

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
U.S. SECURITIES & EXCHANGE)	
COMMISSION)	
100 F Street NE)	
Washington, DC 20594,)	
)	
Defendant.)	
)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Securities and Exchange Commission to compel compliance with the Freedom of Information Act (“FOIA”), 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. U.S. Securities and Exchange Commission is an agency of the United States Government and is headquartered 100 F Street NE, Washington DC, 20549. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On December 23, 2022, Plaintiff submitted a FOIA request to Defendant seeking access to the following public records:

1. Communications between the SEC and any official or employee of the Federal Bureau of Investigation or the Internal Revenue Service concerning or relating to Mr. Don Haidl, Entrade, Inc., and/or Mr. Michael S. Carona, formerly Sheriff of Orange County, California.
2. Communications between the SEC and any official or employee of the Public Integrity Section of the U.S. Department of Justice concerning or relating to Mr. Don Haidl, Entrade, Inc., and/or Mr. Michael S. Carona, formerly Sheriff of Orange County, California.
3. Communications between the SEC and any official or employee of the U.S. Attorney’s Office for the Central District of California concerning or relating to Mr. Don Haidl, Entrade, Inc., and/or Mr. Michael S. Carona, formerly Sheriff of Orange County, California.
4. Communication between the SEC and any official or employee of the Federal Bureau of Investigation, the U.S. Department of Justice, or the Internal Revenue Service concerning or relating to Mr. Corey P. Schlossmann, formerly of Entrade, Inc.

The time frame for this request was identified as “January 1, 2005 to December 31, 2014.”

6. By email dated December 29, 2022, Defendant acknowledged receiving the request on December 27, 2022 and advised Plaintiff that the request had been assigned the request number: “23-00631-FOIA.”

7. As of the date of this Complaint, Defendant 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 Securities and Exchange Commission 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 January 26, 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 26, 2023

Respectfully submitted,

/s/ Paul J. Orfanedes

Paul J. Orfanedes

DC Bar No. 429716

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