

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN ACCOUNTABILITY)
FOUNDATION,)
300 Independence Avenue, SE)
Washington, DC 20003)

Plaintiff,)

v.)

Civil Action No. 22-1735

U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Avenue, NW)
Washington, DC 20530)

Defendant.)

_____)

COMPLAINT

Plaintiff American Accountability Foundation (“AAF”) brings this action against Defendant Department of Justice (“DOJ”), and its components the Federal Bureau of Prisons (“BOP”) and U.S. Marshals Service (“USMS”), to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action and DOJ pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, this Court may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

2. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

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

4. DOJ is an agency of the federal government within the meaning of 5 U.S.C. § 552(f), and has possession and control of the records AAF seeks. DOJ is headquartered at 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.

5. BOP is a component of DOJ and has possession and control of the records AAF seeks.

6. USMS is a component of DOJ and has possession and control of the records AAF seeks.

STATEMENT OF FACTS

I. Executive Order 14019

7. President Joseph Biden signed Executive Order 14019 (EO 14019) on March 7, 2021.

8. EO 14019 orders all 600 Federal agencies to submit a strategic plan within 200 days of the order detailing how the agency will help increase voter registration and voter participation.

9. More than 200 days have passed since the order was issued. Thus, DOJ, along with its components BOP and USMS, are required to have submitted a strategic plan explaining the steps each will take to increase voter registration and voter participation.

10. EO 14019's requirements were likely heavily influenced by outside organizations.

11. For instance, far-left entity Demos seeks to federalize elections and expand the reach of DOJ's Civil Rights Division ("CRT"). Indeed, EO 14019 follows a similar proposal that Demos published.¹

12. And, beyond the fact that EO 14019 tracked Demos's proposal, Demos has deep ties to the Biden Administration, where President Biden has named former Demos President K. Sabeel Rahman and former Demos Legal Strategies Director Chiraag Bains to White House posts that oversee election-related initiatives.

13. Moreover, Demos has stated publicly that it works to influence decisionmakers within agencies across the federal government, stating that it "[o]rganized agency-based working groups and met with the staff in these agencies to provide technical expertise as they developed their initial voter registration plans, to ensure those plans reflect the knowledge and priorities of various agency stakeholders."²

¹ *Executive Action to Advance Democracy: What the Biden-Harris Administration and the Agencies Can Do to Build a More Inclusive Democracy*, DEMOS (Dec. 3, 2020), <https://tinyurl.com/y757zzdd>.

² *On the Anniversary of Bloody Sunday, a Look at President Biden's Voting Access Executive Order*, DEMOS (Mar. 7, 2022), <https://tinyurl.com/tc2rc597>.

14. Demos has also stated that it “[d]eveloped research and resources to assist and advance agency efforts to implement robust voter registration opportunities, including a slide deck explainer of the agencies’ potential for impact, best practices for conducting voter registration at federal agencies, and recommendations for modernizing and improving the accessibility of Vote.gov[.]”³

15. Accordingly, it is clear that Demos—and likely other similar organizations—are providing input and advice to agencies of the Federal Government, which is being used to implement EO 14019.

16. Indeed, Demos acknowledged that it has been privy to the documents and decisions of the Agencies, and that it has been involved in the process and plans for implementing EO 14019.⁴

17. Indeed, given its deep contacts within the current administration, it is likely that Demos communicated with various DOJ staff outside appropriate channels to influence the policy-making process. This undoubtedly includes Demos communicating with DOJ’s staff regarding voter registration.

18. At the very least, such communications are likely to have involved Demos staff members Laura Williamson and Pamela Cataldo.

³ *Id.*

⁴ *On the Anniversary of Bloody Sunday, a Look at President Biden’s Voting Access Executive Order*, DEMOS (Mar. 7, 2022), <https://tinyurl.com/tc2rc597>.

II. Plaintiff's FOIA Requests

19. To better understand the role outside organizations played in developing and implementing EO 14019, AAF submitted a series of FOIA requests to DOJ.⁵

20. As relevant here, Plaintiffs requested calendar entries for various DOJ employees.

21. Specifically, AAF sought such records involving nearly 30 DOJ employees. Rather than combine all of these employees into a single large FOIA request, AAF separated them into separate FOIA requests, with one request submitted for each DOJ employee's calendar entries.

22. As set forth below, to date, DOJ has not provided a substantive response to any of these requests.

Request No. FOIA-2022-00205 (Main Justice)

23. On October 26, 2021, AAF submitted a FOIA request for copies of Attorney General Garland's calendar entries. *See* Ex. A.

24. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See* Ex. B. Additionally, this letter stated that DOJ "will conduct a comprehensive records search" to locate responsive records. *Id.*

⁵ In addition to the requests identified in this Complaint, AAF is contemporaneously filing two separate complaints that seek additional records regarding DOJ's implementation of EO 14019, including one complaint that addresses DOJ's failure to respond to several FOIA requests seeking communications between DOJ officials and various third parties, and another complaint that addresses DOJ's failure to respond to requests for records detailing the implementation of EO 14019.

25. Since then, AAF has not received any further response from DOJ.

Request No. FOIA-2022-00200 (Main Justice)

26. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Rachel Appleton's calendar entries. *See Ex. C.*

27. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See Ex. B.* Additionally, this letter stated that DOJ "will conduct a comprehensive records search" to locate responsive records. *Id.*

28. Since then, AAF has not received any further response from DOJ.

Request No. FOIA-2022-00201 (Main Justice)

29. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Wintta Woldemariam's calendar entries. *See Ex. D.*

30. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See Ex. B.* Additionally, this letter stated that DOJ "will conduct a comprehensive records search" to locate responsive records. *Id.*

31. Since then, AAF has not received any further response from DOJ.

Request No. FOIA-2022-00198 (Main Justice)

32. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Christina Calce's calendar entries. *See Ex. E.*

33. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See Ex. B.*

Additionally, this letter stated that DOJ “will conduct a comprehensive records search” to locate responsive records. *Id.*

34. Since then, AAF has not received any further response from DOJ.

Request No. FOIA-2022-00202 (Main Justice)

35. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Ricki Seidman’s calendar entries. *See Ex. F.*

36. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See Ex. B.* Additionally, this letter stated that DOJ “will conduct a comprehensive records search” to locate responsive records. *Id.*

37. Since then, AAF has not received any further response from DOJ.

Request No. FOIA-2022-00206 (Main Justice)

38. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Matthew Klapper’s calendar entries. *See Ex. G.*

39. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See Ex. B.* Additionally, this letter stated that DOJ “will conduct a comprehensive records search” to locate responsive records. *Id.*

40. Since then, AAF has not received any further response from DOJ.

Request No. FOIA-2022-00207 (Main Justice)

41. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Kate Heinzelman’s calendar entries. *See Ex. H.*

42. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See* Ex. B. Additionally, this letter stated that DOJ “will conduct a comprehensive records search” to locate responsive records. *Id.*

43. Since then, AAF has not received any further response from DOJ.

Request No. FOIA-2022-00199 (Main Justice)

44. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Joseph Gaeta’s calendar entries. *See* Ex. I.

45. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See* Ex. B. Additionally, this letter stated that DOJ “will conduct a comprehensive records search” to locate responsive records. *Id.*

46. Since then, AAF has not received any further response from DOJ.

Request No. FOIA-2022-00203 (Main Justice)

47. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Vanita Gupta’s calendar entries. *See* Ex. K.

48. On November 1, 2021, DOJ sent a letter to AAF acknowledging receipt of the FOIA request and consolidating it with several other requests. *See* Ex. B. Additionally, this letter stated that DOJ “will conduct a comprehensive records search” to locate responsive records. *Id.*

49. Since then, AAF has not received any further response from DOJ.

Request No. CRM-301681743 (Criminal Division)

50. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee John Keller's calendar entries. *See* Ex. L.

51. On November 4, 2022, DOJ's Criminal Division responded by stating that the request did "not reasonably describe[]" the requested records. Ex. M.

52. In that letter, DOJ invited AAF to provide more information to "reformulat[e] ... your request." *Id.*

53. That same week, an AAF representative spoke with a representative of the Criminal Division's FOIA office regarding the scope of the request.

54. Shortly thereafter, on December 16, 2021, the Criminal Division sent a letter to AAF acknowledging receipt of the October 26, 2021 FOIA request. *See* Ex. N.

55. After hearing nothing further, on March 8, 2022, AAF contacted the Criminal Division to request a status update on this FOIA request. That same day, DOJ responded, stating that the request was still being processed, and that it would likely be approximately 800 more days before processing is completed. *See* Ex. O.

56. Since then, AAF has not received any further response from DOJ.

Request No. 22-00086-F (CRT)

57. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Kristen Clarke's calendar entries. *See* Ex. P.

58. On November 30, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. Q.

59. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See* Ex. R.

60. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

61. Since then, AAF has not received any further response from DOJ.

Request No. 22-00091-F (CRT)

62. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Johnathan Smith’s calendar entries. *See* Ex. S.

63. On November 30, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. T.

64. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See* Ex. U.

65. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

66. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See* Ex. V.

67. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

68. On January 20, 2022, AAF responded to DOJ's follow-up questions with additional information about prioritization and scope. *See id.*

69. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

70. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

71. Since then, AAF has not received any further response from DOJ.

Request No. 22-00098-F (CRT)

72. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Pamela Karlan's calendar entries. *See Ex. Y.*

73. On December 3, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. Z.*

74. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

75. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

76. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See* Ex. V.

77. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See* Ex. W.

78. On January 20, 2022, AAF responded to DOJ's follow-up questions with additional information about prioritization and scope. *See id.*

79. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See* Ex. X.

80. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

81. Since then, AAF has not received any further response from DOJ.

Request No. 22-00093-F (CRT)

82. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Camille Legore-Traore's calendar entries. *See* Ex. AA.

83. On November 30, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. BB.

84. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See* Ex. U.

85. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

86. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

87. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

88. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

89. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

90. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

91. Since then, AAF has not received any further response from DOJ.

Request No. 22-00092-F (CRT)

92. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Gregory Friel’s calendar entries. *See Ex. CC.*

93. On November 30, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. DD.*

94. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

95. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

96. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

97. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

98. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

99. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

100. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

101. Since then, AAF has not received any further response from DOJ.

Request No. 22-00089-F (CRT)

102. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Megan Marks' calendar entries. *See Ex. EE.*

103. On November 30, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. FF.*

104. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

105. But the Civil Rights Division further stated that it was "not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity." *Id.*

106. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

107. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

108. On January 20, 2022, AAF responded to DOJ's follow-up questions with additional information about prioritization and scope. *See id.*

109. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

110. On March 8, 2022, DOJ responded by stating that it is "unable to provide a time table for the ... request[.]" But DOJ stated that it had "submitted the requests

to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

111. Since then, AAF has not received any further response from DOJ.

Request No. 22-00087-F (CRT)

112. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Eileen O’Connor’s calendar entries. *See* Ex. GG.

113. On November 30, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. HH.

114. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See* Ex. U.

115. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

116. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See* Ex. V.

117. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See* Ex. W.

118. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

119. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See* Ex. X.

120. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

121. Since then, AAF has not received any further response from DOJ.

Request No. 22-00088-F (CRT)

122. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Rachel Evans’ calendar entries. *See* Ex. II.

123. On November 30, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. JJ.

124. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See* Ex. U.

125. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

126. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See* Ex. V.

127. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

128. On January 20, 2022, AAF responded to DOJ's follow-up questions with additional information about prioritization and scope. *See id.*

129. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

130. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

131. Since then, AAF has not received any further response from DOJ.

Request No. 22-00080-F (CRT)

132. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Patricia L. Stasco's calendar entries. *See Ex. KK.*

133. On November 30, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. LL.*

134. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

135. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

136. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See* Ex. V.

137. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See* Ex. W.

138. On January 20, 2022, AAF responded to DOJ's follow-up questions with additional information about prioritization and scope. *See id.*

139. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See* Ex. X.

140. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

141. Since then, AAF has not received any further response from DOJ.

Request No. 22-00079-F (CRT)

142. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Christian Herren's calendar entries. *See* Ex. MM.

143. On November 30, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. NN.

144. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See* Ex. U.

145. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

146. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

147. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

148. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

149. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

150. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

151. Since then, AAF has not received any further response from DOJ.

Request No. 22-00083-F (CRT)

152. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Rebecca Wertz’s calendar entries. *See Ex. OO.*

153. On November 30, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. PP.*

154. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

155. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

156. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

157. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

158. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

159. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

160. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

161. Since then, AAF has not received any further response from DOJ.

Request No. 22-00078-F (CRT)

162. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Robert Berman's calendar entries. *See Ex. QQ.*

163. On November 30, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. RR.*

164. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

165. But the Civil Rights Division further stated that it was "not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity." *Id.*

166. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

167. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

168. On January 20, 2022, AAF responded to DOJ's follow-up questions with additional information about prioritization and scope. *See id.*

169. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

170. On March 8, 2022, DOJ responded by stating that it is "unable to provide a time table for the ... request[.]" But DOJ stated that it had "submitted the requests

to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

171. Since then, AAF has not received any further response from DOJ.

Request No. 22-00084-F (CRT)

172. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Richard Dellheim’s calendar entries. *See* Ex. SS.

173. On November 30, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. TT.

174. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See* Ex. U.

175. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

176. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See* Ex. V.

177. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See* Ex. W.

178. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

179. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See* Ex. X.

180. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

181. Since then, AAF has not received any further response from DOJ.

Request No. 22-00081-F (CRT)

182. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee John (Bert) Russ’ calendar entries. *See* Ex. UU.

183. On November 30, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. VV.

184. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See* Ex. U.

185. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

186. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See* Ex. V.

187. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

188. On January 20, 2022, AAF responded to DOJ's follow-up questions with additional information about prioritization and scope. *See id.*

189. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

190. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

191. Since then, AAF has not received any further response from DOJ.

Request No. 22-00085-F (CRT)

192. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Timothy Mellett's calendar entries. *See Ex. WW.*

193. On November 30, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. XX.*

194. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

195. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

196. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See* Ex. V.

197. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See* Ex. W.

198. On January 20, 2022, AAF responded to DOJ's follow-up questions with additional information about prioritization and scope. *See id.*

199. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See* Ex. X.

200. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

201. Since then, AAF has not received any further response from DOJ.

Request No. 22-00090-F (CRT)

202. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Jasmyn Richardson's calendar entries. *See* Ex. YY.

203. On November 30, 2021, DOJ's Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See* Ex. ZZ.

204. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See* Ex. U.

205. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

206. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

207. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

208. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

209. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

210. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

211. Since then, AAF has not received any further response from DOJ.

Request No. 22-00034-F (CRT)

212. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Elizabeth Ryan’s calendar entries. *See Ex. AAA.*

213. On November 3, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. BBB.*

214. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

215. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

216. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

217. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

218. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

219. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

220. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

221. Since then, AAF has not received any further response from DOJ.

Request No. 22-00035-F (CRT)

222. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Daniel Freeman’s calendar entries. *See Ex. CCC.*

223. On November 4, 2021, DOJ’s Civil Rights Division sent AAF a letter acknowledging receipt of this FOIA request. *See Ex. DDD.*

224. On January 11, 2022, the Civil Rights Division sent AAF a letter stating that this request, as several others, failed to describe the requested records sufficiently. *See Ex. U.*

225. But the Civil Rights Division further stated that it was “not denying you access to particular records at this time, but requesting that you identify particular records with greater specificity.” *Id.*

226. On January 17, 2022, AAF responded by providing further details about the scope of the request, including proposed key words for DOJ to use when conducting searches. *See Ex. V.*

227. On January 19, 2022, DOJ responded with additional questions about the scope of the request. *See Ex. W.*

228. On January 20, 2022, AAF responded to DOJ’s follow-up questions with additional information about prioritization and scope. *See id.*

229. After hearing nothing further in response to this request, AAF requested a status update from DOJ on March 7, 2022. *See Ex. X.*

230. On March 8, 2022, DOJ responded by stating that it is “unable to provide a time table for the ... request[.]” But DOJ stated that it had “submitted the requests

to our IT department to conduct a search of all material” and that “[w]e are awaiting results.” *Id.*

231. Since then, AAF has not received any further response from DOJ.

Request No. 2022-00527 (BOP)

232. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Michael Carvajal’s calendar entries. *See Ex. EEE.*

233. On October 28, 2021, BOP responded acknowledging receipt of this FOIA request. *See Ex. FFF.* In that response, BOP granted AAF’s request for expedited processing. *See id.*

234. Since then, AAF has not received any further response from DOJ

Request No. 2022-00527 (BOP)

235. On October 26, 2021, AAF submitted a FOIA request for copies of DOJ employee Ken Hyle’s calendar entries. *See Ex. GGG.*

236. On October 28, 2021, BOP responded acknowledging receipt of this FOIA request. *See Ex. FFF.* In that response, BOP granted AAF’s request for expedited processing. *See id.*

237. Since then, AAF has not received any further response from DOJ

COUNT I
Violation of FOIA, 5 U.S.C. § 552

238. AAF incorporates the allegations contained in the foregoing paragraphs as if set forth fully herein.

239. DOJ is an agency of the federal government within the meaning of 5 U.S.C. § 552(f).

240. AAF submitted the above-enumerated FOIA requests to DOJ according to the requirements of 5 U.S.C. § 552(a)(6)(A).

241. Each request complied with all applicable statutes and regulations.

242. The requested records are under DOJ's custody and control.

243. The requested records are not exempt from FOIA pursuant to 5 U.S.C. § 552(b).

244. DOJ has failed to conduct reasonable searches for responsive records.

245. DOJ has further failed to respond to AAF's request within the statutory time-period. *See* 5 U.S.C. § 552(a)(6).

246. Accordingly, AAF has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

247. And, by failing to release all segregable, responsive, non-exempt records, DOJ has violated FOIA. *See* 5 U.S.C. § 552(a)(3)(A).

248. Thus, AAF is entitled to injunctive relief ordering DOJ 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.

PRAYER FOR RELIEF

WHEREFORE, AAF respectfully requests that this Court:

A. Declare that the records sought by the requests, as described in the foregoing paragraphs, must be disclosed pursuant to 5 U.S.C. § 552.

B. Order DOJ to conduct searches immediately for all records responsive to requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records.

C. Order the Department to produce by a date certain all non-exempt records responsive to the requests.

D. Award attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E).

E. Grant the AAF such other and further relief as this Court deems proper.

June 16, 2022

Respectfully submitted,

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**Pro hac vice motion forthcoming*

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