

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

JUDICIAL WATCH, INC.,	)	
425 Third Street SW, Suite 800	)	
Washington, DC 20024,	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	Civil Action No.
	)	
OFFICE OF THE DIRECTOR OF	)	
NATIONAL INTELLIGENCE,	)	
Washington, DC 20511,	)	
	)	
<i>Defendant.</i>	)	
_____	)	

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant Office of the Director of National Intelligence (“ODNI”) 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 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."

4. Defendant Office of the Director of National Intelligence is an agency of the U.S. Government headquartered in Washington, DC 20511. ODNI has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On May 9, 2023, Plaintiff sent a FOIA request to the Office of the Director of the National Intelligence ("ODNI") seeking access to the following:

Records and communications of the National Counterterrorism Center . . . regarding the Foreign Malign Influence Center, including:

1. Organizational chart
2. Position description of full-time employees and contractors
3. Annual budget
4. Communications with Twitter @twitter.com, Facebook @facebook.com, Meta @meta.com, TikTok @tiktok.com, Reddit @reddit.com, YouTube @YouTube.com, Instagram @instagram.com, concerning "foreign influence operations," "misinformation," and "disinformation."
5. Policies, procedures, standard operating procedures, and strategic plans
6. Working groups established with governmental, non-governmental organizations, or private entities.

The time frame for the requested records was identified as "June 1, 2022, to the present."

6. By letter dated June 1, 2023, ODNI acknowledged receiving the request on May 10, 2023 and stated that it had assigned the request tracking number DF-2023-00186. The acknowledgement invoked FOIA's 10-day extension of time provision, citing the request's purported "complexity."

7. As of the date of this Complaint, ODNI 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)**

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.

9. Defendant is in violation of FOIA.

10. 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.

11. Plaintiff has no adequate remedy at law.

12. To trigger FOIA's administrative exhaustion requirement, Defendant ODNI was required to make a final determination on Plaintiff's request by June 23, 2023 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 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: October 2, 2023

Respectfully submitted,

*Jason B. Aldrich*

Jason B. Aldrich

D.C. Bar No. 495488

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