

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
URBANA DIVISION**

**EDGAR COUNTY WATCHDOGS,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **U.S. ARMY CORPS OF ENGINEERS,** )  
 )  
 **Defendant.** )

**COMPLAINT**

1. Plaintiff EDGAR COUNTY WATCHDOGS brings this suit to force Defendant U.S. ARMY CORPS OF ENGINEERS to comply with Plaintiff’s Freedom of Information Act request for records pertaining to marinas in Lake Shelbyville. In violation of FOIA, Defendant has failed to issue a determination, has failed to produce records responsive to the requests, and has failed to provide estimated date of completion for the request.

**PARTIES**

2. Plaintiff EDGAR COUNTY WATCHDOGS, INC. (“ECW”) is a 501(c)(4) News Media Organization and is located in Edgar County, IL. ECW made the FOIA request at issue in this case.

3. Defendant U.S. ARMY CORPS OF ENGINEERS (“USACE”) is a federal agency, a component of U.S. ARMY, and subject to the Freedom of Information Act, 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

4. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

**JUNE 29, 2022 FOIA REQUEST**

6. On July 12, 2022, ECW submitted a FOIA request to USACE for the following records:

[1] A copy of all current contracts/agreements/leases issued for marinas to operate on Lake Shelbyville in Shelby County;

[2] A copy of all requests for bids published for the operations of marinas on Lake Shelbyville in Shelby County, Illinois; [and]

[3] A copy of all bids received pertaining to the operations of marinas on Lake Shelbyville in Shelby County, Illinois;

A true and correct copy of the FOIA request is attached as Exhibit 1.

7. On July 22, 2022, and July 25, 2022, ECW asked USACE to confirm receipt of the FOIA request. A true and correct copies of the emails are attached as Exhibit 2.

8. On July 25, 2022, USACE stated that the FOIA request “has been received” and “is being forwarded to the Chicago district office.” A true and correct copy of USACE’s email is attached as Exhibit 3.

9. On September 7, 2022, ECW asked USACE to provide an estimated date of completion for the request. A true and correct copy of the email correspondence is attached as Exhibit 4.

10. On September 12, 2022, USACE stated that it is “following up” with the Chicago Office to learn the status of the request.

11. As of the date of this filing, USACE has not provided ECW with a status update nor an estimated date of completion for the request.

12. As of the date of this filing, USACE has not issued a determination and has produced no records responsive to this request. Nor has USACE complied with the statutory

requirement under 5 U.S.C. § 552(a)(7)(B)(ii) to furnish an estimated date of completion when requested.

**COUNT I – JUNE 29, 2022 FOIA REQUEST  
USACE’S FOIA VIOLATION: FAILURE TO ISSUE A DETERMINATION**

13. The above paragraphs are incorporated by reference.

14. Plaintiff ECW’s FOIA request seeks the disclosure of agency records and was properly made.

15. Defendant USACE is a federal agency subject to FOIA.

16. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.

17. Defendant USACE has failed to issue a determination within the statutory deadline.

**COUNT II – JUNE 29, 2022 FOIA REQUEST  
USACE’S FOIA VIOLATION: FAILURE TO CONDUCT A REASONABLE SEARCH**

18. The above paragraphs are incorporated by reference.

19. Plaintiff ECW’s FOIA request seeks the disclosure of agency records and was properly made.

20. Defendant USACE is a federal agency subject to FOIA.

21. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.

22. Defendant USACE has failed to conduct a reasonable search for records responsive to the request.

**COUNT III – JUNE 29, 2022 FOIA REQUEST  
USACE’S FOIA VIOLATION: FAILURE TO PRODUCE RECORDS**

23. The above paragraphs are incorporated by reference.

24. Plaintiff ECW's FOIA request seeks the disclosure of agency records and was properly made.

25. Defendant USACE is a federal agency subject to FOIA.

26. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.

27. Defendant USACE has failed to produce records responsive to the request.

**WHEREFORE**, ECW asks the Court to:

- i. declare that Defendant has violated FOIA;
- ii. order Defendant to conduct a reasonable search for records responsive to the requests;
- iii. order Defendant to produce all non-exempt requested records or portions of records promptly;
- iv. enjoin Defendant from withholding non-exempt public records under FOIA;
- v. award Plaintiff attorneys' fees and costs; and
- vi. award such other relief the Court considers appropriate.

Dated: November 11, 2022

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

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EDGAR COUNTY WATCHDOGS

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