

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

DEMOCRACY FORWARD FOUNDATION,
P.O. Box 34553
Washington, D.C. 20043,

Plaintiff,

vs.

OFFICE OF MANAGEMENT AND BUDGET,
725 17th Street NW,
Washington, D.C. 20503

Defendant.

Case No. 25-cv-586

COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Democracy Forward Foundation brings this action against Defendant Office of Management and Budget (“OMB”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Plaintiff alleges as follows.

Jurisdiction and Venue

1. This 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 under 28 U.S.C. § 1391(e), as OMB’s headquarters are located in Washington, D.C., within this district, and a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred here.

Parties

3. Plaintiff Democracy Forward Foundation (“Democracy Forward”) is a not-for-profit organization incorporated under the laws of the District of Columbia and based in

Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part, by educating the public on government actions and policies.

4. Defendant OMB is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. OMB has possession, custody, and control of records to which Plaintiff seeks access.

Facts

5. Democracy Forward filed several FOIA requests to Defendant OMB shortly after the agency issued a memorandum seeking to pause or freeze nearly all federal financial assistance.

Request 25-616 (Impact and Legal Analyses)

6. On January 30, 2025, Democracy Forward sent a FOIA request to OMB seeking the following:

(1) All OMB analyses of the potential impacts of a broad “pause” or other cessation of disbursement or obligation of federal financial assistance (including grants, loans, and contracts) conducted before the issuance of OMB Memorandum M-25-13 with the subject “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs” dated January 27, 2025.

(2) All OMB legal analyses concerning the legality of implementing a broad “pause” or other cessation of disbursement or obligation of federal financial assistance (including grants, loans, and contracts) conducted before the issuance of OMB Memorandum M-25-13 with the subject “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs” dated January 27, 2025.

7. The request sought records from January 20, 2025, to January 27, 2025.

8. On January 31, 2025, OMB acknowledged Democracy Forward’s request, assigning it tracking number 25-616.

9. Democracy Forward has received no further communication from OMB regarding request number 25-616.

Request 25-617 (Freeze Communications Records)

10. Also on January 30, 2025, Democracy Forward sent a FOIA request, which sought expedited processing given the compelling need for the information, for the following:

- (1) All calendar invitations and/or entries of (a) Matthew Vaeth and (b) Mark Paoletta from January 20, 2025, through the date of search. Please produce detailed forms of responsive calendar entries that include attendee information, including attendee names and email addresses.
- (2) All external communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, WhatsApp, Signal, or GChat) between (a) Matthew Vaeth and/or Mark Paoletta and (b) anyone outside government, including but not limited to anyone with an email address ending in .com / .org / .net / .edu / .us.
- (3) All communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, WhatsApp, Signal, or GChat) of (a) Matthew Vaeth, Mark Paoletta, and any other OMB (including the U.S. DOGE or Digital Service) political appointee regarding any broad “pause” or other cessation of disbursement or obligation of federal financial assistance (including grants, loans, and contracts), including but not limited to communications regarding OMB Memorandum M-25-13 with the subject “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs” dated January 27, 2025.
- (4) All communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, WhatsApp, Signal, or GChat) of (a) Matthew Vaeth, Mark Paoletta, and any other OMB political appointee containing the following terms:

- a) Wokes
- b) Woke
- c) Punish
- d) Defund
- e) Defunding
- f) Leftist
- g) Leftists
- h) Abortion
- i) Activists
- j) Radical
- k) Radicals
- l) Nonprofits
- m) NGOs
- n) “Far left”
- o) “These groups”
- p) DEI
- q) CRT
- r) Transgender
- s) Transgenderism
- t) Marxist
- u) Equity

11. The request sought records from January 20, 2025, through the date of the search.

12. On January 31, 2025, OMB acknowledged Democracy Forward’s request, assigning it tracking number 25-617.

13. Democracy Forward has received no further communication from OMB regarding request number 25-617.

Request 25-618 (WH and DOGE Directives to OMB)

14. Also on January 30, 2025, Democracy Forward sent a FOIA request to OMB for the following:

- 1) All final directives or guidance received by OMB from the White House, the Domestic Policy Council, the Presidential Personnel Office, the Office of Personnel Management, or the U.S.D.S. or “DOGE” Service that were sent on or after January 20, 2025.

- 2) Records sufficient to identify names of then-President Elect Trump's Agency Review Team members at OMB anytime between November 5, 2025 and the date of search.
- 3) Records sufficient to identify names of the Trump Administration's Agency Landing Team members at OMB anytime between November 5, 2025 and the date of search.
- 4) Records sufficient to identify names of all political appointees and special government employees employed at OMB starting on or after January 20, 2025.

15. On January 31, 2025, OMB acknowledged Democracy Forward's request, assigning it tracking number 25-618.

16. Democracy Forward has received no further communication from OMB regarding request number 25-618.

25-619 (OMB Order Implementation)

17. Also on January 30, 2025, Democracy Forward sent a FOIA request to OMB for the following:

- 1) All directives, instructions, and guidance issued by OMB to other federal agencies to implement the District Court for the District of Columbia's January 28, 2025 order imposing an administrative stay of the effect of OMB Memorandum M-25-13 with the subject "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs" dated January 27, 2025.
- 2) All communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, WhatsApp, Signal, or GChat) of (a) Matthew Vaeth, Mark Paoletta, and any other OMB political appointee containing the following terms:
 - a) "Still in effect"
 - b) Rescind
 - c) Recission

- d) https://x.com/PressSec/status/1884672871944901034?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1884672871944901034%7Ctwgr%5E33e6b4937c7fc08a034ca5185f13ad5f8f39a95f%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2Fwww.cnbc.com%2F2025%2F01%2F29%2Fwhite-house-rescinds-federal-funds-freeze-memo.html
- e) Karoline
- f) Leavitt
- g) PressSec
- h) “Press secretary”

18. The request sought records from January 28, 2025, through the date of the search.

19. On January 31, 2025, OMB acknowledged Democracy Forward’s request, assigning it tracking number 25-619.

20. Democracy Forward has received no further communication from OMB regarding request number 25-619.

21. In submitting all four of the above FOIA requests, Democracy Forward requested fee waivers in light of the public interest in disclosure of the requested information. OMB has not provided Democracy Forward with a determination on its fee waiver requests.

Exhaustion of Administrative Remedies

22. As of the date of the Complaint, Defendant has failed to notify Democracy Forward of determinations regarding Democracy Forward’s FOIA requests. Through Defendant’s failure to respond within the time limits required by law, Democracy Forward has constructively exhausted administrative remedies.

CLAIM FOR RELIEF

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

23. Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein.

24. By failing to respond to Plaintiff's requests with determinations within the statutorily mandated time period, OMB has violated its duties under 5 U.S.C. § 552, including but not limited to, its duties to conduct a reasonable search for responsive records, to take reasonable steps to release all nonexempt information, and to not withhold responsive records.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

1. Order Defendant to conduct searches for any and all responsive records to Plaintiff's FOIA requests using search methods reasonably calculated to lead to discovery of all responsive records;
2. Order Defendant to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. Enjoin Defendant from continuing to withhold any and all non-exempt responsive records;
4. Order Defendant to grant Plaintiff's requests for fee waivers;
5. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action; and
6. Grant any other relief this Court deems appropriate.

Dated: February 28, 2025

Respectfully submitted,

/s/ Daniel A. McGrath

Daniel A. McGrath (D.C. Bar No.
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Robin F. Thurston (Bar No. 7268942)

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