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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

VAN SICLEN, STOCKS & FIRKINS

Plaintiffs,

vs.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Defendant.

NO.

COMPLAINT FOR INJUNCTIVE
RELIEF

The plaintiff, by and through their attorneys of record, Van Siclen, Stocks & Firkins, claims and alleges:

I. PARTIES

1.1 Plaintiff Van Siclen, Stocks & Firkins is a Washington limited liability corporation with its principal place of business in Auburn, King County, Washington. Plaintiff is a law firm that represents clients on a variety of matters, including employment discrimination cases.

1.2 Defendant Equal Opportunity Employment Commission (“EEOC”) is an agency of the executive branch of the U.S. government and is an agency within the meaning of 5 U.S.C. § 552(f)(1).

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II. JURISDICTION AND VENUE

2.1 This Court has subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B) and (a)(6)(E)(iii). This Court also has jurisdiction pursuant to 28 U.S.C. § 1331 and 5 U.S.C. §§ 701-706.

2.2 Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

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III. FACTS

3.1 Plaintiff represents Roderick Demmings in connection with his former employment with Skyline Mail. On or about July 17, 2017, Mr. Demmings filed a complaint of discrimination in pay against Skyline Mail with the EEOC. Plaintiff submitted a letter of representation to the EEOC indicating that it would be representing Mr. Demmings with respect to his complaint on or about September 13, 2017.

3.2 On or about April 24, 2018, the EEOC issued its final decision and right to sue notice.

3.3 On or about May 23, 2018, Plaintiff submitted a Freedom of Information Act request to the EEOC via the FOIA Requester Service Center for a copy of the investigative file for Mr. Demmings' complaint against Skyline Mail.

3.4 On or about May 24, 2018, the EEOC sent an acknowledgement letter to Plaintiff, indicating that it expected to have documents available on or before June 21, 2018. This was the last that Plaintiff heard from the EEOC.

3.5 Plaintiff has checked the status of its records request multiple times on Defendant's FOIA Requester Service Center, but the status remains unchanged.

3.6 On or about July 2, 2018, Plaintiff sent an email to FOIA@eeoc.gov requesting an update on the status of its records request. Defendant did not respond to this email.

1 3.7 On or about August, 2018, Plaintiff attempted to call the EEOC at the number
2 listed on its acknowledgement letter. No one answered the phone and no one has returned
3 Plaintiff's call.
4

5 3.8 On or about September 5, 2018, Plaintiff sent a letter to the EEOC's Office of
6 Legal Counsel to appeal the denial of records via non-response. Plaintiff received no response
7 to this letter.
8

9 3.9 Plaintiff has a need for the records requested in order to pursue a claim for
10 discrimination on behalf of its client Mr. Demmings before all applicable statutes of limitations
11 expire.
12

13 3.10 Plaintiff has exhausted its administrative remedies because Defendant refuses
14 to respond to any of Plaintiff's communications.
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16 3.11 Defendant continues to wrongfully withhold the requested records from
17 Plaintiff.
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19 **IV. CAUSES OF ACTIONS**

20 4.1 The failure of Defendant to promptly make available the records sought by the
21 Request violates FOIA, 5 U.S.C. § 552(a)(3)(A), (a)(6)(A), and Defendant's corresponding
22 regulations.
23

24 4.2 The failure of Defendants to process Plaintiffs' request expeditiously and as
25 soon as practicable violates FOIA, 5 U.S.C. § 552(a)(6)(E), and Defendant's corresponding
26 regulations.
27

28 **V. PRAYER FOR RELIEF**

29 WHEREFORE, the plaintiffs demand damages as follows:

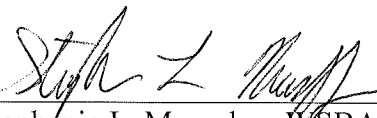
- 30 1. Order Defendant to immediately process and release any responsive records;

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2. Enjoin Defendant from charging Plaintiff search, review, or duplication fees for the processing of the Request;
3. Award Plaintiff its costs and reasonable attorneys' fees incurred in that action; and
4. Any other relief as the Court deems just and equitable.

DATED this 11th day of October, 2018.

VAN SICLEN, STOCKS & FIRKINS

By: 
Stephanie L. Messplay, WSBA #47017
Attorney for Plaintiff