

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

KARL BAKER,)
)
 Plaintiff,)
)
 v.)
)
 U.S. DEPARTMENT OF STATE,)
 2201 C Street, N.W.,)
 HST, Room 6421,)
 Washington, D.C. 20520)
)
 Defendant.)

COMPLAINT

1. Plaintiff KARL BAKER brings this suit to force Defendant U.S. DEPARTMENT OF STATE to comply with Plaintiff’s FOIA request for records referencing Hunter Biden’s visit to Mexico City in April 2013, during which time, according to the local news reports, he met with then-U.S. Ambassador Anthony Wayne, as well as several leading business figures in Mexico. In violation of FOIA, Defendant has failed to issue a determination and has failed to produce records responsive to the request.

PARTIES

2. Plaintiff KARL BAKER is a member of the news media and made the FOIA request at issue in this case.

3. Defendant U.S. DEPARTMENT OF STATE (“DOS”) is a federal agency 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).

FEBRUARY 7, 2022 FOIA REQUEST

6. On February 7, 2022, BAKER submitted a FOIA request to DOS for “all emails sent to or from staff at the United States Embassy in Mexico City between April 1, 2013 and April 30, 2013 that include the terms(s) ‘Hunter Biden’ and/or ‘Hunter’ and/or ‘Robert Biden’ and/or “vice president’s son’ and/or ‘VP’s son’” and “then-Ambassador Anthony Wayne’s public calendar for the month of April 2013.” For the email portion of the request, BAKER asked DOS to provide the “entirety of email threads which the individual responding emails are part of, even if the complete thread was sent or received outside of the date range specified.” A true and correct copy of DOS acknowledgement of receipt that quotes the FOIA Request is attached as Exhibit 1.

7. DOS assigned reference number F-2022-04564 to the request.

8. On August 24, 2022, BAKER sought a status update for the request. A true and correct copy of the email correspondence is attached as Exhibit 2.

9. On August 29, 2022, DOS stated that the request “remains in process.” *Id.*

10. On September 12, 2022, BAKER sought an estimated date of completion for the request. A true and correct copy of the email correspondence is attached as Exhibit 3.

11. On September 14, 2022, DOS stated that it is “working diligently to provide an estimated date of completion.” *Id.*

12. On September 26, 2022, BAKER appealed DOS’ constructive denial of the request. A true and correct copy of the appeal is attached as Exhibit 4.

13. On October 13, 2022, DOS stated that the request remains “in process” and has an estimated date of completion of “August 30, 2024.” A true and correct copy of the email correspondence is attached as Exhibit 3.

14. As of the date of this filing, DOS has not issued a determination and has produced no records responsive to this request.

**COUNT I – FEBRUARY 7, 2022 FOIA REQUEST,
DOS’ FOIA VIOLATION: FAILURE TO ISSUE A DETERMINATION**

15. The above paragraphs are incorporated by reference.

16. BAKER’s FOIA request seeks the disclosure of agency records and was properly made.

17. Defendant DOS is a federal agency subject to FOIA.

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

19. Defendant DOS has failed to issue a determination within the statutory deadline.

**COUNT II – FEBRUARY 7, 2022 FOIA REQUEST,
DOS’ FOIA VIOLATION: FAILURE TO CONDUCT A REASONABLE SEARCH**

20. The above paragraphs are incorporated by reference.

21. BAKER’s FOIA request seeks the disclosure of agency records and was properly made.

22. Defendant DOS is a federal agency subject to FOIA.

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

24. Defendant DOS has failed to conduct a reasonable search for records responsive to the request.

**COUNT III – FEBRUARY 7, 2022 FOIA REQUEST,
DOS’ FOIA VIOLATION: FAILURE TO PRODUCE RECORDS**

25. The above paragraphs are incorporated by reference.

26. BAKER's FOIA request seeks the disclosure of agency records and was properly made.
27. Defendant DOS is a federal agency subject to FOIA.
28. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.
29. Defendant DOS has failed to produce records responsive to the request.

WHEREFORE, BAKER asks the Court to:

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

Dated: January 9, 2023

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

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