

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
U.S. SECURITIES AND EXCHANGE)	
COMMISSION,)	
100 F Street NE)	
Washington, DC 20549,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Securities and Exchange Commission 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 non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. As part of its educational mission, Plaintiff regularly requests records under FOIA to shed light on the operations of the

federal government agencies and to educate the public about these operations. Plaintiff then analyzes the agency records and disseminates the results to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Securities and Exchange Commission (SEC) is an agency of the U.S. Government and is headquartered at 100 F Street NE, Washington, DC 20549. Defendant has possession, custody, and control of public records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On August 5, 2021 Plaintiff served a FOIA request to the SEC by email at foia@sec.gov seeking access to the following:

1. The transcript of the hearing, deposition, or proceeding that took place on January 4, 2006 in *In the Matter of Entrade, Inc.*
2. All exhibits marked or introduced at the January 4, 2006 hearing, deposition, or proceeding in *In the Matter of Entrade, Inc.*
3. The transcript or other record of any interview of or testimony by Mr. Armando Camarena, including any exhibits, in *In the Matter of Entrade, Inc.*
4. The transcript or other record of any interview of or testimony by Mr. Corey Schlossman, including any exhibits, in *In the Matter of Entrade, Inc.*

6. The request identified the case number in which the hearing and interviews took place, *In the Matter of Entrade, Inc.*, SEC File No. HO-10340, and attached as an exhibit to the request was an order issued by the SEC initiating the investigation and authorizing SEC officers to subpoena witnesses and take evidence, among other authorizations.

7. On August 6, 2021 the SEC acknowledged receipt of Plaintiff’s request by email. Plaintiff was further advised that its request had been assigned file number 21-02501-FOIA.

8. As of the date of this Complaint, the SEC 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)

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

10. Defendant is in violation of FOIA.

11. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

12. Plaintiff has no adequate remedy at law.

13. To trigger FOIA's administrative exhaustion requirement, Defendant SEC was required to make a final determination on Plaintiff's request by September 3, 2021 at the latest.

14. Because Defendant has 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 search 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 the request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's 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 the 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 26, 2021

Respectfully submitted,

/s/ Paul J. Orfanedes

PAUL J. ORFANEDES

D.C. Bar No. 429716

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