

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

DEMOCRACY FORWARD FOUNDATION,
P.O. Box 34553
Washington, D.C. 20043,

Plaintiff,

vs.

OFFICE OF PERSONNEL MANAGEMENT,
1900 E St NW, Washington, DC 20415

Defendant.

Case No. 25-cv-567

COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Democracy Forward Foundation brings this action against Defendant Office of Personnel Management (“OPM”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Plaintiff alleges as follows.

Jurisdiction and Venue

1. This 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 under 28 U.S.C. § 1391(e), as OPM’s headquarters are located in Washington, D.C., within this district, and a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred here.

Parties

3. Plaintiff Democracy Forward Foundation (“Democracy Forward”) is a not-for-profit organization incorporated under the laws of the District of Columbia and based in

Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part, by educating the public on government actions and policies.

4. Defendant OPM is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. OPM has possession, custody, and control of records to which Plaintiff seeks access.

Facts

5. Democracy Forward filed several FOIA requests to Defendant OPM shortly after President Trump's inauguration to shed light on OPM's dramatic and unprecedented actions and directives in the administration's first days.

Request 25-OD-0729-F (Initial Guidance Regarding DEIA Executive Orders)

6. On January 24, 2025, Democracy Forward sent a FOIA request, which sought expedited processing given the compelling need for the information, for the following:

All reports on steps taken, lists, and plans submitted to OPM (at DEIAreports@opm.gov and/or amanda.scales@opm.gov) by heads and acting heads of departments and agencies pursuant to the January 21, 2025 OPM memorandum titled "Initial Guidance Regarding DEIA Executive Orders."

7. The request sought records from January 20, 2025, through the date of the search.

8. On January 29, 2025, OPM acknowledged Democracy Forward's request, assigning it tracking number 25-OD-0729-F.

9. On February 7, 2025, OPM granted Democracy Forward's request for expedited processing.

10. Democracy Forward has received no further communication from OPM regarding request number 25-OD-0729-F.

Request 25-OD-0739-F (DEIAtruth@opm.gov)

11. On January 24, 2025, Democracy Forward sent a FOIA request, which sought expedited processing given the compelling need for the information, for the following:

1. All email correspondence sent by the email address DEIAtruth@opm.gov.

2. All email correspondence received by the email address DEIAtruth@opm.gov from any other email address ending in .gov.

12. The request sought records from January 20, 2025, through the date of the search.

13. On January 30, 2025, OPM acknowledged Democracy Forward's request, assigning it tracking number 25-OD-0739-F.

14. On February 7, 2025, OPM granted Democracy Forward's request for expedited processing.

15. Democracy Forward has received no further communication from OPM regarding request number 25-OD-0739-F.

Request 25-OD-0741-F (OPM guidance and personnel)

16. On January 24, 2025, Democracy Forward sent a FOIA request for the following:

1) All final directives or guidance received by OPM from the White House, the Domestic Policy Council, the Presidential Personnel Office, the Office of Management and Budget, or the U.S. "DOGE" Service that were sent on or after January 20, 2025.

2) Records sufficient to identify names of then-President Elect Trump's Agency Review Team members at OPM anytime between November 5, 2025 and the date of search.

3) Records sufficient to identify names of the Trump Administration's Agency Landing Team members at OPM anytime between November 5, 2025 and the date of search.

17. On January 30, 2025, OPM acknowledged Democracy Forward's request, assigning it tracking number 25-OD-0741-F.

18. Democracy Forward has received no further communication from OPM regarding request number 25-OD-0741-F.

25-OD-0744-F (Scales calendars and communications)

19. On January 24, 2025, Democracy Forward sent a FOIA request for the following:

- 1) All calendar invitations and/or entries of OPM's chief of staff Amanda Scales from January 20, 2025, through the date of search. Please produce detailed forms of responsive calendar entries that include attendee information, including attendee names and email addresses.
- 2) All external communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, WhatsApp, Signal, or GChat) between (a) chief of staff Amanda Scales and (b) anyone outside government, including but not limited to anyone with an email address ending in .com / .org / .net / .edu / .us.
- 3) All communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, WhatsApp, Signal, or GChat) between (a) chief of staff Amanda Scales and (b) anyone serving on then-President Elect Trump's Agency Review Team, the Trump Administration's Agency Landing Team, or the "Department of Government Efficiency" ("DOGE") or the U.S. "DOGE" Service.

20. The request sought records from January 20, 2025, through the date of the search.

21. On January 30, 2025, OPM acknowledged Democracy Forward's request, assigning it tracking number 25-OD-0744-F.

22. Democracy Forward has received no further communication from OPM regarding request number 25-OD-0744-F.

23. In submitting all four of the above FOIA requests, Democracy Forward requested fee waivers in light of the public interest in disclosure of the requested information. OPM has not provided Democracy Forward with a determination on its fee waiver requests.

Exhaustion of Administrative Remedies

24. As of the date of the Complaint, Defendant has failed to notify Democracy Forward of determinations regarding Democracy Forward's FOIA requests. Through Defendant's failure to respond within the time period required by law, Democracy Forward has constructively exhausted administrative remedies.

CLAIM FOR RELIEF

Count 1 (Violation of FOIA, 5 U.S.C. § 552)

25. Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein.

26. By failing to respond to Plaintiff's requests with determinations within the statutorily mandated time period, OPM has violated its duties under 5 U.S.C. § 552, including but not limited to, its duties to conduct a reasonable search for responsive records, to take reasonable steps to release all nonexempt information, and to not withhold responsive records.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

1. Order Defendant to conduct searches for any and all responsive records to Plaintiff's FOIA requests using search methods reasonably calculated to lead to discovery of all responsive records;
2. Order Defendant to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. Enjoin Defendant from continuing to withhold any and all non-exempt responsive records;
4. Order Defendant to grant Plaintiff's requests for fee waivers;
5. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action; and
6. Grant any other relief this Court deems appropriate.

Dated: February 26, 2025

Respectfully submitted,

/s/ Daniel A. McGrath

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