

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

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|--------------------------------|---|------------------|
| JUDICIAL WATCH, INC., |) | |
| 425 Third Street SW, Suite 800 |) | |
| Washington, DC 20024, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. |
| |) | |
| v. |) | |
| |) | |
| U.S. DEPARTMENT OF EDUCATION, |) | |
| 400 Maryland Avenue, S.W. |) | |
| Washington, D.C. 20202, |) | |
| |) | |
| Defendant. |) | |
| |) | |

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Education 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 non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business 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 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 Education ("Department of Education") is an agency of the U.S. Government and is headquartered at 400 Maryland Avenue, S.W., Washington, D.C. 20202. Defendant has possession, custody, and control of public records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On June 4, 2025, Plaintiff submitted a FOIA request to the Department of Education seeking access to the following public records:

- 1. All reports, analyses, forms, or similar records documenting, reporting, or analyzing any funding received by the University of Michigan from the government of the People's Republic of China, the Chinese Communist Party, any Chinese national, or any entity controlled by the government of the People's Republic of China, the Chinese Communist Party, or any Chinese national. This request includes, but is not limited to, any such records created or received by the Department pursuant to section 117 of the Higher Education Act of 1965.**
- 2. All records of communication between any official or employee of the Department of Education and any official or employee of the Department of Justice or any component thereof regarding the University of Michigan's Molecular Plant-Microbe Interaction Laboratory and Working Group, or any administrator, faculty member, employee, or student affiliated with the laboratory or working group.**

Plaintiff identified the time frame for this request as January 1, 2020 to the present.

6. The Department of Education acknowledged receipt of Plaintiff's request by email dated June 4, 2025, and advised Plaintiff the request had been assigned FOIA request No. 25-03922-F.

7. By letter dated June 5, 2025, the Department of Education advised Plaintiff that it required additional information regarding the second element of the request and asked Plaintiff to “provide offices, custodians, email domains and keywords to locate the requested records.”

8. By email dated June 12, 2025, Plaintiff responded to the Department of Education’s request for clarification narrowing the scope of part two of the request to include only the following officials:

- Secretary McMahon
- Chief of Staff Oglesby
- White House Liaison Warzoha
- International Affairs Office Director Hong
- General Counsel Wheeler
- The Deputy General Counsel for Postsecondary Education
- Office of Postsecondary Education Assistant Secretary Bergeron
- International and Foreign Language Education Senior Director Gibbs

9. By email dated June 13, 2025, the Department of Education reported the request as updated to “In Process” status.

10. By letter dated July 17, 2025, the Department of Education advised Plaintiff that the request was still being processed.

11. Plaintiff has received no further communication from the Department of Education regarding the request.

12. As of the date of this Complaint, the Department of Education 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; 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 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 request by July 3, 2025 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 a search 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 Plaintiff's FOIA 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: November 7, 2025

Respectfully submitted,

/s/ Lauren M. Burke
Lauren M. Burke
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