

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

JUDICIAL WATCH, INC.)	
425 Third Street, SW, Suite 800)	
Washington, D.C. 20024,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	
CONSUMER FINANCIAL)	
PROTECTION BUREAU)	
1700 G St., NW)	
Washington, DC 20220)	
)	
Defendant.)	
)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant Consumer Financial Protection Bureau 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 Judicial Watch, Inc. (“Plaintiff”) is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 425 Third Street, SW, Suite 800, 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 requests access to the public records of federal, state, and local government agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant Consumer Financial Protection Bureau (“CFPB”) is an agency of the U.S. Government and is headquartered at 1700 G, Street, NW, Washington DC 20220. CFPB has possession, custody, and control of certain public records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On January 12, 2012, Plaintiff submitted a FOIA request to CFPB, by facsimile and certified mail, seeking access to the following public records:

1. All records of communications between the CFPB and the White House concerning President Obama’s January 6, 2012 visit to the CFPB, as reported in the enclosed *Politico* article [Joseph Williams, *Obama takes victory lap at CFPB*, *Politico* (Jan. 6, 2012)].
2. All records of communications between the CFPB and the following entities concerning President Obama’s recess appointment of Richard Cordray as director of the CFPB:
 - a. The White House;
 - b. The Executive Office of the President;
 - c. The Department of the Treasury;
 - d. The United States Congress.

6. On January 25, 2012, Plaintiff submitted another FOIA request to CFPB, by facsimile and certified mail, seeking access to the following public records:

1. All communications concerning, referring, or relating to Richard Cordray’s appointment as director of the CFPB;
2. All reimbursements, reservations, vouchers and any other documentation reflecting travel and lodging for Mr. Cordray, his family, any additional guests, and the Ohio judge who in January 2012 accepted Mr. Cordray’s Oath of Office in Washington, D.C.

The time frame for this request is December 1, 2011 through the present.

7. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), CFPB was required to determine whether to comply with Plaintiff's request within twenty (20) working days after its receipt of each request and to notify Plaintiff immediately of its determination, the reasons therefor, and the right to appeal any adverse determination. Accordingly, CFPB's determination of the January 12 request was due by February 10, 2012 at the latest, and CFPB's determination of the January 25 request was due by February 23, 2012 at the latest.

8. As of the date of this Complaint, CFPB has failed to: (i) determine whether to comply with Plaintiff's January 12 FOIA request; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

9. Because CFPB failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A) with respect to the January 12 request, Plaintiff is deemed to have exhausted any and all administrative remedies with respect to that request, pursuant to 5 U.S.C. § 552(a)(6)(C).

10. CFPB sent an "interim response" to Plaintiff's January 25 request by letter dated March 30, 2012 and made a partial production of responsive records. CFPB's letter stated, "Your appeal rights will be provided in our final response to your FOIA request." No date or time estimate was provided for when Plaintiff could expect to receive a final response.

11. As of the date of this Complaint, CFPB failed to: (i) determine whether to fully comply with Plaintiff's January 25 FOIA request; (ii) notify Plaintiff of any such final determination or the reasons therefor; (iii) provide Plaintiff with a full production of documents responsive to its January 25 FOIA request or otherwise demonstrate the requested records are

exempt from production; (iv) advise Plaintiff of the right to appeal any adverse determination; or (v) indicate when any remaining responsive records will be produced.

12. Because Defendant failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A) with respect to the January 25 request, Plaintiff is deemed to have exhausted any and all administrative remedies with respect to that request, pursuant to 5 U.S.C. § 552(a)(6)(C).

COUNT 1
(Violation of FOIA, 5 U.S.C. § 552)

13. Plaintiff realleges paragraphs 1 through 12 as if fully stated herein.

14. Defendants are unlawfully withholding public records requested by Plaintiff pursuant to 5 U.S.C. § 552.

15. Plaintiff is being irreparably harmed by reason of Defendants' unlawful withholding of the requested public records, and Plaintiff will continue to be irreparably harmed unless Defendants are compelled to conform their conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendants to conduct a search for any and all records responsive to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests; (2) order Defendants to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA requests and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA requests; (4) grant Plaintiff an award of attorneys' 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: June 7, 2012

Respectfully submitted,

JUDICIAL WATCH, INC.

/s/ Paul J. Orfanedes
D.C. Bar No. 429716
425 Third Street, S.W., Suite 800
Washington, DC 20024
(202) 646-5172

Attorneys for Plaintiff