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4 UNITED STATES DISTRICT COURT
5 FOR THE MIDDLE DISTRICT OF FLORIDA
6 ORLANDO DIVISION

7 GABRIEL L. ZEIFMAN,
8 Plaintiff,
9 vs.
10 FEDERAL AVIATION ADMINISTRATION,
11 Defendant.

Case No.:

COMPLAINT

6:16-cv-322-Orl-181KRS

12 **COMPLAINT FOR INJUNCTIVE RELIEF**

13 1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, for injunctive and
14 other appropriate relief seeking the disclosure and release of agency records improperly
15 withheld from plaintiff by defendant Federal Aviation Administration ("FAA").

16 **Jurisdiction and Venue**

- 17 2. This court has both subject matter jurisdiction over this action and personal jurisdiction over
- 18 the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this
- 19 action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).
- 20 3. Plaintiff Gabriel L. Zeifman ("GZ") is a student at Embry-Riddle Aeronautical University in
- 21 Daytona Beach, FL, and a certificated pilot.
- 22 4. Defendant FAA is a component agency of the U.S. Department of Transportation, a
- 23 Department of the Executive Branch of the United States Government. The FAA is an agency
- 24 within the meaning of 5 U.S.C. § 552(f)(1).

25 **Plaintiff's FOIA Request**

- 26 5. On October 2, 2015 plaintiff electronically submitted a Freedom of Information Act ("FOIA")
- 27 request requesting information relating to disciplinary measures taken against an agency
- 28 employee—an air traffic controller—and documentation relating to an incident in the airspace
- 29 of the Central Florida Terminal Radar Approach Control facility ("F11").
- 30 6. FAA employee Tessa Berry acknowledged receipt of the FOIA request by email on October
- 31 13, 2015 and it was assigned a reference number of 2016-000403.

1 7. On December 5, 2015, Plaintiff received a letter by mail denying Plaintiff's FOIA request.

2 This letter was dated November 23, 2015.

3 8. On December 6, 2015 plaintiff submitted an administrative appeal by email as directed in the
4 denial letter.

5 9. On December 11, 2015 FAA employee Jeb Kreischer acknowledged plaintiff's FOIA appeal
6 by email.

7 **Defendant's Failure to Timely Comply with Plaintiff's Request**

8 10. To date plaintiff has received no further correspondence from the FAA.

9 11. To date the FAA has not provided the records requested by plaintiff in his FOIA request,
10 notwithstanding the FOIA's requirement for an agency response within twenty (20) working
11 days under 5 U.S.C. § 552(a)(6).

12 12. Plaintiff has exhausted the applicable administrative remedies with respect to his FOIA
13 request to the FAA.

14 13. The FAA has wrongfully withheld the requested records from plaintiff.

15 **Requested Relief**

16 WHEREFORE, plaintiff prays that this Court:

17 A. order defendant to disclose the requested records in their entireties and make copies available
18 to plaintiff;

19 B. provide for expeditious proceedings in this action;

20 C. award plaintiff his costs and reasonable attorney's fees incurred in this action; and

21 D. grant such other relief as the Court may deem just and proper.

22
23 Respectfully submitted,

24 February 23rd, 2016

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