

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

Harrisonburg Division

JUL 09 2021

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

Case No. 5:21-cv-00050
(to be filled in by the Clerk's Office)

John Osborne Crandell III

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

U.S. Department of Commerce Economic
Development Administration and in individual
capacities, Mr. Christopher Anderson and
Mr. Andrew R. Fiddes

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	John Osborne Crandell III
Street Address	160 Capon Springs Grade
City and County	Star Tannery
State and Zip Code	VA
Telephone Number	(540) 622-4321
E-mail Address	johncrandell@live.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	U.S. Dept. of Commerce, Economic Development Administration
Job or Title (<i>if known</i>)	Philadelphia Regional Office
Street Address	Robert N.C. Nix Federal Building, 900 Market Street, Room 602
City and County	Philadelphia, Philadelphia County
State and Zip Code	Pennsylvania 19107
Telephone Number	215-597-4603
E-mail Address (<i>if known</i>)	Linda Cruz Carnall, Regional Director: LCruz-Carnall@eda.gov

Defendant No. 2

Name	Christopher Anderson
Job or Title (<i>if known</i>)	Regional Counsel
Street Address	Robert N.C. Nix Federal Building, 900 Market Street, Room 602
City and County	Philadelphia, Philadelphia County
State and Zip Code	Pennsylvania 19107
Telephone Number	(215) 597-7896
E-mail Address (<i>if known</i>)	CAnderson@eda.gov

Defendant No. 3

Name	Andrew Fiddes
Job or Title (<i>if known</i>)	Deputy Regional Freedom of Information Act Officer
Street Address	Robert N.C. Nix Federal Building, 900 Market Street, Room 602
City and County	Philadelphia, Philadelphia County
State and Zip Code	Pennsylvania 19107
Telephone Number	(404)730-3031
E-mail Address (<i>if known</i>)	afiddes@eda.gov

Defendant No. 4

Name	_____
Job or Title (<i>if known</i>)	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____

E-mail Address *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question
- Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

THE FREEDOM OF INFORMATION ACT, 5 U.S.C. § 552t, violation in conspiracy to obstruct production of evidenciary documents of Major Fraud of the U.S. Governement.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of _____.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

the State of (name) _____ . Or is a citizen of
(foreign nation) _____ .

b. If the defendant is a corporation

The defendant, (name) _____ , is incorporated under
the laws of the State of (name) _____ , and has its
principal place of business in the State of (name) _____ .
Or is incorporated under the laws of (foreign nation) _____ ,
and has its principal place of business in (name) _____ .

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Amount in controversy may include the full potential amount of damages and expenses in the related cases which are compromised by the defendant's FOIA violations and misrepresentations, which continues to accrue, as well as the expense of Appeals for FOIA compliance and the instant action, currently estimated to be in excess of \$1,100,000.00

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Events in correspondence between plaintiff and defendants at the addresses stated above.

B. What date and approximate time did the events giving rise to your claim(s) occur?

Correspondence actions pursuant to claims occurred between the dates of December 5, 2017 and October 30, 2020. The plaintiff has submitted complaint by e-mail address FOIA@oig on May 28, 2021 and, on receiving no confirming response, a printed copy by certified mail on June 7, 2021 to U.S. Department of Commerce, Office of the Inspector General, Office of Counsel, Room 7898C, 1401 Constitution Avenue NW, Washington, DC 20230. Having not received any response whatsoever, the plaintiff has exhausted administrative remedy with the Economic Development Authority.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

In a well documented series of Freedom of Information Act requests and related communications, the plaintiff has been supplied self-contradictory, misleading, and evasive responses regarding the availability of requested contract documents of Economic Development Administration (EDA) grant project 01-01-03226 and related matters. The plaintiff alleges that the EDA Regional Counsel, as the entity most responsible for oversight, enforcement of grant contracts and prevention of fraud in government contracts in the pursuant EDA region, due to conflict of interest issues, was not an appropriate FOIA respondent in a request for information that was already known to that respondent to be related to suspected Major Fraud of the U.S. Government, as this required the same person to provide proof of his own offices failure of professional performance. Subsequent FOIA requests answered by Freedom of Information Act Officer Andrew Finnes have been incomplete and related correspondences have been evasive and unresponsive.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The inappropriate, untruthful, and incomplete responses to FOIA requests have compromised criminal complaint to the U.S. Attorney for Northern District of West Virginia and to the Attorney General for the Department of Commerce regarding fraud in EDA project 01-01-03226, which has also negatively impacted the plaintiffs qui tam civil action (2:18-CV-124). The same violations of legitimate FOIA responses continue to negatively impact justice in ongoing civil action (2:18-CV-87), where plaintiff seeks remedy for extortive usurpation of rights of property and violation of contract resulting from actions the plaintiff alleges to have been motivated by intent to perpetuate the concealment of facts related to conspiracy to commit Major Fraud Against the United States, 18 U.S. Code § 1031 pursuant to EDA grant project number 01-01-03226 (see BACKGROUND in 2:18-CV-87, ECF No. 147). This BACKGROUND evidences Major Fraud Against the Government, Filing of False Instruments, Obstruction of Justice and civil contract violations harming the plaintiff occurred between 1995-2013, while pursuant harms of extortive abuse of power and violation of rights of property harming the plaintiff began in 2017 and are ongoing. The coincidental Obstructions of Justice by the defendants, the evasion of due FOIA response, and the unresponsiveness and untruthfulness in answer to Freedom of Information Act Appeal and Complaint in the instant case have compromised the plaintiff's ability to seek justice in the all of the above named cases and have thus compounded those extensive harms upon the plaintiff. (see Attachment A)

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The plaintiff seeks relief in the form of Injunction and/or Writ of Mandamus to command:

1. truthful corrective response to previously misleadingly answered FOIA request PRO 18-12;
2. completion of response to FOIA request PRO 20-34;
3. response to additional FIOA request item conveyed to FOIA officer Andrew Finnes in letter of July 29, 2020;
4. alternative responses as described in letter to FOIA officer Andrew Fiddes in letter of October 30, 2020;
5. preservation of all materials pursuant to this complaint; and JURY TRIAL for additional adjudication of
6. compensation for financial losses due to pursuant delays in justice and ongoing harms;
7. compensation of court costs and legal expenses pursuant to this complaint, and;
8. punitive damages against the individual defendants sufficient to discourage future violations of FOIA, misrepresentations, and Obstruction of Justice in Major Fraud of the Government and in civil matters, which are inherently not official actions, to the extent that any pursuant criminal proceedings are not adequately punitive;

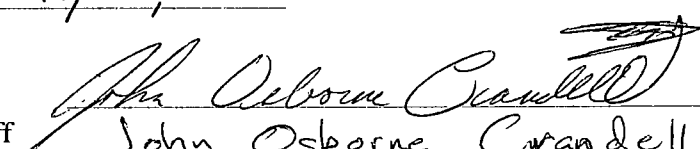
VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 7, 2021

Signature of Plaintiff 
Printed Name of Plaintiff John Osborne Crandell III

B. For Attorneys

Date of signing: _____

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address
