

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

JUDICIAL WATCH, INC.,	)	
425 Third Street S.W., Suite 800	)	
Washington, DC 20024,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	
U.S. DEPARTMENT OF JUSTICE,	)	
950 Pennsylvania Avenue N.W.	)	
Washington, DC 20530-0001,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Justice to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552. 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. (“Plaintiff”) 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 Justice is an agency of the United States Government and is headquartered at 950 Pennsylvania Avenue N.W., Washington, DC 20530-0001. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On December 24, 2022, Plaintiff submitted a FOIA request to the Federal Bureau of Investigation (“FBI”), a component of Defendant, seeking access to:

1. All records documenting any payments made to Twitter, Inc. and/or any employee thereof by the Federal Bureau of Investigation. This request includes, but is not limited to, all related purchase orders, expense requests and approvals, and similar records.
2. All contracts or similar records documenting the purpose or basis of any payment described in part one of this request.

The time frame for this request was identified as “January 1, 2016 to the present.”

6. By letter dated January 12, 2023, the FBI acknowledged receiving Plaintiff’s request, and advised Plaintiff that it had assigned the request tracking number FOIPA Request No. 1577893-000.

7. By letter dated January 30, 2023, the FBI advised Plaintiff that it could “neither confirm nor deny the existence of records responsive to your request pursuant to FOIA Exemption (b)(7)(E) [U.S.C.§552 (b)(7)(E)].”

8. On February 7, 2023, Plaintiff submitted an administrative appeal.

9. Later that same day, Defendant’s Office of Information Policy (“OIP”) acknowledged receipt of the administrative appeal and advised Plaintiff that the appeal was assigned tracking number A-2023-00733.

10. By letter dated May 16, 2023, OIP informed Plaintiff that, after carefully considering Plaintiff's appeal and "as a result of discussions between FBI personnel and [OIP]," it had remanded Plaintiff's request to the FBI for further review. Plaintiff has received no further response from the FBI.

11. As of the date of this Complaint, the FBI has failed to (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; or (ii) notify Plaintiff of the scope of any responsive records they intend to produce or withhold and the reasons for any withholdings.

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

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

13. Defendant is in violation of FOIA.

14. Plaintiff is being irreparably harmed by Defendant's violation of FOIA and will continue to be irreparably harmed unless Defendant is compelled to comply with it.

15. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's appeal to the FBI by June 14, 2023. Because Defendant failed to comply with 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 requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA requests 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 requests; (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 10, 2023

Respectfully submitted,

/s/ Kathryn Blankenberg

Kathryn Blankenberg

D.C. Bar No. 1781777

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