

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

JASON LEOPOLD,)
6824 Lexington Avenue)
Los Angeles, CA 90038)

BUZZFEED INC.,)
111 East 18th Street, 13th Floor)
New York, NY 10003)

Plaintiffs,)

v.)

US DEPARTMENT OF THE TREASURY,)
1500 Pennsylvania Avenue, NW)
Washington, D.C. 20220)

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

OFFICE OF SPECIAL COUNSEL,)
1730 M Street, N.W., Suite 218)
Washington, D.C. 20036)

Defendants.)

COMPLAINT

1. Plaintiffs JASON LEOPOLD and BUZZFEED INC. file this Freedom of Information Act suit to force Defendants US DEPARTMENT OF THE TREASURY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, and OFFICE OF SPECIAL COUNSEL to produce records related to various issues. In clear violation of FOIA, Defendants have failed to respond to Plaintiffs requests in a timely manner.

PARTIES

2. Plaintiffs JASON LEOPOLD and BUZZFEED INC. are members of the media and made the FOIA requests at issue in this case.

3. Defendant US DEPARTMENT OF THE TREASURY (“TREASURY”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

4. Defendant OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (“DNI”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

5. Defendant OFFICE OF SPECIAL COUNSEL (“OSC”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

TREASURY’S FOIA VIOLATIONS

6. On May 23, 2017, Plaintiffs requested from TREASURY draft and final copies of Attorney General guidelines for the Office of Intelligence and Analysis.

7. TREASURY acknowledged receipt of the request, but in violation of the deadlines set forth in FOIA, has failed to provide a substantive response or produce any records. A true and correct copy of TREASURY’s most recent correspondence is attached as Exhibit A.

8. On May 23, 2017, Plaintiffs requested from TREASURY emails sent or received by specific employees related to Russia and the Office of Terrorist Financing and Financial Crimes.

9. TREASURY acknowledged receipt of the request and asserted a ten-day extension, but in violation of the deadlines set forth in FOIA, has failed to provide a substantive response or produce any records. A true and correct copy of TREASURY’s most recent correspondence is attached as Exhibit B.

10. On May 23, 2017, Plaintiffs requested from TREASURY records related to the realignment of the Office of Terrorism and Financial Intelligence.

11. TREASURY acknowledged receipt of the request and asserted a ten-day extension, but in violation of the deadlines set forth in FOIA, has failed to provide a substantive response or produce any records. A true and correct copy of TREASURY's most recent correspondence is attached as Exhibit C.

12. On May 23, Plaintiffs requested from TREASURY whistleblower complaints and concerns formally filed by personnel of Treasury's Financial Crimes Enforcement Network ("FinCEN"). The request was made through Treasury's online FOIA portal.

13. In violation of FOIA, TREASURY has failed to respond to the request.

14. On May 23, Plaintiffs requested from TREASURY a copy of the most recent Office of Terrorism and Financial Intelligence audit. The request was made through Treasury's online FOIA portal.

15. In violation of FOIA, TREASURY has failed to respond to the request.

DNI'S FOIA VIOLATION

16. On May 25, 2017, Plaintiffs requested from DNI's Office of the Intelligence Community Inspector General concluding documents concerning all ICIG investigations related to FinCEN from 2016 to present. A true and correct copy of the request is attached as Exhibit D.

17. On Jun 27, 2017, DNI responded that it had initiated its search, but failed to provide a response that complies with the requirements of FOIA and, to date, has produced no records.

OSC'S FOIA VIOLATION

18. On May 25, 2017, Plaintiffs requested from OSC records related to whistleblower retaliation at the U.S. Treasury's Financial Crimes Enforcement Network.

19. OSC responded that it located no responsive records. Plaintiffs appealed the adequacy of OSC's search, and OSC affirmed its response on appeal. A true and correct copy of the appeal decision is attached as Exhibit E.

COUNT I – TREASURY

20. The above paragraphs are incorporated herein.
21. Defendant TREASURY is an agency subject to FOIA.
22. Plaintiffs made FOIA requests to TREASURY.
23. TREASURY failed to comply with FOIA in response to the requests.

COUNT II – DNI

24. The above paragraphs are incorporated herein.
25. Defendant DNI is an agency subject to FOIA.
26. Plaintiffs made a FOIA request to DNI.
27. DNI failed to comply with FOIA in response to the request.

COUNT III – OSC

28. The above paragraphs are incorporated herein.
29. Defendant OSC is an agency subject to FOIA.
30. Plaintiffs made a FOIA request to OSC.
31. OSC failed to comply with FOIA in response to the request.

WHEREFORE, Plaintiffs ask the Court to:

- i. Order Defendants to conduct a reasonable search for records and to produce all non-exempt requested records;
- ii. Award Plaintiffs attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

DATED: July 28, 2017

Respectfully Submitted,

/s/ Matthew Topic

Attorneys for Plaintiffs

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