

**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 STATE	)	
The Executive Office	)	
Office of the Legal Advisor Suite 5.600	)	
600 19 <sup>th</sup> Street NW	)	
Washington, DC 20522	)	
	)	
Defendant.	)	
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**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of State 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, 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 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 U.S. Department of State is an agency of the U.S. Government and is headquartered at 2201 C Street, NW, Washington, DC 20520. Defendant has possession, custody, and control of public records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On August 31, 2011, Huma Abedin, then-Deputy Chief of Staff to Secretary of State Hillary Clinton, sent an email to Secretary Clinton stating, “Sent you a couple of text messages.”

6. The August 31, 2011 email was produced to Plaintiff by Defendant on January 8, 2020.

7. In light of the revelation that Ms. Abedin used text messages to communicate with Secretary Clinton, Plaintiff sent two FOIA requests to Defendant on January 10, 2020.

8. The FOIA requests seek:

- All text messages, encrypted app messages and instant messages involving official government business sent or received by former Secretary of State Hillary Rodham Clinton from January 1, 2009 through February 1, 2013.
- All text messages, encrypted app messages and instant messages involving official government business sent or received by former Deputy Chief of Staff Huma Abedin from January 1, 2009 through February 1, 2013.

9. By emails dated January 13, 2020 and January 14, 2020, Defendant denied Plaintiff’s FOIA requests.

10. Plaintiff subsequently administratively appealed both final denials.

11. By letters dated January 22, 2020 and January 28, 2020, Defendant issued final determinations on Plaintiff's appeals and informed Plaintiff that it searched the records systems most likely to maintain records responsive to Plaintiff's FOIA requests and that no responsive records were located.

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

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

13. Defendant is in violation of FOIA.

14. 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.

15. Plaintiff has no adequate remedy at law.

15. Because Defendant has denied Plaintiff's administrative appeal, Plaintiff has 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 requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the requests; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's 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 the 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: February 14, 2020

Respectfully submitted,

/s/ Michael Bekesha

Michael Bekesha

D.C. Bar No. 995749

JUDICIAL WATCH, INC.

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*Counsel for Plaintiff*