

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PROPERTY OF THE PEOPLE, INC., and)	
RYAN NOAH SHAPIRO,)	
c/o Law Office of Jeffrey L. Light)	Judge _____
1712 Eye St., NW, Suite 915)	Civil Action No. _____
Washington, DC 20006,)	
)	
PLAINTIFFS)	
)	
vs.)	
)	
OFFICE OF SPECIAL COUNSEL)	
1730 M St., NW, #218)	
Washington, DC 20036,)	
)	
DEFENDANTS)	
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COMPLAINT

THE PARTIES

1. Property of the People, Inc. is a 501(c)(3) charitable organization dedicated to governmental transparency in the service of democracy. Property of the People’s Operation 45 is dedicated to ensuring transparency and accountability for the Administration of Donald J. Trump, the 45th President of the United States.
2. Plaintiff Ryan Noah Shapiro is a founder of Property of the People and a Ph.D. candidate in the Department of Science, Technology, and Society (HASTS) at the Massachusetts Institute of Technology, as well as a Research Affiliate at the Berkman Klein Center for Internet & Society at Harvard University. Plaintiff Ryan Noah Shapiro is an historian of national security, the policing of dissent, and governmental transparency.
3. Defendant Office of Special Counsel (OSC) is an agency of the US government.

4. OSC has possession, custody and control of the records Plaintiffs seek.

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).

STATEMENT OF FACTS

8. On June 21, 2017, Plaintiffs submitted to OSC via fax a FOIA request for any and all specified forms (including supporting documentation or attachments) submitted for the time period January 20, 2017 onward; any and all other correspondence requesting that OSC conduct an investigation of alleged Hatch Act violation(s) submitted for the time period January 20, 2017 onward; all correspondence with the submitter of a specified form or other submission requesting an investigation that pertains to the alleged Hatch Act violation(s) outlined in the submission; all records contained in the case file that relates to violations of the Hatch Act by White House Director of Social Media Dan Scavino, Jr.; and the entire OSC case file for any closed case in which OSC found a Hatch Act violation to have occurred. The time period for this request is for incidents that occurred on or after January 20, 2017.

9. More than 20 business days have elapsed since Plaintiffs submitted the FOIA request to OSC, but as of the filing of this Complaint, Plaintiffs have not received a response from OSC with a final determination as to whether OSC will release the requested records.

10. Also on June 21, 2017, Plaintiffs submitted to OSC via fax a FOIA request for any and all records containing questions from federal employees regarding President Donald

Trump's status as a candidate in the 2020 Presidential election and, in particular, its impact on the Hatch Act's prohibition against engaging in political activity while on duty or in the workplace; any and all OSC responses to questions from federal employees regarding President Donald Trump's status as a candidate in the 2020 Presidential election and, in particular, its impact on the Hatch Act's prohibition against engaging in political activity while on duty or in the workplace; and any and all draft versions of the OSC's February 7, 2017 guidance.

11. More than 20 business days have elapsed since Plaintiffs submitted the FOIA request to OSC, but as of the filing of this Complaint, Plaintiffs have not received a response from OSC with a final determination as to whether OSC will release the requested records.

12. Also on June 21, 2017, Plaintiffs submitted to OSC via fax a FOIA request for any and all requests for advisory opinions under the Hatch Act submitted on or after November 8, 2016, as well as OSC's responses thereto; and any and all requests for advisory opinions under the Hatch Act which mention or refer to "Trump," "President Trump," or "Donald Trump," as well as OSC's responses thereto.

13. More than 20 business days have elapsed since Plaintiffs submitted the FOIA request to OSC, but as of the filing of this Complaint, Plaintiffs have not received a response from OSC with a final determination as to whether OSC will release the requested records.

COUNT I:
VIOLATION OF FOIA

14. This Count realleges and incorporates by reference all of the preceding paragraphs. All documents referenced in this Complaint are incorporated by reference as if set forth fully herein.

15. OSC has failed to acknowledge Plaintiff's request for records.

16. OSC has improperly withheld responsive records.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- (1) Declare Defendants' failure to comply with FOIA to be unlawful;
- (2) Order Defendants to grant Plaintiffs' requests for fee waivers and to grant Plaintiffs' fee status as members of the media and/or educational requesters.
- (3) Order Defendants to immediately process Plaintiffs' FOIA request;
- (4) Grant Plaintiffs an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i);
- (5) Grant Plaintiffs such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

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