

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

<hr/>)
NATIONAL ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED PEOPLE,)
4805 Mt. Hope Drive)
Baltimore, MD 21215,)
)
	<i>Plaintiff,</i>)
)
v.)
)
)
U.S. EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION)
131 M St. NE)
Washington, D.C. 20507,)
)
and)
)
)
ANDREA LUCAS,)
in her official capacity as Acting Chair of the)
Equal Employment Opportunity Commission,)
131 M St. NE)
Washington, D.C. 20507,)
)
	<i>Defendants.</i>)
<hr/>)

Case No. 26-cv-02020

COMPLAINT

1. Plaintiff the National Association For the Advancement of Colored People brings this action against the U.S. Equal Employment Opportunity Commission under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of the 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 Defendants has failed to comply with the applicable time-limit provisions of the FOIA, Plaintiff 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 agency from continuing to withhold agency records and ordering the production of agency records improperly withheld.

PARTIES

5. Plaintiff, the National Association for the Advancement of Colored People (“NAACP”), founded in 1909, is the oldest and largest civil rights organization in the United States. Its mission is to ensure the educational, political, social, and economic equality of all persons and eliminate race-based discrimination. The NAACP is regularly engaged in disseminating information to the public.

6. Defendant the U.S. Equal Employment Opportunity Commission (“EEOC”) is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1) headquartered in Washington, DC. The EEOC has possession, custody, and control of the records that the NAACP seeks.

STATEMENT OF FACTS

The December 17, 2025 Solicitation

7. On December 17, 2025, Andrea Lucas, Chair of the EEOC, released a video on the social media platform X soliciting discrimination complaints from white men and inviting them to contact her office directly. *See* Andrea Lucas (@andrealucasEEOC), X (Dec. 17, 2025, 6:47 PM ET), <https://x.com/andrealucasEEOC/status/2001439099907961012>.

8. That same day, Chair Lucas published tweets reiterating the solicitation and

encouraging white men to submit discrimination complaints to the EEOC. *See* Andrea Lucas (@andrealucasEEOC), X (Dec. 17, 2025, 5:44 PM ET), <https://x.com/andrealucaseeoc/status/2001423215915123112>.

9. Chair Lucas's public solicitation raised significant questions and received critical media coverage about whether the EEOC, the federal agency charged with enforcing the nation's workplace anti-discrimination laws, was administering its charge-handling functions in a manner that treats charging parties differently based on race and sex. *See, e.g.*, Sarah Dean, *Equal Employment Opportunity Commission Head Asks White Men to Report Discrimination*, NBC News (Dec. 19, 2025, 7:06 PM), <https://www.nbcnews.com/politics/trump-administration/equal-employment-opportunity-commission-head-asks-white-men-report-dis-rca249939>.

The NAACP's March 9 FOIA Request

10. On March 9, 2026, the Lawyers' Committee for Civil Rights Under Law, acting as counsel on behalf of the NAACP, submitted a FOIA request to the EEOC via the agency's online FOIA portal (the "Request"). *See* Exhibit A.

11. The Request sought eight categories of records: (a) all formal and informal directives, guidance, or recommendations provided to the EEOC related to any new or altered interpretation or enforcement guidance on workplace discrimination at any time since January 21, 2025; (b) all directives, memos, guidance, or recommendations related to the handling, categorization, or prioritization of allegations, inquiries, or charges of discrimination; (c) all data collected by or provided to the EEOC related to allegations of discrimination based on race or sex in Fiscal Year 2024 and Fiscal Year 2025; (d) any changes, additions, or deletions to the types of data collected from charging parties or recorded by the EEOC in any agency database, including the Agency Record Center (ARC); (e) the number of charges recorded by the EEOC under the

project code "DEI"; (f) all records and email communications sent by Chair Lucas or persons acting on her behalf related to the December 17, 2025 video; (g) all records relating to the costs or budget for production of the December 17, 2025 video; and (h) all email communications sent by specified senior EEOC officials and containing specified key terms.

12. The Request sought all responsive records from January 21, 2025, through the date the search is conducted.

The NAACP's Fee Waiver Request

13. In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and EEOC regulations, the NAACP requested a waiver of all fees associated with processing the Request.

14. The NAACP's fee waiver request established that disclosure of the requested records is in the public interest because the records concern the operations of the federal government and are likely to contribute significantly to public understanding of those operations. Specifically, the records have the potential to shed light on whether and to what extent the EEOC is handling charges of discrimination differently based on the race or sex of charging parties.

15. The NAACP further established that the Request is primarily and fundamentally for non-commercial purposes. The NAACP is a 501(c)(4) nonprofit organization with no commercial purpose, and the release of the requested information is not in the NAACP's financial interest.

The EEOC's Acknowledgement of the FOIA Request

16. On March 10, 2026, one day after the NAACP submitted the Request, the EEOC's Office of Legal Counsel issued a letter to counsel for the NAACP acknowledging receipt of the Request and assigning it FOIA tracking number 820-2026-006356 (the "March 10 Letter"). *See* Exhibit B.

17. The March 10 Letter designated the Request as "Complex" and invoked the

ten-working-day extension available under 5 U.S.C. § 552(a)(6)(B), citing the need to search for records from field offices, the voluminous nature of the records demanded, and the need to consult with other agencies or components. The letter stated that “EEOC will make every effort to issue a determination on your request on or before 09/17/2025.[sic]”

The EEOC’s Denial of the Requested Fee Waiver

18. In the same March 10 Letter, the EEOC denied the NAACP’s request for a waiver of fees.

19. The sole substantive basis articulated by the EEOC for denying the fee waiver was that the NAACP had purportedly failed to “articulate with reasonable specificity [its] intention and ability to disseminate the requested information.” The March 10 Letter cited *National Security Counselors v. DOJ*, 848 F.3d 467, 473-74 (D.C. Cir. 2017), for the proposition that a fee waiver is properly denied where the requester fails to produce “sufficiently specific and non-conclusory statements demonstrating its ability to disseminate the disclosure.”

20. The EEOC’s denial did not address, and made no findings regarding, the substantive public interest in disclosure of the requested records, the non-commercial nature of the Request, or the NAACP’s actual capacity and history of disseminating information to the public on matters of civil rights and federal government operations.

21. As a result of the denial, the EEOC reclassified the NAACP as an “other” requester under 29 C.F.R. § 1610.15(a)(1)(iii), entitling the NAACP only to two free hours of search time and the first 100 pages of duplication, with all additional processing costs to be assessed against the NAACP.

22. The March 10 Letter further stated that the Request would remain “on hold” pending the EEOC’s determination of a search fee estimate, and that a separate fee estimate letter would be provided.

25. As of the date of this filing, the NAACP has not received any fee estimate, any production of responsive records, or any further substantive communication from the EEOC regarding the Request.

26. By placing the Request on hold pending payment of fees that should have been waived, the EEOC has attempted to use the improper fee waiver denial to delay and obstruct the NAACP's access to records due to be released under the FOIA.

The NAACP's Appeal of the EEOC's Denial of the Requested Fee Waiver

23. On June 3, 2026 counsel for the NAACP administratively appealed the fee waiver denial pursuant to 29 C.F.R. §§ 1610.9(f)(2) and 1610.11. The NAACP is the nation's oldest and largest civil rights organization, with a documented history of disseminating information obtained through public records requests to its membership and to the broader public through published reports, press releases, media engagement, and litigation. *See, e.g.*, NAACP Shares Results of Info Request on Virginia Election Integrity Unit; Calls on Miyares to Disband It, 13News Now (Nov. 29, 2022, 6:00 PM), <https://www.13newsnow.com/article/news/politics/naacp-information-request-virginia-election-integrity-unit/291-a3463615-71e1-4be2-9df0-edd806bf0d87>; Hansi Lo Wang, Restrictions on Deployed U.S. Troop Data Could Put 2020 Census 'At Risk', NPR (Feb. 25, 2019, 1:08 PM), <https://www.npr.org/2019/02/25/697315761/restrictions-on-deployed-u-s-troop-data-could-put-20-census-at-risk>; ACLU, ACLU and NAACP Secure Access to Public Eviction Records in Data-Scraping Case, Am. Civil Liberties Union (Sept. 13, 2023), <https://www.aclu.org/press-releases/aclu-and-naacp-secure-access-to-public-eviction-records-in-data-scraping-case>.

The EEOC's Failure to Respond

27. Under 5 U.S.C. § 552(a)(6)(A)(i), the EEOC was required to determine whether to comply with the Request and to notify the NAACP of its determination and the reasons therefore within twenty working days of receipt, extended by ten additional working days under 5 U.S.C. § 552(a)(6)(B) by the notice of extension of the response deadline in the EEOC's March 10 Letter.

28. As of the date of this filing, more than 30 working days have elapsed since the EEOC's receipt of the Request.

29. The EEOC has failed to issue a determination on the Request and has failed to produce any responsive records.

30. The NAACP has constructively exhausted its administrative remedies regarding the denial of the Request under 5 U.S.C. § 552(a)(6)(C)(i).

31. The NAACP's appeal of the EEOC's denial of a fee waiver is pending an administrative response by the agency and therefore administrative remedies have not been exhausted regarding the issue of FOIA fees.

The NAACP's Follow-Up FOIA Request

32. On June 4, 2026, the NAACP's counsel submitted a FOIA request (the "Follow-Up Request") to the EEOC via the agency's online FOIA portal seeking identical categories of records to those sought in the March 9 FOIA Request, up to the date an updated search is conducted. *See* Exhibit C. As of this filing the Follow-Up Request is pending an administrative response by the EEOC.

COUNT I

Violation of FOIA, 5 U.S.C. § 552

Failure to Conduct Adequate Searches for Responsive Records

33. The NAACP repeats the allegations in the foregoing paragraphs and

incorporates them as though fully set forth herein.

34. The NAACP properly requested records within the possession, custody, and control of the EEOC.

35. The EEOC is an agency subject to FOIA, and it must therefore make reasonable efforts to search for requested records.

36. The EEOC has failed to promptly review agency records for the purpose of locating those records that are responsive to the NAACP's FOIA requests.

37. The EEOC's failure to conduct an adequate search for responsive records violates the FOIA and the EEOC's regulations.

38. Plaintiff, the NAACP is therefore entitled to injunctive and declaratory relief requiring Defendant, the EEOC to promptly make reasonable efforts to search for records responsive to the NAACP's FOIA request.

COUNT II

Violation of FOIA, 5 U.S.C. § 552

Wrongful Withholding of Non-Exempt Responsive Records

39. The NAACP repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

40. The NAACP properly requested records within the possession, custody, and control of the EEOC.

41. The EEOC is an agency subject to FOIA, and it must therefore release in response to a FOIA request any non-exempt records and provide a lawful reason for withholding any materials.

42. The EEOC is wrongfully withholding non-exempt agency records requested by the NAACP by failing to produce non-exempt records responsive to its March 9 FOIA request.

43. The EEOC is wrongfully withholding non-exempt agency records requested by the

NAACP by failing to segregate exempt information in otherwise non-exempt records responsive to the NAACP's March 9 FOIA request.

44. The EEOC's failure to provide all non-exempt responsive records violates the FOIA and the EEOC regulations.

45. Plaintiff, the NAACP is therefore entitled to declaratory and injunctive relief requiring Defendant, the EEOC to promptly produce all non-exempt records responsive to Plaintiff's March 9 FOIA request and provide indexes justifying the withholding of any responsive records withheld under claim of exemption.

REQUESTED RELIEF

WHEREFORE, the NAACP respectfully requests the Court to:

- (1) Order Defendants to conduct a search or searches reasonably calculated to uncover all records responsive to the NAACP's FOIA Request;
- (2) Order Defendant to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to the NAACP's FOIA request and indexes justifying the withholding of any responsive records withheld under claim of exemption;
- (3) Enjoin Defendant from continuing to withhold any and all non-exempt records responsive to the NAACP's FOIA request;
- (4) Award the NAACP 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 the NAACP such other relief as the Court deems just and proper.

Dated: June 5, 2026

Respectfully submitted,

/s/ Kerry S. Gutknecht

Kerry Gutknecht

D.C. Bar No. 1657705

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(202)789-1650

Kerry@GutknechtLegal.com

/s/ Kathryn J. Youker

Kathryn J. Youker

D.C. Bar No. 90004024

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW

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Attorneys for Plaintiff

EXHIBIT A



LAWYERS' COMMITTEE FOR
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March 9, 2026

VIA ONLINE PORTAL

U.S. Equal Employment Opportunity Commission
 131 M Street, NE
 Washington, D.C. 20507

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, the Lawyers' Committee for Civil Rights Under Law makes the following request for records on behalf of our client in this matter, the National Association for the Advancement of Colored People (NAACP).

On December 17, 2025, Andrea Lucas, Chair of the Equal Employment Opportunity Commission (EEOC), released a video¹ and tweets soliciting white men to submit discrimination complaints and inviting them to contact her office directly.² The NAACP seeks records to shed light on this matter, including whether and to what extent the EEOC has or continues to treat discrimination charges differently based on the charging party's race and gender.

Requested Records

The NAACP requests that your agency produce the following records within twenty business days:

1. All formal and informal directives, guidance, or recommendations (including any informal email communications) created by or otherwise provided to the Equal Employment Opportunity Commission (EEOC) related to any new, updated, or altered interpretation and/or enforcement guidance on discrimination in the workplace, at any time since January 21, 2025.
2. All formal and informal directives, memos, guidance, or recommendations (including any informal email communications) created by or otherwise provided to the EEOC related to the handling, categorization, or prioritization of allegations, inquiries, or charges of discrimination.

¹ Andrea Lucas (@andrealucasEEOC), X (Dec. 17, 2025, at 6:47 PM ET), <https://x.com/andrealucasEEOC/status/2001439099907961012>.

² Andrea Lucas (@andrealucasEEOC), X (Dec. 17, 2025, at 5:44 PM ET), <https://x.com/andrealucaseeoc/status/2001423215915123112?s=46>.



3. All data collected by or otherwise provided to the EEOC related to allegations of discrimination based on race or sex in Fiscal Year 2024 and Fiscal Year 2025.
4. Any changes, additions, or deletions to the types of data collected from potential charging parties or recorded by EEOC in any agency database, including the Agency Record Center (ARC). This includes any changes to demographic data, ARC project codes, or Priority Charge Handling Procedures (PCHP).
5. The number of charges recorded by EEOC in any agency database, including the Agency Record Center (ARC), under the project code "DEI".
6. All records, email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Chair Andrea Lucas, or anyone communicating on their behalf, such as an assistant or scheduler, related to the December 17, 2025 video (referenced in footnote 1), regarding the solicitation of discrimination complaints from white men.
7. All records relating to the costs or budget related to the production of the December 17, 2025 video released by Chair Andrea Lucas regarding the solicitation of discrimination complaints from white men.
8. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the EEOC officials listed below, or anyone communicating on their behalf, such as an assistant or scheduler, and containing any of the key terms also listed below:

EEOC Officials:

- Chair Andrea R. Lucas
- Principal Deputy General Counsel Catherine Eschbach
- Director of Field Management Programs Thomas Colclough
- Legislative Director Amanda Smith
- Assistant General Counsel Benjamin North
- Connor Clegg
- Shannon Royce
- Mary Kate Littlejohn
- Anyone serving in the capacity of Acting General Counsel
- Anyone serving in the capacity of Acting Commissioner

Key Terms:

- "DEI"
- "White people"
- "White males"



- “White men”
- “White male employees”
- “White male employee”
- “White male applicants”

For all parts of this request, please provide all responsive records from January 21, 2025, through the date the search is conducted. Please omit news clips or other mass distribution emails.

However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Chair Andrea Lucas received a mass-distribution news clip email from one of the specified entities, that initial email would not be responsive to this request.

However, if Chair Lucas forwarded that email to another individual with her own commentary, that subsequent message would be responsive to this request and should be produced.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s regulations, NAACP requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. The public has a significant interest in Chair Lucas’ and the EEOC’s decision to initiate targeted outreach to white men. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including whether or to what extent the EEOC is handling charges of discrimination differently based on the race or sex of charging parties. Moreover, the request is primarily and fundamentally for non-commercial purposes. As a 501(c)(4) nonprofit, NAACP does not have a commercial purpose and the release of the information requested is not in NAACP’s financial interest.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, the NAACP provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X (formerly Twitter) direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic,



printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voicemail messages, transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.³ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the NAACP has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.⁴
- Please respond individually to each numerical request, noting whether (1) responsive records have been provided, (2) no responsive records exist, or (3) responsive records are being withheld. If a record does not exist, or exists but is not in the possession of the EEOC, please explicitly say so, and indicate which office, if any, is in possession of the record. Please provide redacted documents wherever non-exempt information is commingled with exempt information, and provide detail to the fullest extent possible the subject and volume of any withheld information. If responsive records are withheld in full or redacted in part, please specify each statutory exemption you believe justifies the nondisclosure and provide a description of the contents withheld, including subject matter, number of pages, and the date(s) of the document(s).
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

⁴ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).



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- Wherever an official is referred to in their present capacity, please provide responsive records related to the individual in any other official capacity they held during the relevant time period. For example, records that are otherwise responsive to the requests include records related to Andrea Lucas when she served as Chair, Acting Chair, or Commissioner of the EEOC.

Conclusion

Where possible, please provide responsive material in an electronic format, so long as the records are legible. Please send all responsive documents via email to kyouker@lawyerscommittee.org, and please copy the individuals listed in the cc section of this request.

Consistent with the Act, your office must respond to this request within twenty (20) working days beginning the day after receipt. If it is logistically impossible for you to fully respond to this request within the twenty-day period, your office must state this in writing and explain the circumstances necessitating an extension of no more than ten (10) additional working days to fully respond.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to the NAACP, please do not hesitate to contact Kathryn Youker at kyouker@lawyerscommittee.org.

Also, if NAACP's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Thank you for your attention and cooperation with this request.

Sincerely,

Kathryn Youker
Lawyers' Committee for Civil Rights Under Law
on behalf of
NAACP

cc: Atarah McCoy (amccoy@lawyerscommittee.org)

EXHIBIT B

EXHIBIT C



LAWYERS' COMMITTEE FOR
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June 3, 2026

VIA ONLINE PORTAL, <https://eoc.arkcase.com/foia/portal/login>

Office of Legal Counsel
FOIA Division
Equal Employment Opportunity Commission
131 M. Street, N.E., Fifth Floor
Washington, D.C. 20507

Re: Administrative Appeal of Denial of Fee Waiver, FOIA Request No.: 820-2026-006356

Dear FOIA Appeals Officer:

I am writing on behalf of my client, the National Association for the Advancement of Colored People (NAACP), to appeal the denial of their request for a waiver of fees associated with the above-referenced Freedom of Information Act (FOIA) request submitted on March 9, 2026. In its March 10, 2026 determination regarding the fee waiver, (attached), the Commission concluded that my client's request did not provide sufficient detail regarding the NAACP's intent to disseminate the requested information to the public. We respectfully contend that this conclusion was in error and inconsistent with applicable FOIA standards and the Commission's regulations. In addition, we are providing further details regarding the NAACP's intention and capability regarding dissemination sufficient to exceed the FOIA's requirements.

Under 5 U.S.C. § 552(a)(4)(A)(iii), fee waivers are warranted when disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of government operations or activities and is not primarily in the commercial interest of the requester. My client's request meets this standard.

First, the subject of the request concerns identifiable operations and activities of the federal government, specifically the EEOC's development of new enforcement guidance on discrimination in the workplace, potentially impacting millions of American employees and thousands of employers. The information sought is meaningfully informative and not already readily available in the public domain. Its disclosure would therefore contribute to a broader and more complete understanding of government functions.

Second, as the oldest and largest civil rights organization in the United States, my client has the demonstrated intent and ability to disseminate the information to a broad national audience. While their initial request may not have elaborated extensively on particular dissemination plans, the requested fee waiver is required to be given if it is clear that the requester intends to disseminate the information to the public. Respectfully, we suggest that there is no other obvious reason for the NAACP to have submitted such a request. In particular, I wish to clarify that the NAACP intends to integrate information from the requested records into one or more published reports to be disseminated widely, as it has done before.¹

¹ The NAACP and its affiliates have an established record of publishing reports and earning news coverage based on records obtained from public records requests they have submitted (see, e.g., *NAACP Shares Results of Info Request*



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The NAACP intends to publish and distribute the requested information through multiple social media and mass-communications channels through which the organization has ready access to millions of potentially interested readers. These channels include the website naacp.org, Facebook (871,000 followers), Instagram (2 million+ followers), and Twitter/X (557,000 followers). These channels are capable of reaching a wide national and international audience and facilitating increased public understanding of the information disclosed.

FOIA does not require requesters to demonstrate a formal publishing contract or guaranteed distribution at the time of the request. Rather, it is sufficient to show a reasonable expectation of dissemination. Courts and agency guidance have consistently recognized that established organizations with an extensive history of impactful publications such as the NAACP can satisfy this requirement.

Third, the NAACP has no commercial interest in the requested records. The request is made solely for the purpose of informing the public and contributing to transparency and accountability in government.

Given these factors, the denial of the fee waiver was improper. At minimum, if the agency found the initial explanation insufficient, it should have sought clarification rather than issuing a denial. We now provide additional detail to ensure that the record clearly supports granting the waiver.

For these reasons, we respectfully request that the agency reverse its denial and grant a full waiver of fees associated with this request. In the alternative, we request that any fees be reduced consistent with the public interest served by disclosure.

Thank you for your consideration of this appeal. Please do not hesitate to contact me if further information would be helpful.

Sincerely,

Kathryn Youker
 Lawyers' Committee for Civil Rights Under Law
 on behalf of
 NAACP

cc: Atarah McCoy (amccoy@lawyerscommittee.org)

on Virginia Election Integrity Unit; Calls on Miyares to Disband It, 13News Now (Nov. 29, 2022, 6:00 PM), <https://www.13newsnow.com/article/news/politics/naacp-information-request-virginia-election-integrity-unit/291-a3463615-71e1-4be2-9df0-edd806bf0d87>; Hansi Lo Wang, *Restrictions on Deployed U.S. Troop Data Could Put 2020 Census 'At Risk'*, NPR (Feb. 25, 2019, 1:08 PM), <https://www.npr.org/2019/02/25/697315761/restrictions-on-deployed-u-s-troop-data-could-put-2020-census-at-risk>; ACLU, *ACLU and NAACP Secure Access to Public Eviction Records in Data-Scraping Case*, Am. Civil Liberties Union (Sept. 13, 2023), <https://www.aclu.org/press-releases/aclu-and-naacp-secure-access-to-public-eviction-records-in-data-scraping-case>). The NAACP regularly uses FOIA as a tool to gather evidence, then publishes detailed reports to the public based on the information obtained, demonstrating their capacity to serve the public interest through transparency and research.

<input type="radio"/> G. Habeas Corpus/ 2255 530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act 895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) 441 Voting (if not Voting Rights Act) 443 Housing/Accommodations 440 Other Civil Rights 445 Americans w/Disabilities – Employment 446 Americans w/Disabilities – Other 448 Education	<input type="radio"/> M. Contract 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 153 Recovery of Overpayment of Veteran’s Benefits 160 Stockholder’s Suits 190 Other Contracts 195 Contract Product Liability 196 Franchise	<input type="radio"/> N. Three-Judge Court 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.)

VII. REQUESTED IN COMPLAINT	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 type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form

DATE: _____	SIGNATURE OF ATTORNEY OF RECORD _____
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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**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

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

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:

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**

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

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

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:

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