

**IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

JUDICIAL WATCH, INC.,	)	
425 Third Street SW, Suite 800	)	
Washington, DC 20024,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	
MONTGOMERY COUNTY POLICE	)	
DEPARTMENT,	)	
100 Edison Park Drive	)	
Gaithersburg, MD 20878,	)	
	)	
Defendant.	)	
	)	

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant Montgomery County Police Department to compel compliance with the Maryland Public Information Act (“PIA”), which is codified at Md. Code Ann., Gen. Prov. (“GP”), § 4-101 et seq. Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to GP § 4-362(a)(1).
2. Venue is proper in this Court pursuant to GP § 4-362(a)(3)(ii).

**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, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from both federal and state agencies pursuant to their freedom of

information laws. Plaintiff analyzes the responses and disseminates its findings and the requested records to the public to inform them about “what their government is up to.”

4. Defendant Montgomery Police Department a “unit or instrumentality” of Montgomery County, a political subdivision of the State of Maryland. Defendant also is the custodian of public records requested by Plaintiff. On information and belief, Defendant maintains the requested records at Montgomery County Public Safety Headquarters, 100 Edison Park Drive, Gaithersburg, MD 20878.

### **STATEMENT OF FACTS**

5. On May 2, 2022, political news publication *Politico* published a leaked draft of the U.S. Supreme Court’s majority opinion in *Dobbs v. Jackson Women’s Health Organization*, No. 19-1392, a decision which would later overturn the Court’s landmark cases *Roe v. Wade*, 410 U.S. 113 (1971), and *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833 (1992) that found a constitutional right to an abortion.

6. Due to the contentious nature of the abortion issue, the unprecedented leaked opinion drew protests outside U.S. Supreme Court Justice Brett M. Kavanaugh and Chief Justice John G. Roberts, Jr.’s residential homes in Bethesda, Maryland, a jurisdiction within the control of the Montgomery County Police Department.

7. The picketing and protests outside the justices’ homes went on for several weeks, from early May to late June, when the *Dobbs* decision was released. Several justices also received death threats. In the early morning hours of June 8, 2022, a man was arrested outside of Justice Kavanaugh’s home in Bethesda, Maryland, allegedly carrying a firearm, 10 rounds of ammunition loaded in magazines, 17 rounds of ammunition in a plastic bag, pepper spray, zip ties, several items of burglary equipment in a backpack, and made statements intending to kill

Justice Kavanaugh.

8. In response to these events, on June 16, 2022, Plaintiff submitted a PIA request to Defendant, by certified mail and email, seeking the following records:

All records including email communications (including emails, complete email chains, and email attachments), memoranda, draft memoranda, reports, investigative reports, incident reports and other communications maintained by the Montgomery County Police Department and / or communicated with any of the below listed agencies, or employees of those agencies concerning protests, demonstrations, marches, pickets, or gatherings at the Montgomery County dwellings of Supreme Court Chief Justice John G. Roberts Jr. and Justice Brett M. Kavanaugh.

- (1) The U.S. Marshals Service (domain usdoj.gov)
- (2) The Federal Bureau of Investigation (domain fbi.gov)
- (3) The Department of Justice (domain justice.gov)
- (4) Maryland State Police (domain maryland.gov)
- (5) Maryland Attorney General's Office (domain oag.state.md.gov)

9. That same day, June 16, 2022, Plaintiff received an email from Defendant confirming receipt of the request and assigning it internal number R015304-061622 for tracking purposes.

10. By email dated July 12, 2022, Defendant informed Plaintiff the agency is in the process of searching for responsive records and requested an additional 30 days to complete the request by August 15, 2022.

11. In response to a follow-up email on August 22, 2022, Defendant informed Plaintiff the records were with the county attorney for final review. Defendant did not provide a date the records would be made available or request any additional time under the Maryland PIA.

12. After several follow-up emails by Plaintiff on October 31, 2022, December 14, 2022, and February 6, 2023, Defendant again informed Plaintiff the records were with the county attorney pending final review. Defendant neither processed Plaintiff's request or otherwise

informed Plaintiff when the records would be made available.

13. In almost a year since the filing of Plaintiff's Maryland PIA request, Defendant has neither granted, denied, nor responded to Plaintiff's request in any substantive manner.

**COUNT I**  
**(Violation of PIA)**

14. Plaintiff realleges paragraphs 1 through 13 as if fully stated herein.

15. Defendant is withholding public records requested by Plaintiff.

16. Plaintiff is being irreparably harmed by Defendant's withholding of the requested public records, and Plaintiff will continue to be irreparably harmed unless Defendant is enjoined from withholding the requested public records.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) enjoin Defendant from withholding the public records requested by Plaintiff; (2) grant Plaintiff an award of reasonable counsel fees and other litigation costs incurred in this action pursuant to GP § 4-362(f); and (3) grant Plaintiff such other relief as the Court deems just and proper.

Dated: April 3, 2023

Respectfully submitted,

*s/ Eric W. Lee*

Eric W. Lee

MD Bar No. 1612140001

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