

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

JUDICIAL WATCH, INC., )  
425 Third Street, S.W., Suite 800 )  
Washington, DC 20024, )  
 )  
Plaintiff, ) Civil Action No.  
 )  
v. )  
 )  
OFFICE OF THE DIRECTOR OF )  
NATIONAL INTELLIGENCE, )  
Washington, DC 20511 )  
 )  
Defendant. )  
 )

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**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant Office of the Director of National Intelligence (“ODNI”) 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 S.W., 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 agencies' responses to its requests and disseminates both its findings and the requested records to the public to inform them about "what their government is up to."

4. Defendant ODNI is an agency of the United States Government. The ODNI has possession, custody, and control of records to which Plaintiff seeks access. The ODNI is headquartered in Washington, DC 20511.

#### **STATEMENT OF FACTS**

5. On March 11, 2021, Plaintiff submitted a FOIA request to the ODNI, via email, seeking access to the following:

**Any and all reports, analyses, summaries, and records of communication regarding, concerning, or related to the Wuhan Institute of Virology and/or the origins of the SARS-CoV-2 virus. This request includes, but is not limited to, any and all related records of communication between any official, employee, or representative of the Office of the Director of National Intelligence and any official, employee, or representative of any other branch, department, agency, or office of the federal government.**

The time frame for the requested records was identified as "June 1, 2017 to the present."

6. By letter dated March 22, 2021, Defendant acknowledged receiving Plaintiff's request on March 11, 2021 and advised Plaintiff that the request had been assigned case number DF-2021-00137. Defendant's acknowledgment letter invoked FOIA's 10-day extension of time provision, citing "unusual circumstances" that prevented it from responding within FOIA's 20-day time period.

7. As of the date of this Complaint, the ODNI failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records Defendants intends to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

**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 reason of Defendant's violations 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 determine whether to comply with Plaintiff's request within the time limits set by FOIA. Accordingly, the ODNI's determination was due at the very latest by April 22, 2021. By this date, Defendant was required to: (i) gather and review the requested documents; (ii) determine and communicate to Plaintiff the scope of any responsive records Defendant intended to produce or withhold and the reasons for any withholdings; and (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

13. Because Defendant failed to determine whether to comply with Plaintiff's FOIA request within the time required by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies. 5 U.S.C. § 552(a)(6)(C)(i).

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 calculated to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) 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; (3) enjoin Defendant from continuing to withhold

any and all non-exempt records responsive to Plaintiff's FOIA 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: June 3, 2021

Respectfully submitted,

/s/ James F. Peterson

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