

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

EMPOWER OVERSIGHT
WHISTLEBLOWERS & RESEARCH,
11166 Fairfax Blvd., Suite 500 #1076
Fairfax, VA 22030

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN SERVICES
200 Independence Avenue SW
Washington, DC 20201

Defendant.

Civil Action No.: 25-3265

COMPLAINT

1. Plaintiff Empower Oversight Whistleblowers & Research (hereinafter, “Empower Oversight”) brings this action against Defendant U.S. Department of Health and Human Services (“HHS”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. The records Empower Oversight seeks concern a matter of significant public interest. Indeed, the requested records are likely to show a startling failure by HHS to properly administer the National Human Trafficking Hotline.

3. These records likely will show that HHS has allowed an individual with an actual and apparent conflict of interest to be involved in the administration of the hotline, to the detriment of the public interest and the protection of countless people.

4. Empower Oversight requested records pursuant to FOIA to show this improper involvement of the individual with the conflict of interest with the hotline.

5. To date, HHS has failed to produce any requested records to Empower Oversight, thereby depriving the public of these important records.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

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

PARTIES

8. Plaintiff Empower Oversight is a nonprofit, nonpartisan educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. Empower Oversight works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, as well as work to hold authorities accountable to act on such reports. Empower Oversight has its principal place of business located in Fairfax, Virginia, and it submitted the FOIA Request described herein to HHS.

9. HHS is an agency of the federal government within the meaning of 5 U.S.C. § 552(f), and it has possession and control of the records Empower Oversight seeks.

BACKGROUND

10. HHS is responsible for the administration of the statutorily created hotline.

11. The hotline is funded through a grant from HHS's Administration for Children & Families.

12. Since 2007, HHS has contracted with the Polaris Project ("Polaris") to provide this critical public safety service. For this, Polaris has received millions in funding.

13. Concerns about the administration of the hotline have surfaced for years.

14. Bipartisan coalitions of large numbers of state Attorneys General sent letters in 2023 and 2025 detailing their concerns over Polaris's lack of cooperation with local law enforcement.¹

15. On May 5, 2025, Senate Judiciary Committee Chairman Charles Grassley wrote to Secretary Kennedy asking what steps HHS had taken to ensure that an apparent conflict of interest between HHS Office on Trafficking in Persons ("OTIP") Director Katherine Chon, who co-founded Polaris and led the organization for nearly a decade, does not affect the current process of selecting a recipient for the most recent grant to run the hotline.²

16. The appearance of this conflict of interest is heightened by recent revelations that after she left Polaris for HHS, Chon married her successor as the head of Polaris, Bradley Myles.

17. To better understand HHS's administration of the hotline and the role of Ms. Chon, Empower Oversight submitted a FOIA request for records from HHS.

18. On August 5, 2025, Empower Oversight submitted a FOIA request to HHS seeking the following records:

- For the period from January 1, 2007, through the present, all records of communications, including calendar entries, invites, responses, notes, and emails, or email attachments between Katherine Chon and HHS employees with the keywords "Polaris" or "National Human Trafficking Hotline."
- For the period from January 1, 2013, through the present, all records of communications, including calendar entries, invites, responses, notes, and emails, or email attachments between Katherine Chon and Polaris employees or management.

¹ <https://www.naag.org/wp-content/uploads/2023/02/State-Attorney-General-Letter-to-Congress-Polaris.pdf>; https://www.naag.org/wp-content/uploads/2025/04/National-Human-Trafficking-Hotline_FINAL.pdf (last visited Sept. 9, 2025).

² https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_-_national_human_trafficking_hotline.pdf (last visited Sept. 9, 2025).

- For the period from January 1, 2013, through the present, all records of communications, including calendar entries, invites, responses, notes, and emails, or email attachments, concerning Katherine Chon’s apparent or actual conflict of interest in interacting with Polaris or dealing with the administration of the National Human Trafficking Hotline.
- For the period from January 1, 2023, through the present, all records of communications, including calendar entries, invites, responses, notes, and emails, or email attachments, between [Office on Trafficking in Persons] and state attorneys general offices, including all records of communications which reference “Polaris,” “National Human Trafficking Hotline,” or “Hotline.”

19. On August 5, 2025, Empower Oversight received an acknowledgment email from HHS providing request number #2025-03511-FOIA-OS.

COUNT I
Violation of FOIA, 5 U.S.C. § 552

20. Plaintiff repeats the foregoing paragraphs as if set forth fully herein.
21. HHS is an agency of the federal government within the meaning of 5 U.S.C. § 552(f).
22. By letter dated August 5, 2025, Empower Oversight submitted a FOIA request to HHS.
23. That request reasonably described all requested records and complied with all applicable statutes and regulations.
24. HHS failed to respond to the request by conducting a search reasonably calculated to locate responsive records, as FOIA requires. *See Weisberg v. U.S. Dep’t of Just.*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).
25. And the requested records are not exempt from FOIA pursuant to 5 U.S.C. § 552(b).
26. HHS has also failed to respond to Empower Oversight’s request within the statutory time period. *See* 5 U.S.C. § 552(a)(6).

27. Accordingly, Empower Oversight has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

28. By failing to release all responsive, non-exempt records, HHS has violated FOIA. *See* 5 U.S.C. § 552(a)(3)(A).

PRAYER FOR RELIEF

WHEREFORE, Empower Oversight respectfully requests that this Court:

i. Declare that the records sought by the requests, as described in the foregoing paragraphs, must be disclosed pursuant to 5 U.S.C. § 552.

ii. Order HHS to conduct legally sufficient searches immediately for all records responsive to Empower Oversight's FOIA request and demonstrate that the search methods were reasonably likely to lead to the discovery of responsive records.

iii. Order HHS to produce by a date certain all non-exempt records responsive to Empower Oversight's FOIA request.

iv. Award Empower Oversight attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E).

v. Grant Empower Oversight such other and further relief as this Court deems proper.

September 18, 2025

Respectfully submitted,

/s/ Michael S. Zummer

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