

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,	)	
425 Third Street SW, Suite 800	)	
Washington, DC 20024,	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	Civil Action No.
	)	
U.S. DEPARTMENT OF STATE,	)	
The Executive Office	)	
Office of the Legal Adviser, Suite 5.600	)	
600 19 <sup>th</sup> Street NW	)	
Washington, DC 20522,	)	
	)	
<i>Defendant.</i>	)	
_____	)	

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of State 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. (“Plaintiff”) 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 State ("Defendant") is an agency of the U.S. Government headquartered at 2201 C Street NW, Washington, DC 20520. The State Department has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On August 24, 2021 Plaintiff sent a FOIA request to Defendant, via Defendant's online FOIA portal, seeking access to the following public records:

1. All emails sent to and from the following officials regarding the termination and/or dissolution of the Contingency and Crisis Response Bureau ("CCR") and/or the Bureau of Medical Services' Directorate of Operations ("OpMed"): Secretary of State Antony Blinken; Deputy Secretary Wendy Ruth Sherman; Deputy Secretary Brian McKeon; Acting Assistant Secretary for INL James A. Walsh; and OpMed Director Dr. William Walters.
2. All policy documents, including reports, recommendations, analyses, studies and memoranda regarding the termination and/or dissolution of CCR and/or OpMed.

The time frame for the requested records was identified as "January 20, 2021 to August 24, 2021."

6. Defendant acknowledged receipt of Plaintiff's request by email on August 24, 2021. Defendant subsequently informed Plaintiff that the request had been assigned FOIA case number F-2021-09640.

7. On September 8, 2021, Plaintiff sent a similar FOIA request to Defendant, via Defendant's online FOIA portal, seeking access to the following public records:

1. All emails sent to and from the following officials regarding the termination and/or dissolution of the Contingency and Crisis Response Bureau ("CCR") and/or

the Bureau of Medical Services' Directorate of Operations ("OpMed"): Secretary of State Antony Blinken; Deputy Secretary Wendy Ruth Sherman; Deputy Secretary Brian McKeon; Acting Assistant Secretary for INL James A. Walsh; OpMed Director Dr. William Walters; Principal Deputy Chief Medical Officer Dr. Larry Padget; Ms. Beth J. King; and Acting Under Secretary Amb. Carole Perez.

2. All policy documents, including reports, recommendations, analyses, studies and memoranda regarding the termination and/or dissolution of CCR and/or OpMed.

The time frame for the requested records was identified as "September 1, 2020 to September 8, 2021."

8. Defendant acknowledged receipt of the request by email on September 8, 2021. Defendant subsequently advised Plaintiff it would be "aggregating" the September 8, 2021 request with the August 24, 2021 request and processing both requests as FOIA case number F-2021-09640.

9. As of the date of this Complaint, Defendant has failed to: (i) determine whether to comply with the requests; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination(s); 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)**

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.
11. Defendant is in violation of FOIA.
12. 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 the law.

13. Plaintiff has no adequate remedy at law.

14. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's requests by October 21, 2021, at the latest. Because Defendant failed to make a final determination on Plaintiff's requests 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 searches for any and all records responsive to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the requests; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to the requests 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 the requests; (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: July 21, 2022

Respectfully submitted,

/s/ Paul J. Orfanedes

Paul J. Orfanedes

D.C. Bar No. 429716

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