

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

JUDICIAL WATCH, INC., )  
425 Third Street SW, Suite 800 )  
Washington, DC 20024, )  
 )  
Plaintiff, )  
v. )  
 )  
U.S. DEPARTMENT OF )  
HOMELAND SECURITY, )  
Office of the General Counsel )  
245 Murray Lane, SW )  
Mailstop 0485 )  
Washington, DC 20528-0485, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Action No.

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Homeland Security 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. 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 Homeland Security is an agency of the U.S. Government and is headquartered at 245 Murray Lane SW, Mailstop 0485, Washington, DC 20528. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On August 15, 2024, Plaintiff served a FOIA request by email on the U.S. Secret Service ("Secret Service"), a component of Defendant U.S. Department of Homeland Security, seeking records relating to a reported incident involving a U.S. Secret Service agent.

Specifically, the request seeks:

**1. All records related to a reported incident on August 15, 2024 in Asheville, North Carolina in which a Secret Service agent was found to be breast-feeding her child at a Trump campaign rally site in violation of Secret Service regulations, including but not limited to: All emails and text messages sent to and from members of President Trump's protective detail concerning the incident, as well as all USSS memoranda, reports, cables, directives and disciplinary records related to the incident.**

**2. All emails and text messages regarding the aforementioned incident sent to and from the following USSS officials: Acting Director Ronald Rowe, Chief Operating Officer Cynthia Radway, Asst. Dir. Michael Plati, Asst. Dir. Brian Lambert, Chief Human Capital Officer Denise Walker Hall, Asst. Dir. David Smith, Asst. Dir. Milton Wilson, Uniformed Division Chief Michael Buck, Chief Counsel Thomas Huse, and Chief of Communications Anthony Guglielmi.**

6. By a letter dated August 15, 2024, the Secret Service acknowledged receipt of Plaintiff's request and stated that the request had been assigned FOIA File No. 20241311. On August 22, 2024, the Secret Service denied Plaintiff's request, which Plaintiff promptly appealed. By a letter dated September 27, 2024, Defendant denied Plaintiff's appeal.

7. As of the date of this Complaint, the Secret Service has failed to 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. By denying Plaintiff's request and appeal, and by failing to provide the requested records, Defendant is in violation of FOIA.

10. 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 the law.

11. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably calculated to uncover all records responsive to the request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request 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 Plaintiff's FOIA 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: October 16, 2024

Respectfully submitted,

*/s/ James F. Peterson*

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*Counsel for Plaintiff*