

IN MONTGOMERY COUNTY CIRCUIT COURT, MARYLAND

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024)	
Tel: (202) 646-5172)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
MONTGOMERY COUNTY POLICE)	
DEPARTMENT,)	
100 Edison Park Drive)	
Gaithersburg, MD 20878,)	
)	
Defendant.)	
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COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant Montgomery County Police Department to compel compliance with the Maryland Public Information Act (“PIA”), Md. Code Ann., Gen. Prov. (“GP”) § 4-101 et seq. Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to GP § 4-362(a)(1).
2. Venue is proper in this Court pursuant to GP § 4-362(a)(3)(ii).

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 both federal and state agencies pursuant to their freedom of

information laws. Plaintiff analyzes the responses and disseminates its findings and the requested records to the public to inform them about “what their government is up to.”

4. Defendant Montgomery Police Department is a “unit or instrumentality” of Montgomery County, a political subdivision of the State of Maryland. Defendant also is the custodian of public records requested by Plaintiff. On information and belief, Defendant maintains the requested records at Montgomery County Public Safety Headquarters, 100 Edison Park Drive, Gaithersburg, MD 20878.

STATEMENT OF FACTS

5. On March 12, 2020, Duncan Socrates Lemp was fatally shot at his home in Potomac, Maryland during a no-knock police raid by the Montgomery County Police Department’s SWAT team. Lemp was a student and a software developer. He was 21 years old.

6. The Montgomery County Police Department reportedly maintains that, upon making contact with Lemp, officers identified themselves as the police and gave Lemp multiple orders to show his hands and comply with the officer’s commands to get on the ground. It also reportedly maintains that Lemp refused to comply with the officer’s commands and proceeded towards an interior bedroom door where other officers were located. Lemp’s family has reportedly asserted that Lemp was asleep next to his girlfriend when police fatally shot him.

7. On June 18, 2020, Plaintiff submitted a PIA request to Defendant, by email, seeking “a copy of all body-worn camera videos relating to the raid on, and resulting death of, Duncan Socrates Lemp by a Montgomery County Police SWAT team on March 12, 2020 at Mr. Lemp’s home in Potomac, Maryland.”

8. That same day, June 18, 2020, Plaintiff received an email from Defendant confirming delivery of the request.

9. To date, Defendant has neither granted, denied, nor responded to Plaintiff's request in any manner other than the June 18, 2020 confirmation of delivery.

COUNT I
(Violation of PIA)

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

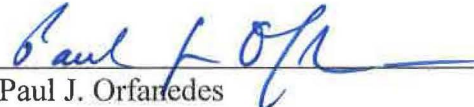
11. Defendant is withholding public records requested by Plaintiff.

12. Plaintiff is being irreparably harmed by Defendant's withholding of the requested public records, and Plaintiff will continue to be irreparably harmed unless Defendant is enjoined from withholding the requested public records.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) enjoin Defendant from withholding the public records requested by Plaintiff; (2) grant Plaintiff an award of reasonable counsel fees and other litigation costs incurred in this action pursuant to GP § 4-362(f); and (3) grant Plaintiff such other relief as the Court deems just and proper.

Dated: July 24, 2020

Respectfully submitted,

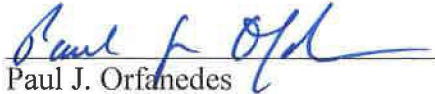


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Counsel for Plaintiff

ATTORNEY'S CERTIFICATE OF ADMISSION UNDER RULE 1-313

I hereby certify that I was admitted to practice law in the State of Maryland on December 19, 1991, remain in good standing with the bar of the State of Maryland, and am authorized to practice before the Courts of this State, including the Circuit Court for Montgomery County, Maryland.

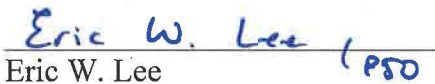


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Counsel for Plaintiff

ATTORNEY'S CERTIFICATE OF ADMISSION UNDER RULE 1-313

I hereby certify that I was admitted to practice law in the State of Maryland on December 14, 2016, remain in good standing with the bar of the State of Maryland, and am authorized to practice before the Courts of this State, including the Circuit Court for Montgomery County, Maryland.



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