

PARTIES

2. Plaintiff Power the Future is a non-profit organization incorporated in the State of Delaware dedicated to “disseminating research, sharing facts and truths, engaging at the local level and interacting with the media,” specifically relating to energy and environmental public policy.
3. Defendant State Department is a federal agency headquartered in Washington, DC.

JURISDICTION AND VENUE

4. This Court has jurisdiction pursuant to and 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B) to review State’s failure to comply with the statutory deadline for making a determination in response to Plaintiff’s FOIA Request.
5. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(6)(E)(iii) to review an agency’s denial of requests for expedited processing.
6. Venue is proper in this Court under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).
7. Plaintiff is not required to further pursue administrative remedies before seeking relief in this Court because the Defendant has failed to make a timely “determination” either on the merits or with respect to expedited processing as that term is defined in *CREW*, 711 F.3d at 188; *see also e.g., Citizens for Resp. & Ethics in Wash. v. Dep’t of Justice*, 436 F. Supp. 3d 354, 359 (D.D.C. 2020).
8. Plaintiff has no obligation to further exhaust administrative remedies with respect to its request for “expedited processing” of its FOIA request to which Defendant has failed to respond. *See* 5 U.S.C. 5 U.S.C. § 552(a)(6)(E)(iii) (“[a]gency action to deny or affirm a denial of a request for expedited processing ... shall be subject to judicial review[.]” *See also ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 28 (D.D.C. 2004).

PLAINTIFF'S FOIA REQUEST

9. On January 22, 2024, Plaintiff submitted by internet portal and fax a FOIA request to Defendant seeking an unredacted version of a particular described record reflecting the names and job titles of "SPEC" (or Office of the Special Envoy for Climate) 'staff', including an excerpted image of the record published by a newspaper, and noting the title of the record reflected therein.
10. As described further below, Plaintiff also sought expedited processing and provided more than adequate reasons therefore. *See also* Exhibit A.
11. The partial image of the redacted version was published by the *Boston Herald* newspaper, in an editorial reporting the State Department's refusal to release the identities of senior officials, and even the titles of eight of these officials, making up to \$186,680 per year.
12. The federal General Services Administration notes, "Public record information includes basic employee information such as name, grade, salary, title and duty station are generally releasable to the public." <https://www.gsa.gov/reference/gsa-privacy-program/privacy-act-and-gsa-employees> (last accessed January 31, 2024).
13. As observed in the request, the "SPEC" is a hybrid office with no organic statutory authority, which reports directly to the White House although placed in the State Department and which, reports in major news outlets confirm, has resisted typical congressional oversight.
14. In fact, the Department has also refused to release this specific information to Congress, while informing the *Herald* that it will release such facts but not until October 2024, *i.e.*, until a new fiscal year has begun. Joe Dwinnell, "John Kerry faces heat from House Oversight Committee chair," *Boston Herald*, April 25, 2023, <https://www.bostonherald.com/2023/04/25/john-kerry-faces-heat-from-house-oversight-committee-chair/>.

15. The assertion that the Department will not release until October such plainly public information of the names and titles of senior officials working in this Office suggests that the Department intends to selectively withhold this information to prevent public dissemination for the current fiscal year 2024.
16. The Department's position is also an admission that the information is not privileged.
17. Further relevant to the need for timely production of the single record at issue here is that any records responsive to this request will shed light on "SPEC" involvement with a program of which Plaintiff has learned, of a private party, a self-described "strategic partner" of the United Nations¹ placing "climate" 'staff' in governmental offices of the United States, e.g., in state governor's offices and/or regulatory agencies in New Mexico, North Carolina, Michigan and Wisconsin among others, expressly for the purpose of "UN strengthening."²
18. That this UN "strategic partner" is spending millions of dollars each year on these climate 'staff', at the same time that, public records also show, at least one other activist donor who pledged hundreds of millions of dollars more to advancing the same agenda (Michael Bloomberg) is paying 'staff' in state attorneys general and public utility commission offices to pursue the same goals, indicates a campaign to finance 'staff' at every level of government.
19. Such a practice if implemented in the federal government raises ethics and statutory concerns. See, e.g., 31 U.S.C. 1342, forbidding the acceptance of voluntary services on behalf of the Federal Government or employment of personal services in excess of that authorized by law.

¹ See, e.g., <https://unfoundation.org/who-we-are/our-mission/> and United Nations Foundation profile at <https://www.guidestar.org/profile/58-2368165>.

² See Thomas Catenacci, "United Nations Foundation is quietly fueling climate policy, funding staff in Dem states," FoxNews.com, February 5, 2024, <https://www.foxnews.com/politics/united-nations-foundation-quietly-fueling-climate-policy-funding-staff-dem-states>; see also, UN Foundation IRS Form 990s, <https://unfoundation.org/who-we-are/our-financials/>.

20. Public records show that “[t]he SPEC office's senior director for climate finance” (name withheld) sought a meeting to discuss “all the elements we can’t put on paper” about SPEC’s budget. (Thomas Catenacci, “John Kerry's secretive climate office discussed keeping plans off 'paper,' emails show,” FoxNews.com, August 19, 2022, <https://www.foxnews.com/politics/john-kerrys-secretive-climate-office-discussed-keeping-plans-paper-emails-show>.)
21. Last week, a media outlet reported one of the parties financing this campaign had revealed the name of one of these SPEC officials, Reed Schuler, describing him as the Office’s “executive director of management and implementation” (Jimmy Quinn, “John Kerry Staffer Spoke at Climate Meeting alongside CCP Front Group,” National Review, February 1, 2024, <https://www.nationalreview.com/2024/02/john-kerry-staffer-spoke-at-climate-meeting-alongside-ccp-front-group/>).
22. This same individual now holding a senior position in SPEC, Mr. Schuler, is known to have previously been placed by this UN “strategic partner” as “climate” advisor to a United States governor, Jay Inslee of Washington State. (“Climate of Unaccountability,” *Wall Street Journal*, January 11, 2018, <https://www.wsj.com/articles/climate-of-unaccountability-1515717585>).
23. This information and Defendant’s curious and selective refusal to release the names and titles of senior “SPEC” personnel raises legitimate concerns of great public interest that the same “strategic partner” of the United Nations, which claims it “works with the United Nations and other partners to fulfill the promise of the Paris Agreement on climate change,” is financing and placing ‘staff’ to represent the interests of the United States in the State Department in dealings with and issues of concern to, *inter alia*, the United Nations.

24. Records responsive to this request will shed light on “SPEC” involvement with the program including whether ideological private parties are paying for State Department “staff” in this already highly unique and thoroughly opaque Office.
25. The information sought is plainly public information subject to release under FOIA, and of great public interest.
26. Plaintiff requested a waiver of its fees on the alternative bases of the public interest and Plaintiff’s status as a media requester as recognized by federal agencies for FOIA purposes.
27. Plaintiff requested expedited processing and over the course of several pages set forth with media and factual citations the basis for granting expedited processing, with numerous of these factors highlighted in yellow, certifying under penalty of perjury these assertions were true and correct to the best of requester’s knowledge. See Ex. A.
28. On January 22, 2024, Defendant acknowledged the request assigning it request number F-2024-05256, and later that same day updated the “status” of the request to “received”.
29. These two are the only correspondence Plaintiff has received regarding this request.
30. By its inaction and failure to promptly process the request or make a determination on Plaintiff’s requests in the alternative for fee waiver, on its request for expedited treatment, or on the request itself in any way, Defendant has improperly withheld records in response to this request in violation of FOIA.
31. Defendant’s FOIA regulations, found at 22 CFR Part 171, state, in pertinent part, “(d) Expedited processing.
 - (1) Requests shall receive expedited processing when a requester demonstrates that a compelling need for the information exists. A compelling need is deemed to exist when the requester can demonstrate one of the following: ...

(ii) With respect to a request made by a person primarily engaged in disseminating information, there exists an urgency to inform the public concerning actual or alleged Federal Government activity”. 22 CFR §171.12(1)(d).

32. Defendant’s FOIA regulations further state, *inter alia*: “A notice of the determination whether to grant expedited processing *must* be provided to the requester within 10 calendar days of the date of the receipt of the request for expedited processing in the appropriate office (whether A/GIS/IPS, OIG, or PPT).” (emphasis added) *Id* at §171.12(d)(4).
33. State owed Plaintiff a “determination” on Plaintiff’s request for expedited processing no later than February 5, 2024.
34. However, State has provided no substantive response or “determination” with respect to any aspect of the request other than to acknowledge the request, then update its status to “received,” on January 22, 2024.
35. State is now past its statutory period for issuing such a determination on the above-described request without providing any substantive response to Plaintiff’s request in violation of its obligations under FOIA.
36. “FOIA language ‘clearly indicates that judicial review is appropriate at either of two moments: when the agency has denied a request for expedited processing, or when the agency has, upon administrative appeal, affirmed the denial of such a request’.” *Citizens for Resp. & Ethics in Wash. v. Dep’t of Justice*, 436 F. Supp. 3d 354, 359 (D.D.C. 2020), citing *Al-Fayed v. CIA*, No. 00-2092, 2000 WL 34342564 (D.D.C. Sept. 20, 2000). Also, “Plaintiff is not required to pursue an administrative appeal before seeking judicial review of its request for expedited processing of a FOIA request”, *Id.* citing *Elec. Privacy Info. Ctr. v. Dep’t of Defense* , 355 F. Supp. 2d 98, 100 n.1 (D.D.C. 2004).

FIRST CLAIM FOR RELIEF
Duty to Provide Expedited Processing

37. Plaintiff restates and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
38. Plaintiff has sought expedited processing of its request pursuant to Defendant's expedited processing regulations and was wrongfully denied it.
39. Plaintiff has established that it is media outlet for FOIA purposes and that it is primarily engaged in the dissemination of information.
40. Plaintiff has established that its request pertains to Government activity.
41. Plaintiff has established that there is an urgency to inform the public about this Government activity and that it, as a media outlet, is in a position to do so.
42. Plaintiff has a "compelling need" because it is primarily engaged in disseminating information, and the information requested has more value at the present moment than it will in the future because, for reasons set forth above and in Plaintiff's request, Exhibit A, State's actions not only evince an intent to hide from the public what is well-established to be information subject to release under FOIA (the names and titles of senior, in this case highly compensated officials) but to only release the information once the new fiscal year begins, i.e., to evade acknowledging names and funding sources "we [SPEC] can't [sic] put on paper" which, facts suggest, include donor-provided and privately compensated officials in the U.S. Department of State.
43. Defendant's constructive and actual denial of Plaintiff's request for expedited processing was not in accordance with the law and does not satisfy State's obligations under FOIA.
44. Plaintiff is not required to further pursue administrative remedies.
45. Plaintiff asks this Court to enter a mandatory injunction ordering that the Defendant process the request at issue herein on an expedited basis.

46. Plaintiff asks this Court to enter a judgment declaring that:
- a. Plaintiff is entitled to have its FOIA request, as described above, processed under the State Department's expedited track.
 - b. State's denial of Plaintiff's request for expedited processing was not in accordance with the law and does not satisfy the State's obligation under FOIA;
 - c. State must now place Plaintiff's request, as described above, in its expedited processing track.

SECOND CLAIM FOR RELIEF
Duty to Produce Records

47. Plaintiff restates and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
48. This count relates to Plaintiff's ultimate entitlement to the record at issue under FOIA, regardless of whether such entitlement is established on an expedited basis. It seeks both a mandatory injunction which will require Defendant to produce the record, and a declaration that Defendant's failure to produce the record is in violation of FOIA.
49. Plaintiff has sought and been denied production of a responsive record reflecting the conduct of official Government activity.
50. Plaintiff has the statutory right to the information it seeks and the State Department has unlawfully withheld the information.
51. Plaintiff has a statutory right to a fee waiver under FOIA and the State Department has unlawfully denied such a waiver.
52. Plaintiff is not required to further pursue administrative remedies.
53. Plaintiff asks this Court to enter a judgment declaring that:

- a. Plaintiff is entitled to the record responsive to its FOIA request as described above, and any attachments thereto, but that the State Department has failed to provide the record;
- b. The State Department's processing of Plaintiff's FOIA request described above is not in accordance with the law, and does not satisfy the Department's obligations under FOIA;
- c. The State Department must now produce record responsive to Plaintiff's request; State must waive any fees that would otherwise be required to produce record described herein.

54. Plaintiff is entitled to injunctive relief compelling the State Department to produce the record responsive to the FOIA request described herein, and to further injunctive relief prohibiting the Department from charging fees for the record at issue.

55. Plaintiff asks the Court to enter an injunction ordering the State Department to produce to Plaintiff within twenty business days of the date of the order the requested record sought in Plaintiff's FOIA request described above, and any attachments thereto, at no cost to Plaintiff.

56. Plaintiff asks the Court to order the Parties to consult regarding the withheld document and to file a status report to the Court within thirty days after Plaintiff receives the produced document, addressing the State Department's preparation of a *Vaughn* log, and a briefing schedule for resolution of remaining issues associated with Plaintiff's challenges to the State Department's withheld information, if any, and any other remaining issues.

THIRD CLAIM FOR RELIEF
Costs And Fees

57. Plaintiff restates and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
58. Pursuant to 5 U.S.C. § 552(a)(4)(E), the Court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.
59. This Court should enter an injunction or other appropriate order requiring the Defendant to pay reasonable attorney's fees and other litigation costs reasonably incurred in this case.

PRAYER FOR RELIEF

Plaintiff respectfully requests this Court:

1. Assume jurisdiction in this matter, and maintain jurisdiction until the Defendant complies with FOIA and every order of this Court;
2. Declare Defendant has violated FOIA by failing to provide Plaintiff with the requested records, and/or by failing to notify Plaintiff of final determination within the statutory time limit;
3. Declare that the documents sought by the requests, as described in the foregoing paragraphs, are public records under 5 U.S.C. § 552 *et seq.* and must be disclosed;
4. Order Defendant to expeditiously provide the requested records to Plaintiff within 20 business days of the Court's order and without cost to the Plaintiff;
5. Award Plaintiff's attorneys their fees and other litigation costs reasonably incurred pursuant to 5 U.S.C. § 552(a)(4)(E); and
6. Grant such other relief as this Court deems just and proper.

Respectfully submitted this the 6th day of February 2024

POWER THE FUTURE

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FREEDOM OF INFORMATION ACT REQUEST***EXPEDITED PROCESSING REQUESTED***

January 22, 2024

Office of Information Programs and Services

A/ISS/IPS/RL

U. S. Department of State

Washington, D. C. 20522-8100

By Portal, Facsimile 202-261-8579, and email (foiarequest@state.gov)**Re: FOIA Request - Certain Agency Record (“SPEC” officials’ names, titles)****EXPEDITED PROCESSING REQUESTED**

To Whom it May Concern:

On behalf of the public policy group Power the Future (PTF), and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, please provide an unredacted version of a particular described record reflecting the names and job titles of “SPEC” (or Office of the Special Envoy for Climate) ‘staff,’ an image excerpting which is below. The image below was excerpted and published by the Boston Herald (see, *infra*) after receiving that record (in redacted form) from the State Department in a late 2023 or early January 2024 FOIA production.

RC SPEC PAY PP2213		27		
Name	Post	Job Title	Gross Pay	Net Pay
(b)(6)	S/CCSO	POLICY ANALYST	5161.60	3359.24
	S/CCSO	POLICY ANALYST	6758.40	3399.51
	S/CCSO	POLICY ANALYST	6758.40	3280.90
	S/CCSO	POLICY ANALYST	5692.00	3704.64
	S/CCSO	(b)(6)	6758.40	4459.92
	S/CCSO	SENIOR POLICY ADVISOR	7100.00	3715.00

It appears that the record is titled RC SPEC PAY PP2213. However, the rest of the information provided above, and in the image, sufficiently describes the record of which we seek the entirety.

As the General Services Administration notes, “Public record information includes basic employee information such as name, grade, salary, title and duty station are generally releasable to the public.” <https://www.gsa.gov/reference/gsa-privacy-program/privacy-act-and-gsa-employees>. For reasons stated, below, PTF seeks and justifies **expedited processing**, as well.

PTF seeks the one, entire “SPEC PAY” record. The instant request meets the conditions for expedited processing including, citing to 22 CFR §171.12(d)(ii), “With respect to a request made by a person primarily engaged in disseminating information, there exists an urgency to inform the public concerning actual or alleged Federal Government activity”.

Specifically, as described herein, the administration has announced that it is releasing the information sought—names of those working in SPEC—which is to say acknowledging the inescapable, that this information is publicly releasable information not protected by concerns about impermissible violations of personal privacy, but not until October 5, 2024 (which is to say, avoiding release of those who happen to be working in or for SPEC during the current fiscal year).

This *de facto* assertion that those brought into or serving in or for that Office, SPEC, while releasable, will be shielded for the current year. In the face of PTF having learned that outside parties, through the United Nations, are placing ‘staff’ in U.S. governmental offices (e.g., New Mexico and Michigan regulatory agencies, among others), this self-contradictory position and to date Department resistance to releasing such public personnel information raises legitimate concerns of great public interest: that the same outside entity, specifically an arm of the United Nations, is underwriting or otherwise placing ‘staff’ to represent the interests of the United States in the State department in dealings with and issues of concern to, *inter alia*, the United Nations.

Under the FOIA Improvement Act of 2016, agencies are prohibited from denying requests for information under the FOIA unless the Department reasonably believes release of the information will harm an interest that is protected by the exemption. FOIA Improvement Act of 2016 (Public Law No. 114-185), codified at 5 U.S.C. § 552(a)(8)(A).

Should you decide to invoke a FOIA exemption, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes:

1. Basic factual material about each withheld record, including the originator, recipients, date, length, general subject matter, and location of each item; and
2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation.

If you should seek to withhold or redact any responsive records or parts thereof, we request that you: (1) identify each such record with specificity (including date, author, recipient, and parties copied); (2) explain in full the basis for withholding responsive material; and (3) provide all segregable portions of the records for which you claim a specific exemption. 5 U.S.C. §552(b). Please correlate any redactions with specific exemptions under FOIA.

These search parameters are sufficiently narrow and precise in their clear delineation for described records over specific dates sent to or from specified Department employees.

In the interests of avoiding delay with back-and-forth, PTF is willing to provisionally pay fees up to \$200 in the event the Department denies our fee waiver *requests* detailed, *infra*, as we appeal

such a determination. Nonetheless, in this event, please provide an estimate of anticipated costs in the event that fees for processing this Request will exceed \$200. Given the nature of the records responsive to this request, all should be in electronic format, and therefore there should be no photocopying costs (see discussion, *infra*).

BASIS FOR EXPEDITED PROCESSING

Given the extremely timely nature of the specific facts involved here as described immediately below, PTF requests expedited processing. To facilitate this request, we request that the FOIA office use the email Enterprise Records and Document Management System (eERDMS) or any similar system in place to search and to process this request.

Expedited processing of requests requires a “compelling need”, a need that can be demonstrated by an urgency to inform the public about an actual or alleged Federal government activity. The regulation requires a requester be primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity. PTF is expressly dedicated to public education on energy policy, in great part through obtaining and disseminating public information to educate the public on such activity. See <https://powerthefuture.com> and the several, specific side tabs re dissemination, e.g., <https://powerthefuture.com/in-the-news/>.

PTF regularly disseminates records obtained on social media and its website and records obtained by PTF have provided essential background for work published in a national newspaper of record (the *Wall Street Journal*), and its work is regularly cited on broadcast outlets and in widely read online political publications and trade industry publications.

The gravity of the issues unfolding with regards to the “SPEC” “staff” roster—and the Department’s inexplicable delay and even more inexplicable assertion that it would end this delay but only after the current fiscal year concludes—makes clear this is fundamentally a matter of which there is an “urgency to inform”.

That is, and relevant to PTF’s request for expedited processing—the subject matter of this request concerns the activities of a highly controversial office operating out of the Department in pursuit of an even more controversial agenda, in fact “a highly nebulous one to simply ‘combat[] the climate crisis to meet the existential threat that we face.’”¹ We note the public interest is further described in reporting by a major regional and a national news outlet that the Office is hiding from the public who performs work in or for the office.² Meanwhile, PTF has learned that the United Nations

¹ Letter to Special Climate Envoy John Kerry from James Comer, Ranking Member, Committee on Oversight and Reform, and Jim Jordan, Ranking Member, Committee on the Judiciary, June 14, 2021, <https://oversight.house.gov/wp-content/uploads/2021/06/RMC-JDJ-Letter-to-John-Kerry-Climate-Envoy.pdf>, quoting White House Briefing Room, *Remarks by President Biden Before Signing Executive Actions on Tackling Climate Change, Creating Jobs, and Restoring Scientific Integrity* (Jan. 27, 2021), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/27/remarks-by-president-biden-before-signing-executive-actions-on-tackling-climate-change-creating-jobs-and-restoring-scientific-integrity/>.

² See Houston Keene and Thomas Catenacci, “John Kerry’s office redacted every staffer name in FOIAed correspondence,” FoxNews.com, August 18, 2022, <https://www.foxnews.com/politics/john->

Foundation is underwriting privately-placed climate “staff” in United States governors’ and regulatory agency offices, while at least one other climate-activist donor is underwriting “staff” in state attorneys general and public utility commission offices.

As such, and considering the statement that the Office will release personnel information—a confession that this is not in fact privileged information—but not until October 5, 2024³—a curious and seemingly random date which does happen to be a Saturday after the last work week including any part of FY2024, this suggests the prospect that the Office seeks to hide the identity of individuals presently working there who the Office expects to have safely removed and not reflected in FY2025 records, which it then will release.

It is the written record of this curious position, plainly contrary to FOIA and seemingly presenting terrific conflict of issues concerns of great public interest, that PTF seeks.

As such, the public interest is best served by processing this request under expedited proceedings. The next six months should be of particular importance for resolution of the readily apparent concern over this quadrupling of an already enormous, asserted expenditure to bring us to what we recite, above FOIA needs to move at the speed of relevance here to enable understanding, at the speed of relevance, of the machinations of its institutions with or in reference to outside parties providing “staff” to represent U.S. interests while plainly beholden to other parties to whom he, she or they owe their compensation.

The Department Owes Requester a Reasonable Search

FOIA requires an agency to make a reasonable search of records, judged by the specific facts surrounding each request. *See, e.g., Itrurralde v. Comptroller of the Currency*, 315 F.3d 311, 315 (D.C. Cir. 2003); *Steinberg v. DOJ*, 23 F.3d 548, 551 (D.C. Cir. 1994). In this situation, there should be no difficulty in finding these documents.

The Department Must Err on the Side of Disclosure

It is well-settled that Congress, through FOIA, “sought ‘to open agency action to the light of public scrutiny.’” *DOJ v. Reporters Comm. for Freedom of Press*, 498 U.S. 749, 772 (1989) (quoting *Dep’t of Air Force v. Rose*, 425 U.S. 353, 372 (1976)). The legislative history is replete with reference to the “‘general philosophy of full agency disclosure’” that animates the statute. *Rose*, 425 U.S. at 360 (quoting S.Rep. No. 813, 89th Cong., 2nd Sess., 3 (1965)). Accordingly, when an agency withholds requested documents, the burden of proof is placed squarely on the agency, with all doubts resolved in favor of the requester. *See, e.g., Federal Open Mkt. Comm. v. Merrill*, 443 U.S. 340, 352 (1979). This burden applies across scenarios and regardless of whether the agency is claiming an exemption under FOIA in whole or in part. *See, e.g., Tax*

[kerrys-office-redacted-every-staffer-name-foiaed-correspondence](#), and Thomas Catenacci, “John Kerry’s secretive climate office discussed keeping plans off ‘paper,’ emails show,” FoxNews.com, August 19, 2022, <https://www.foxnews.com/politics/john-kerrys-secretive-climate-office-discussed-keeping-plans-paper-emails-show>.

³ Joe Dwinell, “[John Kerry’s Climate office costs taxpayers \\$4.3M a year, yet he refuses to divulge names](#),” Boston Herald, January 8, 2024. It is also of congressional and other public interest.

Analysts, 492 U.S. 136, 142 n. 3 (1989); *Consumer Fed'n of America v. Dep't of Agriculture*, 455 F.3d 283, 287 (D.C. Cir. 2006); *Burka*, 87 F.3d 508, 515 (D.C. Cir. 1996). The act is designed to “pierce the veil of administrative secrecy and to open agency action to the light of scrutiny.” *Department of the Air Force v. Rose*, 425 U.S. 352 (1976). It is a transparency-forcing law, consistent with “the basic policy that disclosure, not secrecy, is the dominant objective of the Act.” *Id.*

Withholding and Redaction

Please identify and inform us of all responsive or potentially responsive records within the statutorily prescribed time, and the basis of any claimed exemptions or privilege and to which specific responsive or potentially responsive record(s) such objection applies. Pursuant to high-profile and repeated promises and instructions from the previous President and Attorney General we request the Department err on the side of disclosure and not delay production of this information of great public interest through lengthy review processes over which withholdings they may be able to justify. In the unlikely event that the Department claims any records or portions thereof are exempt under any of FOIA’s discretionary exemptions, we request you exercise that discretion and release them consistent with statements by a recent-past President and Attorney General, *inter alia*, that “**The old rules said that if there was a defensible argument for not disclosing something to the American people, then it should not be disclosed. That era is now over, starting today**” (President Barack Obama, January 21, 2009), and “**Under the Attorney General’s Guidelines, agencies are encouraged to make discretionary releases. Thus, even if an exemption would apply to a record, discretionary disclosures are encouraged.**” (Department of Justice, Office of Information Policy, OIP Guidance, “Creating a ‘New Era of Open Government’”).

Nonetheless, if your office takes the position that any portion of the requested record(s) may be exempt from disclosure, please inform us of the basis of any partial denials or redactions, and provide the rest of the record, all reasonably segregable, non-exempt information, withholding only that information that is properly exempt under one of FOIA’s nine exemptions. *See* 5 U.S.C. §552(b). We remind the Department that it cannot withhold entire documents rather than producing their “factual content” and redacting any information that is legally withheld under FOIA exemptions. As the D.C. Circuit Court of Appeals noted, the agency must “describe the factual content of the documents and disclose it or provide an adequate justification for concluding that it is not segregable from the exempt portions of the documents.” *King v. Department of Justice*, 830 F.2d 210, at 254 n.28 (D.C. Cir. 1987). **As an example of how entire records should not be withheld when there is reasonably segregable information, we note that at bare minimum basic identifying information** (that is “who, what, when” information, e.g., To, From, Date, and typically Subject) is not “deliberative”.

If it is your position that a document contains non-exempt segments and that those nonexempt segments are so dispersed throughout the documents as to make segregation impossible, please state what portion of the document is non-exempt and how the material is dispersed through the document. *See Mead Data Central v. Department of the Air Force*, 455 F. 2d 242, 261. Further, we request that you provide us with an index all such withheld documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1972), with sufficient specificity “to permit a reasoned judgment as to whether the material is actually

exempt under FOIA” pursuant to *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979), and “describ[ing] each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information.” *King v. Department of Justice*, 830 F.2d at 223-24.

Claims of non-segregability must be made with the same practical detail as required for claims of exemption in a Vaughn index. If a record is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please provide responsive documents in complete form. Any burden on the Department will be lessened if it produces responsive records without redactions and in complete form.

Format of Requested Records

Under FOIA, you are obligated to provide records in a readily accessible electronic format and in the format requested. See, e.g., 5 U.S.C. § 552(a)(3)(B) (“In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format.”).

“Readily accessible” means text-searchable and OCR-formatted. See 5 U.S.C. § 552(a)(3)(B).

Power the Future does not seek only those records which survive on an employee’s own machine or account (re: the electronic communications). **We request records in their native format**, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards. The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

We seek responsive records in their native form, with specific reference to SEC’s Data Delivery Standards. The covered information we seek is electronic information, this includes electronic *records*, and other public *information*. To quote the SEC Data Delivery Standards,⁴ “Electronic files must be produced in their native format, *i.e.*, the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. (***Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.***)” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A

⁴ <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

separate folder should be provided for each custodian.

In the event that necessity requires your office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

We appreciate the inclusion of an index of redacted information and records withheld in full.

Fee Waiver Request

Our request for fee waiver is in the alternative, first for reasons of significant public interest, and second, on the basis of the Power the Future’s status as a media outlet. The Department must address both of these requests for fee waiver in the event it denies one; failure to do so is *prima facie* arbitrary and capricious.

FOIA was designed to provide citizens a broad right to access government records. FOIA’s basic purpose is to “open agency action to the light of public scrutiny,” with a focus on the public’s “right to be informed about what their government is up to.” *U.S. Dep’t of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA’s fee waiver provision requires that “[d]ocuments shall be furnished without any charge or at a [reduced] charge,” if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). FOIA’s fee waiver requirement is “liberally construed.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1178 (10th Cir. 2005).

The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as PTF access to government records without the payment of fees. Indeed, FOIA’s fee waiver provision was intended “to prevent government agencies from using high fees to discourage certain types of requesters and requests,” which are “consistently associated with requests from journalists, scholars, and non-profit public interest groups.” *Ettlinger v. FBI*, 596 F.Supp. 867, 872 (D. Mass. 1984) (emphasis added). As one Senator stated, “[a]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information” 132 Cong. Rec. S. 14298 (statement of Senator Leahy).

I. PTF Qualifies for a Fee Waiver.

Under FOIA, a party is entitled to a fee waiver when “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 [Federal] government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

First, PTF plainly qualifies as a media requester as shown by the frequency with which we

broadly disseminate our work and with which our work is broadly disseminated in the news media (<https://powerthefuture.com/in-the-news/>), showing an intention and ability to broadly disseminate responsive information. Further, PTF's "mission [is] offering truth, facts, and research that will enrich the national conversation on energy (<https://powerthefuture.com/about-us/>), and as such its primary professional activity or occupation is information dissemination.

The Department must consider four factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "government operations or activities," (2) whether the disclosure "is likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "is likely to contribute to public understanding" of a reasonably broad audience of persons interested in the subject, and (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. As shown below, PTF and this request meet each of these factors.

A. The Subject of This Request Concerns "the Operations and Activities of the Government."

The subject matter of this request concerns the identities of individuals receiving six-figure compensation clearly not as "lower level employees" (as the compensation, and for some the title, indicates), but senior officials.

At the state level it is well-established that employee payroll information is public information.

At the federal level, the General Services Administration notes, "Public record information includes basic employee information such as name, grade, salary, title and duty station are generally releasable to the public." As the Boston Herald has reported (*infra*), as have other national outlets (see, e.g., Andrew Mark Miller, "[Kerry refuses to identify climate staff by name under questioning from GOP: 'You're not going to answer?'](#)", FoxNews.com, July 13, 2023), these staff's identities are being hidden but only, for some reason, until October 5, 2024.

The Herald has continued its coverage. Editorial, "John Kerry's embarrassing exit," January 21, 2024, <https://www.bostonherald.com/2024/01/21/editorial-john-kerrys-embarrassing-exit/>.

Further, as noted, *supra*, there is real reason to believe that the improper refusal to date by the Department to release the names and other details of such senior officials is that they are being provided by—i.e., are actually being underwritten or even compensated by—outside parties. Further, the same information suggests a high likelihood that that outside party is the United Nations, through the United Nations Foundation: for employees whose job is representing the United States and its interests in or in relation to the United Nations and its priorities.

B. Disclosure is "Likely to Contribute" to an Understanding of Government Operations or Activities.

As described, above, the requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and

activities by the public.

The requested records pertain to that described in “A”, immediately above.

Any records responsive to this request therefore are likely to have an informative value and are “likely to contribute to an understanding of Federal government operations or activities”. We note President Biden's environmental agenda has been the subject of substantial media interest and promotional efforts. We also note this specific subject has already been subject of major media interest. See, e.g., Joe Dwinell, “[John Kerry’s Climate office costs taxpayers \\$4.3M a year, yet he refuses to divulge names](#),” Boston Herald, January 8, 2024. It is also of congressional and other public interest. (“It’s more of the same – a complete lack of transparency,” [Congressman Brian] Mast told Fox News Digital after the hearing. “John Kerry is making decisions that impact every American, but we can’t get answers about the basics of his office, let alone about the scope of power or authority he thinks he has.” See Fox News story cited, *supra*).

Disclosure of the requested records will allow PTF to convey to the public information about the coordination between agencies and outside activists. Once the information is made available, PTF will analyze it and present it to its followers and the general public in a manner that will meaningfully enhance the public’s understanding of this topic.

Thus, the requested records are likely to contribute to an understanding of government operations and activities.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons’ Understanding of the Agency’s Interactions With Certain Pressure Groups Seeking to Influence Agency Decision Making

For reasons already described, the requested records will contribute to public understanding of the advice provided to an independent agency by a non-governmental organization or organizations. As explained above, the records will contribute to public understanding of this topic. See *W. Watersheds Proj. v. Brown*, 318 F.Supp.2d 1036, 1040 (D. Idaho 2004) (“... find[ing] that WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and also how ... management strategies employed by the BLM may adversely affect the environment.”).

Through PTF’s synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter. *Ettlinger v. FBI*, 596 F.Supp. at 876 (benefit to a population group of some size distinct from the requester alone is sufficient); *Carney v. Dep’t of Justice*, 19 F.3d 807, 815 (2d Cir. 1994), cert. denied, 513 U.S. 823 (1994) (applying “public” to require a sufficient “breadth of benefit” beyond the requester’s own interests); *Cnty. Legal Servs. v. Dep’t of Hous. & Urban Dev.*, 405 F.Supp.2d 553, 557 (E.D. Pa.2005) (in granting fee waiver to community legal group, court noted that while the requester’s “work by its nature is unlikely to reach a very general audience,” “there is a segment of the public that is interested in its work”).

Indeed, the public does not currently have an ability to easily evaluate any aspect of the particular coordination reflected in the requested records. We are also unaware of any previous release to the public of these or similar records. See *Cnty. Legal Servs. v. HUD*, 405 F.Supp.2d 553, 560 (D. Pa. 2005) (because requested records “clarify important facts” about agency policy, “the CLS request would likely shed light on information that is new to the interested public.”). As the Ninth Circuit observed in *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1286 (9th Cir. 1987), “[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations”.

Disclosure of these records is not only “likely to contribute,” but is certain to contribute, to public understanding of this described coordination. The public is always well served when it knows how the government conducts its activities. Hence, there can be no dispute that disclosure of the requested records to the public will educate the public about the Agency’s interaction with pressure groups seeking to influence Agency decision making.

D. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.

PTF is not requesting these records merely for their intrinsic informational value. Disclosure of the requested records will significantly enhance the public’s understanding of the amount of taxpayer money being paid to individuals holding highly-compensated positions of “policy analyst” to “senior advisor” filled or even created ad hoc by this administration to pursue a matter which the Department has stated is not the subject of agreements rising to the level of a treaty commitment (e.g., the Paris climate agreement).

II. PTF has the Ability to Disseminate the Requested Information Broadly.

PTF is dedicated to “disseminating research, sharing facts and truths, engaging at the local level and interacting with the media,” specifically relating to energy and environmental public policy. A key component of being able to fulfill this mission and educate the public about these duties is access to information that articulates what obligations exist for senior government officials. has both the intent and the ability to convey any information obtained through this request to the public. Power the Future publishes its findings regularly through the organization’s website, <https://powerthefuture.com>. This work is frequently cited in newspapers and trade and political publications (see, e.g., <https://powerthefuture.com/in-the-news/>). PTF intends to publish information from requested records on its website, distribute the records and expert analysis to its followers through social media platforms.

Through these means, PTF will ensure:

- (1) that the information requested contributes significantly to the public’s understanding of the government’s operations or activities;
- (2) that the information enhances the public’s understanding to a greater degree than currently exists;
- (3) that PTF possesses the expertise to explain the requested information to the public; (4) that PTF possesses the ability to disseminate the requested information to the general public;

(5) and that the news media recognizes PTF as a reliable source in the field of government officials' conduct.

Public oversight and enhanced understanding of the Administration's duties is absolutely necessary. In determining whether disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. *Carney v. U.S. Dept. of Justice*, 19 F.3d 807 (2nd Cir. 1994). PTF need not show how it intends to distribute the information, because "[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity." *Judicial Watch*, 326 F.3d at 1314. It is sufficient for PTF to show how it distributes information to the public generally. *Id.*

III. Obtaining the Requested Records is of No Commercial Interest to the Requester

Access to government records, disclosure forms, and similar materials through FOIA requests is essential to PTF's role of educating the general public. PTF is a nonprofit public policy institute dedicated to transparency in public energy and environmental policy and "disseminating research, sharing facts and truths, engaging at the local level and interacting with the media". Due to its nonprofit mission, PTF has no commercial interest and will realize no commercial benefit from the release of the requested records.

Therefore, **Power the Future first seeks waiver of any fees** under FOIA on the above significant public interest basis.

In the alternative, Power the Future requests a waiver or reduction of fees as a representative of the news media. The provisions for determining whether a requesting party is a representative of the news media, and the "significant public interest" provision, are not mutually exclusive. As Power the Future is a non-commercial requester, it is entitled to liberal construction of the fee waiver standards. 5 U.S.C.S. § 552(a)(4)(A)(iii), *Perkins v. U.S. Department of Veterans Affairs*, 754 F.Supp.2d. 1 (D.D.C. 2010). Alternately and only in the event the refuses to waive our fees under the "significant public interest" test, which Requester would then appeal while requesting the proceed with processing on the grounds that Power the Future is a media organization, the Department must explain any denial of treatment of PTF as a media outlet. PTF asks for a waiver or limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii) ("fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by a representative of the news media...").

The Department must address both of these requests for fee waiver in the event it denies one; failure to do so is *prima facie* arbitrary and capricious.

Conclusion

We request the Department to provide particularized assurance that it is reviewing some quantity of records with an eye toward production on some estimated schedule, so as to establish some reasonable belief that it is processing our request. 5 U.S.C.A. § 552(a)(6)(A)(i); see also *CREW v. FEC*. The Department must at least inform us of the scope of potentially responsive records,

including the scope of the records it plans to produce and the scope of documents that it plans to withhold under any FOIA exemptions; FOIA specifically requires the the Department to immediately notify PTF with a particularized and substantive determination, and of its determination and its reasoning, as well as PTF's right to appeal; further, FOIA's unusual circumstances safety valve to extend time to make a determination, and its exceptional circumstances safety valve providing additional time for a diligent Department to complete its review of records, indicate that responsive documents must be collected, examined, and reviewed in order to constitute a determination. *See Citizens for Responsible Ethics in Washington v. Federal Election Commission*, 711 F.3d 180, 186 (D.C. Cir. 2013). *See also, Muttitt v. U.S. Central Command*, 813 F. Supp. 2d 221; 2011 U.S. Dist. LEXIS 110396 at *14 (D.D.C. Sept. 28, 2011)(addressing “the statutory requirement that [agencies] provide estimated dates of completion”).

There should be no need to make a rolling production of records, given the specificity of the request and implausibility of a large number of responsive records. I request the Department furnish records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the address below. We inform the Department of our intention to protect our appellate rights on this matter at the earliest date should the Department not comply with FOIA per, *e.g.*, *CREW v. Fed. Election Comm'n*, 711 F.3d 180 (D.C. Cir. 2013).

Power the Future looks forward to your response. Please direct all records and any related correspondence or questions to my attention at the address below.

Per the above assertions of urgency to inform, news articles published on this topic and PTF's “mission of offering truth, facts, and research that will enrich the national conversation on energy (<https://powerthefuture.com/about-us/>), and as such my primary professional activity or occupation as director of PTF—like PTF's primary occupation and professional activity—being information dissemination, I declare under penalty of perjury that the foregoing is true and correct. Executed on January 22, 2024.

Sincerely,

Daniel Turner
Executive Director
Power the Future
daniel@powerthefuture.com

611 Pennsylvania Avenue, SE
Suite 183
Washington, DC 20003

<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.)
 5 USC 552, failure to grant expedited processing of FOIA case and failure to make determination re: expedited processing.

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ JURY DEMAND:	Check YES only if demanded in complaint 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: <u>Feb. 6, 2024</u>	SIGNATURE OF ATTORNEY OF RECORD <u>/s/ Matthew D. Hardin</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 coversheet. 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**

Power the Future

Plaintiff

v.

U.S. Department of State

Defendant

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Civil Action No. 1:24-cv-346

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Department of State
Attn: Richard Visek, Legal Adviser
2201 C Street NW
Washington, DC 20520

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:

Matthew Hardin
Hardin Law Office
1725 I Street NW
Suite 300
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

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

Power the Future

Plaintiff

v.

U.S. Department of State

Defendant

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Civil Action No. 1:24-cv-346

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Attorney's Office
Attn: Civil Proces Clerk
601 D Street NW
Washington, DC 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:

Matthew Hardin
Hardin Law Office
1725 I Street NW
Suite 300
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

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

Power the Future

Plaintiff

v.

U.S. Department of State

Defendant

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Civil Action No. 1:24-cv-346

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Attorney General
950 Pennsylvania Ave NW
Washington, DC 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:

Matthew Hardin
Hardin Law Office
1725 I Street NW
Suite 300
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