IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JIMMY TOBIAS,	)
	)
Plaintiff,	)
	)
v.	)
	)
U. S. DEPARTMENT OF INTERIOR,	)
1849 C Street NW,	)
Washington, D.C. 20240	)
	)
Defendant.	)

COMPLAINT

1. Plaintiff JIMMY TOBIAS brings this suit to force Defendant U.S. DEPARTMENT OF INTERIOR to conduct a reasonable search, issue a determination, and produce communications sent to or received by various DOI political appointees regarding policy discussions and decisions pertaining to the Boundary Waters Canoe Area Wilderness in Minnesota as well as Endangered Species Act regulations and enforcement in the Gulf of Mexico.

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

JURISDICTION AND VENUE

4. 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.

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

OCTOBER 21, 2025 FOIA REQUEST TO DOI

6. On October 21, 2025, Plaintiff submitted the following FOIA request to DOI for the following records:

> Any and all written or electronic communications, including emails, texts, DMs and Signal chats, between Kate MacGregor and any representative, employee or lobbyist at the Bernhardt Group, including David Bernhardt, Faith Vander Voort, Jon Hrobsky, Cole Rojewski, and/or Todd Willens. This request seeks records produced since April 1, 2025.

7. A true and correct copy of the FOIA request, along with subsequent correspondence, is attached as Exhibit 1.

8. On October 22, 2025, DOI acknowledged receipt of the FOIA request and assigned reference number DOI-2026-000587 to the matter. *Id*.

9. On November 14, 2025, and November 18, 2025, DOI asked if Plaintiff would be amendable to a centralized search of chats, texts, emails to/from custodians with any of the listed names (full or just last) or to/from @bernhardtgroup.com. *Id*.

10. On November 19, 2025, in response to this request and two others, DOI 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 also sought an extension of ten workdays to respond to the request.

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

12. On May 12, 2026, Plaintiff agreed to the amended request and asked to include the plain keyword "bernhardt" in the centralized search. Plaintiff also asked for an estimated date of completion and other information regarding the status of the request. Ex. 1.

13. DOI did not send any further correspondence to Plaintiff regarding this request.

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

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

JANUARY 16, 2026 FOIA REQUEST TO DOI

16. On January 16, 2026, Plaintiff submitted the following FOIA request to DOI for the following records:

> Any and all emails, text messages, Signal messages, direct messages or other electronic communications sent or received by Kate MacGregor and/or Adam Suess that contain one or more of the following words or phrases: "Boundary Waters", "Superior National", "Antofagasta", "Twin Metals", "Stauber" and/or "Bernhardt". This request seeks records produced since January 20, 2025.

17. A true and correct copy of the FOIA request is attached as Exhibit 3.

18. On January 16, 2026, DOI acknowledged receipt of the FOIA request and assigned reference number DOI-2026-003270 to the matter. *Id*.

19. On January 29, 2026, DOI 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 also sought an extension of ten workdays to respond to the request.

20. A true and correct copy of the acknowledgement letter is attached as Exhibit 4.

21. On May 12, 2026, Plaintiff sent a follow-up message to DOI seeking an estimated date of completion and inquiring about the status of the request, including whether the search was completed and whether an analyst had been assigned for review. Ex. 3.

22. On August 3, 2026, DOI sought clarification on the request, asking if Plaintiff was seeking instances where people are talking about "bernhardt," or meeting with him, or simply any random instance. Ex. 3.

23. On August 3, 2026, Plaintiff confirmed he is looking for all of the above. Ex. 3.

24. On August 13, 2026, DOI sought clarification again, rephrasing the question but soon after realized Plaintiff had already responded on August 3, 2026. Ex. 3.

25. DOI did not send any further correspondence to Plaintiff regarding this request.

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

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

MARCH 26, 2026 FOIA REQUEST TO DOI

28. On March 26, 2026, Plaintiff submitted the following FOIA request to DOI for the following records:

> Any written or electronic communications, including emails, texts, Microsoft Teams messages, Signal chats, or DMs, sent or received by Kate MacGregor that reference the Endangered Species Committee, also known as the "God Squad". This includes any references to the committee as it relates to Doug Burgum's decision in March 2026 to convene said committee.

29. A true and correct copy of the FOIA request is attached as Exhibit 5.

30. On March 27, 2026, DOI acknowledged receipt of the FOIA request and assigned reference number DOI-2026-004927 to the matter. *Id.*

31. On April 14, 2026, DOI sent an acknowledgment letter stating it aggregated requests DOI-2026-004928 and DOI-2026-005011 into DOI-2026-004927 and closed DOI-2026-004928 and DOI- 2026-005011 because both of the requests were on a single subject and made within a 30-day period. DOI also placed the requests into the "Normal" processing track "for requests that would generally take six to twenty workdays to process." DOI asserted an extension of ten workdays to respond to the request.

32. A true and correct copy of the acknowledgement letter quoting the two requests aggregated into this one is attached as Exhibit 6.

33. The request initially assigned reference number DOI-2026-004928 was submitted on March 26, 2026, and requested the following:

> Any written or electronic communications, including emails, texts, Microsoft Teams messages, Signal chats, or DMs, sent or received by Karen Budd-Falen that reference the Endangered Species Committee, also known as the "God Squad". This include[s] any references to the committee as it relates to Doug Burgum's decision in March 2026 to convene said committee.

34. A true and correct copy of the FOIA request, along with subsequent correspondence, is attached as Exhibit 7.

35. The request initially assigned reference number DOI-2026-005011 was submitted on March 26, 2026, and requested the following:

> Any written or electronic communications, including emails, texts, Microsoft Teams messages, Signal chats, or DMs, sent or received by Christopher Danley that reference the Endangered Species Committee, also known as the "God 1 Squad". This include[s] any references to the committee as it relates to Doug Burgum's decision in March 2026 to convene said committee. This request also includes any communications between Danley and White House or Defense Department personnel concerning that reference the Endangered Species Committee explicitly or implicitly. I seek records produced since January 1, 2026.

36. A true and correct copy of the FOIA request, along with subsequent correspondence, is attached as Exhibit 8.

37. On May 12, 2026, Plaintiff sent a follow-up message to DOI seeking an estimated date of completion and inquiring about the status of the request, including whether the search was completed and whether an analyst had been assigned for review. Ex. 5.

38. DOI did not send any further correspondence to Plaintiff regarding this request.

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

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

COUNT I – DOI'S FOIA VIOLATION
OCTOBER 21, 2025 REQUEST TO DOI

41. Paragraphs 1-40 are incorporated by reference.

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

43. Defendant DOI is a federal agency subject to FOIA.

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

45. Defendant DOI has failed to conduct a reasonable search for records responsive to the request.

46. Defendant DOI has failed to issue a determination within the statutory deadline.

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

COUNT II – DOI'S FOIA VIOLATION
JANUARY 16, 2026 REQUEST TO DOI

48. Paragraphs 1-40 are incorporated by reference.

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

50. Defendant DOI is a federal agency subject to FOIA.

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

52. Defendant DOI has failed to conduct a reasonable search for records responsive to the request.

53. Defendant DOI has failed to issue a determination within the statutory deadline.

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

COUNT III – DOI'S FOIA VIOLATION
MARCH 26, 2026 REQUEST TO DOI

55. Paragraphs 1-40 are incorporated by reference.

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

57. Defendant DOI is a federal agency subject to FOIA.

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

59. Defendant DOI has failed to conduct a reasonable search for records responsive to the request.

60. Defendant DOI has failed to issue a determination within the statutory deadline.

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

WHEREFORE, Plaintiff asks the Court to:

i. declare that Defendant has violated FOIA;

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

iii. enjoin Defendant 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: September 11, 2026

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

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