

**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 JUSTICE,)	
950 Pennsylvania Avenue, N.W.)	
Washington, DC 20530-0001,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Justice 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 Justice ("DOJ") is an agency of the United States Government. Defendant has possession, custody, and control of records to which Plaintiff seeks access. Defendant is headquartered at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

STATEMENT OF FACTS

5. On December 21, 2021, Plaintiff submitted a FOIA request to the Federal Bureau of Investigation ("FBI"), a component of Defendant, seeking access to the following:

All records of communications, whether by email (on .gov or non.gov email accounts), text message, or instant chat, between officials in the FBI, including but not limited to officials in the offices of the FBI New York Field Office on the one hand, and employees and representatives of Pfizer Inc. on the other hand, regarding Project Veritas founder James O'Keefe and/or Project Veritas.

The request expressly defined email communications with Pfizer Inc. employees or representatives as including "those with the email domain name @pfizer.com." The time frame of the request was identified as "September 1, 2021 to the present."

6. The FBI subsequently divided the request into two parts although Plaintiff intended the "@pfizer.com" reference to be descriptive rather than a separate request.

7. In a letter dated January 6, 2022, the FBI acknowledged receipt of the request and advised Plaintiff that it had assigned "FOIPA Request No. 1514498-000" to the portion of the request that seeks communications between FBI officials and Pfizer, Inc. employees and representatives regarding Project Veritas or its founder.

8. In a second letter dated January 6, 2022, the FBI denied FOIPA Request No. 1514498-000, claiming that the requested records were “law enforcement records” and exempt from production under FOIA Exemption 7A.

9. In a letter dated January 10, 2022, the FBI acknowledged receipt of the request again and advised Plaintiff that it had assigned “FOIPA Request No. 1514690-000” to the portion of the request purportedly seeking email communications with the email domain “@pfizer.com.”

10. The FBI’s January 10, 2022 letter also denied FOIPA Request No. 1514690-000, asserting that the FBI “will neither confirm nor deny the existence of such records.”

11. On January 12, 2022, Plaintiff administratively appealed the FBI’s denial of both FOIPA Request No. 1514498-000 and FOIPA Request No. 1514690-000 to Defendant’s Office of Information Policy (“OIP), the administrative appeal authority identified in the FBI’s denial letters.

12. By letter dated January 12, 2022, OIP acknowledged receipt of Plaintiff’s administrative appeal concerning FOIPA Request No. 1514498-000 and advised Plaintiff that it had assigned the appeal number A-2022-00615.

13. By letter dated January 12, 2022, OIP acknowledged receipt of Plaintiff’s administrative appeal concerning FOIPA Request No. 1514690-000 and advised Plaintiff that it had assigned the appeal number A-2022-00614.

14. By letter dated February 14, 2022, OIP affirmed the FBI’s denial of FOIPA Request No. 1514498-000, appeal No. A-2022-00615.

15. As of the date of this Complaint, more than twenty business days have passed since OIP received Plaintiff's appeal of FOIPA Request No. 1514690-000, appeal number A-2022-00614, and OIP has not issued a determination with respect to the appeal.

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

16. Plaintiff realleges paragraphs 1 through 15 as if fully stated herein.

17. Defendant is violating FOIA by failing to produce all records responsive to Plaintiff's request or demonstrate that the requested records are lawfully exempt from production.

18. Plaintiff is being irreparably harmed by reason of Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with FOIA.

19. Plaintiff has exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to demonstrate that it employed search methods reasonably calculated to uncover all records responsive to the 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: April 13, 2022

Respectfully submitted,

/s/ Paul J. Orfanedes

Paul J. Orfanedes

D.C. Bar No. 429761

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