

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN ACCOUNTABILITY )  
FOUNDATION, )  
300 Independence Avenue SE )  
Washington, DC 20003 )  
) )  
*Plaintiff,* )  
) )  
v. )  
) )  
U.S. DEPARTMENT OF HEALTH AND )  
HUMAN SERVICES, )  
200 Independence Avenue, S.W. )  
Washington, DC 20201 )  
) )  
*Defendant.* )  
\_\_\_\_\_ )

Civil Action No.

**COMPLAINT**

The U.S. Department of Health and Human Services (“HHS”) has withheld records that the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, requires Defendant to release to Plaintiff. Accordingly, Plaintiff American Accountability Foundation files this complaint seeking declaratory and injunctive relief to compel HHS’s compliance with the requirements of FOIA to release the requested records.

**JURISDICTION AND VENUE**

1. This 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 5 U.S.C. § 552(a)(4)(B) and 8 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff American Accountability Foundation is a public interest non-profit organization, organized under the laws of Delaware with its principal place of business at 300 Independence Ave. SE, Washington, DC 20003. Founded in 2020, American Accountability Foundation investigates and reports on bureaucratic overreach that impacts constitutional liberties. American Accountability Foundation's activities include review of federal actions that have potential for corruption, misuse of public assets, and abuse of public trust.

4. HHS is a Department of the United States Government, which is headquartered at 200 Independence Ave. SW, Washington, D.C. 20201.

5. HHS has possession, custody, and control of the requested records and is subject to the jurisdiction of 5 U.S.C. § 552(f)

**STATEMENT OF FACTS**

6. Family Endeavors, Inc. obtained a contract to provide housing to immigrant families arrested at the southern border.

7. Family Endeavors, Inc. commenced work on the contract on March 17, 2021.

8. The senior officers for Family Endeavors, Inc. includes Andrew Lorenzen-Strait.

9. Andrew Lorenzen-Strait's bio states that he started work with Family Endeavors, Inc. since early 2020.

10. Andrew Lorenzen-Strait was also employed by the Biden transition team until January 20, 2021, the day President Biden was sworn in.

11. Thus, while working with Family Endeavors, Inc. Andrew Lorenzen-Strait was also employed by the Biden Transition Team.

12. On information and belief, Andrew Lorenzen-Strait inappropriately communicated regarding his current position with Family Endeavors, Inc. while still employed by the Biden transition team.

13. On information and belief, Andrew Lorenzen-Strait used his position with the Federal Government to obtain a contract for the housing of immigrants in non-government housing for Family Endeavors, Inc., his future employer.

14. On information and belief Andrew Lorenzen-Strait communicated with various members of HHS with whom he worked directly and which communication may have been outside of appropriate channels to obtain the immigrant housing contract for Family Endeavors, Inc.

15. On information and belief Family Endeavors, Inc. may have offered Andrew Lorenzen-Strait and others positions of lucrative employment in return for securing the lucrative housing contract.

16. On information and belief there may have been a quid pro quo between members of HHS and Family Endeavors, Inc.

17. On information and belief, the actions of Family Endeavors, Inc. and HHS appears to constitute improper self-dealing.

18. On information and belief, HHS has retained records relating to these contracts and communications.

19. On information and belief HHS retained records include copies of electronic communications which may have been illegal or a improper.

20. These records are a matter of public information subject to the Freedom of Information Act.

21. These records are covered by the FOIA request submitted by Plaintiff to Defendants.

#### Plaintiff's FOIA Requests

22. On April 27, 2021, Plaintiff submitted a FOIA request to HHS.

23. Plaintiff's FOIA request requested copies emails from specific people and subjects relevant to Family Endeavors, Inc. obtaining the contract to house immigrant families. A true, accurate, and complete copy of the FOIA request is attached hereto as Exhibit A.

24. HHS did not timely respond to Plaintiff's FOIA request.

25. Months later, on October 14, 2021, HHS responded by stating that it acknowledged the April 27, 2021 request and requesting clarification.

26. Plaintiff provided the requested clarification.

27. On January 27, 2022, Plaintiff requested a status update.

28. On January 28, 2022, HHS responded to Plaintiff's request for an update stating that it had 5,700 pages of responsive material.

29. To date HHS has not turned over any responsive documents.

30. To date HHS has not issued any formal response on the FOIA requests.

The Defendant Fails to Comply with Either FOIA Request

31. To date, Plaintiff has received no responsive documents for either request.

32. The HHS has acknowledged the receipt the FOIA request than twenty working days ago, and it therefore appears to have failed to comply with 5 U.S.C. § 552(a)(6)(A)(i).

33. Even in the face of documents acknowledged to exist HHS has failed to produce even a single page of responsive materials.

34. Plaintiff has exhausted the applicable administrative remedies with respect to its FOIA requests.

35. The HHS has wrongfully withheld the requested records from Plaintiff.

**CLAIMS FOR RELIEF**

**First Cause of Action**

Injunction Requiring a Formal Response

36. Plaintiff served a FOIA requests on HHS according to the requirements of 5 U.S.C. § 552(a)(6)(A).

37. HHS acknowledged the FOIA request but failed to comply with the statutory requirement that HHS formally state whether it would comply with or deny the requests.

38. HHS did not properly request an extension for unusual circumstances.

39. Even treating HHS's response as a request for extension under unusual circumstances HHS failed to comply with the deadline for a formal response under unusual circumstances under 5 U.S.C. § 552(a)(6)(B)(i).

40. HHS has currently not issued a final response to either FOIA request and has not produced any documents responsive to either FOIA request.
41. Thus, Plaintiff is entitled to injunctive relief ordering HHS to provide a formal response either agreeing to comply with each respective request or denying each request, along with the legal basis for such a denial if any.

### **Second Cause of Action**

#### **Injunction Requiring Production of Responsive Documents**

42. On information and belief, HHS is in possession of responsive documents which it is legally obligated to turn over in response to Plaintiff's FOIA requests.
43. HHS has not provided any legal justification for failing to turn over these responsive documents.
44. Plaintiff is entitled to receive copies of these documents under 5 U.S.C. § 552(a)(4)(B).
45. Thus, Plaintiff is entitled to injunctive relief ordering HHS to turn over copies of responsive documents.

### **Third Cause of Action**

#### **Attorney Fees**

46. 5 U.S.C. § 552(a)(4)(E) authorizes the Court to award attorney fees and other litigation costs incurred in any case brought under this section if the complainant substantially prevails.

47. Plaintiff is entitled to be a prevailing party under the controlling law and on that basis requests an award of attorney fees and other costs associated with this action.

**DEMAND FOR RELIEF**

Plaintiff respectfully asks that this Court:

- A. Order the Defendant to issue a final decision on both FOIA requests at issue here.
- B. To the degree that responsive documents are in the possession of Defendant, order the Defendant to disclose by a date certain the requested records in their entireties and make copies available to Plaintiff.
- C. Enjoin Defendant from continuing to withhold all non-exempt records responsive to Plaintiff's FOIA requests.
- D. Award Plaintiff its costs and reasonable attorney fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- E. Grant such other relief as the Court may deem just and proper.

Dated: March 30, 2022

Respectfully submitted,

/s/ Charles Burnham

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