

disseminates its findings and any records to the American public to inform them about “what their government is up to.”

4. Defendant is an agency of the United States Government. Defendant has possession, custody, and control of records to which Plaintiff seeks access. Defendant is headquartered at 20th Street and Constitution Avenue NW, Washington, DC 20551.

STATEMENT OF FACTS

5. On October 19, 2021, Plaintiff submitted a FOIA request to the Office of the Secretary of the Board of Governors of the Federal Reserve System via their electronic submission system seeking access to the following:

1. All letters, memoranda, or other guidance from the Fed Board to any Fed Regional Bank pertaining to Community Development, Community Affairs or the Community Reinvestment Act that were created or generated between January 1, 2014, and the present.

2. All letters, memoranda, or other guidance created or generated by the Fed Board between January 1, 2014, and the present pertaining to Community Development, Community Affairs, or the Community Reinvestment Act.

6. By email on October 19, 2021, Defendant confirmed receipt of Plaintiff’s request. Plaintiff was advised that its request had been assigned tracking number FOIA-2022-00106.

7. As of the date of this Complaint, the Board of Governors of the Federal Reserve System 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 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 was required to make a final determination on Plaintiff's request by November 17, 2021 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 search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably calculated to uncover all records responsive to the 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 attorney's 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: January 7, 2022

Respectfully submitted,

/s/ Ramona R. Cotca
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