

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,
1030 15th Street NW, B255
Washington, DC 20005

Plaintiff,

v.

Case No. 25-cv-409

U.S. DEPARTMENT OF GOVERNMENT
EFFICIENCY,
736 Jackson Place NW
Washington, DC 20503

U.S. DOGE SERVICE,
736 Jackson Place NW
Washington, DC 20503

U.S. DOGE SERVICE TEMPORARY
ORGANIZATION,
736 Jackson Place NW
Washington, DC 20503

U.S. DIGITAL SERVICE,
736 Jackson Place NW
Washington, DC 20503

and

OFFICE OF MANAGEMENT AND BUDGET,
725 17th Street NW, Suite 9272
Washington, DC 20503

Defendants.

COMPLAINT

1. Plaintiff American Oversight brings this action against the U.S. Department of Government Efficiency, U.S. DOGE Service, U.S. DOGE Service Temporary Organization, U.S.

Digital Service, and the Office of Management and Budget (“Defendants”) under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA in connection with FOIA requests for communications involving Elon Musk and his key staff.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

4. Because Defendants have failed to comply with the applicable time-limit provisions of FOIA, American Oversight is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action requiring Defendants to process American Oversight’s FOIA requests on an expedited basis.

PARTIES

5. Plaintiff American Oversight is a nonpartisan, non-profit section 501(c)(3) organization. American Oversight is committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. Through research and FOIA requests, American Oversight uses the information it gathers, and its analysis of it, to educate the public about the activities and operations of the federal government through reports, published analyses, press releases, and other media. The organization is incorporated under the laws of the District of Columbia.

6. Defendant U.S. Department of Government Efficiency (“DOGE”) is a department of the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). *See Establishing and Implementing the President’s “Department of Government Efficiency,”* Exec. Order No. 14158, 90 Fed. Reg. 8441 (Jan. 20, 2025), *available at* <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-02005.pdf>.

7. Defendant U.S. DOGE Service (hereinafter “USDS”) is an establishment in the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). *See id.*

8. Defendant U.S. DOGE Service Temporary Organization is an establishment in the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). *See id.*

9. Defendant U.S. Digital Service was an establishment in the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1), renamed and reorganized as USDS pursuant to President Trump’s January 20, 2025 executive order. *See id.*

10. As further demonstrated below, because Defendants U.S. Digital Service, DOGE, USDS, and U.S. DOGE Service Temporary Organization each have duties and authority that go beyond simply advising the President, they are all subject to FOIA.

11. Upon information and belief, Defendant DOGE has possession, custody, and control of records responsive to American Oversight’s FOIA request.

12. Upon information and belief, Defendant USDS has possession, custody, and control of records responsive to American Oversight’s request.

13. Upon information and belief, Defendant U.S. DOGE Service Temporary Organization has possession, custody, and control of records responsive to American Oversight's request.

14. Upon information and belief, Defendant U.S. Digital Service has possession, custody, and control of records responsive to American Oversight's request.

15. Defendant Office of Management and Budget (OMB) is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1), headquartered in Washington, D.C. Upon information and belief, OMB has possession, custody, and control of records responsive to American Oversight's request.

STATEMENT OF FACTS

DOGE's Activities

16. In November 2024, a week after the presidential election, then President-elect Donald Trump announced that Elon Musk would be named the head of the Department of Government Efficiency, which Trump referred to as "DOGE."¹

17. This was an apparent reference to the Musk-backed cryptocurrency DOGE coin.²

18. Elon Musk spent nearly \$300 million helping Trump win the election.³

19. DOGE's structure and function were initially unclear, including whether it would be housed within the federal government or as an external entity.⁴

¹ Elena Moore et al., *Trump Taps Musk to Lead a 'Department of Government Efficiency' with Ramaswamy*, NPR (Nov. 12, 2024, 9:03 PM ET), <https://www.npr.org/2024/11/12/g-s1-33972/trump-elon-musk-vivek-ramaswamy-doge-government-efficiency-deep-state>.

² *Id.*

³ David Wright & Alex Leeds-Matthews, *Elon Musk Spent More than \$290 Million on the 2024 Election, Year-end FEC Filings Show*, CNN (Feb. 1, 2025 10:46 AM EST), <https://www.cnn.com/2025/02/01/politics/elon-musk-2024-election-spending-millions/index.html>.

⁴ Moore et al., *supra* note 1.

20. During the presidential transition period, the DOGE team operated out of the Washington, DC, office of the Tesla car company, which Musk owns.⁵

21. During the presidential transition period, Musk and DOGE representatives communicated with federal agencies concerning DOGE's plans for those agencies in the new administration.⁶

22. Upon taking office, Trump issued an Executive Order (hereinafter "EO") "to implement the President's DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity."⁷ The EO renames the U.S. Digital Service as the U.S. DOGE Service and creates a temporary organization within it called the "U.S. DOGE Service Temporary Organization," "headed by the USDS Administrator" and "dedicated to advancing the President's 18-month DOGE agenda." Under the EO, the U.S. DOGE Service Temporary Organization sunsets on July 4, 2026.

23. The EO further requires each Agency Head to establish a DOGE Team within each agency of the executive branch.

24. For purposes of this suit, Defendants are referred to collectively as "DOGE."

25. DOGE has a self-contained structure.

26. DOGE does more than merely advise and assist the President. In fact, DOGE wields substantial authority independently of the President.

⁵ Eric Katz, *DOGE Agency Deployments Raise Ethical and Influence Concerns*, Gov't Exec., Jan. 15, 2025, <https://www.govexec.com/management/2025/01/doge-agency-deployments-raise-ethical-and-influence-concerns/402204/>.

⁶ Faiz Siddiqui et al., *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post, Jan. 10, 2025, <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁷ See *Establishing and Implementing the President's "Department of Government Efficiency,"* Exec. Order No. 14158, 90 Fed. Reg. 8441 (Jan. 20, 2025), available at <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-02005.pdf>.

27. Since at least January 20, 2025, DOGE staff have accessed the offices of at least 15 executive branch agencies.⁸

28. With respect to these agencies, DOGE staff have (a) gained access to computer systems previously available only to agency employees, (b) rendered decisions related to agency payments or agency personnel, and (c) ordered agency supervisors or staff to take various actions.

29. For example, on or around February 1, 2025, DOGE personnel insisted that they be granted access to systems at the U.S. Agency for International Development (“USAID”), threatening to call law enforcement when officials at USAID refused.⁹

30. DOGE staffers did subsequently gain access to USAID systems, including those containing classified information. *See id.*

31. On Monday, February 3, 2025, at 1:54 AM, Musk posted on X (formerly Twitter), “We spent the weekend feeding USAID into the wood chipper. Could gone [sic] to some great parties. Did that instead.”¹⁰

32. As his X post indicates, Musk, as head of DOGE, directed the reduction of USAID’s workforce and freezing of funds.

33. Media reported that “[c]ritical supplies of life-saving medicines have been blocked and children left without food and battling malnutrition,” with “several thousand women and

⁸ See, e.g., Wash. Post staff, *Elon Musk’s DOGE Has Swept into 15 Federal Agencies. Here’s What to Know*, Wash. Post, Feb. 8, 2025, <https://www.washingtonpost.com/business/2025/02/08/elon-musk-doge-federal-agencies-cuts-employees/>.

⁹ Jennifer Hansler et al., *Elon Musk Said Donald Trump Agreed USAID Needs to be ‘Shut Down’*, CNN (Feb. 3, 2025, 7:48 AM EST), <https://www.cnn.com/2025/02/02/politics/usaaid-officials-leave-musk-doge/index.html>.

¹⁰ Elon Musk (@elonmusk), X (formerly Twitter) (Feb. 3, 1:54 AM), <https://x.com/elonmusk/status/1886307316804263979>.

girls . . . likely to die from complications during pregnancy and childbirth as a direct result of Trump’s order to freeze aid to the agency”¹¹

34. Judge Carl Nichols temporarily enjoined the placement of USAID employees on leave until at least February 14, 2025, in an action filed in this District by two unions that represent USAID employees.¹²

35. DOGE members have also gained access to sensitive systems at the U.S. Department of the Treasury, including the Payment Automation Manager and Secure Payment System, which process over \$5 trillion annually.¹³

36. According to media reports, the payment system “handles tax refunds, Social Security benefits, veterans’ benefits and much more,” and includes “an expansive network of Americans’ personal and financial data.”¹⁴

37. This access was temporarily enjoined by Judge Paul Engelmayer in an action brought in this District. *Id.*

¹¹ Mark Townsend et al., *Deaths Predicted Amid the Chaos of Elon Musk’s Shutdown of USAid*, The Guardian (Feb 4, 2025, 11:28 EST), <https://www.theguardian.com/global-development/2025/feb/04/deaths-predicted-amid-the-chaos-of-elon-musks-shutdown-of-usaid>.

¹² Order, *Am. Foreign Service Assoc., et al. v. Donald Trump, et al.*, 25-cv-352, ECF No. 15 (Feb. 7, 2025), available at https://storage.courtlistener.com/recap/gov.uscourts.dcd.277213/gov.uscourts.dcd.277213.15.0_2.pdf; see also Kwan Wei Kevin Tan et al., *Judge Blocks Trump, Musk’s Shutdown of USAID*, Business Insider (Feb. 7, 2025, 6:50 PM ET), <https://www.businessinsider.com/trump-musk-doge-usaid-shutdown-blocked-2025-2>.

¹³ Andrew Duehren et al., *Elon Musk’s Team Now Has Access to Treasury’s Payments System*, N.Y. Times, Feb. 1, 2025, <https://www.nytimes.com/2025/02/01/us/politics/elon-musk-doge-federal-payments-system.html>; Vittoria Elliott et al., *A 25-Year-Old With Elon Musk Ties Has Direct Access to the Federal Payment System*, WIRED (Feb. 4, 2025, 1:02 AM), <https://www.wired.com/story/elon-musk-associate-bfs-federal-payment-system/>.

¹⁴ Assoc. Press, *Federal Judge Blocks DOGE from Accessing Sensitive U.S. Treasury Department Material*, NPR (Feb 8, 2025, 2:01 AM ET), <https://www.npr.org/2025/02/08/g-s1-47350/states-sue-to-stop-doge-accessing-personal-data>.

38. A threat intelligence team at the Treasury Department recommended that DOGE staffers' access to these systems be monitored as an "insider threat," urging that their access be suspended because, according to the threat assessment team's email, "[t]here is reporting at other federal agencies indicating that DOGE members have performed unauthorized changes and locked civil servants out of the sensitive systems they gained access to."¹⁵

39. DOGE staff have also gained editor access to systems at the National Oceanic and Atmospheric Administration.¹⁶

40. Similarly, DOGE staff have gained access to systems at the Consumer Financial Protection Bureau ("CFPB") that "manage the agency's human resources, procurement, and finance systems" and they have "taken control of the bureau's social media accounts, locking out career staff."¹⁷

41. Media reports that "DOGE's actions inside the bureau are stoking fears that Musk will try to virtually dismantle the agency to the extent possible, as he aims to do at the Department of Education and the U.S. Agency for International Development."¹⁸

¹⁵ Vittoria Elliott & Leah Feiger, *A US Treasury Threat Intelligence Analysis Designates DOGE Staff as 'Insider Threat'*, WIRED (Feb. 7, 2025, 2:47 PM), <https://www.wired.com/story/treasury-bfs-doge-insider-threat/>.

¹⁶ Tim Marchman & Matt Giles, *This DOGE Engineer Has Access to the National Oceanic and Atmospheric Administration*, WIRED (Feb. 5, 2025, 2:58 PM), <https://www.wired.com/story/doge-engineer-noaa-data-google-musk-climate-project-2025/>.

¹⁷ Bobby Allyn et al., *Musk's Team Takes Control of Key Systems at Consumer Financial Protection Bureau*, NPR (Feb 7, 2025, 11:48 PM ET), <https://www.npr.org/2025/02/07/g-s1-47322/musks-team-takes-control-of-key-systems-at-consumer-financial-protection-bureau>.

¹⁸ Laurel Wamsley, *New CFPB Chief Closes Headquarters, Tells All Staff They Must Not Do 'Any Work Tasks'*, NPR (Feb. 10, 2025, 10:47 AM ET), <https://www.npr.org/2025/02/08/nx-s1-5290914/russell-vought-cfpb-doge-access-musk>.

42. In an interview aired before the Super Bowl, Trump also stated his intention to have Musk and DOGE investigate military spending.¹⁹

Inspectors General Firings

43. On January 24, 2025, President Trump removed inspectors general from at least seventeen (17) federal agencies, citing “changing priorities” as the reason for their terminations.²⁰

44. Members of nearly two dozen House committees subsequently signed a joint letter to President Trump defending the independence of inspectors general and pointing out that removing them without notifying Congress violates the law: “Firing inspectors general without due cause is antithetical to good government, undermines the proper stewardship of taxpayer dollars, and degrades the federal government’s ability to function effectively and efficiently,” the letter reads. “We urge you to withdraw your unlawful action and comply with your obligations to the American people.”²¹

45. On January 25, 2025, Senator Elizabeth Warren posted on X: “It’s a purge of independent watchdogs in the middle of the night. Inspectors general are charged with rooting out government waste, fraud, abuse, and preventing misconduct. President Trump is dismantling checks on his power and paving the way for widespread corruption.”²²

¹⁹ Mike Wendling, *Trump Defends Musk and Says Doge Will Look at Military Spending*, BBC, Feb. 9, 2025, <https://www.bbc.com/news/articles/czrljmzyz7xo>.

²⁰ Katherine Faulders et al., *Trump Administration Cites ‘Changing Priorities’ in Emails that Fired Inspectors General*, ABC News (Jan. 26, 2025, 2:45 PM) <https://abcnews.go.com/Politics/trump-administration-cites-changing-priorities-emails-fired-inspectors/story?id=118123086>.

²¹ David Nakamura et al., *Trump Defends Ousting at Least 15 Independent Inspectors General in Late-Night Purge*, Wash. Post, Jan. 25, 2025, <https://www.washingtonpost.com/politics/2025/01/24/trump-fire-inspectors-general-federal-agencies/>.

²² Elizabeth Warren (@SenWarren), X (Jan. 25, 2025, last edited 12:07 AM), <https://x.com/SenWarren/status/1883018866063995228>.

46. On January 30, 2025, American Oversight submitted a FOIA request to both the U.S. DOGE Service (“USDS”) and the Office of Management and Budget (“OMB”) bearing internal tracking number OMB-25-0252 (hereinafter “IG Key Terms Request”), seeking the following records from January 20 through January 28, 2025:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) **and text messages** (including complete text message threads or conversations) **or messages on messaging platforms** (such as Signal, Slack, GChat or Google Hangouts, Lync, Skype, X (formerly Twitter) direct messages, Facebook messages, WhatsApp, Telegram, or Parler) sent or received by any of the officials listed below and containing any of the key terms listed below.

USDS Officials:

- i. Elon Musk
- ii. Anyone serving as Elon Musk’s chief of staff, secretary, scheduler, assistant, senior advisor, and/or special advisor

Key Terms

- a. Inspector
- b. IG
- c. OIG
- d. “notice requirement”
- e. Massacre
- f. Remov*
- g. Terminat*
- h. Dismiss*
- i. Fir*
- j. “Non-duty status”
- k. Inquiry
- l. Purg*

Please note that American Oversight is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “remov*” would return all of the following: remove, removal, removing, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

For text messages or messages on other messaging platforms, American Oversight requests that full text message threads/conversations be produced. For example, if an official sent or received a text message containing any of the key terms listed above, the complete thread/conversation for the timeframe listed below should be produced, and not just the message containing the key term.

See attached Exhibit A.

47. Also on January 30, 2025, American Oversight submitted a separate FOIA request to both USDS and OMB bearing internal tracking number OMB-25-0253 (hereinafter “IG Communications Request”), seeking the following records from January 20 through January 28, 2025:

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Signal, Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any of the officials listed below and (b) the external individuals and entities listed below.

USDS Officials:

- i. Elon Musk
- ii. Anyone serving as Elon Musk’s chief of staff, secretary, scheduler, assistant, senior advisor, and/or special advisor

External Entities:

1. Anyone communicating from the House of Representatives, including but not limited to email addresses ending in @mail.house.gov
2. Anyone communicating from the office of Senator Chuck Grassley (including email communications from email addresses ending in @grassley.senate.gov)
3. Anyone communicating from the office of Senator Josh Hawley (including email communications from email addresses ending in @hawley.senate.gov)
4. Anyone communicating from the office of Senator Rand Paul (including email communications from email addresses ending in @paul.senate.gov)
5. Anyone communication from the Office of Senator Gary Peters (including email communications from email addresses ending in @peters.senate.gov)
6. Anyone communicating from the Senate Homeland Security and Governmental Affairs Committee (including email communications from email addresses ending in @hsgac.senate.gov)
7. Anyone communicating from the Office of Senator Dick Durbin (including from email addresses ending in @durbin.senate.gov)

8. Anyone communicating from the Senate Committee on the Judiciary (including from email addresses ending in @judiciary.senate.gov)
9. Anyone communicating from the office of Senator James Risch (including email communications from email addresses ending in @risch.senate.gov)
10. Anyone communicating from the office of Senator Jeanne Shaheen (including email communications from email addresses ending in @shaheen.senate.gov)
11. Anyone communicating from the Senate Foreign Relations Committee (including email communications from email addresses ending in @foreign.senate.gov)
12. Anyone communicating from the office of Senator Ted Cruz (including email communications from email addresses ending in @cruz.senate.gov)
13. Anyone communicating from the office of Senator Maria Cantwell (including email communications from email addresses ending in @cantwell.senate.gov)
14. Anyone communicating from the Senate Commerce, Science, and Transportation Committee (including email communications from email addresses ending in @commerce.senate.gov)
15. Anyone communicating from the office of Senator Tim Scott (including email communications from email addresses ending in @scott.senate.gov)
16. Anyone communicating from the office of Senator Elizabeth Warren (including email communications from email addresses ending in @warren.senate.gov)
17. Anyone communicating from the Senate Banking, Housing, and Urban Affairs Committee (including email communications from email addresses ending in @banking.senate.gov)
18. Anyone communicating from the office of Senator Moore Capito (including email communications from email addresses ending in @capito.senate.gov)
19. Anyone communicating from the office of Senator Sheldon Whitehouse (including email communications from email addresses ending in @whitehouse.senate.gov)
20. Anyone communicating from the Senate Environment and Public Works Committee (including email communications from email addresses ending in @epw.senate.gov)
21. Anyone communicating from the office of Senator Bill Cassidy (including email communications from email addresses ending in @cassidy.senate.gov)
22. Anyone communicating from the office of Senator Bernie Sanders (including email communications from email addresses ending in @sanders.senate.gov)

23. Anyone communicating from the Senate Health, Education, Labor, and Pensions Committee (including email communications from email addresses ending in @help.senate.gov)
24. Anyone communicating from the office of Senator Mike Crapo (including email communications from email addresses ending in @crapo.senate.gov)
25. Anyone communicating from the office of Senator Ron Wyden (including email communications from email addresses ending in @wyden.senate.gov)
26. Anyone communicating from the Senate Finance Committee (including email communications from email addresses ending in @finance.senate.gov)
27. Anyone communicating from the office of Senator Roger Wicker (including email communications from email addresses ending in @wicker.senate.gov)
28. Anyone communicating from the office of Senator Jack Reed (including email communications from email addresses ending in @reed.senate.gov)
29. Anyone communicating from the Senate Armed Services Committee (including email communications from email addresses ending in @armed-services.senate.gov)
30. Anyone communicating from the office of Senator Jerry Moran (including email communications from email addresses ending in @moran.senate.gov)
31. Anyone communicating from the office of Senator Richard Blumenthal (including email communications from email addresses ending in @blumenthal.senate.gov)
32. Anyone communicating from the Senate Veterans' Affairs Committee (including email communications from email addresses ending in @veterans.senate.gov)
33. Anyone communicating from the office of Senator Mike Lee (including email communications from email addresses ending in @lee.senate.gov)
34. Anyone communicating from the office of Senator Martin Heinrich (including email communications from email addresses ending in @heinrich.senate.gov)
35. Anyone communicating from the Senate Energy and Natural Resources Committee (including email communications from email addresses ending in @energy.senate.gov)
36. Anyone communicating from the office of Senator John Boozman (including email communications from email addresses ending in @boozman.senate.gov)
37. Anyone communicating from the office of Senator Amy Klobuchar (including email communications from email addresses ending in @klobuchar.senate.gov)

38. Anyone communicating from the Senate Agriculture, Nutrition, and Forestry Committee (including email communications from email addresses ending in @agriculture.senate.gov)
39. Anyone communicating from the office of Senator Joni Ernst (including email communications from email addresses ending in @ernst.senate.gov)
40. Anyone communicating from the office of Senator Edward Markey (including email communications from email addresses ending in @markey.senate.gov)
Anyone communicating from the Senate Small Business and Entrepreneurship Committee (including email communications from email addresses ending in @sbc.senate.gov)

See attached Exhibit B.

48. Because of the “urgency to inform the public about an actual or alleged Federal Government activity,” 28 C.F.R. § 16.5(e)(1)(ii), and the fact that the terminations constitute a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence,” *id.* § 16.5(e)(1)(iv), American Oversight requested expedited processing of its IG Key Terms and IG Communications Requests, and included in both requests the certifications required by 5 U.S.C. § 552(a)(6)(E)(i)(1) and 5 C.F.R. § 1303.40(e)(3), along with multiple citations to media reports supporting those certifications. See Exhibits A and B.

49. On information and belief, DOGE staff, including Musk, have used platforms such as Signal and Slack—ephemeral, non-governmental messaging platforms—to communicate regarding official matters since at least December 2024.²³

²³ See, e.g., Ken Thomas et al., *Inside the Early Days of DOGE*, Wall St. J. (Jan. 17, 2025), https://www.wsj.com/politics/policy/doge-federal-reform-musk-ramaswamy-118a3833?reflink=desktopwebshare_permalink; Theodore Schleifer & Madeleine Ngo, *Inside Elon Musk’s Plan for DOGE to Slash Government Costs*, N.Y. Times (Jan. 23, 2025), <https://www.nytimes.com/2025/01/12/us/politics/elon-musk-doge-government-trump.html?partner=slack&smid=sl-share>; see also Jason Koebler & Joseph Cox, *DOGE Employees Ordered to Stop Using Slack While Agency Transitions to a Records System Not Subject to FOIA*, 404 Media (Feb. 5, 2025, 11:49 AM), <https://www.404media.co/doge->

50. On information and belief, federal records responsive to Plaintiff's requests—including Signal and Slack communications—have already been removed or destroyed or may soon be.

51. On January 22, 2025, American Oversight sent a letter to Elon Musk in his capacity as DOGE's apparent leader, reminding him of the department's obligations to preserve federal records pursuant to the Federal Records Act.²⁴

52. The likely failure by Defendants to maintain federal records as required by law underscores the urgency of American Oversight's requests in this case.

53. OMB acknowledged receipt of American Oversight's IG Key Terms Request by email on January 31, 2025, and assigned it OMB FOIA tracking number 2025-613. *See* Exhibit C.

54. OMB also acknowledged receipt of American Oversight's IG Communications Request by separate email on January 31, 2025, and assigned it OMB FOIA tracking number 2025-614. *See* Exhibit D.

55. The two January 31, 2025 emails from Defendant OMB are the only communications American Oversight has received to date from Defendants concerning the requests at issue in this case.

[employees-ordered-to-stop-using-slack-while-agency-transitions-to-a-records-system-not-subject-to-foia/](#). For an explanation of ephemeral messaging, *see, e.g.*, Set and Manage Disappearing Messages, Signal Support, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages>; Stories, Signal Support, <https://support.signal.org/hc/en-us/articles/5008009166234-Stories>; Disappearing Messages with a Linked Device, Signal Support, <https://support.signal.org/hc/en-us/articles/5532268300186-Disappearing-Messages-with-a-Linked-Device>; Ephemeral Messages, Slack API, <https://api.slack.com/surfaces/messages>.

²⁴ Letter from Ron Fein, American Oversight Chief Counsel, to Elon Musk, *Potential Unlawful Destruction or Removal of DOGE Communications* (Jan. 22, 2025), <https://americanoversight.org/featuredocument/american-oversight-letters-to-elon-musk-and-multiple-federal-agencies-warning-against-the-unlawful-destruction-or-removal-of-doge-communications/>.

56. American Oversight has received no communications from DOGE regarding the IG Key Terms Request or the IG Communications Request.

57. Neither of OMB's January 31, 2025 emails address American Oversight's requests for expedited processing, nor do they address the scope of the documents Defendants intend to produce and/or withhold, nor the reasons for such withholdings. *See* Exs. C and D.

58. As American Oversight certified in its January 30, 2025 requests to USDS and OMB, the requested records are urgently needed to inform the public about this matter of widespread and exceptional media interest which concerns government activity that raises questions about the government's integrity and affects public confidence. *See* Exs. A and B.

59. As American Oversight also certified in its January 30, 2025 requests, American Oversight is an organization primarily engaged in the dissemination of information to the public. *See id.*

60. Plaintiff's expedited processing requests explained how American Oversight met the statutory and regulatory standards and included a non-exhaustive list of multiple citations to media reports that support American Oversight's certifications. *See id.*

61. More than ten days have passed since American Oversight submitted its requests, and Defendants have failed to comply with 5 U.S.C. § 552(a)(6)(E)(ii).

Exhaustion of Administrative Remedies

62. As of the date of this Complaint, Defendants have failed to notify American Oversight of a final determination regarding American Oversight's proper requests for expedited processing of its FOIA requests.

63. Through Defendants' failure to respond to American Oversight's request to expedite processing of its FOIA requests within the ten-day period required by law, American

Oversight has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I
Violation of FOIA, 5 U.S.C. § 552
Failure to Grant Expedited Processing

64. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

65. American Oversight properly requested records within Defendants' possession, custody, and control on an expedited basis.

66. Defendants failed to issue a determination on the request for expedited processing within the timeframe set by statute.

67. Defendant U.S. Department of Government Efficiency is a department or agency subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of FOIA and agency regulations.

68. Defendant U.S. DOGE Service is a department or agency subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of FOIA and agency regulations.

69. Defendant U.S. DOGE Service Temporary Organization is a department or agency subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of FOIA and agency regulations.

70. Defendant U.S. Digital Service is a department or agency subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of FOIA and agency regulations.

71. Defendant OMB is an agency subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of FOIA and agency regulations.

72. American Oversight's IG Key Terms Request justifies expedited processing under FOIA and 5 C.F.R. § 1303.40(e)(1)(ii); (iv).

73. American Oversight's IG Communications Request justifies expedited processing under FOIA and 5 C.F.R. § 1303.40(e)(1)(ii); (iv).

74. American Oversight is entitled to declaratory and injunctive relief requiring Defendants to grant expedited processing of American Oversight's IG Key Terms Request.

75. American Oversight is entitled to declaratory and injunctive relief requiring Defendants to grant expedited processing of American Oversight's IG Communications Request.

REQUESTED RELIEF

WHEREFORE, American Oversight respectfully requests the Court:

- (1) Order Defendants to process American Oversight's request on an expedited basis;
- (2) Order Defendants to conduct a search reasonably calculated to uncover all records responsive to American Oversight's January 30, 2025 IG Key Terms and IG Communications Requests;
- (3) Award American Oversight the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant American Oversight such other relief as the Court deems just and proper.

Dated: February 11, 2025

Respectfully submitted,

/s/ Elizabeth Haddix
Elizabeth Haddix

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