

government agencies and to educate the public about these operations. Plaintiff then analyzes the agency records and disseminates the results to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of Justice is an agency of the U.S. Government and is headquartered at 950, Pennsylvania Avenue NW, Washington, DC 20530. Defendant has possession, custody, and control of public records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On July 26, 2019, Plaintiff sent a FOIA request to the FBI, a component of the Defendant, by certified mail, return receipt requested, seeking access to the following:

Any and all records relating to deceased Democratic National Committee official Seth Conrad Rich and/or to Mr. Rich's murder. Mr. Rich was born on January 3, 1989 in Omaha, Nebraska and died on July 10, 2016 in Washington, DC. As part of this request, Judicial Watch asks that the FBI search its automated indices, its older general (manual) indices, and its Electronic Surveillance (ELSUR) Data Management System (EDMS), as well as cross-referenced files.

6. According to the United States Postal Service’s website, the FBI received Plaintiff’s request on July 29, 2019.

7. As of the date of this Complaint, the FBI has not responded to Plaintiff’s request in any manner. It has failed to make a determination about whether it will comply with the 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 the FBI produced any records responsive to the request, indicated when any responsive records will be produced, or demonstrated that responsive records are exempt from production.

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 in violation of FOIA.

10. 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.

11. Plaintiff has no adequate remedy at law.

12. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by September 10, 2019 at the latest.

13. Because Defendant failed to make a final determination on Plaintiff's request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to search 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: February 10, 2020

Respectfully submitted,

/s/ Eric W. Lee

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