

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

WASHINGTON BLADE
1712 14th St., NW,
Washington, D.C. 20009

and

CHRIS JOHNSON
c/o Washington Blade
1712 14th St., NW,
Washington, D.C. 20009

Plaintiffs,

v.

**UNITED STATES
DEPARTMENT OF LABOR**
200 Constitution Avenue, NW
Washington, D.C. 20210

Defendant.

Civil Action No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

The Washington Blade and Chris Johnson (“Johnson”) (collectively, “Plaintiffs”), by and through undersigned counsel, hereby allege as follows:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA” or the “Act”), for declaratory, injunctive, and other appropriate relief brought by the Washington Blade and its Chief Political and White House Reporter Chris Johnson.

2. By this action, Plaintiffs seek to compel the United States Department of Labor (“DOL”) to comply with its obligations under FOIA to release records that Plaintiffs requested

from DOL's Office of Federal Contract Compliance Programs. Plaintiffs are statutorily entitled to disclosure of the requested records, which Defendant has withheld in violation of the Act.

PARTIES

3. Plaintiff Washington Blade was founded in 1969 and covers issues pertaining to the LGBTQ community in and around Washington, D.C. and abroad. It is the oldest LGBTQ newspaper in the United States. Its office is located at 1712 14th St., NW, Second Floor, Washington, D.C. 20009.

4. Plaintiff Chris Johnson is the Chief Political and White House Reporter at the Washington Blade, where he covers developments concerning LGBTQ issues with respect to the White House, Congress, and the federal courts. His office is located at 1712 14th St., NW, Second Floor, Washington, D.C. 20009.

5. Defendant United States Department of Labor is an agency of the federal government within the meaning of 5 U.S.C. § 551 and 5 U.S.C. § 552(f) that has possession, custody, and/or control of the records that Plaintiffs seek. DOL's headquarters is located at 200 Constitution Avenue, NW, Washington, D.C. 20210.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action and personal jurisdiction over Defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

7. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

FACTS

Plaintiffs' FOIA Request

8. On August 29, 2019, Johnson, on behalf of himself and the Washington Blade, submitted a FOIA request to the DOL via email (the "Request"). A true and correct copy of the Request is attached hereto as **Exhibit A** and is incorporated by reference herein.

9. The Request was directed to DOL's Office of Federal Contract Compliance Programs. The Request sought "all emails to and from the persons in the roles of director, deputy director and director of policy including the words 'religion' or 'religious' from Jan. 20, 2017 to Aug. 30, 2019." Ex. A. The Request identified Johnson and the Washington Blade as representatives of the news media. *Id.*

10. The Request sought expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). *Id.*

11. By letter dated September 13, 2019, DOL acknowledged receipt of the Request and assigned it tracking number 882203. A true and correct copy of the DOL's acknowledgment letter is attached hereto as **Exhibit B**. In its acknowledgement letter, DOL stated that it had granted Johnson fee status as a representative of the news media. Ex. B. DOL also stated that it was extending the time to provide a determination by an additional ten business days. *Id.*

12. On November 7, 2019, DOL FOIA staff emailed Johnson asking to modify the "[R]equest to limit the search to the body of the letter and not the attachments[.]" A true and correct copy of DOL's November 7, 2019 email is attached hereto as **Exhibit C**.

13. By email that same day, Johnson agreed to DOL's request to limit its search to the body of emails and not attachments. *See id.*

14. On March 4, 2020, Johnson emailed DOL to ask for an estimated date of completion for the Request. *See id.*

15. By email that same day, DOL FOIA staff informed Johnson that there was no estimated date of completion for the Request. *See id.*

16. On May 4, 2020, Johnson administratively appealed DOL's failure to timely respond to the Request (the "Administrative Appeal") via email. A true and correct copy of the Administrative Appeal is attached hereto as **Exhibit D** and is incorporated by reference herein.

17. By letter dated May 14, 2020, DOL's Appeals Unit acknowledged receipt of the Administrative Appeal, assigning it tracking number 200120, and informed Johnson that the appeal was "being processed." A true and correct copy of DOL's acknowledgement of the Administrative Appeal is attached hereto as **Exhibit E**.

Current Status of the Request

18. As of the filing of this Complaint, Plaintiffs have received no further communication from DOL with respect to the Request.

19. As of the filing of this Complaint, Plaintiffs have received no further response to their Administrative Appeal of DOL's failure to timely respond to the Request.

20. As of the filing of this Complaint, Plaintiffs have received neither a final determination nor any records in response to the Request.

21. As of the filing of this Complaint, the Request has been pending for 378 days.

CAUSES OF ACTION

COUNT I

**VIOLATION OF FOIA FOR FAILURE TO COMPLY
WITH STATUTORY DEADLINES**

22. Plaintiffs repeat, reallege, and incorporate the allegations set forth in the foregoing Paragraphs 1 through 21 as though fully set forth herein.

23. Defendant is an agency subject to FOIA. 5 U.S.C. §§ 552(f), 551.

24. The Request properly seeks records within the possession, custody, and/or control of Defendant under FOIA.

25. The Request complied with all applicable regulations regarding the submission of FOIA requests.

26. Defendant failed to make a timely determination regarding Plaintiffs' Request, violating the statutory deadline imposed by FOIA. 5 U.S.C. § 556(a)(6)(A).

27. Plaintiffs have or are deemed to have exhausted applicable administrative remedies with respect to the Request. 5 U.S.C. § 552(a)(6)(C)(i).

COUNT II

VIOLATION OF FOIA FOR UNLAWFUL WITHHOLDING OF AGENCY RECORDS

28. Plaintiffs repeat, reallege, and incorporate the allegations set forth in the foregoing Paragraphs 1 through 21 as though fully set forth herein.

29. Defendant is an agency subject to FOIA. 5 U.S.C. §§ 552(f), 551.

30. The Request properly seeks records within the possession, custody, and/or control of Defendant under FOIA.

31. The Request complied with all applicable regulations regarding the submission of FOIA requests.

32. Defendant has not released any records or portions thereof in response to the Request.

33. Defendant has not cited any exemptions to withhold records or portions thereof that are responsive to the Request.

34. Defendant has not identified whether or how release of the records sought by the Request would foreseeably harm an interest protected by a FOIA exemption and/or why disclosure is prohibited by law. 5 U.S.C. § 552(a)(8).

35. Defendant has improperly withheld records responsive to the Request in violation of FOIA. 5 U.S.C. § 552(a)(3)(A).

36. Plaintiffs have and/or are deemed to have exhausted applicable administrative remedies with respect to the Request. 5 U.S.C. § 552(a)(6)(A)(ii); *id.* § 552(a)(6)(C)(i).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court:

- (1) order Defendant to conduct a search reasonably calculated to identify all records responsive to the Request,
- (2) Order Defendant to immediately disclose, in their entirety, all records responsive to Request that are not specifically exempt from disclosure under FOIA;
- (3) issue a declaration that Plaintiffs are entitled to disclosure of the requested records;
- (4) enjoin Defendant from continuing to withhold any and all non-exempt records or portions thereof responsive to the Request;
- (5) award Plaintiffs reasonable attorney fees and costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (6) grant such other relief as the Court may deem just and proper.

Dated: September 15, 2020

Respectfully submitted,

/s/ Katie Townsend

Katie Townsend
D.C. Bar No. 1026115
Email: ktownsend@rcfp.org
Adam A. Marshall
D.C. Bar No. 1029423
Email: amarshall@rcfp.org
Gunita Singh
D.C. Bar No. 1601923
Email: gsingh@rcfp.org
THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
1156 15th St. NW, Suite 1020
Washington, DC 20005

Phone: 202.795.9303
Facsimile: 202.795.9310

Counsel for Plaintiffs

EXHIBIT A



Chris Johnson <cjohnson@dcagenda.com>

FOIA request — Emails using word "religion" and "religious"

2 messages

Chris Johnson <cjohnson@washblade.com>
To: foiarequests@dol.gov, banderson@dol.gov

Thu, Aug 29, 2019 at 1:06 PM

Greetings!

I'm writing to submit a FOIA request for the Office of Federal Contract Compliance Programs. I'm seeking all emails to and from the persons in the roles of director, deputy director and director of policy including the words "religion" or "religious" from Jan. 20, 2017 to Aug. 30, 2019. Please delete all duplicates.

I'm a member of the media. I'd also like to request expedited handling for this FOIA request.

Thank you.

--
Chris Johnson
Washington Blade
Chief Political & White House Reporter
Follow me on Twitter:
<https://twitter.com/chrisjohnson82>

Postmaster <postmaster@dol.gov>
To: cjohnson@dcagenda.com

Thu, Aug 29, 2019 at 1:07 PM

The following message to <banderson@psc.net> was undeliverable.
The reason for the problem:
5.1.0 - Unknown address error 550-'5.7.0 <banderson@psc.net>... Invalid address'

Final-Recipient: rfc822;banderson@psc.net
Action: failed
Status: 5.1.0
Remote-MTA: dns; [128.182.58.100]
Diagnostic-Code: smtp; 5.1.0 - Unknown address error 550-'5.7.0 <banderson@psc.net>... Invalid address' (delivery attempts: 0)

----- Forwarded message -----
From: Chris Johnson <cjohnson@washblade.com>
To: <foiarequests@dol.gov>, <banderson@dol.gov>
Cc:
Bcc:
Date: Thu, 29 Aug 2019 13:06:50 -0400
Subject: FOIA request — Emails using word "religion" and "religious"

noname
OK

EXHIBIT B

U.S. Department of Labor

Office of Federal Contract
Compliance Programs
200 Constitution Avenue, N.W.
Washington, D.C. 20210



SEP 13 2019

Chris Johnson
Chief Political & White House Reporter
Washington Blade
1712 14th St. NW, 2nd floor
Washington, DC 20009

RE: Freedom of Information Act Request Acknowledgement – Tracking No. 882203

Dear Mr. Johnson:

This letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request submitted to foiarequest@dol.gov. The Office of the Solicitor assigned your request to the Office of Federal Contract Compliance Programs (OFCCP) on September 3, 2019. Please refer to the above-referenced FOIA tracking number in any future correspondence regarding your FOIA request. You requested:

... all emails to and from the persons in the roles of director, deputy director and director of policy including the words “religion” or “religious” from January 20, 2017, to August 31, 2019.

We consider you to be a representative of the news media as defined by the U.S. Department of Labor FOIA regulations at 29 CFR § 70.40(c)(3), therefore, only reproduction costs will be assessed, excluding charges for the first 100 pages. DOL’s FOIA regulations at 29 CFR § 70.42(a) deem that the filing of a FOIA constitutes an agreement by the requester to pay all fees up to \$25.00.

Due to the volume and complexity of the FOIA requests in receipt of this agency, we anticipate that providing a full response will take longer than 20 business days to fulfill. Accordingly, OFCCP will take an additional 10 business days to fulfill your request as afforded by the FOIA at 5 U.S.C. § 552(a)(6)(B)(i). We will contact you if we are unable to fulfill your request in 30 business days.

If you need further assistance or would like to discuss any aspect of your request, please do not hesitate to contact this office at (202) 693-0101 or by email at OFCCP_NO_FOIA@dol.gov. Alternatively, you may wish to contact the DOL FOIA Public Liaison, Thomas Hicks, at (202) 693-5427 or by email at hicks.thomas@dol.gov.

You may also contact the Office of Government Information Services (OGIS), within the National Archives and Records Administration (NARA), to inquire about the mediation services

they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by email at ogis@nara.gov, by phone at (202) 741-5770, by fax at (202) 741-5769, or by calling toll-free at 1(877) 684-6448.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Solicitor of Labor within 90 days from the date of this letter. In the appeal, you must state in writing the grounds for the appeal, and may include any supporting statements or arguments, but such statements are not required. To facilitate processing of the appeal, please include your mailing address and daytime telephone number, as well as a copy of the initial request and copy of this letter. Clearly mark "Freedom of Information Act Appeal" on the envelope and letter of the appeal. You must make any amendment to the appeal in writing and we must receive it prior to a decision. Address the appeal to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2420, Washington, DC 20210. You may submit your appeal by email to foiaappeal@dol.gov. The Department does not accept appeals submitted to any other email address.

Using the tracking number above, you may query the status of your request online at <http://www.dol.gov/foia>.

Sincerely,



D. Lissette Geán
Special Assistant

EXHIBIT C



Chris Johnson <cjohnson@dcagenda.com>

FOIA Request No. 882203

5 messages

OFCCP NO FOIA <OFCCP_NO_FOIA@dol.gov>
To: Chris Johnson <cjohnson@washblade.com>

Thu, Nov 7, 2019 at 1:47 PM

Hello,

Can I modify your request to limit the search to the body of the letter and not the attachments?

Thank you,

Bruce Andersen

Chris Johnson <cjohnson@washblade.com>
To: OFCCP NO FOIA <OFCCP_NO_FOIA@dol.gov>

Thu, Nov 7, 2019 at 2:05 PM

Yes, that would be fine.

[Quoted text hidden]

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Chris Johnson

Washington Blade

Chief Political & White House Reporter

Follow me on Twitter:

<https://twitter.com/chrisjohnson82>

OFCCP NO FOIA <OFCCP_NO_FOIA@dol.gov>
To: Chris Johnson <cjohnson@washblade.com>

Thu, Nov 7, 2019 at 4:08 PM

Thank you.

[Quoted text hidden]

Chris Johnson <cjohnson@washblade.com>
To: OFCCP NO FOIA <OFCCP_NO_FOIA@dol.gov>

Wed, Mar 4, 2020 at 4:29 PM

I'd like to follow up on this FOIA request. Do you expect documents will be available soon?

[Quoted text hidden]

OFCCP NO FOIA <OFCCP_NO_FOIA@dol.gov>
To: Chris Johnson <cjohnson@washblade.com>
Cc: "Hicks, Thomas - SOL" <Hicks.Thomas@dol.gov>

Wed, Mar 4, 2020 at 4:45 PM

Dear Mr. Johnson,

When we spoke last year, I indicated that this was a large request, and that there were several other large requests ahead of this one in our queue.

This has not changed since we last spoke. There is not set date for completion.

I am copying the DOL FOIA Public Liaison, Thomas Hicks, on this request. If you have concerns not addressed by this response, you can reach out to him.

Cordially,

Bruce Andersen

[Quoted text hidden]

EXHIBIT D



Chris Johnson <cjohnson@dcagenda.com>

FOIA Appeal — Tracking No. 882203

1 message

Chris Johnson <cjohnson@washblade.com>

Mon, May 4, 2020 at 12:15 PM

To: foiaappeal@dol.gov

Greetings!

I'd like to submit an appeal of a Freedom of Information Act request given Tracking No. 882203.

I submitted the request to the Office of Federal Contract Compliance on Aug. 29, 2019. I last received an email from the FOIA office on March 3, 2020 in response to a request for an update, but I still have received no material.

I believe an appeal is warranted because I think this material should be public before the upcoming election. Our readers are interested in the information sought, which is "all emails to and from the persons in the roles of director, deputy director and director of policy including the words "religion" or "religious" from Jan. 20, 2017 to Aug. 30, 2019."

Thanks for any help with this appeal.

Chris Johnson
1712 14th St NW, 2nd Floor
Washington, DC 20009
734-834-7895

--

Chris Johnson
Washington Blade
Chief Political & White House Reporter
Follow me on Twitter:
<https://twitter.com/chrisjohnson82>

EXHIBIT E

U.S. Department of Labor

Office of the Solicitor
Washington, D.C. 20210



Appeals Unit
Freedom of Information Act/Privacy Act
Division of Management and Administrative Legal Services
200 Constitution Avenue, N.W., Suite N-2420
Phone: (202) 693-5503
Fax: (202) 693-5538

May 14, 2020

To: Chris Johnson
Washington Blade
Chief Political & White House Reporter
1712 14th Street N.W.
2nd Floor
Washington, D.C. 20009

From: Raymond E. Mitten Jr.
Counsel for FOIA Appeals

Re: Your Appeal to the Solicitor of Labor under the Freedom
of Information Act and/or Privacy Act

Date of your appeal: 5/4/2020

Subject of your appeal. TRACKING NO. 882203.

Appeal Reference No.: 200120

This is to acknowledge receipt of your letter appealing a denial of information by a Department of Labor component agency. Your appeal is being processed.

The law requires that appeals be sequenced for action on a first-in first-out basis, consistent with the guidance provided by the courts. *See Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976). The number of appeals currently waiting for review is substantial. However, the Freedom of Information Act permits multitrack processing of requests based on the amount of processing work or time, or both, involved. 5 U.S.C. § 552(a)(6)(D)(i). Thus, we are authorized, to schedule for faster action those appeals which require limited staff time – i.e., those that involve limited scope or complexity.

Should you have any questions about the status of your appeal, have any additional information which you believe should be brought to our attention, or wish to limit or withdraw your appeal, please contact this office at the phone or address listed above.

To help us serve you, please direct your inquiries to Linda Robinson at the number noted above, and refer to our appeal reference number when making your inquiry. Thank you.

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

I. (a) PLAINTIFFS Washington Blade Chris Johnson (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS United States Department of Labor COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
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(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Katie Townsend, Adam Marshall, Gunita Singh Reporters Committee for Freedom of the Press 1156 15th St., N.W., Suite 1020 Washington, DC 20005; (202) 795-9300	ATTORNEYS (IF KNOWN)
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II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <table style="width:100%; border: none;"> <tr> <td style="width:50%; padding: 2px;"><input type="radio"/> 1 U.S. Government Plaintiff</td> <td style="width:50%; padding: 2px;"><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td style="padding: 2px;"><input checked="" type="radio"/> 2 U.S. Government Defendant</td> <td style="padding: 2px;"><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</td> </tr> </table>	<input type="radio"/> 1 U.S. Government Plaintiff	<input type="radio"/> 3 Federal Question (U.S. Government Not a Party)	<input checked="" type="radio"/> 2 U.S. Government Defendant	<input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY! <table style="width:100%; border: none;"> <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
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<input checked="" type="radio"/> 2 U.S. Government Defendant	<input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)																												
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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"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <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"/> C. Administrative Agency Review <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"/> D. Temporary Restraining Order/Preliminary Injunction 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"/> E. General Civil (Other)		OR	<input type="radio"/> F. Pro Se General Civil	
<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)	

<input type="radio"/> G. Habeas Corpus/ 2255 <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"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input checked="" type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <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"/> L. Other Civil Rights (non-employment) <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"/> M. Contract <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"/> N. Three-Judge Court <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.)
 Violations of the Freedom of Information Act, 5 U.S.C. § 552

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

DATE: 9/15/20	SIGNATURE OF ATTORNEY OF RECORD /s/ Katie Townsend
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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.

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 \$ _____ 0 _____.

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:

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

Washington Blade, et al.

Plaintiff

v.
United States Department of Labor

Defendant

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)
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)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*
United States Attorney General
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

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:

Katie Townsend
Reporters Committee for Freedom of the Press
1156 15th St., N.W., Suite 1020
Washington, D.C. 20005

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 \$ _____ 0 _____.

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:

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

Washington Blade, et al.

Plaintiff

v.
United States Department of Labor

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

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

Civil Process Clerk
U.S. Attorney's Office for the District of Columbia
555 4th St., N.W.
Washington, D.C. 20530

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:

Katie Townsend
Reporters Committee for Freedom of the Press
1156 15th St., N.W., Suite 1020
Washington, D.C. 20005

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

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_____, 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):* _____

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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: