

**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)
 HOMELAND SECURITY,)
 Office of the General Counsel)
 2707 Martin Luther King Jr. Avenue SE)
 Mailstop 0485)
 Washington, DC 20528-0485,)
)
 Defendant.)

Civil Action No.

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Homeland Security 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 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 August 11, 2022, Plaintiff submitted a FOIA request to the Secret Service seeking access to the following public records:

1. All emails and text messages between officials in the Office of the USSS Director and officials of the Federal Bureau of Investigation regarding the search warrant and/or execution of the search warrant on former President Trump's home on or about August 8, 2022.
2. All emails and text messages sent to and from officials on President Trump's USSS protective detail regarding the search warrant and/or execution of the search warrant on President Trump's residence on or about August 8, 2022.
3. Any and all video and audio recordings capturing the execution of the search warrant on President Trump's home on August 8, 2022.

The time frame of the request was identified as June 1, 2022 to the present.

6. By letter dated August 11, 2022, the Secret Service acknowledged receiving the request on August 11, 2022. The Secret Service advised Plaintiff that the request had been assigned file number 20220628.

7. By letter dated August 29, 2022, the Secret Service notified Plaintiff that it had completed its search for records responsive to request 20220621, had located potentially responsive records, was reviewing the records to determine if they were responsive, and if so

would processing them in accordance with FOIA and send them to Plaintiff upon completion. Plaintiff has received no further communication from the Secret Service regarding request 20220628.

8. As of the date of this Complaint, the Secret Service 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)

9. Plaintiff realleges paragraphs 1 through 8 as if fully stated herein.

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

11. 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.

12. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make final determinations on Plaintiff's request by September 9, 2022, at the latest. Because Defendant failed to make final determinations on the 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 demonstrate that it employed search methods reasonably calculated to uncover all records responsive to Plaintiff's 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 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: October 17, 2022

Respectfully submitted,

/s/ Ramona R. Cotca
Ramona R. Cotca
D.C. Bar No. 501159
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