

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 Homeland Security is an agency of the U.S. Government and is headquartered at 245 Murray Lane SW, Washington, DC 20528. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On March 9, 2022, Plaintiff served a FOIA request on the U.S. Secret Service ("Secret Service"), a component of Defendant U.S. Department of Homeland Security, seeking access to the following: "Any and all records concerning the use of security and/or other services to Hunter Biden and any companions on any international travel." The time frame of the request was identified as "January 1, 2010 to December 31, 2013."

6. According to U.S. Postal Service records, the Secret Service received Plaintiff's request on March 16, 2022. Since then, Plaintiff has received no communication from the Secret Service regarding the request.

7. On April 1, 2022, Plaintiff served another FOIA request on the Secret Service seeking access to the following:

1. Any and all records concerning the use of security and/or other services to Hunter Biden and any companions.
2. All records concerning the use of U.S. Government funds to provide security and/or any other services to Hunter Biden and any companions.

The time frame of the request was identified as "January 20, 2021 to the present."

8. By letter dated April 13, 2022, the Secret Service acknowledge receipt of Plaintiff's April 1, 2022 request and notified Plaintiff that the request had been assigned File Number 2022362. By letter dated April 19, 2022, the Secret Service notified Plaintiff that it had

completed its search for records responsive to the April 1, 2022 request, had located potentially responsive records, was processing the records, and would send them to Plaintiff in accordance with FOIA upon completion of the processing.

9. On April 4, 2022, Plaintiff served a further FOIA request on the Secret Service seeking access to the following: “All records concerning the use of U.S. Government funds to provide security and/or any other services to Hunter Biden and any companions in Malibu, California.” The time frame of the request was identified as “January 20, 2021 to the present.”

10. By letter dated April 18, 2022, the Secret Service acknowledge receipt of Plaintiff’s April 4, 2022 request and notified Plaintiff that the request had been assigned File Number 2022369. By letter dated April 19, 2022, the Secret Service notified Plaintiff that it had completed its search for records responsive to the April 4, 2022 request, had located potentially responsive records, was processing the records, and would send them to Plaintiff in accordance with FOIA upon completion of the processing.

11. 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; 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)

12. Plaintiff realleges paragraphs 1 through 11 as if fully stated herein.

13. Defendant is in violation of FOIA.

14. 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.

15. Plaintiff has no adequate remedy at law.

16. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make final determinations on Plaintiff's requests by May 16, 2022 at the latest. Because Defendant failed to make final determinations 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 search for any and all records responsive to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably calculated to uncover all records responsive to the requests; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA 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 Plaintiff's FOIA 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 17, 2022

Respectfully submitted,

/s/ Paul J. Orfanedes

Paul J. Orfanedes

D.C. Bar No. 429716

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