

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

MARYELLEN TRAUTMAN
9207 Chanute Drive
Bethesda, MD 20814

and

ANTHONY CLARK
P.O. Box 1159
La Plata, MD 20646

Plaintiffs,

v.

Civil Action No. 16-1629

DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

and

NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION
8601 Adelphia Road
College Park, MD 20740-6001

Defendants.

* * * * *

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, for the disclosure of agency records improperly withheld from plaintiffs Maryellen Trautman and Anthony Clark by the defendants Department of Justice and National Archives and Records Administration (as well as their subordinate entities).

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendants pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Maryellen Trautman (“Ms. Trautman”) is a resident of Maryland. She is a former Federal employee at the National Archives and Records Administration (“NARA”).

4. Plaintiff Anthony Clark (“Mr. Clark”) is a resident of Maryland.

5. Defendant Department of Justice (“DOJ”) is an agency within the meaning of 5 U.S.C. § 552 (e), and is in possession and/or control of the records requested by the plaintiffs which are the subject of this action. DOJ controls – and consequently serves as the proper party defendant for litigation purposes for – the Office of the Attorney General (“OAG”), the Office of the Deputy Attorney General (“DAG”), the Office of the Associate Attorney General (“AAG”), the Executive Office for the U.S. Attorneys (“EOUSA”), and the Federal Bureau of Investigation (“FBI”).

6. Defendant NARA is an agency within the meaning of 5 U.S.C. § 552 (e), and is in possession and/or control of the records requested by the plaintiffs that are the subject of this action.

COUNT ONE – OAG, DAG, AAG

7. By letter dated July 8, 2016, the plaintiffs, Ms. Trautman and Mr. Clark (hereinafter referred to jointly as “the Requesters”), submitted a combined FOIA request for records created, received and/or maintained by the OAG, DAG, and AAG.

8. By letter dated July 18, 2016, the OAG, DAG, and AAG acknowledged receipt of the Requesters’ combined FOIA request and separated the request into three requests, designated as DOJ-2016-004064, DOJ-2016-004117, and DOJ-2016-004118, respectively.

9. To date, no substantive response has been received from the OAG, DAG, or the AAG. The Requesters have constructively exhausted all required administrative remedies.

10. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by the OAG, DAG, and AAG of said right.

COUNT TWO – EOUSA

11. By letter dated July 8, 2016, the Requesters submitted to the EOUSA a FOIA request.

12. By letter dated August 2, 2016, EOUSA informed the Requesters that the request had been split into two requests. The first request was designated as 2016-03925/DMD 2016-03926/VAE. The letter further stated that the request had been assigned Tracking Number FOIA-2016-03297. By letter dated the same day, EOUSA separately identified the second request as 2016-03925/DMD 2016-03927/DC. The letter stated that the request had been assigned Tracking Number FOIA-2016-03296.

13. A third letter, also dated August 2, 2016, from EOUSA provided yet another designation. That letter indicated that the split request was designated as 2016-

03926/VAE 2016-02397/DC. That letter also indicated that the request had been assigned Tracking Number FOIA-2016-03295.

14. To date, no substantive response has been received by the Requesters from the EOUSA. The Requesters have constructively exhausted all required administrative remedies.

15. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by the EOUSA of said right.

COUNT THREE - FBI

16. By letter dated July 8, 2016, the Requesters submitted to the FBI a FOIA request.

17. By letter dated July 19, 2016, the FBI acknowledged receipt of the request and assigned it FOIPA Request No. 1354270-000.

18. To date, no substantive response has been received by the Requesters from the FBI. The Requesters have constructively exhausted all required administrative remedies.

19. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by the FBI of said right.

COUNT FOUR - NARA

20. By letter dated July 8, 2016, the Requesters submitted to NARA a FOIA request.

21. By letter dated August 1, 2016, NARA designated the request as Case Number NARA-NGC-2016-000632.

22. To date, no substantive response has been received by the Requesters from NARA. The Requesters have constructively exhausted all required administrative remedies.

23. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by NARA of said right.

WHEREFORE, plaintiffs Maryellen Trautman and Anthony Clark pray that this Court:

(1) Orders the defendant federal agencies to disclose the requested records in their entirety and make copies promptly available to the plaintiffs;

(2) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552 (a)(4)(E) and/or 28 U.S.C. § 2412 (d);

(3) expedite this action in every way pursuant to 28 U.S.C. § 1657 (a); and

(4) grant such other relief as the Court may deem just and proper.

Date: August 11, 2016

Respectfully submitted,

/s/

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