

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

TODD SHEPHERD	)	
	)	
	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	
CONSUMER FINANCIAL	)	
PROTECTION BUREAU	)	
1700 G St., NW	)	
Washington, DC 20220	)	
	)	
Defendant.	)	
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**COMPLAINT**

Plaintiff Todd Shepherd (“Plaintiff”) 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 Todd Shepherd is a staff writer at the Washington Free Beacon where he covers matters related to the federal government.
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. On

information and belief, CFPB has possession, custody, and control of records to which Plaintiff seeks access.

**STATEMENT OF FACTS**

5. On April 3, 2018, Plaintiff submitted a FOIA request to CFPB seeking the following records:

All phone logs for the office phone and government-provided or government-issued cell phone for CFPB employee LeAndra English, from November 1, 2017, to and including March 30, 2018. (Date Range for Record Search: From 11/01/2017 to 03/30/2018).

6. CFPB responded to Plaintiff's request by a letter dated April 19, 2018. Plaintiff's request was designated as FOIA Request #CFPB-2018-453-F. CFPB produced to Plaintiff six pages of redacted records, asserting FOIA Exemption 6.

7. Following a timely appeal by Plaintiff, CFPB again refused to provide the requested records to Plaintiff. CFPB's denial was set forth in a letter to Plaintiff dated July 10, 2018, referring to Plaintiff's appeal as FOIA No. 2018-453-A.

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

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

9. Defendant is violating FOIA by failing and/or refusing to search for, identify, and produce any and all non-exempt records responsive to Plaintiff's request.

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

11. 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 they 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 responsive 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: August 27, 2018

Respectfully submitted,

/s/ James F. Peterson

James F. Peterson

D.C. Bar No. 450171

JUDICIAL WATCH, INC.

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*Counsel for Plaintiff*