

# **GOLDWATER INSTITUTE V. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

## **BACKGROUNDER**

### Executive summary

In September 2023, the Equal Employment Opportunity Commission (EEOC), initiated an “agency-initiated” lawsuit against Meathead Movers—a California based family-owned moving company—alleging “age discrimination.” This is one of only a handful of agency-initiated lawsuits filed by the EEOC, which means that the case was initiated by the agency, rather than based on a complaint against Meathead Movers. The EEOC initially demanded a \$15 million fine, against Meathead Movers, evidentially for hiring workers who could perform the job of lifting heavy furniture.

Meathead Movers—and the more than 300 people it employs—was founded in 1997 as a small, family-run operation, it has grown into California’s largest independently owned moving company. Its success is built on a culture of hard work, personal responsibility, and exceptional customer service—symbolized by its practice of employees jogging to and from the truck when not carrying furniture. Along the way, the company has given countless workers the opportunity to develop strong job skills and a solid work ethic.

The EEOC has accused Meathead Movers of “age discrimination” in its hiring practices and marketing materials. On its face, the allegation is absurd. Moving companies, by their nature, require individuals who can safely lift and carry heavy objects for long periods of time. Naturally, younger individuals may be more physically equipped to perform these tasks—but that does not mean Meathead Movers has discriminated against anyone capable of doing the job. On the contrary, the company has and continues to employ workers of all ages.

So why did the federal government target this successful American business. The Institute sent public records requests to find out.

In March 2025, the Goldwater Institute filed a Freedom of Information Act (“FOIA”) request demanding answers: Were any complaints filed against Meathead Movers? Has the EEOC taken similar actions against other companies? The agency refused to hand over that basic information, citing privacy concerns. But privacy is for individuals. Transparency is for the government. Instead of providing the transparency the law demands, federal bureaucrats are keeping the public in the dark.

The Goldwater Institute filed a lawsuit against the EEOC to compel compliance with the FOIA and to require production of the requested information.

### Background

Meathead Movers is the American Dream. Founded in 1997 as a small, family-run operation, it has grown into California’s largest independently owned moving company. Its success is built on a culture of hard work, personal responsibility, and exceptional customer service—symbolized by

its practice of employees jogging to and from the truck when not carrying furniture. Along the way, the company has given countless workers the opportunity to develop strong job skills and a solid work ethic. The company doesn't discriminate—and the only standard that matters is whether someone can do the job.

Unfortunately, the EEOC determined that because Meathead Movers purportedly advertised its jobs to college students that the company engages in age discrimination. The EEOC launched an investigation against the moving company in 2017 and initially demanded a \$15 million fine on a flimsy claim of "age discrimination." Meathead Movers refused to pay the fine because it had done nothing wrong. So, in 2023, the EEOC took the rare step of filing an agency-initiated lawsuit against the company.

This means that the case wasn't triggered by individual charges of discrimination but instead was cooked up by the agency itself. This is exceptionally rare: only eight lawsuits in the entire country—an incredibly small share of all EEOC lawsuits—are filed this way. It appears the EEOC, unable to find credible complaints, simply decided to pursue Meathead Movers anyway—seeking a staggering and financially crippling \$15 million in penalties.

Outraged by this abuse of government power and eager to learn why the federal government was targeting this California company, Goldwater sought information from the EEOC about its actions. Goldwater requested the following:

- (1) The total number of complaints submitted to the U.S. Equal Employment Opportunity Commission ("EEOC") pertaining to Meathead Movers or any affiliated entity pertaining to allegations of age discrimination from January 1, 2016 to the date of this request.
- (2) Copies of all publicly available records on which the EEOC relied in initiating an investigation into Meathead Movers or any affiliated entity for alleged violations of federal law or EEOC regulations based on age discrimination from January 1, 2016 to January 1, 2018.
- (3) The total number of investigations undertaken by the U.S. Equal Employment Opportunity Commission ("EEOC") pertaining to any moving company involving allegations of age discrimination from January 1, 2016 to the date of this request.
- (4) Copies of all complaints in lawsuits filed by the EEOC based on a directed investigation from January 1, 2015 through the date of this request.
- (5) Copies of all complaints in lawsuits filed by the EEOC based on a directed investigation involving allegations of a pattern-or-practice of age discrimination in violation of the Age Discrimination in Employment Act of 1967 from January 1, 2015 through the date of this request.
- (6) Records of communications, including email communications, to or from any official or employee of the U.S. Equal Employment Opportunity Commission

concerning Meathead Movers or its owner or employees, and any of the following individuals: Lance Clauson, Lacey Clauson, Julie Steinberg, or Darrell Steinberg.

The EEOC, however, has refused to turn over basic information in response to the majority of these requests.

### Legal Analysis

The EEOC raised two exemptions to the FOIA to justify its withholding of information requested in requests one and two: Exemption 3(A)(i) and Exemption 7(C). Neither is applicable. Further, the EEOC has failed to respond to request six within the statutory timeline, which amounts to another violation of the FOIA.

**Under Exemption 3**, subpart (A)(i), an agency is not required to disclose information that another statute requires “be withheld from the public in such a manner as to leave no discretion on the issue.” 5 U.S.C. § 552(b)(3)(A)(i). The EEOC claims that two statutes justify its withholding. First, the EEOC raised 42 U.S.C. § 2000e-5(b) which states “[c]harges shall not be made public by the commission . . . Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees.” (emphasis added). Second, the EEOC claims that 42 U.S.C. § 2000e-8(e) prevents disclosure. That law says “[i]t shall be unlawful for any officer of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information.” (emphasis added). Both are inapplicable.

Request one seeks only the total number of complaints submitted to the EEOC pertaining to Meathead Movers related to age discrimination from January 1, 2016, to the date of the FOIA request. On their face, the requests do not require the EEOC to make known any specific charges, as the request seeks only the raw number of charges or investigations. 42 U.S.C. § 2000e-5(b), protects records related to specific charges that would be identifiable, which is simply not the case here.

Moreover, under 42 U.S.C. § 2000e-5(b), “nothing said or done during such informal endeavors” may be made public. But “informal endeavors” refers to the informal methods of conference, conciliation, and persuasion. *See* 42 U.S.C. § 200e-5(b); *see also E.E.O.C. v. Philip Services Corp.*, 635 F.3d 164, 165 (5th Cir. 2011); *E.E.O.C. v. UMB Bank Financial Corp.*, 558 F.3d 784, 789 (8th Cir. 2009). The raw number of investigations has absolutely nothing to do with any informal endeavors to settle a matter.

Additionally, request two seeks all publicly available records on which the EEOC relied in initiating an investigation into Meathead Movers. The Institute is not seeking any nonpublic information. This makes both Section 2000e-5(b) and 2000e-8(e) inapplicable to the Institute’s request because those statutes are aimed at preventing the public disclosure of *private* information, not the disclosure of information that is already public.

Additionally, 42 U.S.C. § 2000e-8(e) does not apply for an even more fundamental reason: the statute prohibits the disclosure of information obtained by the EEOC before any legal proceedings

have been initiated. But here, proceedings are already underway. In fact, the EEOC itself took steps to affirmatively publicize the charges brought against Meathead Movers. *See California EEOC Sues Meathead Movers For Age Discrimination*, 2023 WL 6366983 (Sep. 29, 2023). Having initiated litigation and publicly broadcasted its allegations, the EEOC cannot now invoke a statute that shields only pre-litigation investigative materials. That exemption simply does not apply once the EEOC has filed suit and made its claims public.

Finally, the purpose behind the prohibition on publication “was to prevent wide or unauthorized dissemination of unproved charges.” *EEOC v. Associated Dry Good Co.*, 449 U.S. 590, 599 (1981). That concern is also not implicated here. The information requested does not identify any individuals or entities under investigation, nor would its disclosure publicize unproven allegations. Indeed, the EEOC itself brought suit against Meathead Movers and issued a press release announcing the suit, publicly accusing Meathead Movers of having “failed to recruit and hire applicants over 40 into moving, packing and customer service positions.” *See California EEOC Sues Meathead Movers For Age Discrimination*, 2023 WL 6366983 (Sep. 29, 2023). After making these public pronouncements, the EEOC cannot now claim the protections of laws intended to prevent the “wide or unauthorized dissemination of unproved charges.” *Associated Dry Good Co.*, 449 U.S. at 599. This is especially true because the request seeks only raw numbers of investigations, not individual complaints, or information that is already publicly available.

**Under Exemption 7(C)**, an agency can withhold “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). The EEOC claimed that the “[r]elease of statements and identities of witnesses and subjects of an investigation creates the potential for witness intimidation that could deter their cooperation” and that the “[d]isclosure of identities of employee-witnesses could cause problems at their jobs and with their livelihoods.” However, the Institute’s Request again seeks *none* of this information: it seeks no statements or identities of witnesses and seeks only raw numbers or information already publicly available.

Nor does the Institute seek any information about private citizens. Rather, it seeks only aggregate data about complaints filed against Meathead Movers, the number of similar investigations undertaken by the EEOC, and information that is already publicly available.

Under the FOIA, a disclosure impacts a privacy interest under Exemption 7(C) only “if it affects ‘the individual’s control of information concerning his or her person,’ or involves the ‘disclosure of records containing personal details about private citizens.’” *Tuffy v. U.S. Department of Homeland Security*, 870 F.3d 1086, 1093 (9th Cir. 2017) *quoting Reporters Comm.*, 489 U.S. at 763. It is only those “[d]isclosures that would subject individuals to possible embarrassment, harassment, or the risk of mistreatment [that] constitute nontrivial intrusions into privacy.” *Tuffy*, 870 F.3d at 1093. But none of those concerns are present here. The Request seeks no personally identifiable information whatsoever.

To the extent any actually private information is included in responsive records, the law is clear that the agency should simply redact that information, and disclose the rest. As neither Exemption 7(C) nor 3(A)(i) are applicable, the EEOC has improperly withheld documents under the FOIA.

Finally, the EEOC also failed to timely respond to the documents requested in request six. The FOIA requires that an agency respond within 20 business days after a public records request is made. 5 U.S.C. § 552(a)(6)(A)(i). The agency's response notifies the requester of the agency's determination to admit, deny, or otherwise comply with the request. *Id.*

The agency may respond within 30 business days with a notice of unusual circumstances requiring an extension for the response. 5 U.S.C. § 552(a)(6)(B). In assuming the good faith assertion of unusual circumstances, the EEOC failed to respond within 30 days.

As a result, when a federal agency fails to respond within 30 business days, the requester may proceed to district court to compel disclosure of the requested documents. 5 U.S.C. § 552(a)(6)(C). The EEOC's response to the FOIA request was due within 30 business days, but the EEOC did not provide a response with a determination of whether it would be complying with the FOIA request. As a result, the agency has not complied with its obligations under the FOIA to timely respond to the public records request.

#### Case Logistics

The case is *Goldwater Institute v. U.S. Equal Employment Opportunity Commission*. The complaint was filed on July 16, 2025, in the United States District Court, District of Arizona.

#### The Legal Team

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