

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

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

Plaintiff,

vs.

Case No. 25-cv-

FEDERAL COMMUNICATIONS
COMMISSION,
45 L Street NE
Washington, D.C. 20554

Defendant.

COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Democracy Forward Foundation (“DFF”) brings this action against Defendant Federal Communications Commission (“FCC”) 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 Defendant’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 (“DFF”) 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 Federal Communications Commission (“FCC”) is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. FCC has possession, custody, and control of records to which Plaintiff seeks access.

Facts

5. FCC Chairman Brendan Carr is using the agency’s licensing and enforcement authority to regulate lawful speech on the public airways.¹

6. For example, Carr publicly threatened FCC action against ABC if the network did not sanction Jimmy Kimmel for statements on his late-night show following the murder of Charlie Kirk.² Within the last week, Carr re-posted a message from President Trump calling for the firing of a television host due to perceived criticism of the Trump-Vance Administration.³

7. DFF filed FOIA requests to shed light on the actions and priorities of FCC leadership, particularly given the agency’s use of its authority to restrain protected speech and expression.

External Communications and Calendars Request (FCC-FOIA-2025-001321)

8. On September 18, 2025, DFF sent a FOIA request to FCC seeking the following:

1. All calendar entries (in a format showing attendees and any agenda information) of Chairman Brendan Carr, FCC Chief of Staff Scott Delacourt, or Chairman Carr’s Chief of Staff Greg Watson,

¹ John Koblin *et al.*, *ABC Pulls Jimmy Kimmel Off Air for Charlie Kirk Comments After F.C.C. Pressure*, N.Y. Times (Sept. 17, 2025),

<https://www.nytimes.com/2025/09/17/business/media/abc-jimmy-kimmel.html>.

² *Id.*

³ Brendan Morrow, *Trump calls for NBC to fire Seth Meyers, FCC Chair Brendan Carr weighs in*, USA Today (Nov. 15, 2025),

<https://www.usatoday.com/story/entertainment/tv/2025/11/17/trump-seth-meyers-fcc-chair-brendan-carr/87315926007/>.

reflecting meetings that included individuals from outside the FCC.

2. All email messages (including attachments and complete email chains) sent by Chairman Brendan Carr, FCC Chief of Staff Scott Delacourt, or Chairman Carr's Chief of Staff Greg Watson to non-governmental email addresses with domains ending in .com, .co, .us, .net, .org, .mail, .edu, .law, .legal, .ch, .me, or .group, concerning government business.

This item seeks to substantially limit the volume of responsive records by limiting the request to messages *sent* by the three officials included. This functionally limits the search to those individuals' outboxes, and to emails sent to non-governmental domains. Given these limitations, similar requests to other agencies have resulted in small volumes of records, generally of no more than a couple hundred pages. The request still seeks complete email chains, so an incoming message that was responded to is still sought here and should be produced along with the response sent by the relevant official in that email chain.

3. All text messages (including messages on applications like Signal and WhatsApp) sent or received by Chairman Brendan Carr or his Chief of Staff Greg Watson with individuals outside the executive branch of the federal government that concern agency business.
9. This request sought records from January 20, 2025, through the date of the search.
10. On September 18, 2025, FCC acknowledged this request and assigned it tracking number FCC-FOIA-2025-001321.
11. DFF has not received any further communication from FCC regarding this request.

Key Terms and White House Communications Request (FCC-FOIA-2025-001335)

12. On September 19, 2025, DFF sent a FOIA request to FCC seeking the following:
 - (1) All electronic communications (including attachments, complete email chains, and text messages (including on those sent on applications such as Signal and WhatsApp)) sent* by Chairman Brendan Carr, FCC Chief of Staff Scott Delacourt, or Chairman Carr's Chief of Staff Greg Watson containing the following key terms:
 - a. Nexstar
 - b. Disney
 - c. Iger
 - d. ABC

- e. NBC
- f. CBS
- g. Omnicron
- h. Kimmel
- i. Tegna
- j. Sinclair
- k. Ellison
- l. Colbert
- m. Paramount
- n. Skydance
- o. “60 Minutes”
- p. Ombudsman
- q. Weinstein
- r. POTUS

*This item seeks to substantially limit the volume of responsive records by limiting the request to messages *sent* by the three officials included. This functionally limits the search to those individuals' outboxes, and to emails sent to non-governmental domains. Given these limitations, similar requests to other agencies have resulted in small volumes of records, generally of no more than a couple hundred pages. The request still seeks complete email chains, so an incoming message that was responded to is still sought here and should be produced along with the response sent by the relevant official in that email chain.

(2) All records reflecting communications (including emails, attachments, complete email chains, text messages (including Signal and WhatsApp and similar messages), calendar entries) between (1) Chairman Brendan Carr, FCC Chief of Staff Scott Delacourt, or Chairman Carr's Chief of Staff Greg Watson, and (2) any employee or official of the White House, including President Trump.

13. This request sought records from January 20, 2025, through the date of the search.
14. On September 19, 2025, FCC acknowledged this request and assigned it tracking number FCC-FOIA-2025-001335.
15. DFF has not received any further communication from FCC regarding this request.

Exhaustion of Administrative Remedies

16. As of the date of the Complaint, Defendant has failed to notify DFF of determinations regarding DFF's requests. Through Defendant's failure to respond within the time

limits required by law, DFF has constructively exhausted administrative remedies.

CLAIM FOR RELIEF

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

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

18. By failing to respond to Plaintiff's requests with determinations and prompt productions of responsive records within the statutorily mandated time period, Defendant 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. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action; and
5. Grant any other relief this Court deems appropriate.

Dated: November 20, 2025

Respectfully submitted,

/s/ *Anisha Hindocha*

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