

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
U.S. DEPARTMENT OF COMMERCE,)	
1401 Constitution Avenue NW)	
Washington, DC 20230,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Commerce to compel compliance with the Freedom of Information Act. 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, accountability, 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 responses and

disseminates 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 Commerce is an agency of the United States Government. Defendant Commerce has possession, custody, and control of records to which Plaintiff seeks access. Defendant Commerce is headquartered at 1401 Constitution Avenue NW, Washington, DC 20230.

STATEMENT OF FACTS

5. On August 27, 2024, an environmental organization asked the National Oceanic and Atmospheric Administration to investigate published reports that Robert F. Kennedy Jr. collected and transported the severed head of a whale carcass, possibly violating various laws. *See, e.g.* Rebecca Davis O’Brien, N.Y. TIMES, “Robert F. Kennedy Jr. Sawed the Head Off a Whale and Drove It Home, Daughter Says” (Aug. 27, 2024).

6. On October 29, 2024, Plaintiff submitted a FOIA request to the National Oceanic and Atmospheric Administration (“NOAA”), a component of Defendant Commerce, seeking access to the following records:

1. All emails relating to Robert F. Kennedy, Jr. purportedly transporting a whale head from Massachusetts to New York sent to and from the following officials: Under Secretary of Commerce Richard W. Spinrad; Chief of Staff Karen Hyun; Deputy Chief of Staff Michael Weiss; Chief Scientist Dr. Sarah Kapnick; Deputy Under Secretary for Operations VADM Nancy Hann; and General Counsel Walker Smith.
2. All records related to the purported transportation of a whale head by Robert F. Kenney, Jr from Massachusetts to New York, including but not limited to, complaints, incident reports, investigative reports, memoranda, witness statements, and investigators’ notes.

The time frame of the request was identified as “August 1, 2024 to the present.”

7. By letter dated October 30, 2024, NOAA acknowledged receipt of Plaintiff's request on October 29, 2024 and assigned it tracking number "DOC-NOAA-2025-000100." NOAA also invoked FOIA's 10-day extension of time provision for "unusual circumstances."

8. As of the date of this Complaint, NOAA 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)

9. Plaintiff realleges paragraphs 1 through 8 as if fully stated herein.

10. Defendant is in violation of FOIA.

11. 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 it.

12. Plaintiff has no adequate remedy at law.

13. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by December 12, 2024, 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 request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's requests; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's requests and *Vaughn* indices of any responsive records withheld

under claim of exemption; (3) enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiff's requests; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action; and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: January 28, 2026

Respectfully submitted,

/s/ James F. Peterson

James F. Peterson

D.C. Bar No. 450171

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