a. The Social Security Administration;
  - b. The Department of Defense Military Retirement Fund;
  - c. The Securities Industry and Financial Markets Association (SIFMA);
  - d. Blackrock;
  - e. Vanguard Asset Management;
  - f. Fidelity Investments;
  - g. BNY Mellon;
  - h. J.P. Morgan;
  - i. Goldman Sachs.
6. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

The timeframe for this request is January 20, 2017 through the date that searches are conducted for records responsive to this FOIA request.

#### FEE WAIVER

FOIA provides that any fees associated with a request are waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a new organization awaiting 501(c)(3) status, is to inform public understanding on operations and activities of the government. This request is submitted in consort with the organization’s mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver

of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like those organizations, the purpose of The Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *Nat’s Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, [www.protectdemocracy.org](http://www.protectdemocracy.org), and to provide information about and analysis of those documents as appropriate.

### RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all medium and format. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

We ask that you search for records from all components of the Justice Department that may be reasonably likely to produce responsive results, including but not limited to the Office of the Attorney General, Office of the Deputy Attorney General, Office of Legal Counsel, Office of Legal Policy, Office of Public Affairs, and Office of Legislative Affairs. We also ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-ROM.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at FOIA@protectdemocracy.org or (202) 599-0466 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Justin Florence

Justin Florence  
Legal Director  
The Protect Democracy Project  
justin.florence@protectdemocracy.org

# **EXHIBIT B**



April 19, 2017

FOIA Request  
Attn: Ryan Law  
Department of the Treasury  
Washington, DC 20220  
Fax: 202-622-3895

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

1. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to requests or legislative proposals, formal or informal, made by the Administration to Congress to raise, suspend, or eliminate the statutory debt limit.
2. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Administration and members of Congress, congressional staff, congressional committees, or the Congressional Budget Office concerning or referencing the statutory debt limit.
3. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to the consequences to the United States economy and/or government and/or national security in the event that the United States defaulted on its obligations because of the statutory debt limit.
4. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to legal authorities available to the Executive Branch to prevent the United States from defaulting on its obligations in the event that Congress does not raise suspend, or eliminate the statutory debt limit.

5. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications regarding the statutory debt limit between Treasury and
  - a. The Social Security Administration;
  - b. The Department of Defense Military Retirement Fund;
  - c. The Securities Industry and Financial Markets Association (SIFMA);
  - d. Blackrock;
  - e. Vanguard Asset Management;
  - f. Fidelity Investments;
  - g. BNY Mellon;
  - h. J.P. Morgan;
  - i. Goldman Sachs.
6. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

The timeframe for this request is January 20, 2017 through the date that searches are conducted for records responsive to this FOIA request.

#### FEE WAIVER

FOIA provides that any fees associated with a request are waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a new organization awaiting 501(c)(3) status, is to inform public understanding on operations and activities of the government. This request is submitted in consort with the organization’s mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* The

Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like those organizations, the purpose of The Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *Nat’s Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, [www.protectdemocracy.org](http://www.protectdemocracy.org), and to provide information about and analysis of those documents as appropriate.

### RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all medium and format. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

We ask that you search for records from all components of the Department of the Treasury that may be reasonably likely to produce responsive results, including but not limited to the Office of the Secretary, Office of the Deputy Secretary, Office of the General Counsel, Office of Public Affairs, and Office of Legislative Affairs. We also ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-ROM.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at

FOIA@protectdemocracy.org or (202) 599-0466 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Justin Florence

Justin Florence  
Legal Director  
The Protect Democracy Project  
justin.florence@protectdemocracy.org

# **EXHIBIT C**



April 19, 2017

Dionne Hardy  
1800 G Street, NW  
Washington, DC 20503  
(202) 395-FOIA  
(202) 395-3504 (fax)  
OMBFOIA@omb.eop.gov

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

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5. Any and all records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications regarding the statutory debt limit between or among OMB and:
  - a. The Social Security Administration;
  - b. The Department of Defense Military Retirement Fund;
  - c. The Securities Industry and Financial Markets Association (SIFMA);
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#### FEE WAIVER

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### RESPONSIVE RECORDS

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We ask that you search for records from all components of the Office of Management & Budget that may be reasonably likely to produce responsive results, including but not limited to the Office of the General Counsel, Office of Strategic Planning and Communications, Legislative Reference Division, and Office of Legislative Affairs. We also ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-ROM.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at FOIA@protectdemocracy.org or (202) 599-0466 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Justin Florence

Justin Florence  
Legal Director  
The Protect Democracy Project  
justin.florence@protectdemocracy.org

# **EXHIBIT D**



Caroline McKay <caroline.mckay@protectdemocracy.org>

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## FOIA Request DOJ-2017-003636 Submitted

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OIP-NoReply@usdoj.gov <OIP-NoReply@usdoj.gov>

Wed, Apr 19, 2017 at 4:43 PM

To: "foia@protectdemocracy.org" <foia@protectdemocracy.org>

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: DOJ-2017-003636
- Requester Name: Justin Florence
- Date Submitted: 04/19/2017
- Request Status: Submitted
- Description: FOIA request

# **EXHIBIT E**



**Caroline McKay** <caroline.mckay@protectdemocracy.org>

## Freedom of Information Act Request

**FN-OMB-FOIA** <OMBFOIA@omb.eop.gov>

Wed, Apr 19, 2017 at 5:01 PM

To: "foia@protectdemocracy.org" <foia@protectdemocracy.org>

Good Afternoon:

This email acknowledges receipt of your Freedom of Information Act (FOIA) request to the Office of Management and Budget (OMB) dated and received in OMB's FOIA office on April 19, 2017. Your request has been logged in and is being processed. For your reference, the OMB FOIA number is 2017-176.

Sincerely,

Dionne Hardy

**From:** [foia@protectdemocracy.org](mailto:foia@protectdemocracy.org) [mailto:[foia@protectdemocracy.org](mailto:foia@protectdemocracy.org)]

**Sent:** Wednesday, April 19, 2017 4:02 PM

**To:** FN-OMB-FOIA <[OMBFOIA@omb.eop.gov](mailto:OMBFOIA@omb.eop.gov)>

**Cc:** Justin Florence <[justin.florence@protectdemocracy.org](mailto:justin.florence@protectdemocracy.org)>

**Subject:** Freedom of Information Act Request

To Whom It May Concern:

Please see the attached Freedom of Information Act request.

Justin Florence (cc'd), Legal Director at Protect Democracy, can answer any questions about the request.

Sincerely,

Caroline McKay

## The Protect Democracy Project

# **EXHIBIT F**



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C.

April 20, 2017

RE: 2017-04-163

Mr. Justin Florence  
The Project Democracy Project  
2020 Pennsylvania Ave., #163  
Washington, D.C. 20006  
[FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org)

Dear Mr. Florence:

This letter acknowledges the receipt of your Freedom of Information Act (FOIA) request dated April 19, 2017, submitted to the Department of the Treasury. You seek various records relating to the statutory debt limit and communications with Congress, as outlined in your request. Enclosed is a copy of the request for your convenience.

We are ensuring your request addresses the minimum requirements as defined in 31 C.F.R. Part 1, Subpart A. Your request may require further submissions and/or justifications in order to be processed. A member of our FOIA team may contact you if needed.

If additional questions arise concerning your request, please contact the FOIA and Transparency FOIA Requester Service Center via telephone at (202) 622-0930; or you may also email your inquiry to [TreasFOIA@treasury.gov](mailto:TreasFOIA@treasury.gov). When inquiring about your request, please reference FOIA Request Number 2017-04-160.

Sincerely,

Katelyn DeLucca  
Government Information Specialist  
FOIA and Transparency

Enclosure (FOIA Request)

# **EXHIBIT G**



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C.

May 8, 2017

RE: 2017-04-163

Mr. Justin Florense  
Legal Director  
The Protect Democracy Project  
2020 Pennsylvania Ave., N.W., #163  
Washington, D.C. 20005  
Justin.florense@protectdemocracy.org

Dear Mr. Florense:

This letter acknowledges your Freedom of Information Act (FOIA) request submitted to Department of the Treasury, dated April 19, 2017. You seek records regarding the statutory debt limit. A copy of your request is enclosed for your convenience.

Treasury's Departmental Offices (DO) has initiated a search for responsive records to your request. We will make every effort to provide you with a timely response. Treasury DO uses a multi-track system consisting of simple, complex, and expedited processing tracks to manage and process requests on a first-in, first-out basis. Simple requests are answered more quickly and more complex requests generally require significant processing time. Your request is queue #522 in the complex track for processing since consultations with other Treasury organizations or Federal agencies are required or the search results may return a large volume of records to review and determine if the records are responsive to your request. Due to these unusual circumstances, the FOIA allows an additional 10 days to process your request. Treasury DO updates its FOIA multi-tracks and queues weekly at [https://www.treasury.gov/FOIA/Pages/reports\\_index2.aspx](https://www.treasury.gov/FOIA/Pages/reports_index2.aspx)

I have determined you are a representative of the news media (media). Media requesters are not charged fees associated with search or review and will obtain the first 100 pages of duplication of hard copy records free. Duplication of hard copy records below \$25 is waived. Treasury will make every effort to transmit your final response via email or CD free of charge as well; therefore, your request for a fee waiver is granted.

You may contact the FOIA Public Liaison, Ryan Law at any time for any questions you may have concerning your request via telephone at (202) 622-8098; or email at [FOIAPublicLiaisonDepartmentalOffices@treasury.gov](mailto:FOIAPublicLiaisonDepartmentalOffices@treasury.gov).

You may also wish to contact the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office which offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
[ogis@nara.gov](mailto:ogis@nara.gov)  
[ogis.archives.gov](http://ogis.archives.gov)  
(202) 741-5770  
(877) 684-6448

If additional questions arise concerning this action, please contact Cawana Pearson via telephone at (202) 622-0930; or via email at [TreasFOIA@treasury.gov](mailto:TreasFOIA@treasury.gov). Please reference FOIA request 2017-04-163 when inquiring about this request.

Sincerely,

*Cawana Pearson*

Digitally signed by CAWANA PEARSON  
DN: cn=CAWANA PEARSON, o=FOIA, ou=Privacy Transparency  
and Records, email=Cawana.pearson@treasury.gov, c=US  
Date: 2017.05.08 14:36:46 -0400

Cawana Pearson  
FOIA Case Manager, FOIA and Transparency

Enclosure

# **EXHIBIT H**



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

May 16, 2017

Mr. Justin Florence  
The Protect Democracy Project  
2020 Pennsylvania Avenue, NW  
Suite # 163  
Washington, DC 20006  
[FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org)

Re: DOJ-2017-003636 (AG)  
DOJ-2017-003800 (DAG)  
DOJ-2017-003801 (OLA)  
DOJ-2017-003802 (OLP)  
DOJ-2017-003803 (PAO)  
DRH:JMS

Dear Mr. Florence:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on April 19, 2017, in which you requested records pertaining to the statutory debt limit since January 20, 2017. This response is made on behalf of the Offices of the Attorney General, Deputy Attorney General, Legislative Affairs, Legal Policy, and Public Affairs.

The records you seek require searches in other Offices, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located; or you may wish to await the completion of our records search to discuss either of these options. You may also contact the Office of Government Information Services (OGIS) of the National Archives and Records Administration to inquire into the FOIA mediation services they provide. OGIS can be contacted at the following:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001

-2-

Telephone: (202) 741-5770  
Facsimile: (202) 741-5769  
Toll-Free: (877) 684-6448  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)

We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether fees will be assessed for this request.

We have also directed a copy of your request to the Office of Legal Counsel (OLC) for processing and direct response to you. Contact information for OLC can be found at [www.foia.gov](http://www.foia.gov).

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact me by telephone at the above number or you may write to me at the Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Lastly, you may contact our FOIA Public Liaison at the telephone number listed above to discuss any aspect of your request.

Sincerely,

A handwritten signature in blue ink, appearing to read "James", followed by a stylized flourish.

James Matthew Smith  
Attorney-Advisor

## CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

<b>I. (a) PLAINTIFFS</b> The Protect Democracy Project, Inc.  (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANTS</b> U.S. Department of Justice, U.S. Department of the Treasury, and Office of Management and Budget  COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)

<b>II. BASIS OF JURISDICTION</b> (PLACE AN x IN ONE BOX ONLY)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b>																								
<div style="display: flex; justify-content: space-between;"> <div> <input type="radio"/> 1 U.S. Government Plaintiff         </div> <div> <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)         </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input checked="" type="radio"/> 2 U.S. Government Defendant         </div> <div> <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)         </div> </div>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5																				
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

## IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> <b>A. Antitrust</b>  <input type="checkbox"/> 410 Antitrust	<input type="radio"/> <b>B. Personal Injury/Malpractice</b>  <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> <b>C. Administrative Agency Review</b>  <input type="checkbox"/> 151 Medicare Act  <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
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<input type="radio"/> <b>E. General Civil (Other)</b>	<input type="radio"/> <b>F. Pro Se General Civil</b>
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<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property  <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement  <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609  <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
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<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  <i>*(If pro se, select this deck)*</i>	<input type="radio"/> <b>I. FOIA/Privacy Act</b>  <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  <i>*(If pro se, select this deck)*</i>	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
☒ 1 Original Proceeding  
 ☐ 2 Removed from State Court  
 ☐ 3 Remanded from Appellate Court  
 ☐ 4 Reinstated or Reopened  
 ☐ 5 Transferred from another district (specify)  
 ☐ 6 Multi-district Litigation  
 ☐ 7 Appeal to District Judge from Mag. Judge  
 ☐ 8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 Defendants failed to respond to Plaintiff's information requests as required by FOIA, 5 U.S.C. section 522.

<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	<b>DEMAND \$</b>	<b>JURY DEMAND:</b> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: August 10, 2017

SIGNATURE OF ATTORNEY OF RECORD: *Justin Florence*

**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: