

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

**REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS**

1156 15th Street NW, Suite 1020
Washington, DC 20005

Plaintiff,

v.

**FEDERAL COMMUNICATIONS
COMMISSION**

45 L Street NE
Washington, DC 20554

Defendant.

Civil Action No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

The Reporters Committee for Freedom of the Press (“Reporters Committee” or “RCFP”), by and through its undersigned counsel, hereby alleges as follows:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), for declaratory, injunctive, and other appropriate relief by the Reporters Committee against the Federal Communications Commission (“FCC” or “Defendant”).

2. By this action, the Reporters Committee seeks to compel Defendant to comply with its obligations under FOIA to release records related to the agency’s investigation of CBS Broadcasting Inc. (“CBS”). RCFP is statutorily entitled to the

disclosure of these records and Defendant has improperly withheld them in violation of FOIA.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action and personal jurisdiction over Defendant pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

4. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

PARTIES

5. Plaintiff Reporters Committee is an unincorporated nonprofit association of reporters and editors dedicated to preserving the First Amendment's guarantee of a free press and vindicating the rights of the news media and the public to access government records. The Reporters Committee is located in Washington, D.C.

6. Defendant FCC is an agency of the federal government within the meaning of 5 U.S.C. § 552(f) and 5 U.S.C. § 702 that has possession, custody, and/or control of the records that Plaintiff seeks. The FCC's headquarters are located in Washington, D.C.

FACTS

Plaintiff's FOIA Request

7. On May 27, 2025, Adam A. Marshall ("Marshall"), an attorney employed by the Reporters Committee, submitted a FOIA request on behalf of RCFP to the FCC via FOIA.gov (the "Request"). A true and correct copy of the Request is attached hereto as Exhibit 1 and is incorporated by reference.

8. In the Request, RCFP requested access to and copies of the following records:

1. Any and all responses to the March 31, 2025, letter sent by Representatives Frank Pallone, Jr., Yvette D. Clarke, and Doris Matsui to Chairman Brendan Carr (“Carr”);

2. All emails to or from Chairman Carr, Commissioner Nathan Simington (“Simington”), Scott Delacourt, Greg Watson, Arpan Sura, Danielle Thumann, Erin Boone, Adam Chan, Stephanie Chambless, Dana Howell, Carlos Minnix, Patrick Webre, Gavin Wax, Thomas Struble, Sarah Rahmjoo, Michael Sweeny, or Ania Urban that contain one or more of the following words or phrases (case insensitive):

- a. “news distortion”;
- b. “First Amendment”;
- c. “60 Minutes”;
- d. “CBS”;
- e. “WCBS”;
- f. “crooked”;
- g. “USAID”;
- h. “Harris”; or
- i. “Kamala”;

3. All emails to or from Chairman Carr that contain one or more of the following words or phrases (case insensitive), that were sent between October 1, 2024, and the date a search is conducted for these emails:

- a. “24-cv-00236”;
- b. “Bochner”;
- c. “epsteinco.co”; or
- d. “Farris Parker & Hubbard”;

4. All emails to or from Chairman Carr, Commissioner Simington, Scott Delacourt, Greg Watson, Arpan Sura, Danielle Thumann, Erin Boone, Adam Chan, Stephanie Chambless, Dana Howell, Carlos Minnix, Patrick Webre, Gavin Wax, Thomas Struble, Sarah Rahmjoo, Michael Sweeny, or Ania Urban, sent or received between December 30, 2024 and February 12, 2025, that also contain an email address ending in “.eop.gov” in any sender or recipient field;

5. All calendar entries on all calendars assigned to, or used by, Chairman Carr or Commissioner Simington, between December 30, 2024 and February 12, 2025, including all information part of or

attached to such calendar entries, such as date, time, subject, attendees, hyperlinks, and other information;

6. All electronic messages to or from Chairman Carr, Commissioner Simington, Scott Delacourt, Greg Watson, Arpan Sura, Danielle Thumann, Erin Boone, Adam Chan, Stephanie Chambless, Dana Howell, Carlos Minnix, Patrick Webre, Gavin Wax, Thomas Struble, Sarah Rahmjoo, Michael Sweeny, or Ania Urban that contain one or more of the following words or phrases (case insensitive):

- a. "Harris";
- b. "Kamala";
- c. "CBS";
- d. "60 Minutes";
- e. "crooked";
- f. "USAID";
- g. "DEI";
- h. "SOGI"; or
- i. "woke";

as well as the 20 messages that chronologically precede and the 20 messages that chronologically succeed such electronic message(s);

7. All call logs from Chairman Carr, Commissioner Simington, Scott Delacourt, Greg Watson, Arpan Sura, Danielle Thumann, Erin Boone, Adam Chan, Stephanie Chambless, Dana Howell, Carlos Minnix, Patrick Webre, Gavin Wax, Thomas Struble, Sarah Rahmjoo, Michael Sweeny, or Ania Urban from October 1, 2024 to the date a search is conducted for these logs, that include any of the following phone numbers (without regard to placement of spaces, parentheses, or hyphens):

- a. 414 588 1658;
- b. 516 526 0341;
- c. 202 240 2398; or
- d. 806 374 5317;

8. All emails to or from any email address with the domain "americanrights.org," including but not limited to dsuhr@americanrights.org.

Ex. 1.

9. The Request noted that unless otherwise specified, the date range for the requested records is January 20, 2025, to the date a search is conducted for the specific type of record at issue (inclusive). Ex. 1.

10. The Request sought a fee benefit as a representative of the news media pursuant to 5 U.S.C. § 552(a)(4)(A) and set forth facts in support thereof. See Ex. 1.

11. The Request complied with all applicable regulations regarding the submission of FOIA requests.

Defendant's Response to RCFP's Request

12. On May 27, 2025, RCFP received an acknowledgement letter from the FCC regarding the Request (the "Acknowledgement"). A true and correct copy of the Acknowledgement is attached hereto as Exhibit 2.

13. In the Acknowledgement, the FCC stated that the Request has been "assigned FOIA Control Number FCC-FOIA-2025-000888." Ex. 2.

14. As of the date of the filing of this Complaint, it has been approximately 33 calendar days and 22 business days since the Request was submitted.

15. As of the date of the filing of this Complaint, RCFP has received no further communications from Defendant regarding the Request.

CAUSES OF ACTION

Count I:

Violation of FOIA for Failure to Comply with Statutory Deadlines

16. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of the Complaint.

17. Defendant is an agency subject to FOIA.

18. By the Request, Plaintiff properly asked for records within the possession, custody and/or control of Defendant.

19. Defendant failed to make a determination with respect to the Request within the timeframe required by FOIA. 5 U.S.C. § 552(a)(6)(A).

20. Defendant's failure to provide a determination with respect to the Request within the statutory required timeframe is a violation of FOIA.

21. Plaintiff has and/or is deemed to have exhausted applicable administrative remedies with respect to the Request. 5 U.S.C. § 552(a)(6)(A)(ii); *id.* § 552(a)(6)(C)(i).

Count II:
Violation of FOIA for Wrongful Withholding of Agency Records

22. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of the Complaint.

23. Defendant is an agency subject to FOIA.

24. By the Request, Plaintiff properly asked for records within the possession, custody and/or control of Defendant.

25. The Request complied with all applicable regulations regarding the submission of FOIA requests.

26. Defendant has not released any records or portions thereof in response to the Request.

27. Defendant has not cited any exemptions to withhold records or portions thereof that are responsive to the Request.

28. Defendant has not identified whether or how release of the records sought by the Request would foreseeably harm an interest protected by a FOIA exemption and/or why disclosure is prohibited by law. 5 U.S.C. § 552(a)(8).

29. Defendant has improperly withheld records responsive to the Request in violation of FOIA. 5 U.S.C. § 552(a)(3)(A).

30. Plaintiff has and/or is deemed to have exhausted applicable administrative remedies with respect to the Request. 5 U.S.C. § 552(a)(6)(A)(ii); *id.* § 552(a)(6)(C)(i).

REQUEST FOR RELIEF

WHEREFORE, the Reporters Committee respectfully requests that the Court:

- (1) Issue a declaration that Defendant's failure to provide a determination with respect to the Request within the required statutory deadline is a violation of FOIA;
- (2) Order Defendant to complete its search for records responsive to the Request, and to issue a determination with respect to the Request;
- (3) Order Defendant to release all non-exempt records or portions thereof responsive to the Request;
- (4) Issue a declaration that RCFP is entitled to disclosure of the records responsive to the Request;
- (5) Enjoin Defendant from continuing to withhold any and all non-exempt records or portions thereof responsive to RCFP's Request;

- (6) Award Plaintiff reasonable attorney's fees and costs incurred in this action pursuant to 5 U.S. C. § 552(a)(4)(E); and
- (7) Grant such other relief as the Court may deem just and proper.

June 30, 2025

Respectfully submitted,
/s/ Adam A. Marshall
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