

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

<hr/>		)	
PUBLIC CITIZEN,		)	
1600 20th Street NW		)	
Washington, DC 20009,		)	
	Plaintiff,	)	Civil Action No. 20-975
v.		)	
U.S. DEPARTMENT OF LABOR,		)	
200 Constitution Avenue NW		)	
Washington, DC 20210,		)	
	Defendant.	)	
<hr/>		)	

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. Plaintiff Public Citizen brings this action to compel defendant U.S. Department of Labor (DOL) to produce records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff Public Citizen is a nonprofit, public-interest organization. Public Citizen submitted the FOIA request at issue in this action.

4. Defendant DOL is an agency of the United States. DOL has possession or control of records responsive to Public Citizen’s FOIA request.

**FACTS**

5. On February 21, 2020, Public Citizen submitted to DOL a FOIA request seeking any correspondence between DOL employees and officials and external individuals, organizations,

or other entities (excluding the Department of Justice) regarding supplemental prevailing wage determinations (SPWDs) issued by DOL's National Prevailing Wage Center in 2013.

6. Public Citizen limited its request to correspondence dated June 1, 2019, through the date of search, and to records in the custody of the Office of the Secretary, the Office of the Solicitor, the Office of the Assistant Secretary for Policy, the Office of Public Affairs, the Employment and Training Administration, the Wage and Hour Division, and the Office of Congressional and Intergovernmental Affairs.

7. Public Citizen requested that DOL waive any fees associated with responding to the FOIA request.

8. DOL received Public Citizen's FOIA request on February 21, 2020.

9. On March 2, 2020, DOL acknowledged Public Citizen's FOIA request and assigned it to the Wage and Hour Division with tracking number 889345.

10. DOL estimated that it would complete action on Public Citizen's FOIA request by March 31, 2020.

11. On April 10, 2020, Public Citizen contacted DOL to inquire about the status of the request. DOL responded that it was unable to provide an estimated date of completion, but requested that Public Citizen consider narrowing the scope of its request. Public Citizen declined to do so, and DOL responded that the request to narrow had been sent in error.

12. Under 5 U.S.C. § 552(a)(6)(A)(i), DOL had 20 working days to respond to Public Citizen's request.

13. More than 20 working days have passed since Public Citizen's request. DOL has neither made a determination on Public Citizen's FOIA request nor produced any records in response to the request.

**CLAIM FOR RELIEF**

14. Public Citizen has a statutory right under FOIA, 5 U.S.C. § 552(a)(3)(A), to the records it requested.

15. DOL has no legal basis for refusing to produce the records responsive to Public Citizen's request.

**PRAYER FOR RELIEF**

Public Citizen requests that this Court:

- A. Declare that DOL's failure to provide the records responsive to Public Citizen's FOIA request is unlawful;
- B. Order DOL to make the requested records available to Public Citizen at no charge and without delay;
- C. Award Public Citizen its costs and reasonable attorneys' fees under 5 U.S.C. § 552(a)(4)(E); and
- D. Grant all other appropriate relief.

Dated: April 14, 2020

Respectfully submitted,

/s/ Michael T. Kirkpatrick

Michael T. Kirkpatrick (DC Bar No. 486293)

Adam R. Pulver (DC Bar No. 1020475)

Public Citizen Litigation Group

1600 20th Street NW

Washington, DC 20009

(202) 588-1000

[mkirkpatrick@citizen.org](mailto:mkirkpatrick@citizen.org)

Counsel for Plaintiff