

**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,)	
)	Civil Action No.
v.)	
)	
U.S. DEPARTMENT OF THE)	
TREASURY,)	
1500 Pennsylvania Avenue, N.W.)	
Washington, DC 20220,)	
)	
Defendants.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of the Treasury 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.

STATEMENT OF FACTS

5. On March 14, 2023, Plaintiff submitted a FOIA request to the Financial Stability Oversight Council, a component of Defendant, seeking access to the following public records:

Any and all communications between FSOC and any employees/representatives of Silicon Valley Bank; and

Any and all communications between FSOC and any employees/representatives of Signature Bank.

6. FSOC acknowledged receipt of the request by letter dated March 15, 2023 and requested additional information for the records search. The request was assigned tracking number 2023-FOIA-00297.

7. By email dated April 18, 2023, Plaintiff amended the request with the following: “The timeframe for the records sought is January 1, 2023 to the present.”

8. By letter dated April 19, 2023, FSOC notified Plaintiff that no records were found responsive to the request.

9. By letter dated April 28, 2023, Plaintiff appealed the determination.

10. By letter dated May 5, 2023, Defendant reaffirmed the initial decision that no records were found responsive to the request.

11. On March 14, 2023, Plaintiff submitted a FOIA request to the Office of Financial Research, another component of Defendant, seeking access to the following public records:

Any and all records of communications between OFR and Silicon Valley Bank and/or Signature Bank. Of particular interest are records concerning, regarding, or relating to either the systemic status (or lack thereof) of either bank.

Any and all records of communications between OFR and the Federal Reserve, FDIC, and/or the Office of the Secretary of the Treasury concerning, regarding, or relating to the systemic status of Silicon Valley Bank and/or Signature Bank.

12. OFR acknowledged receipt of the request by letter dated March 15, 2023 and requested additional information for the records search. The request was assigned tracking number 2023-FOIA-00299.

13. By email dated April 18, 2023, Plaintiff amended the request with the following: “The timeframe for the records sought is January 1, 2023 to the present.” Plaintiff has received no further response.

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

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

15. Defendant is in violation of FOIA.

16. 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 it.

17. Because Defendant denied Plaintiff’s FSOC appeal, Plaintiff has exhausted its administrative remedies.

18. To trigger FOIA’s administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff’s request to OFR by May 16, 2023 at the latest. Because Defendant failed to make a final determination on Plaintiff’s FOIA request to OFR 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 requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA 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* indices 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: May 17, 2023

Respectfully submitted,

/s/ Michael Bekesha
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