

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

JASON LEOPOLD,)
6824 Lexington Avenue)
Los Angeles, CA 90038)
)
BUZZFEED INC.,)
111 East 18th Street, 13th Floor)
New York, NY 10003)
)
Plaintiffs,)
)
v.)
)
U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Ave NW)
Washington, DC 20530)
)
Defendant.)

COMPLAINT

1. Plaintiffs, JASON LEOPOLD and BUZZFEED INC., bring this Freedom of Information Act suit to force Defendant U.S. DEPARTMENT OF JUSTICE to produce former U.S. Attorney John Bash’s report from an investigation into whether Obama-era officials improperly requested the identities of individuals whose names were redacted in intelligence documents. Mr. Bash submitted this report to the former Attorney General William Barr in October 2020. In violation of the Freedom of Information Act, DOJ has failed to produce the records promptly and has failed to provide an estimated completion date.

PARTIES

2. Plaintiffs JASON LEOPOLD and BUZZFEED INC. are members of the media and made the FOIA requests at issue in this case.

3. Defendant U.S. DEPARTMENT OF JUSTICE (“DOJ”) is a federal agency and subject to the Freedom of Information Act, 5 U.S.C. § 552.

4. Defendant U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”) is a federal agency and subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

5. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

6. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

FEBRUARY 20, 2021, FOIA REQUEST

7. On February 20, 2021, Plaintiffs submitted the following request to DOJ:

[1] A copy of the report delivered to former Attorney General William Barr by US Attorney John Bash who probed whether Obama administration officials improperly requested the identities of individuals whose names were redacted in intelligence documents. Mr. Bash, who has since left the DOJ, delivered his report to Mr. Barr late last year and concluded his review without recommending criminal charges or finding any substantive wrongdoing; [and]

[2] All records, such as text messages, emails, letters, talking points, from the Office of the Attorney General, the Deputy Attorney General, Associate Attorney General and the Office of Public Affairs mentioning or referring to Mr. Bash’s completed report. Please be sure that the search for responsive records include any emails and text messages sent and received by officials in these offices to and from the Executive Office of the President and the domains who.eop.gov and eop.gov.

Exhibit 1.

8. On March 15, 2021, DOJ acknowledged receipt of the request, assigned reference number FOIA-2021-00799 to the matter, and extended the time limit to respond “beyond the ten additional days” because the “request falls within ‘unusual circumstances’ *See* 5 U.S.C. § (a)(6)(B)(I)-(iii) (2018).” Exhibit 2.

9. On April 12, 2021, Plaintiffs requested an estimated date of completion for the request. Exhibit 3.

10. On April 12, 2021, DOJ stated that the search is “currently ongoing” and is “difficult to provide any sort of accurate estimate at this time.” Exhibit 4.

11. DOJ further indicated that the search will be completed in “six months” and once the search is completed, it should be “able to provide a more accurate estimate of the time needed to complete” the processing of the request. *Id.*

12. As of the date of this Complaint, DOJ has not complied with FOIA and have produced no records responsive to the requests. Nor has DOJ complied with the statutory requirement under 5 U.S.C. § 552(a)(7)(B)(ii) to furnish an estimated completion date when requested.

COUNT I – DOJ’S FOIA VIOLATION: FAILURE TO ISSUE A DETERMINATION OR PRODUCE RECORDS

13. The above paragraphs are incorporated herein.

14. The requests seek the disclosure of agency records and were properly made.

15. DOJ is a federal agency and subject to FOIA.

16. The requested records are not exempt under FOIA.

17. DOJ has failed to issue a determination within twenty business days or produce the records responsive to the request as soon as practicable.

WHEREFORE, Plaintiffs ask the Court to:

- if. declare that DOJ has violated FOIA;
- ii. order DOJ to conduct a reasonable search for records and to produce the requested records;
- iii. enjoin DOJ from withholding non-exempt public records under FOIA;
- iv. award Plaintiffs attorneys’ fees and costs; and
- v. award such other relief the Court considers appropriate.

Dated: April 14, 2021

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorney for Plaintiffs
JASON LEOPOLD,
BUZZFEED INC.

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