

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
U.S. DEPARTMENT OF JUSTICE,)	
950 Pennsylvania Avenue NW)	
Washington, DC 20530-0001,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. (“Plaintiff”) brings this action against Defendant U.S. Department of Justice (“Defendant”) 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 not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes

the responses it receives and disseminates its findings and any responsive records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of Justice (“Defendant” or “DOJ”) is an agency of the United States Government and is headquartered at 950 Pennsylvania Avenue NW, Washington, DC 20530-0001. On information and belief, Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On July 19, 2017, Plaintiff submitted a FOIA request to the Federal Bureau of Investigation (“FBI”), a component of Defendant, seeking the following records for the timeframe specified:

1) Copies of all proposed and all final signed FISA applications submitted to the FISC relating to Russian interference in the 2016 election, allegations of collusion between people associated with the Trump campaign and Russia, and any known Trump associates regardless of context;

2) Copies of all FISC responses to the above-mentioned applications in which the Court notified the FBI or Justice Department that it would not grant the proposed applications or recommended changes. If any such FISC responses were provided orally, rather than in writing, please provide copies of FBI or Justice Department records memorializing or otherwise referencing the relevant FISC responses;

3) Copies of all FISC orders relating to the above-mentioned applications, whether denying the applications and certifications, denying the orders, modifying the orders, granting the orders, or other types of orders.

6. The FBI denied Plaintiff’s request by a letter dated August 7, 2017.

Subsequently, the FBI denied Plaintiff’s appeal of the denial by a letter dated December 14, 2017 (Appeal No. DOJ-AP-2018-000876; Request No. 1380709-000).

COUNT I

(Violation of FOIA, 5 U.S.C. § 552)

7. Plaintiff realleges paragraphs 1 through 6 as if fully stated herein.

8. Defendant has violated FOIA by refusing to produce any and all non-exempt records responsive to the request.

9. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with FOIA.

10. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches for any and all records responsive to Plaintiff's request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the request; (2) order Defendant to produce, by a date certain, any and all non-exempt records to Plaintiff's request and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to the request; (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: February 2, 2018

Respectfully submitted,

/s/ James F. Peterson

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Counsel for Plaintiff