

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

JUDICIAL WATCH, INC.)
501 School Street, S.W., Suite 500)
Washington, DC 20024,)
)
Plaintiff,)
)
v.)
)
U.S. NATIONAL ARCHIVES AND)
RECORDS ADMINISTRATION)
8601 Adelphi Road)
College Park, MD 20740-6001,)
)
Defendant.)
_____)

Case: 1:07-cv-01267
Assigned To : Robertson, James
Assign. Date : 07/17/2007
Description: FOIA/PRIVACY ACT

**VERIFIED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. National Archives and Records Administration to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 501 School Street, S.W., Suite 500, Washington, DC 20024. Plaintiff seeks to promote integrity, transparency, and

accountability in government and fidelity to the rule of law. In furtherance of its public interest mission, Plaintiff regularly serves FOIA requests on federal, state, and local government agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant is an agency of the United States Government. Defendant has its principal place of business at 8601 Adelphi Road, College Park, MD 20740-6001. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On or about April 5, 2006, Plaintiff sent a FOIA request to the Clinton Presidential Library (“the Library”), which is operated and maintained by Defendant, requesting access to the following records:

First Lady Hillary Rodham Clinton’s calendar, to include but not limited to her daily office diary, schedule, day planner, telephone log book, and chronological file.

The time-frame for the request was from January 1, 1993 to January 20, 2001, which approximates the time period during which Mrs. Clinton was First Lady.

6. Plaintiff also requested a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii).

7. By letter dated April 13, 2006, the Library acknowledged receiving Plaintiff’s FOIA request on April 5, 2006 and notified Plaintiff that it had assigned the request FOIA Case No. 2006-0886-F. The Library also acknowledged that it possessed a substantial volume of records potentially responsive to the request.

8. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the Library was required to respond to the request within twenty (20) working days, or on or before May 3, 2006.

9. As of July 16, 2007, the Library has failed to produce any records responsive to the request or demonstrate that responsive records are exempt from production. Nor has it indicated when any responsive records would be produced.

COUNT 1
(Violation of FOIA)

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant has violated FOIA by failing to produce any and all non-exempt records responsive to Plaintiff's April 5, 2006 request within the twenty (20) day time period required by 5 U.S.C. § 552(a)(6)(A)(i) and by failing to demonstrate that any withheld records responsive to this same request are exempt from production.

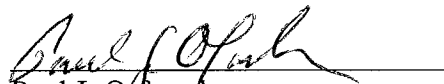
12. Plaintiff is being irreparably harmed by reason of Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform its conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare Defendants' failure to comply with FOIA to be unlawful; (2) order Defendants to search for and produce any and all non-exempt records responsive to Plaintiff's April 5, 2006 request and a *Vaughn* index of allegedly exempt records responsive to the request by a date certain; (3) enjoin Defendants from continuing to withhold any and all non-exempt records responsive to the request; (4) grant Plaintiff an award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: July 16, 2007

Respectfully submitted,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Paul J. Offenees", written over a horizontal line.

Paul J. Offenees

D.C. Bar No. 429716

Jason B. Aldrich

D.C. Bar No. 495488

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Attorneys for Plaintiff

VERIFICATION

I verify, under penalty of perjury, that I am the Director of Investigations and Research for Judicial Watch, Inc., that I have read the foregoing VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, and that its contents are true and correct to the best of my personal knowledge, information, and belief. Executed on July 16th, 2007 in Washington, DC.



Christopher J. Farrell