

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ALLIED PROGRESS,
1200 L Street NW, Suite 110/364
Washington, DC 20005

Plaintiff,

v.

Case No. 18-cv-1728

OFFICE OF MANAGEMENT AND BUDGET,
725 17th Street NW
Washington, DC 20503

and

CONSUMER FINANCIAL PROTECTION
BUREAU,
1700 G Street NW
Washington, DC 20552

Defendants.

COMPLAINT

1. Plaintiff Allied Progress brings this action against the Office of Management and Budget and the Consumer Financial Protection Bureau under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

4. Because Defendants have failed to comply with the applicable time-limit provisions of the FOIA, Allied Progress is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action enjoining the agency from continuing to withhold agency records and ordering the production of agency records improperly withheld.

PARTIES

5. Plaintiff Allied Progress is a consumer watchdog organization that uses research, including FOIA requests, to hold federal government officials accountable for the undue influence of financial industry interests on government activities and decisions. Allied Progress is primarily engaged in disseminating information to the public and uses the information gathered from public records requests to educate the public through reports, press releases, and other media. Allied Progress makes information it gathers available on its public website. Allied Progress is located in Washington, D.C.

6. Defendant the Office of Management and Budget (OMB) is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). OMB has possession, custody, and control of the records that Allied Progress seeks.

7. Defendant the Consumer Financial Protection Bureau (CFPB) is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). CFPB has possession, custody, and control of the records that Allied Progress seeks.

STATEMENT OF FACTS

8. On Saturday June 16, 2018, the White House confirmed that OMB Associate Director Kathy Kraninger would be nominated to serve as director of CFPB. Shortly after this nomination was confirmed, Allied Progress sent three FOIA requests to OMB and one FOIA

request to CFPB, and each FOIA request sought expedited processing. The FOIA requests seek information that would shed light on Associate Director Kraninger's record during her service at OMB before the Senate decides whether to confirm Ms. Kraninger as Director of CFPB.

OMB Kraninger Background FOIA

9. On June 18, 2018, Allied Progress submitted a FOIA request to OMB seeking categories of records with the potential to shed light on OMB Associate Director Kathy Kraninger's background and her work at OMB. Specifically, the request sought:

- *All resumes, curricula vitae, and documents associated with Ms. Kraninger's hiring.*
- *All personnel records concerning Ms. Kraninger's employment with OMB, including performance reviews, disciplinary actions, warnings and/or reprimands, salary and benefits information, and any other information regarding Ms. Kraninger's job performance.*
- *All records documenting travel arrangements and expenses for Ms. Kraninger since she has been employed by OMB.*
 - *This should include all itineraries and receipts for travel expenses, including receipts for [] airfare, lodging, meals, rental vehicles, and per-diem expenses. This should also include all records of any payments made by OMB to Ms. Kraninger that fall outside the scope of her regular salary.*
- *All calendars or calendar entries between March 1, 2017, and the date this request is processed for Ms. Kraninger, including any calendars maintained on her behalf (e.g., by an administrative assistant.).*
 - *For calendar entries created in Outlook or similar programs, the document should be produced in "memo" form to include all invitees, notes, and attachments. However, please do not limit your search to Outlook calendars; we request the production of any calendar, whether it be paper o[r] electronic or on government-issued or personal devices, used to track or coordinate how Ms. Kraninger allocates her time on agency business.*

10. OMB acknowledged the OMB Kraninger Background FOIA on June 20, 2018 and assigned the request tracking number 2018-397. A copy of this request is attached hereto as Exhibit A and incorporated herein.

11. Allied Progress has received no further communication regarding this FOIA request.

Kraninger OMB Government Emails FOIA

12. Also on June 18, 2018, Allied Progress submitted a FOIA request to OMB seeking Associate Director Kraninger's email communications with a list of OMB and CFPB officials or containing specific search terms. Specifically, the request sought:

[A]ll emails sent by, sent to, or carbon copying ("CC") Ms. Kraninger during this time period that were sent by, sent to, or CC'ed any of the following employees of the Office of Management and Budget (OMB) and Consumer Financial Protection Bureau (CFPB):

- *Mick Mulvaney*
- *Eric Blankenstein*
- *Ann Conant*
- *John Czwartacki*
- *James Reilly Dolan*
- *Emma Doyle*
- *James Galkowski*
- *Sheila Greenwood*
- *Brian Johnson*
- *Halle Morgan*
- *Kirsten Sutton Mork*
- *Jonathan Slemrod*
- *Anthony Welcher*

Additionally, we request all emails sent by, sent to, or CC'ing Ms. Kraninger during this time period that include any of the following keywords or phrases:

- *Consumer Financial Protection Bureau*
- *CFPB*
- *Mulvaney*
- *Cordray*
- *Leandra English*

The request sought all records from March 1, 2017, to the date the request was processed. A copy of this request is attached hereto as Exhibit B and incorporated herein.

13. OMB acknowledged the Kraninger OMB Government Emails FOIA on June 20, 2018 and assigned the request tracking number 2018-398.

14. Allied Progress has received no further communication regarding this FOIA request.

Kraninger Industry Emails FOIA

15. Also on June 18, 2018, Allied Progress submitted a FOIA request to OMB seeking Associate Director Kraninger's email communications with a list of firms in the financial industry or containing specific search terms. Specifically, the request sought:

[A]ll emails sent by, sent to, or carbon copying ("CC") Ms. Kraninger during this time period that were sent by, sent to, or CC'ed representatives of any of the following organizations, as evidenced by their e-mail addresses or the inclusion of one of these entity names in their e-mail signatures:

- *Community Financial Services Association of America (CFSA) (@cfsaa.com)*
- *Online Lenders Alliance (OLA) (@onlendlendersalliance.org)*
- *American Financial Services Association (AFSA) (@afsaonline.org)*
- *Financial Service Centers of America (FiSCA) (@fisca.org)*
- *Consumer Credit Research Foundation (@creditresearch.org)*
- *US Consumer Coalition (@usconsumers.org)*
- *Protect America's Consumers (@protectconsumers.com)*
- *Advance America (@advanceamerica.net)*
- *Speedy Cash (@speedycash.com)*
- *QC Holdings, Inc./QuickCash (@qcholdings.com or @myquickcashloan.net)*
- *Moneytree, Inc. (@moneytreeinc.com)*
- *USA Cash Services (@usacashservices.com)*
- *Axcess Financial (@axcess-financial.com)*
- *Check 'n Go, Inc. (@checkngo.com)*
- *Check Into Cash, Inc. (@checkintocash.com)*
- *Jones Management Company (@jonesmanagement.com)*
- *Amscot Financial, Inc. (@amscot.com)*
- *Dollar Financial Group, Inc. (@dollarcashtree.com or @dfcglobalcorp.com)*

Additionally, we request all emails sent by, sent to, or CC'ing Ms. Kraninger during this time period that include any of the following keywords or phrases:

- *Payday*
- *Cash advance*
- *Short-term loan*
- *PHH Corp*
- *World Acceptance*

The request sought all records from March 1, 2017, to the date the request was processed. A copy of this request is attached hereto as Exhibit C and incorporated herein.

16. OMB acknowledged the Kraninger Industry Emails FOIA on June 20, 2018 and assigned the request tracking number 2018-399.

17. Allied Progress has received no further communication regarding this FOIA request.

Kraninger CFPB Emails FOIA

18. On June 19, 2018, Allied Progress submitted a FOIA request to CFPB seeking email correspondence from specified CFPB officials with OMB Associate Director Kraninger. Specifically, the request sought:

[A]ll emails sent by, sent to, or carbon copying ("CC") any of the listed individuals that were sent by, sent to, or CC'ed Office of Management and Budget (OMB) Associate Director Kathy Kraninger between and including March 1, 2017, and the date this request is processed. This should include all emails sent to or from any email address associated with Ms. Kraninger and should not be limited to her primary OMB email address.

The list of individuals was the following:

- *Mick Mulvaney*
- *Eric Blankenstein*
- *Ann Conant*
- *John Czwartacki*
- *James Reilly Dolan*
- *Emma Doyle*
- *James Galkowski*
- *Sheila Greenwood*
- *Brian Johnson*
- *Halle Morgan*
- *Kirsten Sutton Mork*
- *Jonathan Slemrod*
- *Anthony Welcher*

A copy of this request is attached hereto as Exhibit D and incorporated herein.

19. CFPB acknowledged the Kraninger CFPB Emails FOIA on June 19, 2018 and assigned the request tracking number #BCFP-2018-616-FOIA.

20. Allied Progress has received no further communication regarding this FOIA request.

Exhaustion of Administrative Remedies

21. Through Defendants' failure to make decisions regarding Allied Progress's requests for expedited processing of all the above FOIA requests within the time period required by law, Allied Progress has constructively exhausted its administrative remedies as to that issue and seeks immediate judicial review.

22. As of the date of this complaint, Defendants have failed to (a) notify Allied Progress of any determination regarding its FOIA requests, including the scope of any responsive records Defendants intend to produce or withhold and the reasons for any withholdings; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production.

23. Through Defendants' failure to respond to Allied Progress's FOIA requests within the time period required by law, Allied Progress has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I
Violation of FOIA, 5 U.S.C. § 552
Failure to Grant Expedited Processing

24. Allied Progress repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

25. Allied Progress properly requested records within the possession, custody, and control of Defendants on an expedited basis.

26. Defendants are agencies subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of 5 U.S.C. § 552(a)(6)(E) and their own implementing regulations, 5 C.F.R. § 1303.10(d) and 12 C.F.R. § 1070.17.

27. The records sought by Allied Progress in all the requests submitted to Defendants concern matters about which there is an urgency to inform the public about actual or alleged Federal government activities, and Allied Progress is primarily engaged in disseminating information to the public.

28. Defendants failed to make a determination as to whether expedited processing was appropriate and notify Allied Progress of any such determination within ten days after the date of the request.

29. Defendants' failure to grant expedited processing of all of the above FOIA requests violates FOIA and Defendants' regulations.

30. Plaintiff Allied Progress is therefore entitled to injunctive and declaratory relief requiring Defendants to grant expedited processing of all four of the above FOIA requests.

COUNT II

Violation of FOIA, 5 U.S.C. § 552

Failure to Conduct Adequate Search for Responsive Records

31. Allied Progress repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

32. Allied Progress properly requested records within the possession, custody, and control of Defendants.

33. Defendants are agencies subject to FOIA and must therefore make reasonable efforts to search for requested records.

34. Defendants have failed to promptly review agency records for the purpose of locating those records that are responsive to Allied Progress's FOIA requests.

35. Allied Progress's failure to conduct an adequate search for responsive records violates FOIA.

36. Plaintiff Allied Progress is therefore entitled to injunctive and declaratory relief requiring Defendant to promptly make reasonable efforts to search for records responsive to Allied Progress's FOIA requests.

COUNT III
Violation of FOIA, 5 U.S.C. § 552
Wrongful Withholding of Non-Exempt Responsive Records

37. Allied Progress repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

38. Allied Progress properly requested records within the possession, custody, and control of Defendants.

39. Defendants are agencies subject to FOIA and must therefore release in response to a FOIA request any non-exempt records and provide a lawful reason for withholding any materials.

40. Defendants are wrongfully withholding non-exempt agency records requested by Allied Progress by failing to produce non-exempt records responsive to its FOIA requests.

41. Defendants are wrongfully withholding non-exempt agency records requested by Allied Progress by failing to segregate exempt information in otherwise non-exempt records responsive to Allied Progress's FOIA requests.

42. Defendants' failure to provide all non-exempt responsive records violates FOIA.

43. Plaintiff Allied Progress is therefore entitled to declaratory and injunctive relief requiring Defendants to promptly produce all non-exempt records responsive to its FOIA requests and provide indexes justifying the withholding of any responsive records withheld under claim of exemption.

REQUESTED RELIEF

WHEREFORE, Allied Progress respectfully requests the Court to:

- (1) Order Defendants to conduct a search or searches reasonably calculated to uncover all records responsive to Allied Progress's FOIA requests;
- (2) Order Defendants to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to Allied Progress's FOIA requests and indexes justifying the withholding of any responsive records withheld under claim of exemption;
- (3) Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Allied Progress's FOIA requests;
- (4) Award Allied Progress the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (5) Grant Allied Progress such other relief as the Court deems just and proper.

Dated: July 25, 2018

Respectfully submitted,

/s/ Daniel A. McGrath
Daniel A. McGrath
D.C. Bar No. 1531723

/s/ Elizabeth France
Elizabeth France

D.C. Bar No. 999851

/s/ John E. Bies

John E. Bies

D.C. Bar No. 483730

AMERICAN OVERSIGHT

1030 15th Street NW, B255

Washington, DC 20005

(202) 897-4213

daniel.mcgrath@americanoversight.org

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Counsel for Plaintiff Allied Progress

<input type="radio"/> A. Antitrust <input type="radio"/> B. Personal Injury/Malpractice <input type="radio"/> C. Administrative Agency Review <input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction			
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
<input type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil			
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) <i>*(If pro se, select this deck)*</i>	<input checked="" type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) <i>*(If pro se, select this deck)*</i>	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multi-district Litigation
 ☐ 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 5 U.S.C. 552. Defendant has failed to provide responsive records to FOIA request.

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: 7/24/2018	SIGNATURE OF ATTORNEY OF RECORD
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Exhibit A



June 18, 2018

Dionne Hardy
FOIA Officer
Office of Management and Budget
Email: OMBFOIA@omb.eop.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, Allied Progress requests access to and copies of certain records related to Associate Director Kathy Kraninger, who has been employed by the Office of Management and Budget (OMB) since March 2017.

Specifically, we request:

- All resumes, curricula vitae, and documents associated with Ms. Kraninger's hiring
- All personnel records concerning Ms. Kraninger's employment with OMB, including performance reviews, disciplinary actions, warnings and/or reprimands, salary and benefits information, and any other information regarding Ms. Kraninger's job performance.
- All records documenting travel arrangements and expenses for Ms. Kraninger since she has been employed by OMB.
 - This should include all itineraries and receipts for travel expenses, including receipts for receipts for airfare, lodging, meals, rental vehicles, and per-diem expenses. This should also include all records of any payments made by OMB to Ms. Kraninger that fall outside the scope of her regular salary.
- All calendars or calendar entries between March 1, 2017, and the date this request is processed for Ms. Kraninger, including any calendars maintained on her behalf (e.g., by an administrative assistant.)
 - For calendar entries created in Outlook or similar programs, the document should be produced in "memo" form to include all invitees, notes, and attachments. However, please do not limit your search to Outlook calendars; we request the production of any calendar, whether it be paper or electronic or on government-issued or personal devices, used to track or coordinate how Ms. Kraninger allocates her time on agency business.

If possible, I would prefer to receive this information electronically via e-mail at karl.frisch@alliedprogress.org. If you have questions or need additional information, please feel free to call me at (202) 644-8526.

Fee Waiver Request

Allied Progress requests a waiver of fees because it qualifies for classification as a "news media" requester, responsible only for duplication fees under FOIA's fee assessment provisions. The Consumer Financial Protection Bureau and Federal Communications Commission have previously recognized this status in light of the regular publication and dissemination activities in which Allied Progress engages. Allied Progress will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Allied Progress will also make materials it gathers available on its public website.

The disclosure of the requested information is also "in the public interest because it is likely to contribute significantly to public understanding" of government operations and is not "primarily in the commercial interest of the requester." The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business.

It was recently reported that President Donald Trump is expected to nominate OMB Associate Director Kathy Kraninger to lead the Consumer Financial Protection Bureau (CFPB), an agency charged with protecting consumers from predatory financial entities.¹ Since November, the CFPB has been led by "Acting Director" Mick Mulvaney, who has made substantive changes to the agency's structure and policies, even going so far as to change its mission statement. Allied Progress is working to ensure that the next CFPB director does not continue eroding the agency as Mulvaney has done.

Currently, the public has very little information on Ms. Kraninger, as her work has primarily been outside of the public eye. This request seeks to determine the scope of Ms. Kraninger's work at the OMB, including her work on consumer protection issues, and the requested materials will be used to inform the public about Ms. Kraninger in the context of her expected CFPB nomination.

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Allied Progress does not have a commercial purpose and the release of the information requested is not in Allied Progress's financial interest. Allied Progress's mission is to give voice to hard-working Americans by standing up to Wall Street and other powerful special interests and holding their allies in Congress and the White House accountable.

Accordingly, Allied Progress qualifies for a fee waiver.

Expedited Processing Request

It was first reported late afternoon Friday, June 15, 2018, that President Donald Trump is expected to nominate OMB Associate Director Kathy Kraninger to lead the Consumer Financial Protection Bureau (CFPB).² As soon as her nomination becomes official, the Senate

¹ Lalita Clozel, "[Kathy Kraninger to Be Nominated to Head Consumer Financial Protection Bureau](#)," *The Wall Street Journal*, 06/16/18

² Elizabeth Dexheimer, Robert Schmidt, and Jennifer Jacobs, "[Trump Favors Little-Known Official to Be Next CFPB Chief](#)," *Bloomberg*, 06/15/18

may hold a confirmation vote at any time. "Acting Director" Mick Mulvaney has vowed to make the CFPB "permanently accountable and transparent."³ However, the public currently has very little information on Ms. Kraninger, as her work has primarily been outside of the public eye. It is urgent that the public has access to records concerning the potential nominee, so they can make their voices heard about this crucial government position.

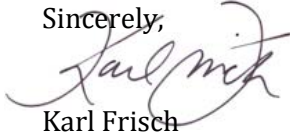
Allied Progress certifies these facts are true and correct and requests expedited processing for this reason.

Conclusion

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Allied Progress requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl Frisch', written over a horizontal line.

Karl Frisch
Executive Director
Allied Progress

³ Lydia Wheeler, "[Mulvaney fires back after Warren questions CFPB leadership](#)," *The Hill*, 04/05/18

Exhibit B



June 18, 2018

Dionne Hardy
FOIA Officer
Office of Management and Budget
Email: OMBFOIA@omb.eop.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, Allied Progress requests access to and copies of certain emails from Associate Director Kathy Kraninger between and including March 1, 2017, and the date this request is processed.

Specifically, we request all emails sent by, sent to, or carbon copying ("CC") Ms. Kraninger during this time period that were sent by, sent to, or CC'ed any of the following employees of the Office of Management and Budget (OMB) and Consumer Financial Protection Bureau (CFPB):

- Mick Mulvaney
- Eric Blankenstein
- Ann Conant
- John Czwartacki
- James Reilly Dolan
- Emma Doyle
- James Galkowski
- Sheila Greenwood
- Brian Johnson
- Halle Morgan
- Kirsten Sutton Mork
- Jonathan Slemrod
- Anthony Welcher

Additionally, we request all emails sent by, sent to, or CC'ing Ms. Kraninger during this time period that include any of the following keywords or phrases:

- Consumer Financial Protection Bureau
- CFPB
- Mulvaney
- Cordray
- Leandra English

If possible, I would prefer to receive this information electronically via e-mail at karl.frisch@alliedprogress.org. If you have questions or need additional information, please feel free to call me at (202) 644-8526.

Fee Waiver Request

Allied Progress requests a waiver of fees because it qualifies for classification as a "news media" requester, responsible only for duplication fees under FOIA's fee assessment provisions. The Consumer Financial Protection Bureau and Federal Communications Commission have previously recognized this status in light of the regular publication and dissemination activities in which Allied Progress engages. Allied Progress will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Allied Progress will also make materials it gathers available on its public website.

The disclosure of the requested information is also "in the public interest because it is likely to contribute significantly to public understanding" of government operations and is not "primarily in the commercial interest of the requester." The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business.

It was recently reported that President Donald Trump is expected to nominate OMB Associate Director Kathy Kraninger to lead the Consumer Financial Protection Bureau (CFPB), an agency charged with protecting consumers from predatory financial entities.¹ Since November, the CFPB has been led by "Acting Director" Mick Mulvaney, who has made substantive changes to the agency's structure and policies, even going so far as to change its mission statement. Allied Progress is working to ensure that the next CFPB director does not continue eroding the agency as Mulvaney has done.

Currently, the public has very little information on Ms. Kraninger, as her work has primarily been outside of the public eye. This request seeks to determine the scope of Ms. Kraninger's work at the OMB, including her work on consumer protection issues, and the requested materials will be used to inform the public about Ms. Kraninger in the context of her expected CFPB nomination.

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Allied Progress does not have a commercial purpose and the release of the information requested is not in Allied Progress's financial interest. Allied Progress's mission is to give voice to hard-working Americans by standing up to Wall Street and other powerful special interests and holding their allies in Congress and the White House accountable.

Accordingly, Allied Progress qualifies for a fee waiver.

¹ Lalita Clozel, "[Kathy Kraninger to Be Nominated to Head Consumer Financial Protection Bureau](#)," *The Wall Street Journal*, 06/16/18

Expedited Processing Request

It was first reported late afternoon Friday, June 15, 2018, that President Donald Trump is expected to nominate OMB Associate Director Kathy Kraninger to lead the Consumer Financial Protection Bureau (CFPB).² As soon as her nomination becomes official, the Senate may hold a confirmation vote at any time. "Acting Director" Mick Mulvaney has vowed to make the CFPB "permanently accountable and transparent."³ However, the public currently has very little information on Ms. Kraninger, as her work has primarily been outside of the public eye. It is urgent that the public has access to records concerning the potential nominee, so they can make their voices heard about this crucial government position.

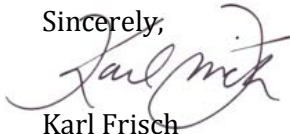
Allied Progress certifies these facts are true and correct and requests expedited processing for this reason.

Conclusion

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Allied Progress requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl Frisch', is written over a light blue horizontal line.

Karl Frisch
Executive Director
Allied Progress

² Elizabeth Dexheimer, Robert Schmidt, and Jennifer Jacobs, "[Trump Favors Little-Known Official to Be Next CFPB Chief](#)," *Bloomberg*, 06/15/18

³ Lydia Wheeler, "[Mulvaney fires back after Warren questions CFPB leadership](#)," *The Hill*, 04/05/18

Exhibit C



June 18, 2018

Dionne Hardy
FOIA Officer
Office of Management and Budget
Email: OMBFOIA@omb.eop.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, Allied Progress requests access to and copies of certain emails from Associate Director Kathy Kraninger between and including March 1, 2017, and the date this request is processed.

Specifically, we request all emails sent by, sent to, or carbon copying ("CC") Ms. Kraninger during this time period that were sent by, sent to, or CC'ed representatives of any of the following organizations, as evidenced by their e-mail addresses or the inclusion of one of these entity names in their e-mail signatures:

- Community Financial Services Association of America (CFSA) (@cfsaa.com)
- Online Lenders Alliance (OLA) (@onlendlendersalliance.org)
- American Financial Services Association (AFSA) (@afsaonline.org)
- Financial Service Centers of America (FiSCA) (@fisca.org)
- Consumer Credit Research Foundation (@creditresearch.org)
- US Consumer Coalition (@usconsumers.org)
- Protect America's Consumers (@protectconsumers.com)
- Advance America (@advanceamerica.net)
- Speedy Cash (@speedycash.com)
- QC Holdings, Inc./QuickCash (@qcholdings.com or @myquickcashloan.net)
- Moneytree, Inc. (@moneytreeinc.com)
- USA Cash Services (@usacashservices.com)
- Axxcess Financial (@axcess-financial.com)
- Check 'n Go, Inc. (@checkngo.com)
- Check Into Cash, Inc. (@checkintocash.com)
- Jones Management Company (@jonesmanagement.com)
- Amscot Financial, Inc. (@amscot.com)
- Dollar Financial Group, Inc. (@dollarcashtree.com or @dfcglobalcorp.com)

Additionally, we request all emails sent by, sent to, or CC'ing Ms. Kraninger during this time period that include any of the following keywords or phrases:

- Payday

- Cash advance
- Short-term loan
- PHH Corp
- World Acceptance

If possible, I would prefer to receive this information electronically via e-mail at karl.frisch@alliedprogress.org. If you have questions or need additional information, please feel free to call me at (202) 644-8526.

Fee Waiver Request

Allied Progress requests a waiver of fees because it qualifies for classification as a "news media" requester, responsible only for duplication fees under FOIA's fee assessment provisions. The Consumer Financial Protection Bureau and Federal Communications Commission have previously recognized this status in light of the regular publication and dissemination activities in which Allied Progress engages. Allied Progress will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Allied Progress will also make materials it gathers available on its public website.

The disclosure of the requested information is also "in the public interest because it is likely to contribute significantly to public understanding" of government operations and is not "primarily in the commercial interest of the requester." The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business.

It was recently reported that President Donald Trump is expected to nominate OMB Associate Director Kathy Kraninger to lead the Consumer Financial Protection Bureau (CFPB), an agency charged with protecting consumers from predatory financial entities.¹ Since November, the CFPB has been led by "Acting Director" Mick Mulvaney, who has made substantive changes to the agency's structure and policies, even going so far as to change its mission statement. Allied Progress is working to ensure that the next CFPB director does not continue eroding the agency as Mulvaney has done.

Currently, the public has very little information on Ms. Kraninger, as her work has primarily been outside of the public eye. This request seeks to determine the scope of Ms. Kraninger's work at the OMB, including her work on consumer protection issues, and the requested materials will be used to inform the public about Ms. Kraninger in the context of her expected CFPB nomination.

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Allied Progress does not have a commercial purpose and the release of the information requested is not in Allied Progress's financial interest. Allied Progress's mission is to give voice to hard-working Americans by standing up to Wall Street and other powerful special interests and holding their allies in Congress and the White House accountable.

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Accordingly, Allied Progress qualifies for a fee waiver.

Expedited Processing Request

It was first reported late afternoon Friday, June 15, 2018, that President Donald Trump is expected to nominate OMB Associate Director Kathy Kraninger to lead the Consumer Financial Protection Bureau (CFPB).² As soon as her nomination becomes official, the Senate may hold a confirmation vote at any time. "Acting Director" Mick Mulvaney has vowed to make the CFPB "permanently accountable and transparent."³ However, the public currently has very little information on Ms. Kraninger, as her work has primarily been outside of the public eye. It is urgent that the public has access to records concerning the potential nominee, so they can make their voices heard about this crucial government position.

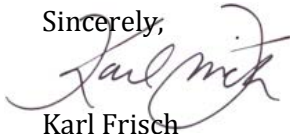
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Conclusion

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Allied Progress requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl Frisch', is written over the word 'Sincerely,'.

Karl Frisch
Executive Director
Allied Progress

² Elizabeth Dexheimer, Robert Schmidt, and Jennifer Jacobs, "[Trump Favors Little-Known Official to Be Next CFPB Chief](#)," *Bloomberg*, 06/15/18

³ Lydia Wheeler, "[Mulvaney fires back after Warren questions CFPB leadership](#)," *The Hill*, 04/05/18

Exhibit D



June 19, 2018

Raynell Lazier
FOIA Manager
Consumer Financial Protection Bureau
Email: CFPB_FOIA@consumerfinance.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, Allied Progress requests access to and copies of certain correspondence from the following CFPB employees:

- Mick Mulvaney
- Eric Blankenstein
- Ann Conant
- John Czwartacki
- James Reilly Dolan
- Emma Doyle
- James Galkowski
- Sheila Greenwood
- Brian Johnson
- Halle Morgan
- Kirsten Sutton Mork
- Jonathan Slemrod
- Anthony Welcher

Specifically, we request all emails sent by, sent to, or carbon copying ("CC") any of the listed individuals that were sent by, sent to, or CC'ed Office of Management and Budget (OMB) Associate Director Kathy Kraninger between and including March 1, 2017, and the date this request is processed. This should include all emails sent to or from any email address associated with Ms. Kraninger and should not be limited to her primary OMB email address.

If possible, I would prefer to receive this information electronically via e-mail at karl.frisch@alliedprogress.org. If you have questions or need additional information, please feel free to call me at (202) 644-8526.

Fee Waiver Request

Allied Progress requests a waiver of fees because it qualifies for classification as a "news media" requester, responsible only for duplication fees under FOIA's fee assessment

provisions. The Consumer Financial Protection Bureau and Federal Communications Commission have previously recognized this status in light of the regular publication and dissemination activities in which Allied Progress engages. Allied Progress will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Allied Progress will also make materials it gathers available on its public website.

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Currently, the public has very little information on Ms. Kraninger, as her work has primarily been outside of the public eye. This request seeks to determine the scope of Ms. Kraninger's work at the OMB, including her work on consumer protection issues, and the requested materials will be used to inform the public about Ms. Kraninger in the context of her expected CFPB nomination.

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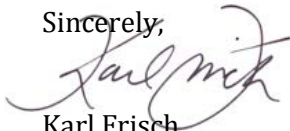
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Conclusion

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Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl Frisch', is written over the printed name.

Karl Frisch
Executive Director
Allied Progress