

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

JUDICIAL WATCH, INC.,)
425 Third Street, S.W., Suite 800)
Washington, DC 20024,)
)
Plaintiff,)
)
v.)
)
U.S. DEPARTMENT OF LABOR)
Frances Perkins Building)
200 Constitution Avenue, N.W.)
Washington, DC 20210,)
)
Defendant.)
_____)

Case: 1:10-cv-01567
Assigned To : Leon, Richard J.
Assign. Date : 9/17/2010
Description: FOIA/Privacy Act

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Labor to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 425 Third Street, S.W., Suite 800, Washington, DC 20024. Plaintiff seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. In furtherance of its public interest

mission, Plaintiff regularly requests access to the public records of federal, state, and local government agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant is an agency of the United States Government and is headquartered at 200 Constitution Avenue, N.W., Washington, DC 20210. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On July 9, 2010, Plaintiff sent a FOIA request to Defendant seeking access to the following:

- A. Any and all records of complaints by undocumented workers under the Wage and Hour Division's "We Can Help" Program. The time frame for this request is April 1, 2010 until July 9, 2010.
- B. Any and all records of the policies and procedures of the Wage and Hour Division's "We Can Help" program concerning, regarding, or relating to complaints received from an undocumented worker. The time frame for this request is April 1, 2010 until July 9, 2010.
- C. Any and all records of the policies and procedures of the Wage and Hour Division's "We Can Help" program concerning, regarding, or relating to complaints received from an undocumented worker. The time frame for this request is April 1, 2010 until July 9, 2010.

6. Defendant acknowledged that it received receipt of Plaintiff's request by letter dated July 22, 2010.

7. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), Defendant was required to respond within twenty (20) working days of receipt, or by August 20, 2010.

8. As of the date of this Complaint, Defendant has failed to produce any records responsive to the request or demonstrate that responsive records are exempt from production. Nor has it indicated whether or when any responsive records will be produced. In short, Defendant has failed to respond to the request in any manner.

9. Because Defendant failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A), Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its July 9, 2010 FOIA request, pursuant to 5 U.S.C. § 552(a)(6)(C).

COUNT 1
(Violation of FOIA, 5 U.S.C. § 552)

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.

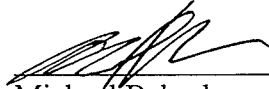
12. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of requested records, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform its conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's July 9, 2010 FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption; (2) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's July 9, 2010 FOIA request; (3) grant Plaintiff an award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (4) grant Plaintiff such other relief as the Court deems just and proper.

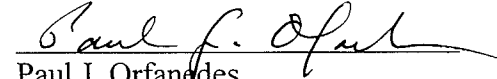
Dated: September 16, 2010

Respectfully submitted,

JUDICIAL WATCH, INC.



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