

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

JUDICIAL WATCH, INC., )  
 425 Third Street S.W., Suite 800 )  
 Washington, D.C. 20024, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 U.S. AGENCY FOR INTERNATIONAL )  
 DEVELOPMENT )  
 1300 Pennsylvania Avenue, N.W. )  
 Washington, D.C. 20534, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Civil Action No.

**COMPLAINT**

1. Plaintiff Judicial Watch, Inc. brings this action against the U.S. Agency for International Development 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**

2. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

4. 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.”

5. Defendant U.S. Agency for International Development (“USAID”) is an agency of the U.S. Government headquartered at 1300 Pennsylvania Ave, N.W., Washington DC 20534.

USAID has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

#### **First FOIA Request**

6. On December 15, 2022, Plaintiff submitted a FOIA request to USAID, seeking access to the following:

**Records or communications of (1) Samantha Power, Administrator, USAID, (2) Colleen Allen, Assistant Administrator, USAID, (3) Sarah Charles, Assistant to the Administrator, USAID, (4) Reginald Mitchell, Chief Financial Officer, USAID (5) Erin Elizabeth Mckee, Assistant Administrator, Bureau for Europe and Eurasia, USAID and (5) John Voorhees, Director of Security, USAID, (6) Paloma Adams-Allen, Deputy Administrator for Management and Resources, USAID, regarding:**

**1) any reported allegations of sexual exploitation, abuse or trafficking of migrants fleeing Ukraine and / or receiving assistance from USAID inside Ukraine.**

**2) any third-party monitoring contractors or NGOs reporting potential fraud associated with USAID aid to Ukraine.**

**3) any reported allegations of Direct Cash Assistance Program fraud or attempts to conduct cash transactions in Russian Rubles associated with USAID aid to Ukraine.**

**4) any USAID-branded commodities appearing for sale in open markets or outside of response activities in Ukraine.**

The time frame for the request was identified as March 1, 2022, to the present.

7. By an email dated December 15, 2022, USAID acknowledged receiving the request and advised Plaintiff that the request had been assigned reference number F-00043-23. USAID’s email also asserted that the agency was invoking FOIA’s ten-day extension of time provision due to “unusual circumstances.”

#### **Second FOIA Request**

8. On June 8, 2023, Plaintiff submitted a FOIA request to USAID, seeking access to the following:

**1. Records of the U.S. Agency for International Development Contracting Office – U.S. Mission to Ukraine, including solicitations, requests for proposals, contracts, task orders, grants, purchase orders, work plans, periodic reports, close-out reports, statements of work, correspondence, memoranda, reports, meeting minutes, presentations, notes, videos, photographs or other form of record maintained regarding:**

**A. Contract Award ID: AID121C1700003 (Period of Performance: 06-14-2017 to 01/01/2024), to include any subcontract awards.**

**B. Solicitation ID: SOL-121-17-000002**

**C. Anti-Corruption Champion Institutions (SACCI) Activity in Ukraine**

**2. Communications, including emails, email chains, email attachments, text messages of a) Brian K. Woody, email address: bwoody@usaid.gov, b) Nathan Drury, email address: ndrury@usaid.gov, c) Marina Orlova, email address, morlova@usaid.gov, regarding:**

**A. Tracing assets of individuals connected to the war effort in Ukraine**

**B. Illegal diversion of USAID aid to Ukraine.**

**C. USAID commodities for sale on the black market in Ukraine, open markets outside of Ukraine, or on the Internet.**

**D. Reports of fraud and / or corruption concerning Ukrainian government officials; Ukrainian military; Ukrainian non-governmental organizations; or Ukrainian companies.**

**E. Human rights violations**

**F. Illicit sex trafficking**

The time frame for the request was identified as February 1, 2017, to the present.

9. By an email dated June 8, 2023, USAID acknowledged receiving the request and advised Plaintiff that the request had been assigned reference number F-00188-23. USAID's email also asserted that the agency was invoking FOIA's ten-day extension of time provision due to "unusual circumstances."

10. As of the date of this Complaint, USAID has failed to: (i) determine whether to comply with the requests; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; 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)**

11. Plaintiff realleges paragraphs 1 through 10 as if fully stated herein.

12. Defendant is in violation of FOIA.

13. 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.

14. Plaintiff has no adequate remedy at law.

15. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's First Request by January 31, 2023, and on Plaintiff's Second Request by July 24, 2023. Because Defendant failed to make final determinations on either of Plaintiff's 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 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 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 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 20, 2025

Respectfully submitted,

/s/ James F. Peterson  
JAMES F. PETERSON  
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*Attorney for Plaintiff*