

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
v.)	Civil Action No.
)	
U.S. DEPARTMENT OF)	
THE INTERIOR,)	
1849 C Street NW)	
Washington, DC 20240)	
)	
Defendant.)	
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COMPLAINT

Plaintiff, Judicial Watch, Inc. brings this action against Defendant U.S. Department of the Interior 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 the Interior is an agency of the U.S. Government and is headquartered at 1849 C Street NW, Washington, DC 20240. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On March 18, 2021, Plaintiff served a FOIA request to the U.S. Park Police, a component of Defendant U.S. Department of the Interior, seeking access to:

1. All records of communications, including emails and text messages, between officials of the U.S. Park Police and officials of the Washington, DC Metropolitan Police Department regarding the Jan. 6, 2021 pro-Trump rally and/or protest at the Capitol Building.
2. All records of communications, including emails and text messages, between officials of the U.S. Park Police and officials of the Federal Bureau of Investigation regarding the Jan. 6, 2021 pro-Trump rally and/or protest at the Capitol Building.
3. All records of communications, including emails and text messages, between officials of the U.S. Park Police and officials of the U.S. Capitol Police regarding the Jan. 6, 2021 pro-Trump rally and/or protest at the Capitol Building.
4. All records of communications, including emails and text messages, between officials of the U.S. Park Police and officials of the offices of the House and Senate Sergeants-at-Arms regarding the Jan. 6, 2021 pro-Trump rally and/or protest at the Capitol Building.
5. All intelligence reports, memoranda, updates, and warnings received by the U.S. Park Police regarding the Jan. 6, 2021 pro-Trump rally and/or protest at the Capitol Building.

The request was served via the "foiaonline.gov" portal. The time frame of the request was identified as "December 1, 2020 to January 31, 2021."

6. The U.S. Park Police acknowledged receipt of Plaintiff's request that same day, March 18, 2021, and advised Plaintiff that the request had been assigned FOIA File Number DOI-NPS-2021-003080.

7. As of the date of this Complaint, the U.S. Park Police has failed to: (i) determine whether to comply with the request; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested 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 April 15, 2021 at the latest. 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 produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a Vaughn index of any responsive records withheld under claim of exemption; (2) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's

FOIA request; (3) 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 11, 2021

Respectfully submitted,

/s/ Lauren M. Burke _____

Lauren M. Burke

D.C. Bar No. 1028811

JUDICIAL WATCH, INC.

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