

Jessica C. Reynolds (#015884)
Reynolds Law Firm, PLLC
700 E. Baseline Rd., Ste. A-2
Tempe, AZ 85283
Telephone: (602) 253-6141
Facsimile: (602) 865-7064
jessica@reynoldsazlaw.com

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

DENNIS BOATNER, an individual,

Plaintiff.

Vs.

NATIONAL PERSONNEL RECORDS
CENTER, an Agency of the United States
Government

1 Archives Drive
St. Louis, MO 63138-1002

Defendant.

) Case No.

) **COMPLAINT FOR INJUNCTIVE AND
OTHER APPROPRIATE RELIEF
UNDER 5 U.S.C. 552**

COMPLAINT FOR INJUNCTIVE RELIEF

1. This action under the Freedom of Information Act, 5 U.S.C. 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly

1 withheld from Plaintiff, Dennis Boatner (“Boatner”), by the National Personal Records Center
2 (“NPRC”).

3
4 **Jurisdiction and Venue**

5 2. This Court has both subject matter jurisdiction over this action and personal
6 jurisdiction over the parties pursuant to 5 U.S.C. 552(a)(4)(B). This court also has jurisdiction
7 over this action pursuant to 28 U.S.C. 1331. Venue lies in this district under 5 U.S.C. 552
8 (a)(4)(B).

9
10 3. Boatner resides in Pinal County Arizona and is the parent of Jeremy Daniel
11 Boatner (“Jeremy”) who passed away on June 11, 2013. Jeremy served in the United States
12 Navy, having undergone rhinoplasty surgery through the Veteran’s Administration (“VA”)
13 hospital while stationed in San Diego sometime in 1995.

14
15 **Government Agencies’ Acquisition of**

16 **Private Sector Personal Information**

17
18 4. Questions have been raised since Jeremy’s death and about the surgery that took
19 place on or around 1995. Boatner attempted to obtain Jeremy’s surgical records from the mid
20 1990’s as well as any and all autopsy reports completed in June of 2013. The VA directed
21 Boatner to NPRC same.

22
23 **Plaintiff’s FOIA Requests and Defendants’ Failure to Respond**

24 5. By Separate Correspondence to NPRC dated June 24 and 26, 2014 Boatner
25 submitted Freedom of Information Act (“FOIA”) requests for all medical records for Jeremy
26

1 withheld from Plaintiff, Dennis Boatner (“Boatner”), by the National Personal Records Center
2 (“NPRC”).
3

4 Jurisdiction and Venue

5 2. This Court has both subject matter jurisdiction over this action and personal
6 jurisdiction over the parties pursuant to 5 U.S.C. 552(a)(4)(B). This court also has jurisdiction
7 over this action pursuant to 28 U.S.C. 1331. Venue lies in this district under 5 U.S.C. 552
8 (a)(4)(B).
9

10 3. Boatner resides in Maricopa County Arizona and is the parent of Jeremy Daniel
11 Boatner (“Jeremy”) who passed away on June 11, 2013. Jeremy served in the United States
12 Navy, having undergone rhinoplasty surgery through the Veteran’s Administration (“VA”)
13 hospital while stationed in San Diego sometime in 1995.
14

15 Government Agencies’ Acquisition of

16 Private Sector Personal Information

17
18 4. Questions have been raised since Jeremy’s death and about the surgery that took
19 place on or around 1995. Boatner attempted to obtain Jeremy’s surgical records from the mid
20 1990’s as well as any and all autopsy reports completed in June of 2013. The VA directed
21 Boatner to NPRC same.
22

23 Plaintiff’s FOIA Requests and Defendants’ Failure to Respond

24 5. By Separate Correspondence to NPRC dated June 24 and 26, 2014 Boatner
25 submitted Freedom of Information Act (“FOIA”) requests for all medical records for Jeremy
26

1 while treated in the Navy in the Mid Nineties as well as any and all autopsy reports completed in
2 June of 2013 from the VA.

3
4 6. Boatner's initial request made on June 24, 2014 and was denied for lack of
5 adequate information supplied by Boatner; however, Boatner supplied the additional
6 information on June 26, 2014.

7
8 7. NPRC failed to respond to Boatner's follow – up request on June 26, 2014.

9
10 8. On October 15, 2014, undersigned counsel sent follow-up correspondence with
11 records of all requests made to NPRC via certified mail. NPRC ignored the correspondence.

12
13 9. The October 15, 2014 correspondence which enclosed copies of all previous
14 requests is attached and incorporated herein as Boatner's Exhibit "1".

15
16 **Defendant's NPRC Failure to Timely Comply with Plaintiff's Request**

17
18 10. To date, Defendant NPRC has not provided the records requested by Boatner in
19 his FOIA requests and undersigned counsel's follow-up correspondence, notwithstanding the
20 FOIA's requirement of an agency response within twenty (20) working days.

21
22 11. Boatner has exhausted the applicable administrative remedies with respect to his
23 FOIA request to NPRC.

24
25 12. The NPRC is under the direction of the National Archives Records
26 Administration; both are agencies of the United States Government.

WHEREFORE, Boatner prays that this Court:

