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7 SAVE OUR RECREATION, SAN FRANCISCO DOG
OWNERS GROUP (SFD OG), MARIN COUNTY DOG
8 OWNERS GROUP (Marin DOG), and COASTSIDE DOG
OWNERS GROUP (Coastside DOG)
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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 SAVE OUR RECREATION, SAN FRANCISCO
DOG OWNERS GROUP, a 501(c)(3) non-profit
16 organization, MARIN COUNTY DOG OWNERS
GROUP, and COASTSIDE DOG OWNERS
17 GROUP, a 501(c)(3) non-profit organization,

18 Plaintiffs,

19 vs.

20 UNITED STATES DEPARTMENT OF THE
21 INTERIOR, NATIONAL PARK SERVICE and
22 GOLDEN GATE NATIONAL RECREATION
AREA,

23 Defendants.
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27
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Case No.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

FREEDOM OF INFORMATION
ACT ACTION

1 Statement (GMP/FEIS) for management of the GGNRA, released in 2014, pre-determined this
2 radical reduction in access for those wishing to walk dogs in the GGNRA, and the Final GMP did
3 the same. NPS also developed a more specific Dog Management Plan (DMP) with its own
4 Supplemental Environmental Impact Statement (SEIS), closing the comment period in February
5 2014.

6 5. In fall 2015, in order to be fully informed and prepare effective comments on
7 proposed regulations to implement the GGNRA's plans for reducing access for people and their
8 dogs, Plaintiffs sent the GGNRA a FOIA request for relevant public records. In February 2016,
9 NPS published its proposed rule modifying regulations to implement the agency's "preferred
10 alternative" (Dog Rule) which, to no one's surprise, would radically reduce access to GGNRA
11 lands for people to walk dogs. In the meantime, the GGNRA had "slow-walked" production of
12 and purposefully blocked access to the information called for by Plaintiffs' FOIA request. It was
13 apparent that as part of its long-term "strategy," the GGNRA decided to delay production of and
14 keep from public view certain records because it did not want them to be used in connection with
15 the public comment process for the Dog Rule, or in connection with potential future lawsuits
16 challenging its decisions to unlawfully restrict and reduce dog walking.

17 6. The GGNRA's failure to respond to Plaintiffs' FOIA request forced them to file
18 suit. Plaintiffs filed their FOIA suit in this Court on April 5, 2016. Case 3:16-cv-01724-JD. The
19 public records ultimately obtained, over the GGNRA's fierce resistance, revealed the lengths to
20 which the GGNRA would go to prosecute its permanent crusade against dog walking on the
21 federal public lands it manages in the Bay Area. This misconduct included, but was not limited
22 to:

- 23 • GGNRA staff sending e-mails about efforts to restrict dog walking to and from
24 private e-mails, among each other and NGO representatives supporting those
25 efforts;
- 26 • GGNRA staff sending e-mails to other staff asking the recipients to delete e-mails
27 about efforts to restrict dog walking, and noting that "[t]hese conversations are
28 best done by phone";

- 1 • GGNRA staff soliciting NGO supporters of restrictions on dog walking to attend
- 2 meetings convened by members of the Bay Area congressional delegation;
- 3 • GGNRA staff soliciting NGO supporters of restrictions on dog walking to submit
- 4 letters to the editor to the San Francisco Chronicle and other Bay Area newspapers
- 5 (and collaborating on the contents of the letters);
- 6 • GGNRA staff drafting talking points for NGO supporters of restrictions on dog
- 7 walking to use with media and in meetings with members of the Bay Area
- 8 Congressional delegation;
- 9 • GGNRA staff and NGO supporters of restrictions on dog walking colluding to
- 10 discourage Speaker Pelosi’s office from inquiring about those efforts;
- 11 • GGNRA staff expressing disdain for then-Supervisor Wiener as a result of his
- 12 objections to their efforts to restrict dog walking;
- 13 • GGNRA staff expressing contempt for Dog Owner Groups; and
- 14 • GGNRA staff deliberately excluding scientific evidence because it could have
- 15 supported less restrictive limitations on access for dog walking.

16 7. The great majority of these troubling records were not disclosed by the GGNRA
17 until October 2016 in direct response to Plaintiffs’ FOIA lawsuit, after the GGNRA had already
18 disclosed thousands of other public records under order of this Court. Plaintiffs published many
19 of the troubling records to raise public awareness about the mismanagement of public lands on a
20 website: <https://www.woofieleaks.com/>.

21 8. In December 2016, NPS published notice of its intention to finalize the Dog Rule,
22 to implement exclusions and restrictions on dog walking in the GGNRA based on the Dog
23 Management Plan. On January 10, 2017 and based on the troubling materials produced in
24 response to the FOIA litigation, Representative Jackie Speier, a senior member of the Bay Area’s
25 congressional delegation whose district includes GGNRA lands in San Mateo County, sent a
26 letter to the Inspector General of the Department of the Interior calling for an “independent
27 inquiry into whether NPS employees acted improperly with regards to their work on the GGNRA
28 Dog Management Plan.” Representative Speier continued: “The use of personal e-mail to

1 improperly coordinate with outside advocacy groups is potentially illegal and must not be
2 allowed.” That same day, NPS announced it was indefinitely delaying promulgation of the Dog
3 Rule to investigate whether the GGNRA staff’s use of personal email violated the law or Park
4 Service policies.

5 9. In December 2017, the NPS formally terminated the GGNRA’s effort to impose a
6 Dog Rule. At that point, Plaintiffs understood GGNRA had ended its crusade to exclude people
7 and their dogs from the lands it manages.

8 10. Having failed to unlawfully curtail dog walking, the GGNRA is now taking a new
9 approach to achieve the same end. On August 30, 2019—the Friday before Labor Day
10 weekend—the GGNRA posted on its website its “2019 Superintendent’s Compendium.” The
11 2019 Compendium purports to amend the existing 1979 Pet Policy by imposing significant new
12 requirements for and restrictions on access for people with dogs. While not identical, the 2019
13 Compendium is substantially similar to elements of the withdrawn Dog Plan. Many of these
14 amendments, including changes made to the definitions of “Unmanaged Dogs,” “Voice Control,”
15 and “Managed Dogs” mirror measures contained in that failed Dog Plan.

16 11. Plaintiffs sent GGNRA Superintendent Laura Joss a FOIA request dated
17 September 10, 2019, seeking records concerning the 2019 Compendium’s restrictions and limits
18 on dogs. According to the GGNRA, that request was received in its offices on September 13,
19 2019. However, the GGNRA did not even respond to the request until October 17, 2019. The
20 GGNRA’s response was untimely under FOIA.

21 12. Given the long history of GGNRA animus toward Plaintiffs, its renewed efforts to
22 radically restrict access for Plaintiffs and other Bay Area residents to walk their dogs, and its once
23 again flouting FOIA’s requirements when it comes to Plaintiffs’ requests for information about
24 those very efforts, this Court’s intervention and superintendence of the GGNRA’s compliance
25 with its FOIA obligations is required.

26 JURISDICTION

27 13. The Court has subject matter jurisdiction over this action pursuant to 5 U.S.C. §
28 552(a)(4)(B) and 28 U.S.C. §§ 1331 and 1361.

1 to preserving access for all recreational users in the GGNRA, as well as advocating for a
2 comprehensive process to address recreational access that includes public input, independent
3 voices, and thoughtful consideration. All other Plaintiffs in this action are members of Save Our
4 Recreation.

5 19. San Francisco Dog Owners Group (SFD OG) was founded in 1997 in response to
6 closures at Ocean Beach by the GGNRA. SFD OG incorporated in 2000, and has nearly 500
7 dues-paying members and two email list-serves that reach over 1,800 people. SFD OG is a non-
8 profit organization that promotes responsible dog ownership/guardianship, offers educational
9 programs for both dog owners/guardians and the general public, and works for increased off-leash
10 recreational opportunities for responsible dog owners/guardians and their canine companions.
11 SFD OG is the premier citywide dog advocacy organization in San Francisco and works with
12 park-specific dog groups (*e.g.*, Dolores Park DOG, Duboce DOG, etc.) throughout San Francisco.
13 It has held workshops with and actively collaborated with the San Francisco Parks and Recreation
14 Department, San Francisco Animal Care and Control Department, the San Francisco SPCA, the
15 Boys and Girls Clubs of San Francisco, the San Francisco Mounted Police unit, and numerous
16 rescue and animal welfare organizations. SFD OG actively participated in the scoping process
17 relating to GGNRA's 2017 Dog Management Plan and its accompanying environmental impact
18 statements. SFD OG and its members also actively participated in the Service's past NEPA
19 process related to the 2017 Dog Management Plan, including the prior FOIA suit against the
20 GGNRA concerning its refusal to produce public records about that process. SFD OG and its
21 members remain actively engaged in protecting their interests in the GGNRA, including most
22 recently by submitting comments addressing the procedural and substantive deficiencies of the
23 2019 Compendium.

24 20. Marin County Dog Owners Group (Marin DOG) was founded in 2013 in response
25 to the release of the GGNRA's environmental review materials relating to the 2017 Dog
26 Management Plan. Marin DOG is a grassroots organization with a network reach of over 1000
27 people and considers itself a watchdog for fair pet policies in Marin County. Marin DOG
28 supports environmental stewardship, and believes that stewardship and recreational use are

1 compatible—as they have been for decades. Marin DOG has partnered with the Marin Humane
2 Society and other GGNRA stakeholder groups to support programs that educate the public on
3 how to share our open spaces responsibly. Marin DOG has also launched stewardship programs
4 and conducted educational outreach campaigns. It works to improve communications, offer
5 solutions and elevate dog owner representation with GGNRA, Marin County Parks and Open
6 Space, Marin Municipal Water District, local Community Service Districts and local parks and
7 recreation areas. Marin DOG has an interest in the GGNRA’s attempt to impose major aspects of
8 the 2017 Dog Management Plans through the 2019 Compendium.

9 21. Coastside Dog Owners Group of San Mateo County (Coastside DOG) is dedicated
10 to promoting responsible dog walking and advocating for dog-friendly open space on the San
11 Mateo County coast. The group (formerly Montara Dog Group) was initially founded in 2008 to
12 celebrate the community’s longstanding culture of dog walking and stewardship at Rancho Corral
13 de Tierra (Rancho)—an area which many of its members helped save from development prior to
14 its being purchased by Peninsula Open Space Trust. Coastside DOG has placed and maintained
15 pet waste bags and bins throughout Rancho since 2008, and still provides the only trash removal
16 service at Rancho. In addition, Coastside DOG has sponsored community trail etiquette trainings
17 designed to promote safety and best practices in multi-use trail recreation at Rancho and other
18 local open space areas. The trainings bring together dog walkers, equestrians, and cyclists to
19 practice simple etiquette rules to ensure a positive recreational experience for all. Today,
20 Coastside DOG has grown to nearly 500 members spanning from Pacifica to Half Moon Bay, and
21 has expanded its mission to include advocating for dog-friendly open space on the entire San
22 Mateo County coast. Coastside DOG (then the Montara Dog Group) and its members submitted
23 comments to the GGNRA regarding the 2017 Dog Management Plan and associated
24 environmental review materials. Coastside DOG submitted comments to the GGNRA identifying
25 the unlawfulness of the attempt to smuggle major components of the failed 2017 Dog
26 Management Plan into effect through the 2019 Compendium without the requisite notice-and-
27 comment rulemaking process.

28

1 (2) the American people firmly believe that our system of
2 government must itself be governed by a presumption of openness;

3 (3) the Freedom of Information Act establishes a ‘strong
4 presumption in favor of disclosure’ as noted by the United States
5 Supreme Court in *United States Department of State v. Ray* (502
6 U.S. 164 (1991)), a presumption that applies to all agencies
7 governed by that Act; [and]

8 (4) ‘disclosure, not secrecy, is the dominant objective of the Act,’
9 as noted by the United States Supreme Court in *Department of Air
10 Force v. Rose* (425 U.S. 352 (1976)).

11 Pub. L. No. 110-175, § 2, Dec. 31, 2007, 121 Stat. 2524.

12 27. Congress enacted FOIA in 1966 to improve public access to information held by
13 government agencies. The Act expresses a public policy in favor of disclosure so that the public
14 might see what activities federal agencies are engaged in. FOIA is intended to “ensure an
15 informed citizenry, vital to the functioning of a democratic society, needed to check against
16 corruption and to hold the governors accountable to the governed.” *NLRB v. Robbins Tire &
17 Rubber Co.*, 437 U.S. 214, 242 (1978). To this end, FOIA requires a federal agency to disclose
18 records in its possession unless they fall under one of nine enumerated and exclusive exemptions.
19 5 U.S.C. §§ 552(a)(3), (b); *see also Dep’t of the Air Force v. Rose*, 425 U.S. 352, 361 (1976).

20 28. FOIA provides that but for certain exceptions not applicable here:

21 [E]ach agency, upon any request for records which (i) reasonably
22 describes such records and (ii) is made in accordance with
23 published rules stating the time, place, fees (if any), and procedures
24 to be followed, shall make the records promptly available to any
25 person.

26 5 U.S.C. § 552(a)(3)(A).

27 29. “Agency records” are materials that the agency either created or obtained that are
28 in the agency’s control at the time the FOIA request is made; “control” means that “the materials
came into the agency’s possession in the legitimate conduct of its official duties.” *Or. Natural
Desert Ass’n v. Gutierrez*, 409 F. Supp. 2d 1237, 1243 (D. Or. 2006).

1 30. In responding to a FOIA request, the producing agency “shall provide the record in
2 any form or format requested by the person if the record is readily reproducible by the agency in
3 that form or format.” 5 U.S.C. § 552(a)(3)(B).

4 31. Under FOIA, “an agency shall make reasonable efforts to search for the records in
5 electronic form or format, except when such efforts would significantly interfere with the
6 operation of the agency’s automated information system” and “the term ‘search’ means to review,
7 manually or by automated means, agency records for the purpose of locating those records which
8 are responsive to a request.” *Id.* §§ 552(a)(3)(C)-(D).

9 32. Under the statute, an agency is generally required to respond to a FOIA request
10 within 20 business days. *Id.* § 552(a)(6)(A)(i). Failure to respond in a reasonable timeframe is
11 itself a violation of law. *Or. Natural Desert Ass’n v. Gutierrez*, 409 F. Supp. 2d at 1248 (holding
12 that “an untimely response is a violation of FOIA, regardless of the final outcome of the
13 request”); *Gilmore v. United States Dep’t of Energy*, 33 F. Supp. 2d 1184, 1188 (N.D. Cal. 1998)
14 (same).

15 33. “An agency shall not assess search fees . . . under this subparagraph if the agency
16 fails to comply with [the 20-workday time limit], [or] if no unusual or exceptional
17 circumstances . . . apply to the processing of the request.” 5 U.S.C. § 552(a)(4)(A)(viii).

18 34. If a requesting party believes that the agency has improperly withheld all or part of
19 the responsive agency records within its control, or that the agency has failed to respond to all
20 aspects of its request, it must ordinarily file an administrative appeal before it may bring an action
21 in federal court. 5 U.S.C. §§ 552(a)(4)(B), (6).

22 35. However, if an agency fails to respond within the 20-workday time limits set forth
23 in 5 U.S.C. § 552(a)(6), a person making a FOIA request is deemed to have exhausted its
24 administrative remedies. 5 U.S.C. § 552(a)(6)(c)(i).

25 36. If the agency does not respond to a FOIA appeal within 20 workdays, the FOIA
26 appellant has the right to file an action to enforce its FOIA rights in district court. 5 U.S.C.
27 § 552(a)(6)(A)(ii).

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1 37. FOIA places the burden of justifying a FOIA denial on the agency, not the person
 2 who requests the records. 5 U.S.C. § 552(a)(4)(B). “The burden is on the agency to demonstrate,
 3 not the requester to disprove, that the materials sought are not ‘agency records’ or have not been
 4 ‘improperly withheld.’” *United States Dep’t of Justice v. Tax Analysts*, 492 U.S. 136, 142 n.3
 5 (1989).

6 38. FOIA provides: “The court may assess against the United States reasonable
 7 attorney fees and other litigation costs reasonably incurred in any case under this section in which
 8 the complainant has substantially prevailed.” 5 U.S.C. § 552(a)(4)(E). For purposes of FOIA, a
 9 plaintiff has substantially prevailed “if the complainant has obtained relief through either [¶] a
 10 judicial order, or an enforceable written agreement or consent decree; or [¶] (II) a voluntary or
 11 unilateral change in position by the agency, if the complainant’s claim is not insubstantial.” *Id.*
 12 §§ 552(a)(4)(E)(ii)(I)-(II).

13 39. Moreover, FOIA provides that

14 Whenever the court orders the production of any agency records
 15 improperly withheld from the complainant and assesses against the
 16 United States reasonable attorney fees and other litigation costs,
 17 and the court additionally issues a written finding that the
 18 circumstances surrounding the withholding raise questions whether
 19 agency personnel acted arbitrarily or capriciously with respect to
 20 the withholding, ***the Special Counsel shall promptly initiate a***
 21 ***proceeding to determine whether disciplinary action is warranted***
 22 ***against the officer or employee who was primarily responsible for***
 23 ***the withholding.*** The Special Counsel, after investigation and
 24 consideration of the evidence submitted, shall submit his findings
 25 and recommendations to the administrative authority of the agency
 26 concerned and shall send copies of the findings and
 27 recommendations to the officer or employee or his representative.
 28 The administrative authority shall take the corrective action that the
 29 Special Counsel recommends.

30 5 U.S.C. § 552(a)(4)(F)(i) (emphasis added).

31 **FACTUAL BACKGROUND**

32 40. On September 10, 2019, Plaintiffs submitted a FOIA request to GGNRA seeking
 33 records concerning the 2019 Compendium’s restrictions and limits on dogs.
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1 41. According to GGNRA, that request was received in its offices on September 13,
2 2019.

3 42. However, GGNRA did not respond to Plaintiffs' request until October 17, 2019.

4 43. Subject to an exception not here applicable, GGNRA was required to determine
5 whether to comply with Plaintiffs' request within twenty (20) working days after their receipt of
6 the request, pursuant to 5 U.S.C. § 552(a)(6)(A)(i). Pursuant to this same provision, GGNRA
7 were also required to timely notify Plaintiffs of the determination, the reasons therefor, and the
8 right to appeal any adverse determination to the agency. The NPS FOIA regulations provide for
9 the same. 40 CFR § 2.16 (NPS must ordinarily provide a response to a FOIA request within 20
10 workdays from the date the request is received); 40 CFR § 2.19 (NPS may extend the basic 20-
11 workday time limit if "unusual circumstances exist, but must provide written notification
12 "[b]efore the expiration of the basic 20- workday time limit to respond" of its intent to do so, and
13 provide the information called for by 40 CFR § 2.19).

14 44. GGNRA was required to respond to Plaintiffs' FOIA request by October 11, 2019.
15 No response was received from GGNRA by that date. Instead, it responded, late, on October 17,
16 2019.

17 45. GGNRA failed to provide a timely response to Plaintiffs' FOIA request.

18 46. Because GGNRA failed to comply with the time limit set forth in 5 U.S.C. §
19 552(a)(6)(A)-(B), Plaintiffs are deemed to have exhausted any and all administrative remedies
20 with respect to their FOIA request, pursuant to 5 U.S.C. § 552(a)(6)(C).

21 47. GGNRA has for many years refused to comply with the law when it comes to
22 Plaintiffs' FOIA requests. This lawsuit is necessary to force GGNRA to follow the law.

23 **CLAIM FOR RELIEF**
24 **FIRST CLAIM**
(Violation of FOIA, 5 U.S.C. § 552)

25 48. Plaintiffs incorporate by reference each of the foregoing paragraphs.

26 49. Defendants failed to provide a timely response to Plaintiffs' FOIA request and is
27 unlawfully and improperly withholding agency records requested by Plaintiffs pursuant to 5
28 U.S.C. § 552. Defendants have not conducted a prompt and reasonable search of the requested

1 records. Defendants have yet to produce a single record and have failed to propose a reasonable
2 schedule.

3 50. Defendants have a pattern and practice of failing to comply with Plaintiffs' FOIA
4 requests. That pattern and practice is shown by, among other things, Defendants' response to
5 Plaintiffs' FOIA request made in fall 2015, and their decision to ignore another FOIA request
6 made by SFDOG in 2014. Defendants' conduct in similar cases further shows Defendants'
7 pattern and practice of disregarding their duties under FOIA. Plaintiffs intend to submit
8 additional FOIA requests and reasonably believe Defendants will not voluntarily comply with
9 FOIA.

10 51. Plaintiffs are being irreparably harmed by reason of Defendants' unlawful conduct,
11 and Plaintiffs will continue to be irreparably harmed unless Defendants are compelled to follow
12 the law.

13 PRAYER FOR RELIEF

14 WHEREFORE, Plaintiffs ask that the Court enter judgment that includes the following
15 relief:

16 1. An order directing Defendants to conduct a reasonable search for and produce any
17 and all responsive and non-exempt records to Plaintiffs' FOIA request (NPS-2016-00154).

18 2. An order directing Defendants to produce, by a date certain, any and all non-
19 exempt records responsive to Plaintiffs' FOIA request (NPS-2016-00154) and a *Vaughn* Index of
20 any responsive records withheld under claim of exemption.

21 3. A judicial declaration that Defendants' conduct reflects a pattern and practice of
22 unreasonably and intentionally failing to comply with the requirements of FOIA.

23 4. An order awarding attorneys' fees and costs to Plaintiffs pursuant to 5 U.S.C. §
24 552(a)(4)(E).

25 5. An order granting Plaintiffs such other relief as the Court deems just and proper
26 under the circumstances.

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1 Dated: December 12, 2019

CHRISTOPHER J. CARR
NAVI SINGH DHILLON
SHAMUS FLYNN
BAKER BOTTS LLP

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5 By: /s/ Christopher J. Carr
CHRISTOPHER J. CARR

6 Attorneys for Plaintiffs
7 SAVE OUR RECREATION, SAN
FRANCISCO DOG OWNERS
8 GROUP, MARIN COUNTY DOG
OWNERS GROUP, AND
9 COASTSIDE DOG OWNERS GROUP
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JS-CAND 44 (Rev. 07/19)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

SAVE OUR RECREATION, SAN FRANCISCO DOG OWNERS GROUP, a 501(c)(3) non-profit organization, MARIN COUNTY DOG OWNERS GROUP and COASTSIDE DOG OWNERS GROUP, a 501(c)(3) non-profit Organization

(b) County of Residence of First Listed Plaintiff County of San Francisco
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher J. Carr, Baker Botts, LLP, 101 California Street, Suite 3600, San Francisco, CA 94111; (415) 291-6208

DEFENDANTS

UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, and GOLDEN GATE NATIONAL RECREATION AREA

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice	PERSONAL INJURY 365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	625 Drug Related Seizure of Property 21 USC § 881 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent-Abbreviated New Drug Application 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS-Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters <input checked="" type="checkbox"/> 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
120 Marine	CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities-Employment 446 Amer. w/Disabilities-Other 448 Education	PRISONER PETITIONS HABEAS CORPUS 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty OTHER 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee-Conditions of Confinement			
130 Miller Act					
140 Negotiable Instrument					
150 Recovery of Overpayment of Veteran's Benefits					
151 Medicare Act					
152 Recovery of Defaulted Student Loans (Excludes Veterans)					
153 Recovery of Overpayment of Veteran's Benefits					
160 Stockholders' Suits					
190 Other Contract					
195 Contract Product Liability					
196 Franchise					
REAL PROPERTY					
210 Land Condemnation					
220 Foreclosure					
230 Rent Lease & Ejectment					
240 Torts to Land					
245 Tort Product Liability					
290 All Other Real Property					

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation-Transfer
- 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

5 U.S.C. § 552, Freedom of Information Act (FOIA)

Brief description of cause:

Enforce compliance with FOIA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 12/12/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Christopher J. Carr