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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

16 BANK CLIMATE ADVOCATES, a non-profit
17 corporation,

18 Plaintiff,

19 v.

21 UNITED STATES DEPARTMENT OF THE
22 TREASURY,

23 Defendant.

Civil Case No. 26-cv-5040

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1 Bank Climate Advocates (“BCA”) alleges as follows:

2 **INTRODUCTION**

3 1. BCA brings this action under the Freedom of Information Act (“FOIA”), which, amongst
4 other things, allows an aggrieved party to seek relief when records are unlawfully withheld, and
5 authorizes a reviewing court to enjoin the agency from withholding records and to order the production
6 of any agency records improperly withheld from the complainant. 5 U.S.C. § 552(a)(4)(B). BCA also
7 brings this action under the FOIA regulations that the United States Department of the Treasury
8 (“Treasury”) has adopted. 31 C.F.R. Subpart A. BCA seeks declaratory and injunctive relief for FOIA
9 violations by the Treasury. BCA submitted a FOIA request to the Treasury on or about February 18,
10 2026 (“FOIA Request”), and this lawsuit addresses the Treasury’s failure to comply with the
11 requirements of FOIA with regard to that FOIA Request.

12 2. Recognizing that FOIA requesters are harmed when agencies do not ensure prompt
13 public access to agency records, Congress has repeatedly amended FOIA to address unreasonable
14 agency delay. For example, the Electronic Freedom of Information Act Amendments of 1996 confirmed
15 that “[t]he purposes of this Act are to-- (1) foster democracy by ensuring public access to agency records
16 and information; (2) improve public access to agency records and information; (3) ensure agency
17 compliance with statutory time limits; and (4) maximize the usefulness of agency records and
18 information collected, maintained, used, retained, and disseminated by the Federal Government.” 110
19 Stat. 3048, 104 P.L. 231, Sec. 1.

20 3. Given the time-sensitive nature of FOIA requests, FOIA litigation is subject to expedited
21 judicial consideration. Unlike other civil litigation involving a federal agency, a responsive pleading is
22 required within thirty days of service. 5 U.S.C. § 552(a)(4)(C) (“Notwithstanding any other provision of
23 law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection
24 within thirty days after service upon the defendant of the pleading in which such complaint is made,
25 unless the court otherwise directs for good cause shown.”). Additionally, Congress has specifically said
26 that there is “good cause” for expediting hearings in FOIA actions ahead of those in other civil matters.
27 28 U.S.C. § 1657(a).

1 4. The FOIA Request asks the Treasury to produce: All documents, from January 1, 2019 to
2 February 18, 2026 that provide information, analysis, details, opinions, studies, or deliberations
3 regarding: Asian Development Bank’s (“ADB”) 2021 Energy Policy; the 2025 amendments to ADB’s
4 2021 Energy Policy; the 2025 amendments to ADB’s prohibited investment activities list under ADB’s
5 Environmental and Social Framework that were adopted along with the 2025 amendments to ADB’s
6 2021 Energy Policy; ADB’s 2025 Energy Policy Review; or a review of ADB’s Energy Policy in, by, or
7 around 2030.

8 5. The records BCA has requested in its FOIA Request: (1) will provide BCA, other
9 concerned entities, and affected communities with further evidence and deeper insights into the routine
10 failures of the ADB, and the United States government more broadly, to adhere to their climate change
11 commitments, requirements, and legal obligations for, and in the approval of, ADB policies, and their
12 amendments and updates, including in regards to securing, prior to ADB policy approvals: adequate,
13 credible, and supported greenhouse gas (“GHG”) emissions and climate change due diligence and
14 protections, adequate environmental and social impact assessments, sufficient public consultation, and
15 adequate opportunity for public review and comment; (2) will assist BCA, other concerned entities, and
16 affected communities in verifying the United States government’s and ADB’s claims about their
17 positions on and the rationale for the climate change related aspects of ADB’s policies and their
18 amendments and updates; (3) to help other concerned entities, and affected communities achieve United
19 States government and ADB policy reform resulting in achievement and routine release of full, credible,
20 and supported GHG emissions quantification, alternatives, and mitigation analysis for public review and
21 comment prior to ADB financing decisions to help prevent and reduce the severity of catastrophic
22 climate change harms, including by helping prevent GHG intensive and expensive new fossil fuel lock
23 in projects such as natural gas power plants and liquified natural gas (“LNG”) terminals that the
24 Intergovernmental Panel on Climate Change and International Energy Agency have demonstrated will
25 cause exceedance of the 1.5°C global warming limitation objective; (4) to assist BCA, other concerned
26 entities, and affected communities in efforts to improve the United States’ and ADB’s accountability
27 and transparency in adopting, updating, amending, and implementing their climate change policies and

1 8. This Court has authority to grant declaratory relief pursuant to the Declaratory Judgment
2 Act, 28 U.S.C. § 2201. This Court has authority to grant injunctive relief pursuant to 28 U.S.C. § 2202
3 and 5 U.S.C. § 552(a)(4)(B).

4 9. This Court has authority to award costs and attorney fees pursuant to 5 U.S.C. §
5 552(a)(4)(E).

6 10. “In the event of noncompliance with the order of the court, the district court may punish
7 for contempt the responsible employee, and in the case of a uniformed service, the responsible member.”
8 5 U.S.C. § 552(a)(4)(G).

9 11. The FOIA claims made in this Complaint are ripe for judicial review and the harm the
10 Treasury has caused to BCA can be remedied by an order of this Court.

11 12. This Court has personal jurisdiction over the Treasury and its officials because the
12 Treasury is an agency of the federal government operating within the United States.

13 **VENUE**

14 13. Venue in the United States District for the Northern District of California is proper under
15 5 U.S.C. section 552(a)(4)(B) because the complainant has its principal place of business in the Northern
16 District of California.

17 **INTRADISTRICT ASSIGNMENT**

18 14. Intradistrict assignment of this matter to the San Francisco Division of the Court is
19 appropriate pursuant to Civil Local Rule 3-2(d) because BCA’s principal counsel resides in San
20 Francisco County, BCA’s principal place of business is located in San Francisco, California, and the
21 Treasury maintains an office in Santa Rosa, California where some of the pertinent records sought by
22 BCA are likely stored.

23 **THE PARTIES**

24 15. Plaintiff BANK CLIMATE ADVOCATES is a non-profit, public benefit corporation,
25 organized under the laws of the State of California, devoted to helping drive the systemic change in
26 finance needed to avert the worst effects of climate change and help transform the global energy system.
27 BCA’s focus is on aligning leading public financial institutions’ (“PFIs”) investments and financing

1 policies and practices with the 1.5°C global warming limitation objective using legal advocacy and
2 action. With such alignment, these PFIs will not only meet their critical share of climate obligations, but
3 the conditions will be created for other public and private banks to follow suit.

4 16. Any person or entity that files a FOIA request is deemed to have standing to invoke the
5 jurisdiction of the Federal Courts to carry out the judicial review provisions of FOIA. BCA filed the
6 FOIA Request at issue and has standing to bring this FOIA suit.

7 17. BCA brings this action on its own behalf and on behalf of its adversely affected staff and
8 members. BCA works in furtherance of its goals in part by acquiring information regarding federal and
9 financial institution programs and activities through FOIA. BCA then compiles and analyzes that
10 information and, subsequently, disseminates that information to its membership, the general public,
11 financial institutions, States around the world who control and direct financial institutions like the ADB,
12 and public officials through various sources, including reports, letters, and analyses posted on its website
13 and other websites, through public presentations, and through print and other media interviews and
14 social media postings. BCA's successful efforts at educating the public on issues concerning federal
15 government programs, financial institutions, and activities, including the role of the federal government
16 as a shareholder at multilateral development banks ("MDBs"), like the ADB, that affect the environment
17 contribute significantly to the public's understanding of governmental operations and activities. BCA
18 also uses the information that it acquires through FOIA to (1) participate in and influence federal
19 decision-making processes – including United States votes to approve investments and policies at the
20 ADB and other MDBs related to and or impacting climate change, (2) potentially to file administrative
21 appeals and civil actions, and (3) generally to ensure that the United States government complies with
22 federal environmental laws and all of their commitments and legal obligations under international law.

23 18. BCA uses, and intends to continue to use, FOIA as an important avenue for gaining
24 information about federal agency activities. BCA is harmed when it is denied timely access to records to
25 which it is entitled. Without this information, BCA cannot successfully serve as an effective public
26 interest watchdog ensuring that the federal government is lawfully fulfilling its legal obligations,
27 commitments, and acting in the public interest.

1 19. BCA intends to continue its use of FOIA to access agency records in the possession of
2 the Treasury. As one example, BCA has concrete plans to submit additional FOIA requests to the
3 Treasury to follow up on the information learned while reviewing agency records responsive to the
4 present FOIA Request. BCA also intends to continue to use FOIA to access agency records in the
5 possession of Treasury to obtain information about climate change and GHG emissions impact and
6 mitigation analysis, due diligence, and harm prevention measures the United States government uses to
7 approve ADB and other MDBs' policies and their amendment and updates, to determine whether these
8 policies, and their amendments and or updates, and the due diligence for them adhere to ADB's and the
9 United States' climate change policy requirements, and to determine whether the United States and the
10 ADB are adhering to their climate change due diligence and harm prevention obligations under
11 international law.

12 20. One of the purposes of FOIA is to promote the active oversight role of public advocacy
13 groups incorporated in many federal laws applicable to federal agencies, including the Administrative
14 Procedure Act. *See, e.g.*, 5 U.S.C. §§ 551, *et seq.* BCA uses FOIA to publicize activities of federal
15 agencies and to mobilize the public to participate in advocacy to elected and other government officials
16 concerning environmental policies. BCA intends to continue using FOIA requests to fulfill its oversight
17 and advocacy role through scrutinizing agency records, a practice Congress intended to promote through
18 the adoption of FOIA. The FOIA Request seeks to understand the Treasury's actions and policies that
19 result and will result in approvals of ADB investments and guarantees with substantial GHG emissions
20 that (1) will cause and contribute the 1.5°C global warming limitation objective to be exceeded, (2) that
21 run contrary to the United States', ADB's, and other ADB member states' legal obligations and
22 commitments, and (3) that can and should be avoided through adequate and feasible GHG emissions
23 impact avoidance and mitigation analyses and measures. These harms can be remedied in part by
24 ensuring BCA has prompt access to public records going forward.

25 21. BCA, its staff, or one or more of its members have and will suffer direct injury by the
26 Treasury's failure to comply with the statutory requirements of FOIA, and a favorable outcome of this
27 litigation will redress that injury. The Treasury's refusal to provide timely and complete FOIA access to

1 agency records prevents BCA's ability to participate as an informed watchdog. Harm to the environment
2 and to people flows from the Treasury's FOIA violations, which conceal the facts and circumstances
3 surrounding the Treasury's actions and inactions regarding approvals of ABD's policies, and their
4 amendments and or updates, related to and or impacting climate change, that will result in substantial
5 avoidable GHG emissions that will cause and contribute the 1.5°C global warming limitation objective
6 to be exceeded and will result in lesser citizen enforcement of environmental and public information
7 laws.

8 22. BCA is also harmed by the Treasury's failure, on information and belief, to provide an
9 actual estimated completion date (that is actually based on assessment of the FOIA Request and an
10 estimate of how long it will take to fully process). This failure prevents BCA from planning for review
11 of the records, deprives BCA of information pertinent to evaluating whether litigation is needed to
12 quickly secure the records that it has requested, and interferes with BCA communicating with the
13 Treasury about the FOIA Request.

14 23. Defendant the UNITED STATES DEPARTMENT OF THE TREASURY is an agency
15 as defined by 5 U.S.C. § 552(f)(1) that, *inter alia*, is the national treasury and finance department of the
16 federal government. FOIA charges the Treasury with the duty to provide public access to agency records
17 in its possession or control. The Treasury possesses records responsive to the FOIA Request. The
18 Treasury is denying BCA access to its records in contravention of federal law.

19 24. The Treasury failed to lawfully make a determination on the FOIA Request within the
20 statutory twenty-business-day limit. As of this filing, the Treasury possesses, controls, and unlawfully
21 withholds agency records and information in agency records responsive to the FOIA Request that is not
22 subject to a FOIA exemption and/or release of which would not cause foreseeable harm. As of this
23 filing, on information and belief, the Treasury has not completed FOIA-compliant searches for records
24 responsive to the FOIA Request. As of this filing, on information and belief, the Treasury has not
25 properly provided BCA with an actual estimated completion date or used its FOIA tracking systems to
26 provide BCA with an actual estimated completion date for the FOIA Request.

STATUTORY AND REGULATORY BACKGROUND

1
2 25. FOIA was amended in 2007 to reaffirm that Congress, through FOIA, continues to seek
3 to “ensure that the Government remains open and accessible to the American people and is always based
4 not upon the ‘need to know’ but upon the fundamental ‘right to know.’” Pub. L. No. 110-175, 121 Stat.
5 2524, Section 2 ¶ 6 2007).

6 26. Administrative remedies are deemed exhausted whenever an agency fails to comply with
7 the applicable time limits of FOIA, and this puts all questions of FOIA compliance, including but not
8 limited to failure to comply with the twenty-business-day determination deadline, within the jurisdiction
9 of the federal courts. 5 U.S.C. § 552(a)(6)(C)(i).

10 27. FOIA requires that an agency disclose records to any person except where the record falls
11 under a specifically enumerated exemption. 5 U.S.C. § 552. The courts have emphasized the narrow
12 scope of these exemptions and “the strong policy of the FOIA that the public is entitled to know what its
13 government is doing and why.” *Coastal States Gas Corp. v. Dep’t of Energy*, 617 F.2d 854, 868 (D.C.
14 Cir. 1980).

15 28. When an agency decides to withhold records under a claim of exemption, it must notify
16 the person making the request of that determination and the reasons therefor. 5 U.S.C. § 552(a)(6)(A)(i).
17 Government agencies bear the burden of proof to show that any withheld records are exempt from the
18 otherwise complete duty to disclose. 5 U.S.C. § 522(a)(4)(B).

19 29. The FOIA Improvement Act of 2016 (“FIA”) made significant amendments to FOIA,
20 effective as of enactment on June 30, 2016. The amendments include changes to the standard by which
21 an agency must evaluate potential withholdings. The FIA dictates that agencies shall withhold
22 information only if disclosure would harm an interest protected by an exemption – what is referred to as
23 the “foreseeable harm standard” – even if that information is arguably subject to an exemption claim by
24 the agency. 5 U.S.C. § 552(a)(8)(A)(i).

25 30. 5 U.S.C. § 552(a)(6)(A)(i) requires that an agency provide enough information, presented
26 with sufficient detail, clarity, and verification, so that the requester can fairly determine what has not
27 been produced and “the reasons therefore.”

1 31. FOIA also requires an agency to consider partial disclosure whenever the agency
2 determines that full disclosure of a requested record is not possible and to take reasonable steps
3 necessary to segregate and release nonexempt information. 5 U.S.C. § 552(a)(8)(A).

4 32. In addition to explicit withholdings, an agency's process for addressing FOIA requests
5 also constitutes "withholding" if its net effect is to significantly impair the requester's ability to obtain
6 the records or significantly increase the amount of time he or she must wait to obtain them. *McGehee v.*
7 *CIA*, 697 F.2d 1095, 1110 (D.C. Cir. 1983), *vacated in part on other grounds*, 711 F.2d 1076 (1983).

8 33. FOIA requires that an agency, upon any request for records, shall promptly make the
9 records available. 5 U.S.C. § 552(a)(3)(A). An agency shall make a determination whether to comply
10 with a request within twenty business days after the receipt of the request and shall immediately notify
11 the party making the request of such determination, the reasons for the determination, and the party's
12 right to appeal. 5 U.S.C. § 552(a)(6)(A)(i).

13 34. Federal agencies are under a duty to conduct a reasonable search for records responsive
14 to a party's request using methods that can be reasonably expected to produce the records requested to
15 the extent those records exist. 5 U.S.C. § 522(a)(3)(C).

16 35. In 2007, to remedy widespread and casual violations of FOIA deadlines, Congress also
17 imposed a duty on agencies to provide requesters with tracking numbers for any FOIA request that will
18 take over 10 days to process, to provide and use a website or telephone number that requesters can
19 access to track the status of their FOIA requests, and to provide an estimated completion date for those
20 requests. 5 U.S.C. § 552(a)(7).

21 36. FOIA disputes are normally resolved on summary judgment, with the burden of proving
22 FOIA compliance falling on the agency even if the requester files, or cross-files, for summary judgment.
23 The agency must carry its burden of demonstrating all elements of FOIA compliance.

24 **FACTUAL BACKGROUND**

25 37. On February 18, 2026, BCA submitted the FOIA Request to the Treasury. The Treasury
26 formally acknowledged receipt of the FOIA Request and assigned a tracking number to the FOIA
27 Request on April 23, 2026, though it had done so informally by email before then.

1 38. The Treasury's final determination on the FOIA Request was due 20 business days after
2 receipt, *i.e.*, by March 18, 2026.

3 39. On April 24, 2026, having received no further correspondence beyond confirmation of
4 receipt, BCA wrote to the Treasury. In this email message, BCA stated "BCA may and will be inclined
5 to take legal action if a determination is not promptly forthcoming within the next 30 days."

6 40. On April 24, 2026, the Treasury stated "Your request is currently in the 'search' stage.
7 Unfortunately, our office has a backlog of FOIA requests, and we are trying our best to process all our
8 FOIA cases as quickly as possible. The estimated date of completion for your request is on or before
9 July 24, 2026. Please know that this date roughly estimates how long it will take the agency to close
10 requests ahead of yours in the queue and complete work on your request. The actual date of completion
11 might be before or after this estimate based on the complexity of the requests in the agency's queue."
12 This does not indicate that Treasury had considered the FOIA Request and the other FOIA requests in it
13 has received to realistically assess and estimate how long it will take to complete work on the FOIA
14 Request. As a result, and based on Treasury's failure to comply with estimated completion dates
15 provided in the past for other FOIA requests, BCA does not believe that this constitutes an actual
16 estimate, let alone a commitment, to fully process the FOIA Request by that date.

17 41. Treasury's April 24, 2026 email message also does not constitute a final determination
18 wherein the Treasury says what it will produce and what it will withhold and why, does not make a
19 finding on BCA's fee waiver request, does not provide an actual estimated completion date, and does
20 not provide any responsive records.

21 42. In short, the April 24, 2026 communication, coming well after the Treasury's final
22 determination deadline, provided no resolution of any of Treasury's FOIA noncompliance and merely
23 amounts to a generic processing estimate, apparently not based on the facts of the actual FOIA requests
24 before Treasury.

25 43. The above FOIA Request, and the Treasury's violations of FOIA related to it, are the
26 basis for this lawsuit.

1 44. As of this filing, BCA has not received any further updates from the Treasury since those
2 discussed above. As of this filing, BCA has not received an actual estimated completion date.

3 45. As of this filing, BCA has not received any records responsive to the FOIA Request from
4 the Treasury. As a result, as of this filing, the Treasury currently possesses or controls, and is
5 constructively withholding, these agency records, which are responsive to BCA's FOIA Request and are
6 not subject to a FOIA exemption. The Treasury's wrongful withholding of these agency records is
7 unlawful.

8 46. As of this filing, on information and belief, the Treasury has failed to complete a FOIA
9 compliant search for records responsive to the FOIA Request.

10 47. Treasury's final determination deadline on the FOIA Request has long since passed.
11 However, as of this filing, the Treasury has not made and communicated a valid final determination for
12 the FOIA Request. This is both a violation of FOIA's deadlines and a constructive withholding of
13 records.

14 48. BCA now turns to this Court to provide relief that ensures BCA, its membership, and the
15 public have the prompt public access to agency records guaranteed by FOIA. 5 U.S.C. § 552(a)(6).

16 **FIRST CLAIM FOR RELIEF**

17 **Violation of FOIA - Constructive Denial and Unlawfully Withholding**

18 **Agency Records Responsive to the FOIA Request**

19 49. BCA repeats and incorporates by reference the allegations in the above paragraphs and
20 all paragraphs of this Complaint.

21 50. The Treasury has not communicated to BCA the complete scope of the records it intends
22 to produce and withhold in response to the FOIA Request or its reasons for withholding all withheld
23 records, and has not disclosed to BCA all, or indeed any, records responsive to the FOIA Request that
24 are not properly subject to FOIA withholding.

25 51. The Treasury violated FOIA by failing to provide a lawful determination and response to
26 BCA's FOIA Request within the statutory twenty-business-day period. 5 U.S.C. § 552(a)(6)(A)(i).

1 52. This failure to make lawful determinations on BCA’s FOIA Request within the
2 timeframe required by FOIA is a constructive denial and wrongful withholding of the records BCA
3 requested, in violation of FOIA. 5 U.S.C. § 552(a)(6)(A)(i), (C)(i).

4 53. The Treasury continues to violate FOIA by not making valid final determinations on the
5 FOIA Request and by not making all responsive records promptly available to BCA. 5 U.S.C. § 552(a).

6 **SECOND CLAIM FOR RELIEF**

7 **Violation of FOIA - Unlawfully Withholding Agency Records**

8 **Responsive to the FOIA Request that are Not Subject to a FOIA Exemption and/or Disclosure of**
9 **Which Would Not Cause Foreseeable Harm**

10 54. BCA repeats and incorporates by reference the allegations in the above paragraphs and
11 all paragraphs of this Complaint.

12 55. BCA has a statutory right to the records it seeks, and there is no legal basis for the
13 Treasury to assert that any of FOIA’s nine disclosure exemptions apply to the records in whole or in
14 part. *See* 5 U.S.C. § 552(b)(1)-(9).

15 56. Disclosure of these records would also not cause foreseeable harm. *See* 5 U.S.C. §
16 552(a)(8)(A)(i).

17 57. The Treasury continues to violate FOIA by illegally withholding agency records that are
18 responsive to the FOIA Request, but which the Treasury has not demonstrated are subject to any FOIA
19 withholding provision; which, on information and belief, are not subject to any such provision; and, on
20 information and belief, disclosure of which would not cause foreseeable harm. 5 U.S.C. § 552(b),
21 (a)(8)(A)(i).

22 **THIRD CLAIM FOR RELIEF**

23 **Violation of FOIA – Failure to Conduct Adequate Searches**

24 58. BCA repeats and incorporates by reference the allegations in the above paragraphs and
25 all paragraphs of this Complaint.

1 59. BCA has a statutory right to have the Treasury process its FOIA Request in a manner that
2 complies with FOIA. BCA’s statutory rights in this regard were violated when the Treasury unlawfully
3 failed to undertake a search reasonably calculated to locate records responsive to the FOIA Request.

4 60. The Treasury continues to violate FOIA by failing to conduct and document a lawful
5 search for responsive records, which is a condition precedent to a lawful determination. On information
6 and belief, the Treasury has withheld responsive agency records due to unlawfully narrow searches. 5
7 U.S.C. § 552(a)(3)(B)-(C).

8 **FOURTH CLAIM FOR RELIEF**

9 **Violation of FOIA – Failure to Provide Estimated Completion Dates**

10 61. BCA repeats and incorporates by reference the allegations in the above paragraphs and
11 all paragraphs of this Complaint.

12 62. Pursuant to 5 U.S.C. § 552(a)(7)(B)(ii), the Treasury must provide BCA with an
13 “estimated date on which the agency will complete action on the request.”

14 63. The Treasury has failed to provide BCA with an actual estimated date of completion for
15 its pending FOIA Request. In so doing, the Treasury has violated 5 U.S.C. § 552(a)(7)(B)(ii).

16 **REQUEST FOR RELIEF**

17 WHEREFORE, BCA respectfully requests that this Court enter judgment providing the
18 following relief:

19 A. Enter findings and declare that the Treasury violated its duties to comply with FOIA’s
20 statutory deadlines with regard to BCA’s FOIA Request;

21 B. Enter findings and declare that the Treasury violated FOIA by unlawfully withholding
22 agency records responsive to BCA’s FOIA Request;

23 C. Enter findings and declare that the Treasury violated FOIA by failing to conduct a search
24 reasonably calculated to locate the records responsive to BCA’s FOIA Request;

25 D. Enter findings and declare that the Treasury has violated its duty to provide BCA with an
26 actual estimated completion date for BCA’s FOIA Request;

1 E. Direct by order that the Treasury provide BCA with a lawful determination on BCA’s
2 FOIA Request by a date certain;

3 F. Direct by order that the Treasury conduct a lawful search for responsive records;

4 G. Direct by order that the Treasury provide within ten business days all agency records
5 responsive to BCA’s FOIA Request that are not properly subject to withholding pursuant to one of the
6 nine recognized FOIA exemptions and/or for which the Treasury cannot show foreseeable harm;

7 H. Direct by order that the Treasury provide BCA with a detailed statement justifying each
8 withholding of an agency record, or portions thereof, in accordance with the indexing requirements of
9 *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974);

10 I. Grant BCA’s costs of litigation, including reasonable attorney fees as provided by FOIA,
11 5 U.S.C. § 552(a)(4)(E); and,

12 J. Provide such other relief as the Court deems just and proper.

13 **RESPECTFULLY SUBMITTED, May 28, 2026.**

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