

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

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FARM LABOR ORGANIZING COMMITTEE,)	
1221 Broadway Street)	
Toledo, OH 43609,)	
)	
	Plaintiff,)	
)	Civil Action No. 20-645
v.)	
)	
U.S. DEPARTMENT OF LABOR,)	
200 Constitution Avenue NW)	
Washington, DC 20210,)	
)	
	Defendant.)	
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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Farm Labor Organizing Committee (FLOC) 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 FLOC is a farmworker labor union, with nearly 8,000 members throughout the eastern half of the United States. Founded in 1967, FLOC’s goals are to ensure that farmworkers have a voice in decisions that affect them in the workplace and in their communities

and to bring all participants in the agricultural supply chain together to improve working conditions for farmworkers. FLOC 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 FLOC's FOIA request.

FACTS

5. On June 7, 2018, FLOC submitted to DOL a FOIA request seeking records of DOL investigations resulting in a finding of a violation of any federal law or regulation where DOL determined that the farmer, agricultural employer, or farm labor contractor sold tobacco to RJ Reynolds Tobacco Company, Universal Leaf Corporation, Altria, or Alliance One International. FLOC limited its request to the states of North Carolina, Kentucky, Tennessee, and Virginia, and to investigations conducted in 2015, 2016, or 2017.

6. DOL received FLOC's FOIA request on June 7, 2018. DOL assigned it FOIA Tracking Number 861230.

7. DOL responded to FLOC's FOIA request on January 25, 2019, denying it in full. DOL reported that it had conducted a search of relevant files and located the documents FLOC requested, but that it was withholding all responsive records in full under FOIA Exemption 4.

8. On February 15, 2019, FLOC submitted an administrative appeal of DOL's denial of its FOIA request.

9. On February 27, 2019, DOL acknowledged receipt of FLOC's appeal and assigned it Appeal Reference No. 190094.

10. Under 5 U.S.C. § 552(a)(6)(A)(ii), DOL had 20 working days to respond to FLOC's appeal. More than 20 working days have passed since FLOC's appeal, and DOL has neither made

a final determination on FLOC's appeal nor produced any records in response to FLOC's FOIA request.

11. FLOC has exhausted its administrative remedies.

CLAIM FOR RELIEF

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

13. DOL has no legal basis for refusing to produce the records responsive to FLOC's request.

PRAYER FOR RELIEF

FLOC requests that this Court:

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

Dated: March 5, 2020

Respectfully submitted,

/s/ Michael T. Kirkpatrick

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