

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
<i>Plaintiff,</i>)	
v.)	Civil Action No.
)	
U.S. DEPARTMENT OF JUSTICE,)	
950 Pennsylvania Avenue NW)	
Washington, DC 20530)	
)	
<i>Defendant.</i>)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Justice 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. (“Plaintiff”) 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 Justice ("Justice Department" or "Defendant") is an agency of the U.S. Government headquartered at 950 Pennsylvania Avenue NW, Washington, DC 20530. The Justice Department has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On November 21, 2023, Plaintiff sent a FOIA request via web portal to the Justice Department seeking access to the following public records:

1. All emails and Lync system messages sent to and from the following FBI officials referencing social media posts and/or Facebook posts generated by Miami Field Office Special Agent Jeffrey Veltri: Director Christopher Wray, Deputy Director Paul Abbate, and/or Executive Assistant Director Jennifer Moore.

2. All communications, whether by email, text message, or the FBI Lync system between Director Wray, Dep. Director Abbate and/or EAD Jennifer Moore on the one hand and Miami FO Special Agent Veltri related to Donald Trump, social media posts, Facebook and/or political opinions.

The time frame for the requested records was identified as "November 1, 2022, to the present."

6. By automated email that same day, November 21, 2023, the Justice Department acknowledged receiving Plaintiff's request. Defendant informed Plaintiff by letter dated December 14, 2023, that the request had been assigned FOIA case number NFP-155164.

7. On December 7, 2023, the Federal Bureau of Investigation responded to

Plaintiff's Freedom of Information Act request and asserted that the request was "overbroad" and did not "provide enough detail to enable personnel to locate records 'with a reasonable amount of effort.'"

8. On December 14, 2023, Plaintiff submitted an appeal via web portal to the FBI. Plaintiff disagreed with the assertion that the request was "overbroad" because the request asked for a limited number of senior FBI officials for a limited time frame (one year) with a sufficiently narrow scope of request for which specific search terms, such as "Jeffrey Veltri" and "Trump" and "social media", could be used.

9. By automated email that same day, December 14, 2023, the Justice Department acknowledged receiving Plaintiff's administrative appeal and informed Plaintiff that the appeal had been assigned number A-2024-00487.

10. On March 26, 2024, Defendant informed Plaintiff via online portal that after considering the appeal, the Justice Department remanded Plaintiff's request to the Federal Bureau of Investigation for further consideration.

11. On April 1, 2024, the FBI acknowledged that Plaintiff's remanded appeal had been received. Furthermore, the FBI informed Plaintiff that the NFP number for the request had been converted into FOIA appeal number 1625414-000.

12. As of the date of this Complaint, the Justice 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)

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

14. Defendant is in violation of FOIA.

15. 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.

16. Plaintiff has no adequate remedy at law.

17. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's appeal by April 29, 2024, at the latest. Because Defendant failed to make a final determination on Plaintiff's appeal 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: September 25, 2024.

Respectfully submitted,

/s/ Jason B. Aldrich

Jason B. Aldrich

D.C. Bar No. 495488

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