

2014-00003-L

**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,)
)
 v.)
)
 U.S. DEPARTMENT OF DEFENSE,)
 1600 Defense Pentagon)
 Washington, DC 20301-1600,)
)
 Defendant.)
 _____)

Civil Action No.

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Defense 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 425 Third Street, S.W., 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. The U.S. Department of Defense is an agency of the United States Government and is headquartered at 1600 Defense Pentagon, Washington, DC 20301-1600. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

July 31, 2013 Request

5. On July 31, 2013, Plaintiff sent a FOIA request to the U. S. Air Force (“USAF”), a component of Defendant U.S. Department of Defense, seeking access to records concerning mission taskings, transportation costs, and passenger manifests (DD-2131) for First Lady Michelle Obama’s flight to London for the 2012 Summer Olympics. The time frame of the request was identified as “March 1, 2012 to August 31, 2012.”

6. The USAF acknowledged receipt of Plaintiff’s request on August 6, 2013, assigned the request case number “FOIA 2013-05496-F,” and represented that “[w]e will respond to your request by September 18, 2013.”

7. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USAF was required to respond to Plaintiff’s request within twenty (20) working days of August 6, 2013, or by September 4, 2013.

August 8, 2013 Request

8. On August 8, 2013, Plaintiff sent a FOIA request to the USAF seeking access to records concerning mission taskings, transportation costs, and passenger manifests (DD-2131) for President Obama’s December 2012 flight to Honolulu, Hawaii. The time frame of the request was identified as “December 15, 2012 to December 31, 2012.”

9. According to U.S. Postal Service records, Plaintiff's August 8, 2013 request was received by the USAF on August 13, 2013. The USAF has never acknowledged receipt of the request, however.

10. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USAF was required to respond to Plaintiff's request within twenty (20) working days of August 13, 2013, or by September 11, 2013.

August 9, 2013 Request

11. On August 9, 2013, Plaintiff sent a FOIA request to the USAF seeking access to records concerning mission taskings, transportation costs, and passenger manifests (DD-2131) for President Obama's August 2013 visit to California. The time frame of this request was identified as "August 1, 2013 to August 9, 2013."

12. According to U.S. Postal Service records, Plaintiff's August 9, 2013 request was received by the USAF on August 23, 2013. The USAF has never acknowledged receipt of the request, however.

13. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USAF was required to respond to Plaintiff's request within twenty (20) working days of August 23, 2013, or by September 23, 2013.

August 19, 2013 Request

14. On August 19, 2013, Plaintiff sent a FOIA request to the USAF seeking access to records concerning mission taskings, transportation costs, and passenger manifests (DD-2131) for President Obama's August 2013 flights to and from Martha's Vineyard, MA. The time frame of the request was identified as "August 1, 2013 to the present."

15. According to U.S. Postal Service records, Plaintiff's August 19, 2013 request was received by the USAF on August 22, 2013. The USAF has never acknowledged receipt of the request, however.

16. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USAF was required to respond to Plaintiff's request within twenty (20) working days of August 22, 2013, or by September 20, 2013.

17. As of the date of this Complaint, the USAF has failed to produce any records responsive to Plaintiff's requests or demonstrate that responsive records are exempt from production. Nor have they indicated whether or when any responsive records will be produced.

18. Because Defendant has failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A)(i), Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its requests. 5 U.S.C. § 552(a)(6)(C).

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

19. Plaintiff realleges paragraphs 1 through 18 as if fully stated herein.

20. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.

21. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of requested records, 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) order Defendant to conduct a search for any and all responsive records 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 Defendant 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 Defendant 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: January 24, 2013

Respectfully Submitted,

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

Attorneys for Plaintiff

**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.)	
)	
U.S. SECRET SERVICE,)	
245 Murray Drive, Building 410)	
Washington, DC 20223)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant United States Secret Service 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. is a not-for-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 425 Third Street, S.W., 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

August 9, 2013 Request

17. On August 9, 2013, Plaintiff sent a FOIA request to the USSS seeking access to records concerning the use of U.S. Government funds to provide security and other services to President Barack Obama and any companions on an August 2013 trip to California.

18. By letter dated September 17, 2013, the USSS acknowledged receipt of Plaintiff's request on August 20, 2013 and assigned the request File Number 20131346.

19. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USSS was required to respond to Plaintiff's request within twenty (20) working days of August 20, 2013, or by September 18, 2013.

August 19, 2013 Request

20. On August 19, 2013, Plaintiff sent a FOIA request to the USSS seeking access to records concerning the use of U.S. Government funds to provide security and other services to President Barack Obama and any companions on an August 2013 trip to Martha's Vineyard, Massachusetts.

21. By letter dated September 18, 2013, the USSS acknowledged receipt of Plaintiff's request on September 6, 2013 and assigned the request File Number 20131414.

22. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USSS was required to respond to Plaintiff's request within twenty (20) working days of September 6, 2013, or by October 4, 2013.

23. As of the date of this Complaint, the USSS has failed to produce any records responsive to Plaintiff's requests or demonstrate that responsive records are exempt from production. Nor have they indicated whether or when any responsive records will be produced.

10. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USSS was required to respond to Plaintiff's request within twenty (20) working days of July 3, 2013, or by August 1, 2013.

July 31, 2013 Request

11. On July 31, 2013, Plaintiff sent a FOIA request to the USSS seeking access to records concerning the use of U.S. Government funds to provide security and other services to First Lady Michelle Obama and any companions on a Summer 2012 trip to London, England for the Olympics.

12. By letter dated August 30, 2013, the USSS acknowledged receipt of Plaintiff's request on August 12, 2013 and assigned the request File Number 20131297.

13. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USSS was required to respond to Plaintiff's request within twenty (20) working days of August 12, 2013, or by September 10, 2013.

August 8, 2013 Request

14. On August 8, 2013, Plaintiff sent a FOIA request to the USSS seeking access to records concerning the use of U.S. Government funds to provide security and other services to President Barack Obama and any companions on a December 2012 trip to Honolulu, Hawaii.

15. By letter dated September 18, 2013, the USSS acknowledged receipt of Plaintiff's request on August 27, 2013 and assigned the request File Number 20131390.

16. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the USSS was required to respond to Plaintiff's request within twenty (20) working days of August 27, 2013, or by September 25, 2013.

24. Because Defendant has failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A)(i), Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its requests. 5 U.S.C. § 552(a)(6)(C).

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

25. Plaintiff realleges paragraphs 1 through 24 as if fully stated herein.

26. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.

27. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of requested records, 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) order Defendant to conduct a search for any and all responsive records 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 Defendant 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 Defendant 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: January 13, 2013

Respectfully Submitted,

/s/ Paul J. Orfanedes
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Attorneys for Plaintiff