

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

JUDICIAL WATCH, INC.,  
425 Third Street, S.W., Suite 800  
Washington, DC 20024,

Plaintiff,

Civil Action No.

V.

UNITED STATES DEPARTMENT  
OF THE TREASURY,  
1500 Pennsylvania Avenue, N.W.  
Washington, DC 20220,

Defendant.

## COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant United States Department of the Treasury 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 has its principal place of business at 425 Third Street, S.W., Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government, politics, and the law. As part of its educational

mission, Plaintiff regularly requests records under the FOIA to shed light on the operations of the federal government and to educate the public about these operations. Plaintiff then analyzes the agency records and disseminates the results of its analysis, as well as the records themselves, to the public.

4. Defendant United States Department of the Treasury is an agency of the United States Government and is headquartered at 1500 Pennsylvania Ave, N.W., Washington, DC 20220. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On May 29, 2015, Plaintiff sent a FOIA request to Defendant by certified mail, seeking the production of agency records related to the following:

1. Any and all records of email communications between the Office of Foreign Assets Control and any "clintonemail.com" address, including but not limited to [hrod17@clintonemail.com](mailto:hrod17@clintonemail.com) and [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com);
2. Any and all records of email communications between the Committee on Foreign Investment in the U.S. and any "clintonemail.com" address, including but not limited to [hrod17@clintonemail.com](mailto:hrod17@clintonemail.com) and [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com); and
3. Any and all records of email communications between the Office of the Secretary of the Treasury and any "clintonemail.com" address, including but not limited to [hrod17@clintonemail.com](mailto:hrod17@clintonemail.com) and [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com).

The timeframe for this request is February 2, 2009 to January 31, 2013.

6. According to the facsimile report sheet, Defendant received the FOIA request by facsimile on May 29, 2015 at 12:14 PM. According to U.S. Postal Service records, Tracking Number 70140150000032289028, Defendant received the request by certified mail on June 2, 2015.

7. By letter dated June 8, 2015, Defendant acknowledged receipt of Plaintiff's FOIA request and assigned it Case No. 2015-06-011.

8. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), Defendant was required to determine whether to comply with the request within twenty (20) working days and to notify Plaintiff immediately of its determination, the reasons therefor, and the right to appeal any adverse determination. Accordingly, Defendant's determination was due by June 29, 2015 at the latest.

9. As of the date of this Complaint, Defendant has failed to make a determination about whether it will comply with Plaintiff's request, notify Plaintiff of any determination, or notify Plaintiff of its right to appeal any adverse determination to the head of the agency. Nor has Defendant produced any records responsive to the request, indicated when any responsive records will be produced, or demonstrated that responsive records are exempt from production.

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

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

11. Plaintiff realleges paragraphs 1 through 10 as if fully stated herein.

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

13. 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 request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA 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 Plaintiff's FOIA 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: October 21, 2015

Respectfully submitted,

/s/ James F. Peterson  
James F. Peterson  
D.C. Bar No. 450171  
JUDICIAL WATCH, INC.  
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*Counsel for Plaintiff*