

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 October 20, 2023, Plaintiff sent a FOIA request to the Office of the Information Programs and Services at the State Department, via the State Department's online FOIA portal, seeking access to the following public records:

1. All records regarding the meeting of Ambassador David Pressman with other ambassadors to Hungary on or about October 19, 2023. (For purposes of clarification, please see <https://www.szabadeuropa.hu/a/natonagykovet-svedorszag-orban-putyin-oroszország-usapressman/32645116.html>) This request includes, but is not limited to, all related briefing materials, notes, summaries, or other records created in preparation for, during, or after the meeting.

2. All cables/teletypes, emails, or other records of communication sent, received, or approved by Ambassador Pressman related to the following:

- The meeting described in part one of this request;
- The relationship between Prime Minister Orbán and President Putin;
- The meeting between Prime Minister Orbán; and President Putin on or about October 17, 2023

The time frame for the requested records was identified as "January 1, 2023 to the present."

6. By automated email that same day, October 20, 2023, the State Department acknowledged receiving Plaintiff's request and informed Plaintiff that the request had been assigned FOIA case number F-2024-00965.

7. As of the date of this Complaint, the State Department 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 request by November 20, 2023, at the latest. Because Defendant failed to make a final determination on Plaintiff's 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 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: February 26, 2024

Respectfully submitted,

/s/ Paul J. Orfanedes

Paul J. Orfanedes

D.C. Bar No. 429716

JUDICIAL WATCH, INC.

425 Third Street SW, Suite 800

Washington, DC 20024

Tel: (202) 646-5172

Email: porfanedes@judicialwatch.org

Counsel for Plaintiff