

**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 the U.S. Department of Justice (“Defendant” or “DOJ”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552. 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, 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 the Freedom of Information Act

(“FOIA”). Plaintiff analyzes the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant is an agency of the United States Government. Defendant has possession, custody, and control of records to which Plaintiff seeks access. Defendant is headquartered at 950 Pennsylvania Avenue, N.W., Washington, DC 20530-0001.

STATEMENT OF FACTS

5. On August 10, 2018, Plaintiff submitted a FOIA request to the Federal Bureau of Investigation, a component of Defendant, seeking access to the following records:

1. All records of communications, including emails (using [his or her] own name or aliases), text messages, instant chats and encrypted messages, sent to and from former FBI Legal Attaché in Rome, Special Agent Michael Gaeta, mentioning the terms “Trump”, “Clinton”, “Republican”, “Democrat”, and/or “conservatives.”
2. All SF50s and SF52s of SA Michael Gaeta.
3. All expense reports and travel vouchers submitted for SA Michael Gaeta.

The time frame for the requested records was identified as “March 2015 through the present.”

6. On August 16, 2018, the FBI acknowledged receipt of Plaintiff’s request and advised Plaintiff it would process the request in three separate parts: (i) the request for SA Gaeta’s SF50s and SF52s was assigned FOIPA Request No. 1413703-000; (ii) the request for SA Gaeta’s expense reports and travel vouchers was assigned FOIPA Request No. 1413704-000; and (iii) and the request for SA Gaeta’s communications was assigned FOIPA Request No. 1413707-000.

7. On September 11, 2018, the FBI denied all three parts of Plaintiff’s request, claiming it could neither confirm nor deny the existence of the requested records even though, on August 28, 2018, DOJ Senior Counsel Bruce Ohr officially acknowledged in testimony to the

House Committee on Government Reform and Oversight that Special Agent Gaeta was the FBI's Legal Attaché in Rome and that Mr. Christopher Steele, a London-based, former U.K. intelligence officer and the author of the "Trump-Russia Dossier," had provided two of his reports from the dossier to Gaeta some time before July 30, 2016. Ohr's testimony was made public in March 2019.

8. Plaintiff appealed the FBI's denial on September 17, 2018.
9. Defendant affirmed the denial of the request on May 8, 2019.

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

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.
11. Defendant is in violation of FOIA.
12. 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 the law.
13. 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 FOIA 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 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: September 11, 2019

Respectfully submitted,

/s/ Paul J. Orfanedes

Paul J. Orfanedes

D.C. Bar No. 429716

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