

4. Defendant EPA is an agency of the federal government of the United States and has possession of and control over the records Mr. Surgey seeks.

STATEMENT OF FACTS

5. On January 8, 2018, Mr. Surgey submitted a FOIA request to EPA requesting records associated with EPA Administrator Scott Pruitt's travel to and attendance at the 2018 Rose Bowl college football game. Mr. Surgey explained that the responsive records would include, but not be limited to, any emails, notes, or expense reports that describe the trip to Pasadena, the Rose Bowl game, and any associated meetings or events that took place on the same trip. Mr. Surgey also specified that the responsive records would include records establishing the entity that paid for the travel, Rose Bowl tickets, and any associated costs incurred on the trip. Finally, Mr. Surgey stated that the request included the travel of Mr. Pruitt and any other EPA staff, including security staff, that traveled to Pasadena as part of the same trip or attended the Rose Bowl game with Mr. Pruitt.

6. Mr. Surgey included a request for a waiver of all fees in his FOIA request.

7. By letter dated February 16, 2018, EPA responded to Mr. Surgey's fee waiver request and stated that it had determined the request "does not reach a billable amount" and that "no charges are associated in processing your request."

8. More than 20 working days have passed since EPA received Mr. Surgey's FOIA request, and EPA has neither made a determination nor produced any records in response to his request.

**CAUSE OF ACTION
(FOIA – Failure to Disclose Responsive Records)**

9. Mr. Surgey has exhausted all administrative remedies with respect to his FOIA request for records regarding Scott Pruitt’s travel to and attendance at the 2018 Rose Bowl college football game under 5 U.S.C. § 552(a)(6)(C)(i).

10. Mr. Surgey has a statutory right under FOIA, 5 U.S.C. § 552(a)(3)(A), to the records he requested, and there is no legal basis for EPA’s failure to disclose them.

PRAYER FOR RELIEF

WHEREFORE, Mr. Surgey requests that this Court:

- (1) Declare that EPA’s withholding of the requested records is unlawful;
- (2) Order EPA to make the requested records available to Mr. Surgey at no cost and without delay;
- (3) Award Mr. Surgey his costs and reasonable attorneys’ fees pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief as this Court may deem just and proper.

Dated: March 22, 2018

Respectfully submitted,

/s/ Patrick D. Llewellyn
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