

records from federal agencies, analyzes the responses it receives, and disseminates its findings 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, N.W., Washington, DC 20530. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On July 26, 2021, Plaintiff sent a FOIA request to the U.S. Department of Justice’s Voting Section of the Civil Rights Division, via U.S. Mail and email, seeking access to the following:

All documents and communications between (1) the U.S. Department of Justice Civil Rights Division, or any of their officers, employees, members, agents, or affiliates, and (2) any of the following people and organizations, including any of their officers, members, agents, parent organizations, affiliated entities, branches, subordinate organizations, or chapters, concerning the U.S. Department of Justice’s Voting Rights Act Section 2 lawsuit against the State of Georgia, *et al.*, in the Northern District of Georgia, Civ. No. 21-2575:

ACLU Foundation of Georgia, American Civil Liberties Union, League of Women Voters, Brennan Center for Justice, Lawyers Committee for Civil Rights Under Law, Common Cause, NAACP, Georgia State Conference of the NAACP, Campaign Legal Center, Fair Fight, Fair Fight Action, Stacy Abrams, Perkins Coie LLP, Marc Elias.

6. On July 28, 2021, the U.S. Department of Justice acknowledged receipt of the request on July 26, 2021, advised Plaintiff that the request had been assigned tracking number 21-00263-F, and asserted that it was invoking FOIA’s 10-day extension of time provision due to “unusual circumstances.”

7. As of the date of this Complaint, the U.S. Department of Justice 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 September 7, 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 conduct a search for any and all responsive records to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely 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: September 15, 2021

Respectfully submitted,

/s/ Eric W. Lee
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