IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JIMMY TOBIAS,

Plaintiff,

v.

U.S. BUREAU OF OCEAN ENERGY MANAGEMENT,
1849 C Street NW, Rm 2134LM
Washington, D.C. 20240

U.S. DEPARTMENT OF INTERIOR OFFICE OF THE SECRETARY,
1849 C Street, NW
Washington, D.C. 20240

U. S. DEPARTMENT OF INTERIOR,
1849 C Street NW,
Washington, D.C. 20240

Defendants.

COMPLAINT

1. Plaintiff JIMMY TOBIAS brings this suit to force Defendants U.S. BUREAU OF OCEAN ENERGY, U.S. DEPARTMENT OF INTERIOR OFFICE OF THE SECRETARY, and U.S. DEPARTMENT OF INTERIOR to conduct reasonable searches, issue determinations, and produce records in response to his FOIA requests seeking communications referencing Rice's whale, a critically endangered whale species; Sable, an offshore oil company; Colossal Biosciences, a biotechnology company working to de-extinct various extinct animals; and Continental Resources, a petroleum and natural gas company.

PARTIES

2. Plaintiff JIMMY TOBIAS is an independent reporter who has written for *The Guardian* and *The Nation*, among other media outlets, and is the FOIA requester in this case.

3. Defendant U.S. BUREAU OF OCEAN ENERGY MANAGEMENT ("BOEM") is a federal agency and is subject to the Freedom of Information Act, 5 U.S.C. § 552.

4. Defendant U.S. DEPARTMENT OF INTERIOR OFFICE OF THE SECRETARY ("DOI-OS") is a federal agency and is subject to the Freedom of Information Act, 5 U.S.C. § 552.

5. Defendant U.S. DEPARTMENT OF INTERIOR ("DOI") is a federal agency and is subject to the Freedom of Information Act, 5 U.S.C. § 552. DOI is the parent agency of BOEM and DOI-OS.

JURISDICTION AND VENUE

6. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

7. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

JUNE 11, 2025 FOIA REQUEST TO DOI

8. On June 11, 2025, Plaintiff submitted the following FOIA request to BOEM for the following records:

> All emails, texts, DMS, or other electronic communications sent or received by Matt Giacona that reference the rice whale or rice's whale. This request seeks records produced since April 1, 2025.

9. A true and correct copy of the FOIA request is attached as Exhibit 1.

10. On June 11, 2025, BOEM acknowledged receipt of the FOIA request and assigned reference number DOI-2025-007177 to the matter. *Id*.

11. On June 26, 2025, BOEM sent an acknowledgment letter placing the request into the "Complex" processing track "for requests that would generally take twenty-one to sixty

workdays to process." BOEM stated that there are 36 requests pending ahead of Plaintiff's request and that BOEM expects to "dispatch a determination to you by July 28, 2025." BOEM also sought an extension of ten workdays to respond to the request.

12. A true and correct copy of the acknowledgement letter is attached as Exhibit 2.

13. On July 28, 2025, Plaintiff sought an update on the request and requested a new estimated completion date if there is one. Ex. 1.

14. On July 28, 2025, BOEM sent a notification letter that the determination will be made outside the time limits of 43 C.F.R. Part 2, Subpart D. BOEM also proposed that if Plaintiff agrees to "exclude attachments to emails," then BOEM "will be able to deliver a final response significantly sooner."

15. A true and correct copy of the notification letter is attached as Exhibit 3.

16. On July 30, 2025, Plaintiff clarified that he is not excluding the attachments. Ex. 1.

17. On August 6, 2025, BOEM confirmed receipt of Plaintiff's July 30, 2025 communication and that it will complete processing the request by September 10, 2025. *Id.*

18. On September 10, 2025, Plaintiff sought an update on the request and requested a new estimated completion date if there is one. *Id.*

19. On October 9 2025, Plaintiff requested an estimated date of completion. *Id.*

20. On November 11, 2025, Plaintiff sought an update on the request and requested a new estimated completion date if there is one. *Id.*

21. On November 24, 2025, BOEM responded that it is working through the backlog from the furlough and that the "FOIA is in a final review stage." *Id.*

22. On December 24, 2025, Plaintiff sought an update on the request and requested a new estimated completion date if there is one. *Id.*

23. On January 5, 2026, BOEM responded and stated that it is "still processing this FOIA. All records have been collected and a first release is in a final review stage." *Id.*

24. On February 5, 2026, Plaintiff sought an update on the request and requested a new estimated completion date if there is one. *Id.*

25. On March 9, 2026, Plaintiff sought an update on the request and requested a new estimated completion date if there is one. *Id.*

26. On March 11, 2026, BOEM stated that the "search is complete on this FOIA and we are currently reviewing records." *Id.*

27. On May 12, 2026, Plaintiff sought an update on the request and requested a new estimated completion date if there is one. *Id.*

28. Additionally, Plaintiff asked if the search has been completed, how many records and pages were located, whether an analyst has been assigned to review the records, and what steps BOEM has taken and will take in the next six months in responding to the request. *Id.*

29. On May 12, 2026, BOEM confirmed that the search is complete and that there are about 100 more emails. BOEM identified the analyst reviewing the request and stated that BOEM "will have a release ready for final review by the end of this month and all consults sent." *Id.* BOEM also asked if Plaintiff will exclude portions of attachments that are not responsive to the Rice's Whale. *Id.*

30. On May 19, 2026, Plaintiff agreed to exclude content that does not relate to the Rice's whale but that Plaintiff will not exclude "any content that provides important context, for instances records that relate to biological opinions or other decisions that could effect the Rice's whale." *Id.*

31. On June 8, 2026, Plaintiff sent a follow up communication to BOEM. *Id.*

32. On June 9, 2026, BOEM stated that the "final 1155 pages were submitted this afternoon for final review." *Id.*

33. On June 25, 2026, Plaintiff sought an update on the request and requested a new estimated completion date if there is one. *Id.*

34. On June 25, 2026, BOEM stated that it does "not have an estimated completion date at this time. BOEM FOIA's production is complete, and it was submitted for a final review on 6/9. I would expect the final to be released in July." *Id.*

35. On July 28, 2026, BOEM informed Plaintiff a final of 1,155 pages was sent for final review in June. *Id*.

36. On August 27, 2026, BOEM claimed its final release was pending consultation and hoped to provide a response before the end of September. *Id*.

37. As of the date of this filing, BOEM has not issued a determination on Plaintiff's request.

38. As of the date of this filing, BOEM has failed to make any responsive records available to Plaintiff as soon as practicable.

OCTOBER 17, 2025 FOIA REQUEST TO BOEM

39. On October 17, 2025, Plaintiff submitted the following FOIA request to BOEM for the following records:

> All written or electronic communications, including text messages, emails, DMs, signal chats, slacks, or other electronic communication, sent or received by BOEM's Matt Giacona that contain the key word: "Sable". This request also seeks any communications between Giacona and any representatives, agents, employees or staffers of the offshore oil company Sable. This request seeks records produced since March 1, 2025 to the date this request is processed.

40. A true and correct copy of the FOIA request is attached as Exhibit 4.

41. On October 17, 2025, BOEM acknowledged receipt of the FOIA request and assigned reference number DOI-2026-000504 to the matter. *Id*.

42. On November 20, 2025, BOEM stated that its "office received a significant increase in FOIA requests during the shutdown, but we are working diligently to return to our previous processing pace. Since returning, I have been actively working on this FOIA and am currently awaiting the search results for this particular FOIA." *Id.*

43. On November 25, 2025, BOEM sent an acknowledgment letter placing the request into the "Complex" processing track "for requests that would generally take twenty-one to sixty workdays to process." BOEM stated that there are 48 requests pending ahead of Plaintiff's request and that BOEM expects to "dispatch a determination to you by July 28, 2025." BOEM also sought an extension of ten workdays to respond to the request and said that Plaintiff "can expect to hear from us promptly regarding the outcome of this search."

44. A true and correct copy of the acknowledgment letter is attached as Exhibit 5.

45. On January 5, 2026, BOEM stated that it is "still processing this FOIA. All records have been collected and a first release is pending." Ex. 4.

46. On March 31, 2026, BOEM stated that it "is still processing this FOIA request. The search is complete and we are reviewing records currently." *Id*.

47. On May 12, 2026, Plaintiff sought an updated estimated date of completion and inquired about the status of the request, including whether the search was completed and whether an analyst had been assigned for review. *Id*.

48. On June 11, 2026, BOEM confirmed the search and review within its office had been completed and an interim release of 290 pages was undergoing final review. BOEM also noted six additional pages undergoing final attorney review required consultation with other agencies and it anticipated the consultation process may take a significant amount of time. *Id*.

49. On August 27, 2026, Plaintiff sought an updated estimated date of completion for the request. *Id*.

50. On August 27, 2026, BOEM claimed its first planned release was pending consultation and hoped to provide a response before the end of September. *Id*.

51. BOEM did not send any further correspondence to Plaintiff regarding this request.

52. As of the date of this filing, BOEM has not issued a determination on Plaintiff's request.

53. As of the date of this filing, BOEM has failed to make any responsive records available to Plaintiff as soon as practicable.

JANUARY 29, 2026 FOIA REQUEST TO DOI-OS

54. On January 29, 2026, Plaintiff submitted the following FOIA request to DOI-OS for the following records:

> All written or electronic communications, including emails, texts, Microsoft Teams chats, Signal messages, etc, sent or received by Ashley Johnson and/or Gage Wolt that contain one or more of the following key words or phrases: "Antofagasta", "Twin Metals"; "Budd-Falen"; "Bernhardt"; "Colossal", in reference to the company Colossal Bioscience; "Continental", in reference to the company Continental Resources; and/or "Hamm". This request seeks records produced since January 20, 2025.

55. A true and correct copy of the FOIA request is attached as Exhibit 6.

56. On January 29, 2026, DOI-OS acknowledged receipt of the FOIA request and assigned reference number DOI-2026-003493 to the matter. *Id*.

57. On February 13, 2026, DOI-OS sent an acknowledgment letter placing the request into the "Complex" processing track "for requests that would generally take twenty-one to sixty workdays to process." DOI-OS also sought an extension of ten workdays to respond to the request and said that Plaintiff "can expect to hear from us promptly regarding the outcome of this search."

58. A true and correct copy of the acknowledgment letter is attached as Exhibit 7.

59. On May 12, 2026, Plaintiff sought an updated estimated date of completion and inquired about the status of the request, including whether the search was completed and whether an analyst had been assigned for review. Ex. 6.

60. On August 6, 2026, BOEM asked for clarification regarding the search term "budd-falen" and asked Plaintiff what they sought about KBF. *Id*.

61. On August 6, 2026, Plaintiff clarified they sought "any meetings or events or other things that Johnson might have been involved in setting up for Budd-Falen." *Id*.

62. On August 6, 2026, BOEM confirmed Plaintiff's answer helped clarify the search term. *Id*.

63. DOI-OS did not send any further correspondence to Plaintiff regarding this request.

64. As of the date of this filing, DOI-OS has not issued a determination on Plaintiff's request.

65. As of the date of this filing, DOI-OS has failed to make any responsive records available to Plaintiff as soon as practicable.

COUNT I – BOEM'S FOIA VIOLATION
JUNE 11, 2025 REQUEST TO BOEM

66. Paragraphs 1-65 are incorporated by reference.

67. Plaintiff's FOIA request seeks the disclosure of agency records and was properly made.

68. Defendant BOEM is a federal agency subject to FOIA.

69. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.

70. Defendant BOEM has failed to conduct a reasonable search for records responsive to the request.

71. Defendant BOEM has failed to issue a determination within the statutory deadline.

72. Defendant BOEM has failed to produce all non-exempt records responsive to the request.

COUNT II –BOEM'S FOIA VIOLATION
OCTOBER 17, 2025 REQUEST TO BOEM

73. Paragraphs 1-65 are incorporated by reference.

74. Plaintiff's FOIA request seeks the disclosure of agency records and was properly made.

75. Defendant BOEM is a federal agency subject to FOIA.

76. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.

77. Defendant BOEM has failed to conduct a reasonable search for records responsive to the request.

78. Defendant BOEM has failed to issue a determination within the statutory deadline.

79. Defendant BOEM has failed to produce all non-exempt records responsive to the request.

COUNT III – DOI-OS'S FOIA VIOLATION
JANUARY 29, 2026 REQUEST TO DOI-OS

80. Paragraphs 1-65 are incorporated by reference.

81. Plaintiff's FOIA request seeks the disclosure of agency records and was properly made.

82. Defendant DOI-OS is a federal agency subject to FOIA.

83. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.

84. Defendant DOI-OS has failed to conduct a reasonable search for records responsive to the request.

85. Defendant DOI-OS has failed to issue a determination within the statutory deadline.

86. Defendant DOI-OS has failed to produce all non-exempt records responsive to the request.

WHEREFORE, Plaintiff asks the Court to:

i. declare that Defendants have violated FOIA;

ii. order Defendants to conduct a reasonable search for records and to produce the requested records promptly;

iii. enjoin Defendants from withholding non-exempt public records under FOIA;

iv. award Plaintiff attorneys' fees and costs; and

v. award such other relief the Court considers appropriate.

Dated: October 15, 2026

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

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