

disseminates its findings and any records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Environmental Protection Agency is an agency of the United States Government. Defendant has possession, custody, and control of records to which Plaintiff seeks access. Defendant is headquartered at 1200 Pennsylvania Avenue NW, Washington, DC 20460.

STATEMENT OF FACTS

5. On February 20, 2025, Plaintiff sent a FOIA request to Defendant seeking access to the following public records:

1. All documents and communications regarding the Greenhouse Gas Reduction Fund grant to Power Forward Communities.

The time frame of the request was identified as January 30, 2024 to January 30, 2025.

6. By letter dated February 26, 2025, Defendant acknowledged receipt of the request on February 20, 2025, and advised Plaintiff that the request had been assigned FOIA request number 2025-EPA-04017.

7. As of the date of this Complaint, Defendant has failed to: (i) determine whether to comply with Plaintiff’s request; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate the requested records are exempt from production.

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

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.
9. Defendant is in violation of FOIA.

10. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

11. Plaintiff has no adequate remedy at law.

12. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make final determinations on Plaintiff's request by March 20, 2025. Because Defendant failed to issue a final determination on Plaintiff's request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) 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 (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: May 13, 2026

Respectfully submitted,

/s/ Patrick O. Francescon
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