

**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. )  
 )  
SOCIAL SECURITY ADMINISTRATION )  
6401 Security Blvd. )  
Baltimore, MD 21235, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civ CASE NUMBER 1:06CV02034  
JUDGE: Richard W. Roberts  
DECK TYPE: FOIA/Privacy Act  
DATE STAMP: 11/29/2006

**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

Plaintiff Judicial Watch, Inc. brings this action against Defendant Social Security 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.

4. Defendant Social Security Administration is an agency of the United States Government. Defendant has its principal place of business at 6401 Security Blvd., Baltimore, MD 21235. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

#### **STATEMENT OF FACTS**

5. On June 6, 2006, Plaintiffs sent a FOIA request to the Social Security Administration seeking access to the following records:

All records detailing the top 100 U.S. employers receiving the highest number of Social Security number mismatches, as described by the Social Security Administration's Code V letter program ("EDCOR"). Specifically, we seek a listing of the top 100 U.S. employers by number of "no match" instances/notifications. Should U.S. employers be identified by some other enumeration (i.e. top 10, top 50, etc.) we seek those records as well.

6. Defendant denied Plaintiff's FOIA request in a letter dated June 29, 2006, erroneously asserting that Plaintiff's request sought tax return information. Although Defendant's letter was dated June 29, 2006, it was not received by Plaintiff until after July 3, 2006. Defendant produced no responsive records to Plaintiff and advised Plaintiff that, if it disagreed with Defendant's determination, it had the right to submit an administrative appeal to Defendant's Executive Director for the Office of Public Disclosure within thirty (30) days.

7. On August 2, 2006, Plaintiff submitted a timely administrative appeal to Defendant's Executive Director for the Office of Public Disclosure. In its administrative appeal, Plaintiff disclaimed that it was seeking any tax return information. Rather, Plaintiff's administrative appeal demonstrated that Plaintiff sought statistical data only.

8. By letter dated October 16, 2006, Defendant denied Plaintiff's administrative appeal, again erroneously asserting that Plaintiff's request sought tax return information.

9. At no point has Defendant denied having possession, custody, or control of documents responsive to Plaintiff's request. Thus, Defendant continues to withhold responsive records from Plaintiff.

**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 records responsive to Plaintiff's June 6, 2006 FOIA request.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare Defendant's failure to comply with FOIA to be unlawful; (2) enjoin Defendant from continuing to withhold unredacted records responsive to Plaintiff's June 6, 2006 FOIA request; (3) 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 (4) grant Plaintiff such other relief as the Court deems just and proper.

Dated: November 29, 2006

Respectfully submitted,

JUDICIAL WATCH, INC.



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