

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

INSIDER INC.,)
One Liberty Plaza, 8th Floor)
New York, NY 10006)
)
Plaintiff,)
)
v.)
)
U.S. GENERAL SERVICES)
ADMINISTRATION,)
1800 F Street, NW)
Washington, D.C. 20405)
)
Defendant.)

COMPLAINT

1. Plaintiff INSIDER INC. brings this Freedom of Information Act suit to force Defendant U.S. GENERAL SERVICES ADMINISTRATION (“GSA”) to produce all non-exempt records pertaining to expenditures of President Trump’s and Vice President Pence’s outgoing transition teams. In violation of FOIA, GSA refused to release the names of nine employees of President Trump’s and Vice President’s transition team.

PARTIES

2. Plaintiff INSIDER INC. (“INSIDER”) is a member of the media and made the FOIA requests at issue in this case.

3. Defendant U.S. GENERAL SERVICES ADMINISTRATION (“GSA”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

MARCH 9, 2021, FOIA REQUESTS (TRUMP TRANSITION)

6. On March 9, 2021, INSIDER submitted two FOIA requests to GSA. The first request sought “details about any expenditures made from outgoing [P]resident Donald Trump’s Presidential Transition account,” and the second request sought “all emailed communications between GSA and representatives of former President Donald Trump regarding expenditures from his Presidential Transition account at GSA.” Exhibit A.

7. Upon receipt of each request, GSA assigned reference numbers GSA-2021-000772 and GSA-2021-000773 to the requests. *Id.*

8. On May 14, 2021, GSA issued a single determination letter on both requests, partially granted the requests, and produced four PDF files responsive to the requests. Exhibit B.

9. One of the documents, titled “000772 and 000773 – Kaitlyn Schneider Redacted,” included a Salary and Benefits Cost Estimating File (“First Salary File”) that contained salary information of seventeen members of President Trump’s transition team. Exhibit C.

10. In the First Salary File, GSA withheld and redacted the names of five employees by citing Exemption 6. *Id.*

11. The job titles and salaries of these five individuals are as follows: Employee 11, Personal Aide with an annual salary of \$120,000; Employee 12, Communications Director to the Former First Lady with an annual salary of \$100,000; Employee 13, Coordinator with an annual salary of \$90,000; Employee 14, Press Assistant with an annual salary of \$90,000; and Employee 15, Administrative Assistant to the Former First Lady with an annual salary of \$90,000. *Id.*

12. On May 18, 2021, INSIDER appealed the withholding of the five employees’ names in the First Salary File. Exhibit D.

13. INSIDER did not and does not challenge any withholdings and redactions that GSA made under Exemptions 4 and 5.

14. On June 10, 2021, GSA denied INSIDER's appeal. GSA stated that the "disclosure of the names would constitute a clearly unwarranted invasion of personal privacy" of these "lower-level individuals employed with the office of the former President." Exhibit E.

15. According to the U.S. Department of Justice's FOIA Guide, "civilian federal employees who are not involved in law enforcement or sensitive occupations generally have no expectation of privacy regarding their names, titles, grades, salaries, and duty stations as employees." Department of Justice Guide to the Freedom of Information Act, Exemption 6 at 23, <https://www.justice.gov/oip/page/file/1207336/download> (last accessed Oct. 6, 2021).

16. As of the date of this filing, GSA has not complied with FOIA and has not produced all records responsive to the request.

MAY 18, 2021 FOIA REQUEST (PENCE TRANSITION)

17. On May 18, 2021, INSIDER submitted a FOIA request to GSA for "all emailed communications between GSA and representatives of former Vice President Mike Pence regarding expenditures from his Presidential Transition account at GSA" and "any available details of expenditures made from that account." Exhibit F.

18. GSA assigned reference number GSA-2021-001079 to the matter. *Id.*

19. On July 14, 2021, GSA partially granted the request and produced twenty-four PDF files responsive to the request. Exhibit G.

20. One of the documents, titled "File 1 – Staffing Projections Redacted," included a Salary and Benefits Cost Estimating File ("Second Salary File") that contained information of eleven members of Vice President Pence's transition team. Exhibit H.

21. In the Second Salary File, GSA withheld and redacted the names of four employees by citing Exemption 6. *Id.*

22. The salaries of these four individuals are as follows: Employee 2 with an annual salary of \$60,000; Employee 4 with an annual salary of \$60,000; Employee 5 with an annual salary of \$60,000; and Employee 11 with annual salary of \$60,000. *Id.*

23. The Second Salary File did not contain the job titles of the four employees.

24. On July 28, 2021, INSIDER appealed the withholding of the four employees' names in the Second Salary File. Exhibit I.

25. INSIDER did not and does not challenge any withholdings and redactions that GSA made under Exemptions 4 and 5.

26. On September 8, 2021, GSA denied INSIDER's appeal. GSA stated that the "disclosure of the names would constitute a clearly unwarranted invasion of personal privacy" of these "lower-level individuals employed with the office of the former Vice President." Exhibit J.

27. According to the U.S. Department of Justice's FOIA Guide, "civilian federal employees who are not involved in law enforcement or sensitive occupations generally have no expectation of privacy regarding their names, titles, grades, salaries, and duty stations as employees." Department of Justice Guide to the Freedom of Information Act, Exemption 6 at 23.

28. As of the date of this filing, GSA has not complied with FOIA and has not produced all records responsive to the request.

**COUNT I – MARCH 9, 2021, FOIA REQUESTS (TRUMP TRANSITION),
GSA'S FOIA VIOLATION**

29. The above paragraphs are incorporated herein.

30. The request seeks disclosure of agency records and were properly made.

31. GSA is a federal agency and subject to FOIA.

32. The requested records are not exempt under FOIA.

33. GSA failed to produce all non-exempt records responsive to the request.

**COUNT II – MAY 18, 2021 FOIA REQUEST (PENCE TRANSITION),
GSA’S FOIA VIOLATION**

34. The above paragraphs are incorporated herein.
35. The request seeks disclosure of agency records and were properly made.
36. GSA is a federal agency, subject to FOIA.
37. The requested records are not exempt under FOIA.
38. GSA failed to produce all non-exempt records responsive to the request.

WHEREFORE, Plaintiff asks the Court to:

- i. declare that GSA has violated FOIA;
- ii. order GSA to produce all non-exempt records responsive to the request;
- iii. enjoin GSA from withholding non-exempt public records under FOIA;
- iv. award Plaintiff attorneys’ fees and costs; and
- v. award such other relief the Court considers appropriate.

Dated: October 11, 2021

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

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INSIDER INC.

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