

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,)
 425 Third Street SW, Suite 800)
 Washington, DC 20024,)
)
Plaintiff,)
 v.)
)
 U.S. DEPARTMENT OF STATE,)
 The Executive Office)
 Office of the Legal Adviser, Suite 5.600)
 600 19th Street NW)
 Washington, DC 20522,)
)
Defendant.)
 _____)

Civil Action No.

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 ("State Department" or "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 July 31, 2022, Plaintiff sent a FOIA request to the Office of the Special Presidential Envoy for Climate at the State Department, via the State Department's online FOIA portal, seeking access to the following public records:

- (1) Copies of all records concerning individual authorizations for and the costs of John Kerry, U.S. Special Presidential Envoy for Climate, for any official travel from January 21, 2021, to present. This request includes any reimbursement amounts the government paid to Mr. Kerry.
- (2) All calendar or calendar entries for John Kerry, U.S. Special Presidential Envoy for Climate, whether made by him personally or on his behalf from January 21, 2021, to present. Request calendars, if possible, be produced in a format that includes invitees, notes, and attachments. This request includes not only Microsoft Outlook calendars, but any calendar, electronic or paper, used in the execution of government business.
- (3) Copies of all organizational charts for the Office of the Special Presidential Envoy for Climate, including any sub-organizations, reflecting names and/or position titles of each individual in those positions. Judicial Watch does not object to the redaction of contact information (telephone numbers/emails) for any employee listed in the organizational chart(s).

The time frame for the requested records was identified as "January 21, 2021 to July 31, 2022."

6. By email dated August 2, 2022, Defendant acknowledged receiving Plaintiff's request on August 1, 2022. Defendant informed Plaintiff that the request had been assigned

FOIA case number F-2022-11106 and invoked FOIA's 10-day extension of time for "unusual circumstances."

7. As of the date of this Complaint, Defendant 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(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)

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 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 requests by September 13, 2022, 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 request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the request; (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 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 19, 2022

Respectfully submitted,

/s/ Jason B. Aldrich

Jason B. Aldrich

D.C. Bar No. 495488

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