

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

WESTERN VALUES PROJECT)	
704C East 13th Street , Suite 568)	
Whitefish, MT 59937,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
DEPARTMENT OF THE INTERIOR)	
1849 C Street, N.W.)	
Washington, DC 20240,)	
)	
Defendant.)	
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COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

(1) This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552; and the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202. Plaintiff seeks injunctive and declaratory relief to compel defendant Department of the Interior to disclose requested agency records.

Jurisdiction and Venue

(2) This court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §§ 2201(a) & 2202. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

The Parties

(3) Plaintiff Western Values Project is a not-for-profit public interest organization that gives a voice to Western values in the national conversation about energy development and public lands conservation. Plaintiff uses the information it gathers and its analysis of that

information to educate the public through reports, press releases, and other media. Plaintiff also makes the material it gathers available on its public website.

(4) Defendant Department of the Interior is a department of the Executive Branch of the United States Government. Defendant is an “agency” within the meaning of 5 U.S.C. § 552(f).

Plaintiff’s FOIA Request and Defendant’s Response

(5) By letter to defendant dated August 19, 2017, plaintiff requested under the FOIA copies of agency records. Specifically, plaintiff requested the following:

All digital correspondence involving any of the following at any point since and including June 1, 2017:

- Ryan Benson, Matt Lumley, Denny Behrens or anyone with an email address ending in @biggameforever.org;
- Kathleen Sgamma, Tripp Parks or anyone with an email address ending in @westerneveryalliance.org;¹
- Bruce Hinchey, John Robitaille, Esther Wagner or anyone with an email address ending in @pawyo.org;
- Alan Olson or anyone with an email address ending in @montanapetroleum.org;
- Anyone with an email address ending in @api.org;
- Anyone with an email address ending in @coga.org;
- Anyone with an email address ending in @nmoga.org;
- Anyone with an email address ending in @ipaa.org;
- Dave Galt (daveg@bkbh.com);
- Deimer True;
- Don Peay;
- Mike Lange;
- Bradley Hamlett; and/or
- Jason Hairston.

In its request, plaintiff explained:

“Digital correspondence” should include copies of emails sent by, sent to, or carbon copying (“cc”) any of these DOI officials:

- Secretary Ryan Zinke;
- Deputy Secretary David Bernhardt;
- James Cason;

¹ Plaintiff’s FOIA request contained a typographical error. Plaintiff intended to reference email addresses ending in “@westernenergyalliance.org.”

- Kathleen Benedetto;
- John Ruhs;
- Casey Hammond;
- Gregory Sheehan;
- Anne Kinsinger;
- Cynthia Moses-Nedd;
- Timothy Williams;
- Amanda Kaster;
- Vincent DeVito; and/or
- Any member of the Sage Grouse Review Team not otherwise listed.

(6) In its letter to defendant, plaintiff requested that all processing fees be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), on the ground that disclosure of the requested information would be in the public interest.

(7) By letter to plaintiff dated August 30, 2017, defendant acknowledged receipt of plaintiff's FOIA request. Defendant informed plaintiff that its FOIA request was received on August 21, 2017, and assigned "control number OS-2017-01063." Defendant further stated that "[b]ecause we will need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request, we are taking a 10-workday extension."

(8) To date, plaintiff has not received a determination or any response from defendant concerning the FOIA request plaintiff submitted on August 19, 2017, and described in ¶ 5.

CAUSE OF ACTION

Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records

(9) Plaintiff repeats and realleges paragraphs 1-8.

(10) Plaintiff has exhausted the applicable and available administrative remedies with respect to defendant's processing of plaintiff's FOIA request described in ¶ 5.

(11) Defendant has wrongfully withheld the requested records from plaintiff by failing to comply with the statutory time limit for rendering a determination or response to plaintiff's FOIA request.

(12) Plaintiff is entitled to injunctive and declaratory relief with respect to the release and disclosure of the requested documents.

Requested Relief

WHEREFORE, plaintiff prays that this Court:

- A. Order defendant Department of the Interior to disclose all non-exempt records responsive to plaintiff's FOIA request immediately, with all processing fees waived;
 - B. Issue a declaration that plaintiff is entitled to disclosure of the requested records, with all processing fees waived;
 - C. Provide for expeditious proceedings in this action;
 - D. Award plaintiff its costs and reasonable attorneys fees incurred in this action;
- and
- E. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,



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