

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JASON LEOPOLD,
1669 Benedict Canyon Drive,
Beverly Hills, CA 90210

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) Judge _____
) Civil Action No. _____
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PLAINTIFF

vs.

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OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE,
Washington, DC 20511

DEFENDANT

COMPLAINT

THE PARTIES

1. Plaintiff Jason Leopold is a citizen of California residing at 1669 Benedict Canyon Drive, Beverly Hills, CA 90210.

2. Mr. Leopold is an Emmy nominated investigative reporter with VICE News where he covers a wide range of issues, including, Guantanamo, national security, counter-terrorism, civil liberties, human rights, and open government. Previous to working with VICE, Mr. Leopold was published in *The Wall Street Journal*, *The Financial Times*, *Salon*, *CBS Marketwatch*, *The Los Angeles Times*, *The Nation*,

Truthout, Al Jazeera English, and numerous other domestic and international publications.

3. The Office of the Director of National Intelligence (“ODNI”) is an agency of the United States.

4. The Office of the Inspector General of the Intelligence Community (“ICIG”) an office within ODNI. The ICIG has possession, custody and control of the records Plaintiff seeks.

JURISDICTION AND VENUE

5. This action arises under the Freedom of Information Act (“FOIA”), 5 USC § 552.

6. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B).

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

BACKGROUND

8. The requested documents are inspector general reports that would provide insight into how the ICIG handles complaints, the outcome of investigations, and any action taken.

9. Mr. Leopold intends to use these reports to write news stories at VICE News in order to inform the public about how the Inspector General handles complaints.

10. Plaintiff incorporates by reference each of the documents referred to in this Complaint.

PLAINTIFF'S FOIA REQUESTS

11. On May 17, 2015, Mr. Jason Leopold submitted a FOIA request to the ICIG requesting “disclosure from the Intelligence Community Inspector General (ICIG) a copy of the concluding document (report of investigation, final report, closing memo, referral letter) concerning all ICIG investigations closed in calendar year 2013, 2014, 2015.”

12. On November 13, 2015, Mr. Leopold emailed a request for a status update on his May 17, 2015 request to ODNI's general FOIA email address and Ms. Sally Nicholson, the Chief of the FOIA branch for ODNI.

13. On November 18, 2015, ODNI responded to Mr. Leopold giving his request the case number DF-2015-00229. ODNI informed Mr. Leopold there were approximately 180-190 cases with origin dates earlier than his May 17, 2015 request. ODNI went on to say that the office they may be able to process Mr. Leopold's May 17, 2015 request earlier than the aforementioned cases because the office completed all searches and Mr. Leopold's case did not appear to be complex.

14. On February 22, 2016, Mr. Leopold followed up with Ms. Nicholson and ODNI's general FOIA email address to request an estimated date of completion.

15. On February 22, 2016, a person named Stephanie responded to Mr. Leopold from ODNI's general FOIA email address and stated that Ms. Nicholson was out

of the office but that Stephanie would speak with Ms. Nicholson about Mr. Leopold's case the following day.

16. On March 14, 2016, Mr. Leopold emailed ODNI and asked for an estimated date of completion.

17. On March 16, 2016, Ms. Nicholson told Mr. Mr. Leopold that the office had pulled his case from the backlog queue and assigned it to a case officer for review of the documents. Ms. Nicholson said she would meet with the case officer the following day and provide Mr. Leopold with a timeframe.

18. As of the filing of this Complaint, Mr. Leopold has not received any documents in response to his FOIA request to the ICIG.

19. Under 5 USC § 552(a)(6)(C)(i), Leopold is deemed to have exhausted his administrative remedies with regard to his FOIA requests to the ICIG.

20. Mr. Leopold exhausted his administrative remedies with regard to his request.

COUNT I:
VIOLATION OF FOIA
(All Defendants)

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

22. The ICIG has violated FOIA by failing to produce responsive records.

23. 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 Defendants' failure to comply with FOIA to be unlawful;
- (2) Enjoin Defendants from continuing to withhold the records responsive to Plaintiff's FOIA requests and otherwise order Defendant to produce the requested records without further delay, on an expedited basis and without requiring payment of fees;
- (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
- (4) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Timothy Pezzoli

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