

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

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

Plaintiff,

vs.

Case No. 25-cv-

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Defendant.

COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Democracy Forward Foundation (“DFF”) brings this action against Defendant U.S. Department of Health and Human Services (“HHS”) 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 Defendant’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 (“DFF”) 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 U.S. Department of Health and Human Services (“HHS”) is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. HHS has possession, custody, and control of records to which Plaintiff seeks access.

Facts

5. HHS recently altered the caption of the official portrait of former Assistant Secretary for Health Admiral (“Adm.”) Rachel Levine, who served in the Biden-Harris administration, to reflect her previous name, also referred to as a “dead name.”¹

6. Adm. Levine was the first transgender person to hold a Senate-confirmed position in the executive branch, and HHS’s action to alter her legal name accompanies the Trump-Vance Administration’s broader actions to “curtail the rights of transgender and intersex people through many federal agencies.”²

7. DFF filed FOIA requests to shed light on the communications and the process that HHS used to make the decision to change the caption on the portrait to no longer reflect Adm. Levine’s legal name.

Decision-Making Process Request

8. On November 18, 2025, DFF sent a FOIA request to HHS seeking the following:

Records sufficient to identify the process by which a decision was made to change the named caption of a photograph of the former Assistant Secretary of Health (located in the hallway outside the Assistant Secretary of Health’s office in Humphrey Building) from

¹ Selena Simmons-Duffin, *HHS changed the name of transgender health leader on her official portrait*, NPR (Dec. 5, 2025), <https://perma.cc/YDT2-D3KF>.

² *Id.*

“Rachel L. Levine” to “[dead name]³ L. Levine.”

Responsive records include, at a minimum, records sufficient to identify the individuals who (1) suggested the change (2) approved the change (3) implemented the change (4) determined it permiss[i]ble to remove Admiral Levine’s legal name from underneath her photograph [and] (5) classified the change as “excepted” activity during the federal government shutdown.

9. This request sought records from January 21, 2025, through the date of the search.
10. HHS has not acknowledged this request.

Name Change Communications Request

11. On November 18, 2025, DFF sent a FOIA request to HHS seeking the following:

All electronic 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, Skype, WhatsApp, Signal, or GChat) of the listed agency officials concerning the change to the named caption of a photograph of the former Assistant Secretary of Health (located in the hallway outside the Assistant Secretary of Health’s office in the Humphrey Building) from “Rachel L. Levine” to “[dead name] L. Levine” (a name that does not reflect Admiral Levine’s legal name).

Agency custodians:

- (a) Anyone serving in the capacity of Assistant Secretary for Health
 - (b) Anyone serving in the capacity of Counselor or Senior Counselor to the Secretary
 - (c) Anyone serving in the capacity of Senior Policy Advisor or Senior Advisor to the Assistant Secretary for Health
 - (d) Anyone serving in the capacity of Chief of Staff or Principal Deputy Assistant Secretary for Health or Deputy Assistant Secretary for Health, or any of their deputy directors
12. This request sought records from January 20, 2025, through the date of the search.
 13. HHS has not acknowledged this request.

³ Given the offensive nature of using Adm. Levine’s dead name, it is omitted from this complaint, though it was included in the FOIA requests where necessary to precisely identify the records sought.

Key Terms Communications Request

14. On November 18, 2025, DFF sent a FOIA request to HHS seeking the following:

All electronic 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, Skype, WhatsApp, Signal, or GChat) sent by the listed agency officials containing the following key terms.

Agency custodians:

- (a) Brian Christine, Assistant Secretary for Health
- (b) Dorothy Fink, including in the capacity of Acting Assistant Secretary for Health, Deputy Assistant Secretary for Women's Health, or Principal Deputy Assistant Secretary for Health
- (c) Bridget Devoy, Chief of Staff
- (d) Joseph Proenza, Deputy Chief of Staff
- (e) Natalie Dodson, Senior Advisor
- (f) Stefanie Spear, Principal Deputy Chief of Staff and Senior Counselor to the Secretary
- (g) Stephanie E. Haridopolos, MD, DABFM, Chief of Staff and Senior Advisor

Key terms:

- (a) Levine
- (b) "[dead name] L."
- (c) "Rachel L."
- (d) Leland
- (e) "Gender ideology"
- (f) Trans
- (g) Transgender
- (h) "Biological man"
- (i) "born a man"
- (j) "Biologically male"
- (k) "Sex change operation"

This item seeks to substantially limit the volume of responsive records by limiting the request to messages sent by a few agency officials. This functionally limits the search to those individuals' outbox, and to emails sent to non-governmental domains using a few key terms. Given these limitations, similar requests to other agencies have resulted in small volumes of records, generally of no more than a couple hundred pages. The request still seeks complete email chains, so an incoming message that was responded to is still sought

here and should be produced along with the response sent by the relevant official in that email chain.

15. This request sought records from October 1, 2025, through the date of the search.
16. HHS has not acknowledged this request.

Guidance Request

17. On November 18, 2025, DFF sent a FOIA request to HHS seeking the following:

All guidance or conclusions regarding (1) the legality of changing the named caption of a photograph of Admiral Levine (located in the hallway outside the Assistant Secretary of Health's office in the Humphrey Building) to one that does not reflect her legal name, including compliance with the Privacy Act's accuracy requirements, and (2) the legality of changing of the named caption of Admiral Levine to be an excepted activity that could be performed during the lapse in appropriations without violating the Anti-Deficiency Act.

18. This request sought records from January 20, 2025, through the date of the search.
19. HHS has not acknowledged this request.

Exhaustion of Administrative Remedies

20. As of the date of the Complaint, Defendant has failed to notify DFF of determinations regarding DFF's requests. Through Defendant's failure to respond within the time limits required by law, DFF has constructively exhausted administrative remedies.

CLAIM FOR RELIEF

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

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

22. By failing to respond to Plaintiff's requests with determinations and prompt productions of responsive records within the statutorily mandated time period, Defendant 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. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action;
and
5. Grant any other relief this Court deems appropriate.

Dated: December 19, 2025

Respectfully submitted,

/s/ Anisha Hindocha

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