**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 DEFENSE,
1400 Defense Pentagon
Washington, DC 202301

Defendant.

## COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against the U.S. Department of Defense 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), 5 U.S.C. § 552a(g)(1)(d) 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. Judicial Watch, Inc. seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. Using public records laws like FOIA, it regularly requests records from federal agencies,

analyzes the agencies' responses and any responsive records it receives, and disseminates both its findings and the requested records to the public to inform Americans about "what their government is up to."

4. Defendant U.S. Department of Defense is an agency of the United States government and is headquartered at 1400 Defense Pentagon, Washington, D.C. 20301. The National Security Agency ("NSA"), a component of Defendant, has possession, custody, and control of records to which Plaintiffs seek access.

## STATEMENT OF FACTS

5. On February 25, 2025, investigative journalist Christopher Rufo published a report about NSA employees using two channels on an internal government messaging system known as Intelink to discuss sexually explicit, non-mission related subjects. *See* Christohper F. Rufo and Hannah Grossman, *The NSA's Secret Sex Chats* (Feb. 25, 2025) (available at https://christopherrufo.com/p/the-nsas-secret-sex-chats).

6. That same day, February 25, 2025, Plaintiff submitted a FOIA request to NSA seeking access to the following records:

> Copies of all the contents of the chat room discussions in the LGBTQ+ and IC_Pride_TWG channels carried on on the NSA's Intelink platform.

The time frame of the request was identified as "January 2025 to the present."

7. By letter dated March 25, 2025, NSA acknowledged receipt of the request and informed Plaintiff that the request had been assigned Case Number 120236.

8. As of the date of this Complaint, the NSA has failed to (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records it intends to produce or withhold and the reasons

for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

**COUNT I**
**(Violation of FOIA, 5 U.S.C. § 552)**

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 the law.

12. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by April 22, 2025 at the latest. Because Defendant failed to make a final determination on Plaintiff's FOIA 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 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 *Vaughn* indices 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: July 17, 2025 Respectfully submitted,

*/s/ Paul J. Orfanedes*
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