

## EXHIBIT F



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September 18, 2014

**VIA COURIER**

Stephanie D. Garner, Assistant Legal Counsel  
U.S. Equal Employment Opportunity Commission  
Office of Legal Counsel, FOIA Programs  
131 M Street, N.E., Suite 5NW02E  
Washington, D.C. 20507

**Re: Past Due FOIA Requests: Nos. 820-2014-204410 and 820-2014-204564**

Dear Ms. Garner:

We write this letter following up on our previous requests for information submitted to the EEOC, pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), on July 14, 2014<sup>1</sup> and July 25, 2014<sup>2</sup> (collectively the "FOIA Requests"). The EEOC's deadlines to provide timely responses to both FOIA Requests are now well past due. Accordingly, we request that the Commission comply with its obligations under FOIA and provide full responses to both FOIA Requests by the close of business on **Friday, September 19, 2014**.

**FOIA Request No. 820-2014-204410**

On July 14, 2014, we submitted FOIA Request No. 820-2014-204410, seeking an accounting of all funds spent by the EEOC investigating and litigating *EEOC v. Texas Roadhouse*, Civil Action No. 11-cv-11732. The Commission's response was due by August 13, 2014. After inquiring at the end of August, and beginning of September, we received correspondence on September 5, 2014 from Rhonda Durham, Information Specialist, FOIA Programs, EEOC/Office of Legal Counsel, that the request had been received and that the EEOC had a follow-up question regarding language in our request. Later that day, we clarified our request, and received an email from you stating that "FOIA programs has asked three headquarters and the District Office to search for responsive records, and advise this office of the estimated number of records, whether the records are in paper or an electronic format or both and the number of hours and personnel required to search for the records." In closing, you wrote "As soon as this information is made available, we will be in communication with you."

<sup>1</sup> Assigned as FOIA Request No. 820-2014-204410.

<sup>2</sup> Assigned as FOIA Request No. 820-2014-204564.  
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Despite our immediate response to your request for clarification, it has now been almost two weeks since your last correspondence on this FOIA Request, and over two months since it was originally submitted.

**FOIA Request No. 820-2014-204564**

On July 25, 2014, we submitted FOIA Request No. 820-2014-204564, seeking copies of all files related to any age-based discrimination investigations, charges, or complaints since January 1, 2007, involving Texas Roadhouse, Inc., Texas Roadhouse Holdings, LLC, and/or Texas Roadhouse Management Corp. d/b/a Texas Roadhouse (collectively, "Texas Roadhouse"), and any correspondence that the EEOC received from, or sent to, any alleged aggrieved individual, claimant, or any other person (or their representatives) against whom Texas Roadhouse allegedly discriminated based on age. The Commission's response was due by August 25, 2014.

In a letter dated August 26, 2014, the EEOC requested an extension of ten (10) working days, or through September 9, 2014, to respond to this request due to "unusual circumstances" necessitating "the need to search for and collect the requested records, if any exist, from field offices or other establishments that are separate from this office."

The EEOC's requested extension on FOIA Request No. 820-2014-204564 has expired, and its failure to respond to both of these Requests violates FOIA. Accordingly, we seek the EEOC's compliance with its obligations under FOIA, and request that you provide complete responses to the FOIA Requests by **Friday, September 19, 2014**. If the EEOC fails to respond, we intend to bring suit in federal district court to compel the EEOC's compliance.

Please contact me if you have any questions or require any clarification regarding the FOIA Requests.

Thank you for your prompt attention to this request.

Very truly yours,

SEYFARTH SHAW LLP

A handwritten signature in black ink that reads "Christopher J. DeGroff". The signature is written in a cursive style with some capital letters.

Christopher J. DeGroff