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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN HOLM; KRISTIN HOLM,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION;
U.S. DEPARTMENT OF JUSTICE,

Defendants.

Case No.

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF FOR VIOLATION
OF THE FREEDOM OF INFORMATION
ACT, 5 U.S.C. § 552

1 Plaintiffs Brian Nordbjerg Holm (“Mr. Holm”), an individual, and Kristin Chapin Holm
2 (“Mrs. Holm”), an individual, respectfully submit this Complaint for declaratory and injunctive
3 relief alleging that Defendants Federal Bureau of Investigation (“FBI”) and U.S. Department of
4 Justice (“DOJ”) have violated the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*,
5 and ordering them to promptly comply with the law.

6 **I. INTRODUCTION**

7 1. Beginning in May 2022, Mr. and Mrs. Holm filed multiple FOIA requests with
8 Defendant FBI seeking the release of unredacted documents concerning an investigation
9 conducted by Defendant FBI between July 2020 and May 2022.

10 2. Although some of the Defendants have acknowledged receipt of those requests,
11 not a single document has been produced—or the reason for such withholding—as required by
12 law.

13 3. “Disclosure, not secrecy, is the dominant objective” of the Freedom of
14 Information Act, *Dep’t of Interior v. Klamath Water Users Protective Ass’n*, 532 U.S. 1, 8 (2001)
15 (internal quotation marks and citations omitted), and the Act “focuses on the citizens’ right to be
16 informed about ‘what their government is up to.’” *D.O.J. v. Reporters Comm. for Freedom of the*
17 *Press*, 489 U.S. 749, 750, 773 (1989) (citation omitted).

18 4. Defendant FBI agreed to produce the requested records, but contends it will take
19 67 months to do so. Such delays violate the purpose of FOIA. *See Brennan Ctr. for Just. at*
20 *New York Univ. Sch. of L. v. United States Dep’t of Just.*, No. CV 18-1860 (RDM), 2021 WL
21 2711765, at *7 (D.D.C. July 1, 2021) (“[FOIA’s] statutory goals—efficient, *prompt*, and full
22 disclosure of information— can be frustrated by agency actions that operate to delay the ultimate
23 resolution of the disclosure request.”) (emphasis in original) (citing *Senate of Puerto Rico ex rel.*
24 *Judiciary Comm. v. U.S. Dep’t of Just.*, 823 F.2d 574, 580 (D.C. Cir. 1987)).

25 5. Because Defendants have violated their duties under federal law, Mr. and Mrs.
26 Holm now request that this Court order Defendants to promptly comply, enjoin them from
27 further inaction, and reimburse their legal fees and costs incurred as a result.

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II. PARTIES

6. Plaintiffs Brian Holm and Kristin Holm are Washington residents who currently reside in Buckley.

7. Defendant FBI is a federal agency within the meaning of 5 U.S.C. § 552(f) and component of Defendant DOJ, tasked with domestic intelligence and security and serves as the principal law enforcement agency of the United States. Mr. and Mrs. Holm are informed and believe that Defendant FBI has possession and control of the records sought by the pertinent requests.

8. Defendant DOJ is a federal agency within the meaning of 5 U.S.C. § 552(f) and is a department of the federal government tasked with enforcement of federal law and administration of justice for the United States. Mr. and Mrs. Holm are informed and believe that the DOJ has possession and control of the records sought by the pertinent requests by virtue of its control over Defendant FBI.

III. JURISDICTION

9. This Court has subject-matter jurisdiction over this action and personal jurisdiction over the parties under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

IV. VENUE

10. Venue lies properly in this Court pursuant to 5 U.S.C. § 552(a)(4)(B) because Mr. and Mrs. Holm reside in this judicial district. Furthermore, venue is proper under 28 U.S.C. § 1391 because their requests and communications were initiated by them from Buckley, Washington, and therefore, a substantial part of the events giving rise to the claim occurred in this judicial district.

V. FACTS

Mr. and Mrs. Holm's FOIA Requests

11. Beginning in May 2022, Mr. and Mrs. Holm made FOIA requests to obtain records regarding an FBI investigation.

12. Mr. and Mrs. Holm resubmitted their FOIA request multiple times in order to have it accepted by Defendant FBI.

1 13. On August 30, 2022, Defendant FBI informed Mr. and Mrs. Holm that it located
2 approximately 746 pages of potentially responsive records in response to their Freedom of
3 Information /Privacy Acts (“FOIPA”) request, number 1555217-000. *See Exhibit A.* Defendant
4 FBI also located responsive audio and video files. *Id.*

5 14. On November 17, 2022, Defendant FBI informed Mr. and Mrs. Holm that it was
6 “searching for, retrieving, scanning, and evaluating files that may be responsive to the FOIPA.”
7 *See Exhibit B.* Defendant FBI also noted that the files would be forwarded to a “perfected
8 backlog” before being assigned to an analyst. *Id.*

9 15. On December 8, 2022, Defendant FBI’s “Negotiation Team” contacted Mr. and
10 Mrs. Holm, informing them that their request would take *at minimum* 67 months to complete.
11 *See Exhibit C.* In this communication, Defendant FBI asked if Mr. and Mrs. Holm would be
12 willing to reduce the scope of their request. *Id.* Defendant FBI did not state whether it started
13 processing Mr. and Mrs. Holms’ request.

14 16. On December 10, 2022, the Mr. and Mrs. Holm informed Defendant FBI they did
15 not want to reduce the scope of the request. *See Exhibit C.* On December 12, 2022, Defendant
16 FBI acknowledged receipt and would move forward with processing the request. *Id.*

17 17. Since December 12, 2022, Defendant FBI has never provided any follow up
18 information and has produced none of the responsive documents it earlier identified.

19 VI. CLAIMS FOR RELIEF

20 Violation of Freedom of Information Act (FOIA)

21 For Failure to Disclose Responsive Records

22 18. Plaintiffs Mr. and Mrs. Holm allege and incorporate as set forth fully herein each
23 and every allegation contained in the above paragraphs.

24 19. Defendants have violated 5 U.S.C. § 552(a)(3)(A) by failing to promptly release
25 agency records in response to Mr. and Mrs. Holm’s FOIA requests, which reasonably described
26 the records sought as detailed above.

27 20. Defendants have violated 5 U.S.C. § 552(a)(6)(A) by failing to timely respond to
28 the FOIA request detailed above.

1 E. Award Mr. and Ms. Holm reasonable attorneys' fees and costs pursuant to 5
2 U.S.C. § 552(a)(4)(E) and 28 U.S.C. § 2412; and

3 F. Grant all other such relief to Mr. and Mrs. Holm as the Court deems just and
4 equitable.

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6 DATED: March 6, 2023

Respectfully submitted,

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**pro hac vice application forthcoming*