

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PRAVEEN MADHIRAJU,

1333 H St., NW, 10th Fl., Washington, DC 20005

202.549.8094

Plaintiff,

and

MATTHEW BRUNWASSER

425 Los Palmos Dr., San Francisco, CA 94127

510.809.3160

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

320 21st St NW, Washington, DC 20451

Defendant.

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to order the production of agency records, concerning communications between the U.S. Embassy in Belgrade and Goran Radosavljevic, a suspect in the war-crime murders of three American citizens, which defendant has improperly withheld from plaintiffs Praveen Madhiraju and Matthew Brunwasser, a journalist retained by the Center for Investigative Reporting (together, the “Plaintiffs”).

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Venue is premised on the place of business of Plaintiff Praveen Madhiraju and is proper in this district under 5 U.S.C. § 552(a)(4)(B).

4. Plaintiffs have exhausted all administrative remedies available in regard to the request at issue. Defendant U.S. Department of State (“State”) has failed to respond to the request within the time frames set by FOIA, and therefore Plaintiffs are deemed to have exhausted all administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C).

5. Plaintiff Praveen Madhiraju, is a *pro bono* attorney representing the family of three American citizens who were victims of a war crime in 1999 (the “Bytyqi Case”). Plaintiff Matthew Brunwasser was retained by the Center for Investigative Reporting, a nonprofit news organization that has conducted investigative journalism and groundbreaking storytelling since 1977 in order to spark action, improve lives and protect our democracy. Plaintiffs have each requested the records which defendant is now withholding. Plaintiff Praveen Madhiraju has requested this information for use in legal and advocacy efforts to bring justice for the surviving family in the Bytyqi Case. Plaintiff Matthew Brunwasser has requested this information for a documentary-style news story he is assisting on for the Center for Investigative Reporting’s *Reveal* program on the Bytyqi Case. Defendant’s withholding of the information has inordinately hampered and delayed *Reveal*’s airing schedule. Given political events in Serbia, both Plaintiffs require the information immediately, or risk their efforts going stale due to the passing of important events related to the case. The information is also important to verify certain information being considered for the *Reveal* radio documentary and because of the public interest in this information, which has been the subject of several high-profile meetings between the United States and Serbian governments. Most recently, the case was specifically discussed

between U.S. officials and Serbian Prime Minister Aleksandar Vucic in July 2017 and has previously been discussed between Prime Minister Vucic and Vice President Joe Biden.

6. Defendant U.S. Department of State is an agency of the United States and has possession of the documents that Plaintiffs seek.

7. By letter dated May 16, 2014, Plaintiff Praveen Madhiraju requested access to four categories of documents related to communications between the U.S. Embassy in Belgrade and Goran Radosavljevic, a prime suspect in the Bytyqi Case (the “FOIA Request”). The text of this letter and its receipt are attached as Exhibit A and Exhibit B, respectively.

8. The FOIA Control Case Number assigned to the FOIA Request was F-2014-08533.

9. By email on October 6, 2014, Plaintiff Praveen Madhiraju requested a status report on the FOIA request. On October 7, 2014, Plaintiff Praveen Madhiraju was given an estimated completion date of May 2015.

10. By email on April 29, 2015, Plaintiff Praveen Madhiraju requested a status report on the FOIA request. On April 30, 2015, State responded by email, that “[t]he estimated completion date is still May 29, 2015”.

11. By email on May 29, 2015, Plaintiff Praveen Madhiraju requested another status report. On June 3, 2015, State replied that, “[t]he estimated completion date for your request is November 2015.”

12. Plaintiff Matthew Brunwasser joined the FOIA request on June 5, 2015 (*see* Exhibit C). This included Plaintiff Praveen Madhiraju filing an Authorization for the Release of Records to Matthew Brunwasser on June 8, 2015 (*see* Exhibit D).

13. By email on November 3, 2015, Plaintiff Praveen Madhiraju requested another status report. On November 12, 2015, Plaintiff Praveen Madhiraju again emailed State because State had not yet responded to the earlier request for a status report.

14. On November 12, 2015, State replied that, “[t]he estimated completion date [] for this case is: May 2016”.

15. By email on March 9, 2016, Plaintiff Praveen Madhiraju requested whether the request was still on estimated to be completed in May 2016.

16. On March 11, 2016, State replied that, “[a]ccorded to our ‘Freedoms comments’ the proposed estimated completion date is still May 31, 2016.”

17. By email on June 1, 2016, Plaintiff Praveen Madhiraju requested whether the request had been completed in May 2016.

18. On June 3, 2016, State replied that, “[t]he Branch Chief of the Compliance and Research Branch informed us that processing of this case is still underway.... We were also informed that they will try to expedite the case and have estimated the completion date (ECD) to be September 2016.”

19. By email on August 22, 2016, Plaintiff Praveen Madhiraju requested whether the request would be completed in September 2016.

20. On August 22, 2016, State replied that, “[t]he case notes still indicate the estimated completion date (ECD) for this case is: September 2016.”

21. By email on September 20, 2016, Plaintiff Praveen Madhiraju requested whether the request would be completed in September 2016.

22. On September 23, 2016, State replied that, “[t]he new estimated completion date (ECD) for this case is: January 2017.” Copies of the correspondences described in paragraphs 9-

11 and 13-22 are attached as Exhibit E.

23. Plaintiffs have a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for State's denial of such access. Without judicial relief, there is no guarantee that State will complete the request even by January 2017, which would be nearly three years since the original request was filed. Three United States citizens and brothers were murdered more than seventeen years ago and their family deserves to obtain all non-classified information regarding the murders within State's possession.

WHEREFORE, Plaintiffs requests this Court:

- (1) Order defendant to provide access to the requested documents immediately;
- (2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (3) Award Plaintiffs costs and reasonable attorneys fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief as may deem just and proper.
- (5) Order a jury trial so that Plaintiffs may seek such relief.

Signed in Washington, D.C. this 17th day of November, 2016

Respectfully submitted,

/s Praveen Madhiraju

Praveen Madhiraju
Attorney for the Plaintiffs
1333 H St., NW, 10th Fl.
Washington, DC 20010
(202) 549.8094
Attorney for the Plaintiffs
Bar No. 488635