

and disseminates information to advance government accountability. Public Citizen submitted the FOIA request at issue in this case.

4. Defendant OMB is an agency of the United States and has possession of and control over the records that plaintiff seeks.

STATEMENT OF FACTS

5. On April 12, 2017, Public Citizen submitted a FOIA request to OMB seeking records related to OMB's implementation of Executive Order 13771 and OMB guidance related to that Executive Order. In particular, Public Citizen sought:

Any and all records concerning implementation of Executive Order 13771, entitled "Reducing Regulation and Controlling Regulatory Costs," the February 2, 2017 OMB guidance entitled, "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, Titled 'Reducing Regulation and Controlling Regulatory Costs,'" or the April 5, 2017 Office of Management and Budget (OMB) guidance entitled, "Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs.'"

This request includes both records related to implementation generally and records related to the effect of implementation on any specific rule.

6. By letter dated April 13, 2017, OMB acknowledged receipt of Public Citizen's FOIA request. The letter stated that Public Citizen's request had been "logged and is being processed." OMB assigned the request the OMB FOIA number 2017-165.

7. Since April 13, 2017, Public Citizen has received no further correspondence from OMB related to this FOIA request. Public Citizen has received from OMB no records in response to the FOIA request.

8. Under 5 U.S.C. § 552(a)(6)(A)(i), OMB had 20 working days to make a determination with respect to Public Citizen's April 12, 2017, request. More than 20 working days have passed since Public Citizen submitted the request, and OMB has not done so.

CLAIM FOR RELIEF

9. Public Citizen has a statutory right to the records it seeks, and there is no legal basis for OMB's failure to disclose them in response to the FOIA request.

10. Public Citizen is entitled to declaratory and injunctive relief compelling the release and disclosure of the requested records.

PRAYER FOR RELIEF

Wherefore, plaintiff requests that this Court:

A. Declare that defendant's failure to provide the requested records in response to plaintiff's FOIA request is unlawful;

B. Order defendant to make the records responsive to plaintiff's FOIA request available to plaintiff at no charge;

C. Award plaintiff its costs and reasonable attorney fees; and

D. Grant all other appropriate relief.

Dated: September 22, 2017

Respectfully submitted,

/s/ Sean M. Sherman

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