

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

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|--|---|------------------|
| JUDICIAL WATCH, INC., |) | |
| 425 Third Street SW, Suite 800 |) | |
| Washington, DC 20024, |) | |
| |) | Civil Action No. |
| Plaintiff, |) | |
| v. |) | |
| |) | |
| U.S. DEPARTMENT OF STATE, |) | |
| The Executive Office |) | |
| Office of the Legal Adviser, Suite 5.600 |) | |
| 600 19 th Street NW |) | |
| Washington, DC 20522, |) | |
| |) | |
| and |) | |
| |) | |
| U.S. DEPARTMENT OF THE |) | |
| TREASURY, |) | |
| 1500 Pennsylvania Avenue NW |) | |
| Washington, DC 20220, |) | |
| |) | |
| Defendants. |) | |
| |) | |

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendants U.S. Department of State and U.S. Department of 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 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, integrity, and accountability 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 agencies' responses and disseminates both its findings and the requested records to the American public to inform them about "what their government is up to."

4. Defendant U.S. Department of State ("State Department") is an agency of the United States Government headquartered at 2201 C Street NW, Washington, DC 20520. The State Department has possession, custody, and control of records to which Plaintiff seeks access.

5. Defendant U.S. Department of the Treasury ("Treasury") is an agency of the United States Government and is headquartered at 1500 Pennsylvania Avenue NW, Washington, DC 20220. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

6. On August 3, 2016, Plaintiff submitted a FOIA request to the State Department seeking access to the following records:

Any and all records regarding, concerning, or related to the transfer of approximately \$400 million in foreign currency to the Islamic Republic of Iran in January 2016. This request includes, but is not limited to, any and all related records of communications between any official, employee, or representative of the Department of State and any official, employee, or representative of any of the following entities:

- **The Department of the Treasury.**
- **The Islamic Republic of Iran.**
- **The Executive Office of the White House.**

- **The Department of Defense.**
- **The Department of Justice.**

The time frame for the request was identified as “January 1, 2015 to the present.”

7. On August 4, 2016, Plaintiff submitted a FOIA request to the Treasury seeking access to the following records:

Any and all records regarding, concerning, or related to the transfer of approximately \$400 million in foreign currency to the Islamic Republic of Iran in January 2016. This request includes, but is not limited to, any and all related records of communications between any official, employee, or representative of the Department of the Treasury and any official, employee, or representative of any of the following entities:

- **The Department of State.**
- **The Islamic Republic of Iran.**
- **The Executive Office of the White House.**
- **The Department of Defense.**
- **The Department of Justice.**

The time frame for the request was identified as “January 1, 2015 to the present.”

8. By letter dated August 12, 2016, the Treasury acknowledged receipt of Plaintiff’s request and advised Plaintiff that the request had been assigned Case Number 2016-08-058.

9. By letter dated August 22, 2016, the State Department acknowledged receipt of Plaintiff’s request and advised Plaintiff that the request had been assigned Case Control Number F-2016-10094.

10. As of the date of this Complaint, both the State Department and the Treasury have failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records Defendants intend to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

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

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

12. Plaintiff is being irreparably harmed by reason of Defendants' violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendants are compelled to comply with FOIA.

13. To trigger FOIA's administrative exhaustion requirement, Defendants were required to determine whether to comply with Plaintiff's requests within twenty (20) working days of receiving the requests, or by approximately mid-September 2016. At a minimum, Defendants were required to: (i) gather and review the requested documents; (ii) determine and communicate to Plaintiff the scope of any responsive records Defendants intended to produce or withhold and the reasons for any withholdings; and (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination. *See, e.g., Citizens for Responsibility and Ethics in Washington v. Federal Election Comm'n*, 711 F.3d 180, 188-89 (D.C. Cir. 2013).

14. Because Defendants have failed to determine whether to comply with Plaintiff's requests within the time period required by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies. 5 U.S.C. § 552(a)(6)(C)(i).

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendants to conduct searches for any and all records responsive to Plaintiff's FOIA requests and demonstrate that they 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 *Vaughn* indices 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: May 10, 2017

Respectfully submitted,

/s/ Jason B. Aldrich
Jason B. Aldrich
D.C. Bar No. 495488
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(202) 646-5172

Counsel for Plaintiff