



5. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B) and 5 USC § 552a(g)(5).

STATEMENT OF FACTS

6. On August 17, 2015, Mr. Ryan James submitted a FOIA/PA request to DOS requesting: (1) All of my employment records or other records in any employment file or other file maintained by Human Resources for the Department of State or for any subdivision thereof or other human resources office, including, but not limited to, any human resources divisions within the Bureau of Consular Affairs; (2) Any and all records referring to or referencing any grievance or complaint or violation of laws, rules, regulations or policies filed or reported by me, or any disciplinary action taken or proposed to be taken against me, by email or otherwise; (3) Any and all records related or referring to, and in response to, any sexual harassment claims filed by me; (4) Any and all records related or referring to, and in response to, any requests made by me for reasonable accommodation or under the Family Medical Leave Act; (5) Any and all records related or referring to, and in response to, my whistleblowing activities, or retaliation for my engaging in whistleblowing activities, or my contacting the Office of the Inspector General; (6) Any and all records related or referring to my participation in the Student Loan Repayment Program (SLRP), as well as any decision to request for repayment of any sums distributed to me or on my behalf to my lender related to the SLRP; (7) Any and all emails related or referring to any of the itemized topics in numbers 1 through 6 above sent or received by: (a) Edward Betancourt; (b) Corrin Ferber; (c) James (“Jim”) Pettit; (d) Aaron Utley; (e) Sonia Crisp; (f) Rick Reda; (g) Michelle Bernier-Toth; (h) Patricia Pittarelli; (i) any person employed within the Office of the

Legal Adviser; (j) any person employed within the office responsible for reviewing reasonable accommodations; (k) any person employed within HR/G; (l) any person employed within CA/EX; and, (8) Any and all emails and other records forwarding or copying any portion of James (“Jim”) Pettit’s email sent to me at my government email address, jamesrs@state.gov, on March 15, 2013 at 4:11 pm with the subject line “RE: Letter of Admonishment”, or otherwise referring to this email.

7. On September 23, 2015, a representative from the Requester Communications Branch of the Office of Information Programs & Services of the DOS sent Mr. James a communication acknowledging receipt of Mr. James’ request and assigning the request the Case Control Number P-2015-13863. In this response, the DOS informed Mr. James that it could not process his request at that time because Mr. James did not include enough identifying information or proof of his identity.

8. On October 5, 2015, Mr. James resubmitted a FOIA request that was identical to the August 17, 2015 request except the October request included Mr. James identifying information (date and place of birth) and proof of his identity in the form of a sworn statement. The October 5, 2015 request referenced the August 17, 2015 request by date and case number.

9. On or about November 16, 2015, Mr. James received a letter from the DOS dated November 9, 2015. This letter acknowledged receipt of the October 5, 2015 request and assigned a new Case Control Number of P-2015-15640. The letter further informed Mr. James that pursuant to 22 C.F.R. § 171.30, DOS would not charge for fees requested under the Privacy Act.

10. As of the filing of this Complaint, Mr. James has not received a final determination as to whether DOS will produce the requested documents.

11. Under 5 USC § 552(a)(6)(C)(i), Mr. James is deemed to have exhausted his administrative remedies with regard to his FOIA requests to USCENTCOM.

COUNT I:  
VIOLATION OF FOIA/PA

12. This Count realleges and incorporates by reference all of the preceding paragraphs.

13. DOS has violated FOIA and PA by failing to provide Mr. James with a final determination as to whether it will produce the requested records.

14. Plaintiff has been and will continue to be irreparably harmed until Defendants are ordered to comply with Plaintiff's FOIA requests.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare the Defendant's failure to comply with FOIA and PA to be unlawful;
- (2) Enjoin the Defendant from continuing to withhold the records responsive to Plaintiff's FOIA/PA requests and otherwise order Defendant to produce the requested records without further delay.
- (3) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i) and 5 USC § 552a(g)(3)(B); and
- (4) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Timothy Pezzoli

Timothy Pezzoli  
D.C. Bar #1019028  
1712 Eye St., NW  
Suite 915  
Washington, DC 20006  
(202)223-5318

*Counsel for Plaintiff*