

**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.)
_____)

**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 4, 2006, Plaintiff sent a FOIA request to the Clinton Presidential Library (“the Library”), which is operated and maintained by Defendant, requesting access to records of the Task Force on National Health Care Reform chaired by former First Lady (now Senator) Hillary Rodham Clinton.

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 10, 2006, the Library acknowledged receiving Plaintiff’s FOIA request on April 4, 2006 and notified Plaintiff that it had assigned the request FOIA Case No. 2006-0885-F. The Library also acknowledged that it possessed a substantial volume of records potentially responsive to the request.

8. As of November 2, 2007, the Library has failed to allow Plaintiff access to any records responsive to Plaintiff’s April 4, 2006 request or indicate when access would be allowed. Nor has the Library demonstrated that responsive records are exempt from disclosure.

COUNT 1
(Violation of FOIA)

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

10. Plaintiff has a statutory right under FOIA to access and/or review any and all non-exempt records responsive to Plaintiff's April 4, 2006 request.

11. Defendant has violated FOIA by failing to allow Plaintiff access to any and all non-exempt records responsive to Plaintiff's April 4, 2006 request and/or by failing to demonstrate that any such records are exempt from disclosure.

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 Defendant's failure to comply with FOIA to be unlawful; (2) enjoin Defendant from continuing to deny Plaintiff access to any and all non-exempt records responsive to its April 4, 2006 request; (3) order Defendant to produce a *Vaughn* index of any allegedly exempt records responsive to Plaintiff's April 4, 2006 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: November 2, 2007

Respectfully submitted,

JUDICIAL WATCH, INC.

A handwritten signature in cursive script, appearing to read "Paul J. Orfanedes", is written over a horizontal line.

Paul J. Orfanedes

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