

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 and is headquartered at 1201 New York Avenue, NW, Washington, DC 20525. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On July 28, 2009, Plaintiff sent a FOIA request to the Corporation seeking access to the following records:

- 1) All documents concerning the Association of Community Organizers for Reform Now (ACORN), and/or ACORN Housing.
- 2) All documents concerning ACORN Housing and misconduct/violation of grant stipulations.
- 3) All documents concerning [the Corporation for National & Community Service]'s investigation of ACORN Housing.
- 4) All audit reports of ACORN Housing Corporation, including but not limited to Audit Report 95-17 and Audit Report 96-21.

The time frame for this request is from January 1990 to present.

6. The request was served by facsimile and certified U.S. mail. The request sent by facsimile was received by the Corporation on July 28, 2009. According to U.S. Postal Service records, the request sent by certified mail was received by the Corporation on August 5, 2009.

7. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the Corporation was required to respond to Plaintiff's July 28, 2009 FOIA request within twenty (20) working days, or

on or before August 25, 2009. As of September 28, 2009, the Corporation has failed to produce any records responsive to the request or demonstrate that responsive records are exempt from production. Nor has it indicated whether or when any responsive records will be produced. In short, the Corporation has failed to respond to the request in any fashion.

8. Because the Corporation failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A) or extend that time limit pursuant to 5 U.S.C. § 552(a)(6)(B), Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its July 28, 2009 FOIA request, pursuant to 5 U.S.C. § 552(a)(6)(C).

COUNT 1
(Violation of FOIA)

9. Plaintiff realleges paragraphs 1 through 8 as if fully stated herein.

10. Defendant has violated FOIA by failing to produce any and all non-exempt records responsive to Plaintiff's July 28, 2009 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.

11. 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 Defendant's failure to comply with FOIA to be unlawful; (2) order Defendant to search for and produce any and all non-exempt records responsive to Plaintiff's July 28, 2009 request and a *Vaughn* index of allegedly exempt records responsive to the request by a date certain; (3) enjoin Defendant 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.

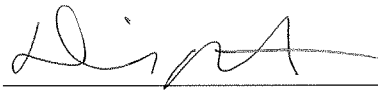
Dated: September 28, 2009

Respectfully submitted,

JUDICIAL WATCH, INC.



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