

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

	)	
PEOPLE FOR THE AMERICAN WAY,	)	
1101 15th Street NW, Suite 600	)	
Washington, DC 20005,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
EDUCATION,	)	
Lyndon Baines Johnson Department of	)	
Education Building	)	
400 Maryland Avenue SW	)	Case No. 18-cv-1947
Washington, DC 20202,	)	
	)	
UNITED STATES ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
1200 Pennsylvania Avenue NW	)	
Washington, DC 20460,	)	
	)	
and	)	
UNITED STATES DEPARTMENT OF	)	
AGRICULTURE,	)	
1400 Independence Avenue SW	)	
Washington, DC 20250,	)	
	)	
<i>Defendants.</i>	)	
	)	

**COMPLAINT**

1. Plaintiff People For the American Way brings this action against the United States Department of Education, the United States Department of Agriculture, and the United States Environmental Protection Agency under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

4. Because the Defendants have failed to comply with the applicable time-limit provisions of FOIA, People For the American Way is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action enjoining the agencies from continuing to withhold agency records and ordering the production of agency records improperly withheld. Specifically, as outlined below, the agencies should be ordered to release:

- a.** all written correspondence, logs of calls, or records of meetings between or involving Pastor Ralph Drollinger, Danielle Drollinger, or any other member of Capitol Ministries, and Secretary of Education Betsy DeVos or her representatives, Secretary of Agriculture George “Sonny” Perdue or his representatives, or former Environmental Protection Agency Administrator H. Scott Pruitt or his representatives;
- b.** All records of the attendance of Secretary DeVos, Secretary Perdue, or former Administrator Pruitt at Capitol Ministries’ “Cabinet Member Bible Study” events, including calendar items and correspondence involving the events;
- c.** All written correspondence between Secretary DeVos, Secretary Perdue, former Administrator Pruitt, or their representatives and any

nongovernmental organizations and individuals concerning Mr. Drollinger or Capitol Ministries;

- d. All other materials received by defendants from Ralph Drollinger, Danielle Drollinger, or any other representative of Capitol Ministries.

### **PARTIES**

5. Plaintiff People For the American Way (“PFAW”) is a progressive advocacy organization founded to fight right-wing extremism and defend constitutional values including free expression, religious liberty, equal justice under the law, and the right to meaningfully participate in our democracy. PFAW is a nonprofit organization under section 501(c)(4) of the Internal Revenue Code and is incorporated under the laws of the District of Columbia.

6. Right Wing Watch (“RWW”) is dedicated to monitoring and exposing the activities and rhetoric of right-wing organizations, activists, and public officials in order to expose their agenda. Its researchers monitor dozens of broadcasts, emails, websites, and events; file FOIA requests; and use their expertise on right-wing movements to analyze and distill that information for media, allies, and the general public. By shedding light on the activities of right-wing movements, RWW helps to expose the risks that their extreme and intolerant agendas present to the country. RWW does not endorse the views of groups that it reports on. RWW is a project of PFAW and is not a separate corporate entity; RWW filed the FOIA requests that are the subject of this litigation.

7. Defendant U.S. Department of Education (“DOE”) is a department of the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). On information and belief,

the Department of Education has possession, custody, and control of the records that Plaintiff seeks from the Department of Education.

8. Defendant U.S. Department of Agriculture (“USDA”) is a department of the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). On information and belief, the Department of Agriculture has possession, custody, and control of the records that Plaintiff seeks from the Department of Agriculture.

9. Defendant U.S. Environmental Protection Agency (“EPA”) is a department of the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). On information and belief, the Department of Agriculture has possession, custody, and control of the records that Plaintiff seeks from the Environmental Protection Agency.

### **STATEMENT OF FACTS**

#### **The Capitol Ministries Bible Study**

10. On information and belief, Capitol Ministries is a private religious group dedicated to influencing public policy through religious teaching of government officials. Capitol Ministries leads in-person Bible studies with public officials and publishes a weekly written Bible study that is distributed to public officials.

11. On April 20, 2017, the website *Splinter* reported that Secretary DeVos, Secretary Perdue, and Administrator Pruitt (among several other Cabinet officials) have sponsored Mr. Drollinger’s Capitol Ministries Bible Study. The *Splinter* article reported that Drollinger’s “mission” was to “create a ‘factory’ to mass-produce politicians” of a certain philosophy.

12. On July 31, 2017, the Christian Broadcasting Network published an article observing that Capitol Ministries had worked to establish a White House Bible study group as early as fall 2016. The article described the mission of Capitol Ministries as the “idea that if you change the hearts of lawmakers, then their Christian worldview will guide them to make good policies.”

13. On January 2, 2018, Right Wing Watch reported that Mr. Drollinger’s first written Bible study guide of 2018 instructed public officials that “‘a proper biblical understanding’ of sin should influence their ‘thinking and formation regarding public policy.’” Right Wing Watch further quoted Mr. Drollinger as stating “May this be a basic conviction and understanding relative to your God-given job as a leader in Government; may your convictions be based upon a scripturally solid understanding of sin.”

14. On February 16, 2018, Right Wing Watch reported that although Mr. Drollinger stated that he did not lobby public officials, he did “instruct public officials that the Bible mandates adherence to right-wing policy positions on a wide range of issues, including environmental regulation, the death penalty, abortion, LGBTQ equality and more.”

15. Although PFAW strongly believes that cabinet members, like other individuals, are free to engage in religious Bible study, members of the public also have a right, under FOIA, to know about the content of efforts by Mr. Drollinger (or anyone) to influence cabinet members to support “right-wing policy positions” through Bible study.

**DOE’s Failure To Properly Respond To RWW’s FOIA Request:**

16. As described below, Right Wing Watch submitted a FOIA request with the Department of Education on October 25, 2017, seeking documents that would shed light on a

matter of significant public concern: the attempts of Mr. Drollinger to influence public policy through access to government officials via private Bible study sessions.

17. Specifically, RWW's request sought:

- a. All written correspondence, logs of calls, or records of meetings between or involving Secretary DeVos or her representatives and Ralph Drollinger, Danielle Drollinger, or any other representative of Capitol Ministries;
- b. All records relating to Secretary DeVos's attendance at Capitol Ministries' "Cabinet Member Bible Study" events, including calendar items and correspondence involving the events;
- c. All written correspondence between Secretary DeVos or her representatives and other nongovernmental organizations and individuals concerning Mr. Drollinger or Capitol Ministries; and
- d. All other materials received by DOE from Ralph Drollinger, Danielle Drollinger, or any other representative of Capitol Ministries.

18. RWW's request was received by DOE on November 1, 2017.

19. RWW requested a fee waiver, which was denied on February 23, 2018.

20. On April 17 and on May 3, 2018, RWW contacted DOE. A representative of DOE reported that the request was still with the Office of the Secretary.

21. To date, DOE has not made a determination regarding RWW's FOIA request described above or communicated further with RWW, notwithstanding its obligation under FOIA to make a determination within twenty working days and despite several follow-up calls and emails by RWW.

22. This is despite the fact that, on information and belief, DOE has produced documents to a different FOIA requester based on a more-limited FOIA request concerning the Drollinger Bible Study sessions.

23. Through DOE's failure to respond to RWW's FOIA request within the required time period, RWW has constructively exhausted its administrative remedies and seeks immediate judicial review.

24. As of the date of this complaint, DOE has failed to: (a) notify RWW of any determination regarding the requests, including the scope of any responsive records DOE intends to produce or withhold and the reasons for any withholdings; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production.

**USDA's Failure To Properly Respond To RWW's FOIA Request**

25. As described below, RWW filed a FOIA request with USDA seeking documents that would shed light on a matter of significant public concern: the attempts of Mr. Drollinger to influence public policy through access to government officials via private Bible study sessions.

26. Specifically, RWW's request sought:

- a. All written correspondence, logs of calls, or records of meetings between or involving Secretary Perdue or his representatives and Ralph Drollinger, Danielle Drollinger, or any other representative of Capitol Ministries;
- b. All records relating to Secretary Perdue's attendance at Capitol Ministries' "Cabinet Member Bible Study" events, including calendar items and correspondence involving the events;

- c. All written correspondence between Secretary Perdue or his representatives and other nongovernmental organizations and individuals concerning Mr. Drollinger or Capitol Ministries; and
- d. All other materials received by USDA from Ralph Drollinger, Danielle Drollinger, or any other representative of Capitol Ministries.

27. RWW's request was received by USDA on November 6, 2017.

28. RWW sent follow-up emails to USDA representatives Cheryl Kluwe and Christine Jordan on February 20, 2018, and April 17, 2018.

29. On May 2, 2018, Christine Jordan wrote that she had forwarded new contact information for RWW's representatives to USDA Departmental FOIA Officer Alexis Graves.

30. To date, USDA has not made a determination regarding RWW's FOIA request described above, or communicated further with RWW, notwithstanding its obligation under FOIA to make a determination within twenty working days and despite several follow-up calls and emails by RWW.

31. Through USDA's failure to respond to RWW's FOIA request within the required time period, RWW has constructively exhausted its administrative remedies and seeks immediate judicial review.

32. As of the date of this complaint, USDA has failed to (a) notify RWW of any determination regarding the requests, including the scope of any responsive records USDA intends to produce or withhold and the reasons for any withholdings; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production.

**EPA's Failure To Properly Respond To RWW's FOIA Request**



33. As described below, RWW filed a FOIA request with EPA seeking documents that would shed light on a matter of significant public concern: the attempts of Mr. Drollinger to influence public policy through access to government officials via private Bible study sessions.

34. Specifically, RWW's request sought:

- a. All written correspondence, logs of calls, or records of meetings between or involving former Administrator Pruitt or his representatives and Ralph Drollinger, Danielle Drollinger, or any other representative of Capitol Ministries;
- b. All records relating to former Administrator Pruitt's attendance at Capitol Ministries' "Cabinet Member Bible Study" events, including calendar items and correspondence involving the events;
- c. All written correspondence between former Administrator Pruitt or his representatives and other nongovernmental organizations and individuals concerning Mr. Drollinger or Capitol Ministries; and
- d. All other materials received by EPA from Ralph Drollinger, Danielle Drollinger, or any other representative of Capitol Ministries.

35. RWW submitted its request to EPA on October 25, 2017.

36. RWW's request was received by EPA on October 31, 2017.

37. On November 20, 2017, EPA reported to RWW that records would be coming from the Office of the Administrator.

38. On February 28, 2018, EPA reported that the anticipated completion date for the request would be May 20, 2019, with possible interim releases beforehand.

39. On May 7, 2018, EPA revised the anticipated completion date to April 26, 2019.

40. To date, other than as described above, the Environmental Protection Agency has not made a determination or communicated with RWW regarding RWW's FOIA request described above, notwithstanding its obligation to make a determination within twenty working details and despite several follow-up calls and emails by RWW.

**COUNT I**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Failure to Conduct Adequate Search for Responsive Records**

41. Plaintiff repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

42. Plaintiff properly requested records within the possession, custody, and control of each of the Defendants.

43. Each of the Defendants is an agency subject to FOIA and must therefore make reasonable efforts to search for requested records.

44. The Defendants have failed to promptly review agency records for the purpose of locating those records responsive to RWW's FOIA requests.

45. The Defendants' failure to search for responsive records violates FOIA.

46. Plaintiff is therefore entitled to injunctive and declaratory relief requiring each of the Defendants to promptly make reasonable efforts to search for records responsive to RWW's FOIA requests.

**COUNT II**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Wrongful Withholding of Non-Exempt Records**

47. Plaintiff repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

48. Plaintiff properly requested records within the possession, custody, and control of the Defendants.

49. Each of the Defendants is an agency subject to FOIA and must therefore release, in response to a FOIA request, any disclosable records, and provide a lawful reason for withholding any materials.

50. The Defendants are wrongfully withholding agency records requested by Plaintiff by failing to produce records responsive to its FOIA requests.

51. The Defendants' failure to provide all responsive records violates FOIA.

52. Plaintiff is therefore entitled to injunctive and declaratory relief requiring each of the Defendants to promptly produce all non-exempt records responsive to its FOIA requests and provide indexes of any responsive records withheld under claim of exemption.

#### **REQUESTED RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court to:

- (1) Order each Defendant to immediately conduct a search reasonably calculated to uncover all records responsive to Plaintiff's FOIA requests;
- (2) Order each Defendant to produce, by such a date as the Court deems appropriate, any and all non-exempt records responsive to Plaintiff's FOIA requests and indexes of any responsive records withheld under claim of exemption;
- (3) Enjoin the Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA requests;
- (4) Award Plaintiff the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and

(5) Grant Plaintiff such other relief as the Court deems just and proper.

Dated: August 20, 2018

Respectfully submitted,

/s/ Craig Goldblatt

Craig Goldblatt

D.C. Bar No. 449229

Samuel M. Strongin

D.C. Bar No. 240970

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Arjun K. Jaikumar (*pro hac vice* motion to  
follow)\*

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/s/ Elliot Minberg

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*Counsel for Plaintiff*

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\* Admitted to practice only in Massachusetts and New York. Supervised by members of the firm who are members of the District of Columbia Bar.

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

<p><b>I. (a) PLAINTIFFS</b>                  People for the American Way</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p><b>DEFENDANTS</b>                  United States Department of Education; United States Department of Agriculture; and United States Environmental Protection Agency</p> <p>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></p>																								
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)                  Craig Goldblatt (Wilmer Cutler Pickering Hale and Dorr LLP, 1875 Pennsylvania Avenue NW, Washington, DC 20006, 202-663-6000)</p>	<p>ATTORNEYS (IF KNOWN)                  Not known at this time</p>																								
<p><b>II. BASIS OF JURISDICTION</b>                  (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><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></p> <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
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**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)

<p><input type="radio"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>				
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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)  *(If pro se, select this deck)*	<input checked="" 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)  *(If pro se, select this deck)*	<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.)**  
 Freedom of Information Act, 5 U.S.C. Section 552 et seq., Failure to Respond to FOIA Request

<b>VII. REQUESTED IN COMPLAINT</b>	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"/>
<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: <u>08/20/2018</u>	SIGNATURE OF ATTORNEY OF RECORD <u>/s/ Craig Goldblatt</u>
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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.

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

People for the American Way

\_\_\_\_\_  
*Plaintiff*

v.

United States Department of Education, et al

\_\_\_\_\_  
*Defendant*

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Civil Action No. 18-cv-1947

**SUMMONS IN A CIVIL ACTION**

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

UNITED STATES DEPARTMENT OF AGRICULTURE,  
1400 Independence Avenue SW  
Washington, DC 20250

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:

Craig Goldblatt  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Ave. NW  
Washington, DC 20006

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 \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

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**

People for the American Way

\_\_\_\_\_  
*Plaintiff*

v.

United States Department of Education, et al

\_\_\_\_\_  
*Defendant*

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Civil Action No. 18-cv-1947

**SUMMONS IN A CIVIL ACTION**

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

UNITED STATES DEPARTMENT OF EDUCATION,  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue SW  
Washington, DC 20202

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:

Craig Goldblatt  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Ave. NW  
Washington, DC 20006

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))*

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\_\_\_\_\_ 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  
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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**

People for the American Way

\_\_\_\_\_  
*Plaintiff*

v.

United States Department of Education, et al

\_\_\_\_\_  
*Defendant*

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Civil Action No. 18-cv-1947

**SUMMONS IN A CIVIL ACTION**

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

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:

Craig Goldblatt  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Ave. NW  
Washington, DC 20006

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))*

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

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

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

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

Additional information regarding attempted service, etc: