

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

JUDICIAL WATCH, INC.,	)	
425 Third Street S.W., Suite 800	)	
Washington, DC 20024,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Civil Action No.
v.	)	
	)	
U.S. DEPARTMENT OF DEFENSE	)	
1400 Pentagon	)	
Washington DC 20301	)	
<i>Defendant.</i>	)	
_____	)	

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Defense to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552. As grounds therefor, Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. The 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 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street S.W., Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes

the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of Defense is an agency of the United States Government and is headquartered at 950 Pennsylvania Avenue N.W., Washington, D.C. 20530. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On May 3, 2023, Plaintiff submitted a FOIA request to the United States Air Force, a component of Defendant, seeking access to the following public records:

1. Records and communications between the U.S. Air Force and Newsguard Technologies, Inc. regarding PIIID or contract number FA864921P1569, including emails, email chains, email attachments, solicitations, requests for proposals, contracts, grants, purchase orders, orders for commercial items, product demonstrations, product descriptions or capabilities, work plans, license agreements, close-out reports, correspondence, memoranda, reports, meeting minutes, presentations, notes, or other form of record maintained.
2. Records and communications concerning U.S. Air Force major commands, numbered units, wings, groups, squadron, flights, or other entities where data feeds were set up or user credentials established for Misinformation Fingerprints™ or other Newsguard data sources.
3. Records and communications concerning any non-Air Force entities or partners where data feeds were set up or user credentials established for access or use of Misinformation Fingerprints™ or other Newsguard data sources.
4. Records and communications concerning all “fingerprint flags” used for “misinformation narratives” within the machine-readable datasets of Misinformation Fingerprints™.
5. Records and communications regarding any content moderation or the assigning of risk or reliability scores for any U.S. owned and operated news outlets or organizations.
6. Records and communications regarding multi-language capabilities of Misinformation Fingerprints™ requested by the U.S. Air Force.
7. Records and communications concerning setting up and using misinformation fingerprint data feeds integrated with existing social

listening or AI/ML systems, including those operated by the Air Force, other Department of Defense entities and / or their partners.

8. Records of any system security plan assessments conducted regarding this contract.
9. Records and communications with U.S. CYBERCOM (Cyber Command), email domain @cybercom.mil regarding Misinformation Fingerprints™.
10. Records and communications of any user of Misinformation Fingerprints™ or other Newsguard data source concerning querying, searching, or generating any information or data regarding or referring to the following terms “OAN”, “OANN”, and / or “One America News”. This includes any reports generated, ratings, risk scores, or other data created, produced or shared concerning “OAN”, “OANN”, and / or “One America News.”

The time frame for this request was identified as “June 1st, 2021, to the present.”

6. By email dated May 3, 2023, the Air Force acknowledged receipt of the request and advised Plaintiff that the request had been assigned Case No. 2023-03701-F.

7. As of the date of this Complaint, the Air Force has failed to (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records the Air Force intends to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

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

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.
9. Defendant is in violation of FOIA.
10. Plaintiff is being irreparably harmed by Defendant’s violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with it.

11. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by June 1, 2023, at the latest. Because Defendant failed to make a final determination on Plaintiff's FOIA request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and *Vaughn* indices of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: June 6, 2023

Respectfully submitted,

/s/ Jason Aldrich

Jason Aldrich (D.C. Bar No. ---)

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