

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,)
 425 Third Street S.W., Suite 800)
 Washington, DC 20024,)
)
 Plaintiff,)
)
 v.)
)
 U.S. DEPARTMENT OF THE)
 TREASURY,)
 1500 Pennsylvania Avenue N.W.)
 Washington, DC 20220,)
)
 FEDERAL DEPOSIT INSURANCE)
 CORPORATION,)
 3501 North Fairfax Drive)
 Arlington, VA 22226,)
)
 BOARD OF GOVERNORS OF THE)
 FEDERAL RESERVE SYSTEM,)
 20th Street and Constitution Avenue N.W.)
 Washington, DC 20551,)
)
 Defendants.)
 _____)

Civil Action No.

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendants U.S. Department of the Treasury, Federal Deposit Insurance Corporation, and Board of Governors of the Federal Reserve System to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552. 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 S.W., 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 federal agencies pursuant to FOIA. Plaintiff analyzes the responses and disseminates 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 the Treasury is an agency of the United States Government and is headquartered at 1500 Pennsylvania Avenue N.W., Washington, DC 20220. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

5. Defendant Federal Deposit Insurance Corporation is an agency of the United States Government and is headquartered at 3501 North Fairfax Drive, Arlington, VA 22226. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

6. Defendant Board of Governors of the Federal Reserve System is an agency of the United States Government and is headquartered at 20th Street and Constitution Avenue N.W., Washington, DC 20551. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

7. On March 13, 2023, Plaintiff submitted a FOIA request to Treasury seeking access to:

Any and all records concerning, regarding, or relating to the systemic risk exception granted to Silicon Valley Bank. Such records include, but are not limited to, minutes, memoranda, and any communications between the Office of the Secretary and employees and/or representatives of Silicon Valley Bank.

Any and all records concerning, regarding, or relating to the systemic risk exception granted to Signature Bank. Such records include, but are not limited to, minutes, memoranda, and any communications between the Office of the Secretary and employees and/or representatives of Signature Bank.

8. Treasury acknowledged receipt of the request by letter dated March 20, 2023 and advised Plaintiff that the request was assigned tracking number 2023-FOIA-00295. Plaintiff has received no further response.

9. On March 13, 2023, Plaintiff submitted a FOIA request to the FDIC seeking access to:

Any and all records concerning, regarding, or relating to the systemic risk exception granted to Silicon Valley Bank. Such records include, but are not limited to, minutes, memoranda, and any communications between the FDIC and employees and/or representatives of Silicon Valley Bank.

Any and all records concerning, regarding, or relating to the systemic risk exception granted to Signature Bank. Such records include, but are not limited to, minutes, memoranda, and any communications between the FDIC and employees and/or representatives of Signature Bank.

10. The FDIC acknowledged receipt of the request by letter dated April 12, 2023 and advised Plaintiff it was invoking a 10-day extension pursuant to 5 U.S.C. § 552(a)(6)(B). The request was assigned tracking number 2023-FDIC-FOIA-00323. Plaintiff has received no further response.

11. On March 14, 2023, Plaintiff submitted a FOIA request to the Federal Reserve seeking access to:

Any and all records concerning, regarding, or relating to the systemic risk exception granted to Silicon Valley Bank. Such records include, but are not limited to, minutes, memoranda, and any communications between the Board and employees and/or representatives of Silicon Valley Bank.

Any and all records concerning, regarding, or relating to the systemic risk exception granted to Signature Bank. Such records include, but are not limited to, minutes,

memoranda, and any communications between the Board and employees and/or representatives of Signature Bank.

12. The Federal Reserve acknowledged receipt of the request by letter dated April 12, 2023 and advised Plaintiff it was invoking an extension for response to April 26, 2023 pursuant to section (a)(6)(B)(i) of the FOIA. The request was assigned tracking number FOIA-2023-00354. Plaintiff has received no further response.

COUNT I
(Violation of FOIA, 5 U.S.C. § 552)

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

14. Defendants are in violation of FOIA.

15. Plaintiff is being irreparably harmed by Defendants' violation of FOIA and will continue to be irreparably harmed unless Defendants are compelled to comply with it.

16. To trigger FOIA's administrative exhaustion requirement, Treasury was required to make a final determination on Plaintiff's request by April 10, 2023, the FDIC was required to make a final determination on Plaintiff's request by April 24, 2023, and the Federal Reserve was required to make a final determination on Plaintiff's request by April 26, 2023. Because Defendants failed to make a final determination on Plaintiff's FOIA 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 Defendants to conduct searches for any and all records responsive to Plaintiff's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests; (2) order Defendants to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA requests and *Vaughn* indices of any responsive records withheld under claim of exemption; (3) enjoin Defendants 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: April 27, 2023

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha (D.C. Bar No. 995749)
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