



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 former Research Affiliate at the Berkman Klein Center for Internet & Society at Harvard University. Plaintiff Ryan Noah Shapiro is a historian of national security, the policing of dissent, and governmental transparency.

3. Defendants Department of Justice (DOJ), Department of Homeland Security (DHS), and Office of the Director of National Intelligence (ODNI) are agencies of the United States.

4. The Federal Bureau of Investigation (FBI) is a component of Defendant DOJ.

5. The Office of Intelligence and Analysis (I&A) is a component of Defendant DHS.

6. FBI, DHS I&A, and ODNI have possession, custody and control of the records Plaintiffs seek.

#### JURISDICTION AND VENUE

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

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

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

#### STATEMENT OF FACTS

##### *Federal Bureau of Investigation*

10. On January 23, 2018, Plaintiffs submitted to FBI via fax a FOIA request for records referring to the filmmaker Kip Andersen.

11. On January 26, 2018, the FBI acknowledged receipt of Plaintiffs’ January 23, 2018 request and assigned it tracking number 1394156-000. Simultaneously, the FBI stated that no responsive records were found.

12. On January 24, 2018, Plaintiffs submitted to FBI via fax a FOIA request for records referring to the filmmaker Keegan Kuhn.

13. On January 26, 2018, the FBI acknowledged receipt of Plaintiffs' January 24, 2018 request and assigned it tracking number 1394237-000. Simultaneously, the FBI stated that no responsive records were found.

14. On February 5, 2018, Plaintiffs submitted an administrative appeal to the Office of Information Policy (OIP) challenging the FBI's adverse determinations for FOIA requests 1394156-000 and 1394237-000 in their entirety, including but not limited to the adequacy of the FBI's search.

15. On March 19, 2018, OIP, upon considering Plaintiffs' appeals, affirmed the actions of the FBI regarding request 1394156-000 and request 1394237-000, deeming the FBI's searches adequate.

16. On February 2, 2018, Plaintiffs submitted to FBI via fax a FOIA request for records referring to several state and federal laws "ag-gag" laws. The term "ag-gag" refers to anti-whistleblower laws applicable to the agriculture industry.

17. On February 7, 2018, FBI acknowledged Plaintiffs' February 2, 2018 request and assigned it tracking number 1395205-000. Simultaneously, FBI stated that no responsive records were found.

18. On February 20, 2018, Plaintiffs submitted an administrative appeal to OIP challenging the FBI's adverse determination for FOIA request 1395205-000 in its entirety, including but not limited to the adequacy of the FBI's search.

19. On April 20, 2018, OIP, upon considering Plaintiffs' appeal, affirmed the actions of the FBI regarding request 1395205-000, deeming the FBI's search adequate.

*Department of Homeland Security*

20. On January 5, 2018, Plaintiffs submitted to DHS Office of Intelligence and Analysis (I&A) via fax a FOIA request for records referring to filmmakers, documentaries, and organizations promoting veganism and animal welfare. Plaintiffs requested a waiver of fees.

21. On March 5, 2018, DHS I&A acknowledged receipt of Plaintiffs' January 5, 2018 request and assigned it tracking number 2018-IAFO-00161. Simultaneously, DHS I&A invoked a 10-day extension in the processing of Plaintiffs' request. DHS I&A did not grant or deny Plaintiffs' request for a waiver of fees.

22. More than 30 business days have elapsed since Plaintiffs submitted their January 5, 2018 FOIA request to DHS I&A, but as of the filing of this request, Plaintiffs have not received a final determination from DHS I&A as to whether DHS I&A will produce the requested records or grant a waiver of fees.

23. On February 2, 2018, Plaintiffs submitted to DHS I&A via fax a FOIA request for records referring to "ag-gag" laws.

24. On April 3, 2018, DHS I&A acknowledged receipt of Plaintiffs' February 2, 2018 request and assigned it tracking number 2018-IAFO-00135.

25. On April 5, 2018, DHS I&A informed Plaintiffs that no responsive records were found in response to request 2018-IAFO-00135.

26. On April 6, 2018, Plaintiffs submitted an administrative appeal to the DHS Privacy Office challenging DHS I&A's adverse determination for FOIA request 2018-IAFO-00135 in its entirety, including but not limited to the adequacy of DHS I&A's search.

27. On April 17, 2018, DHS acknowledged receipt of Plaintiffs' administrative appeal and assigned it tracking number 2018-HQAP-00237.

28. More than 20 business days have elapsed since the filing of Plaintiff's administrative appeal, but as of the filing of this complaint, DHS has not made a final determination regarding Plaintiffs' administrative appeal.

*Office of the Director of National Intelligence*

29. On January 5, 2018, Plaintiffs submitted to ODNI via email a FOIA request for records referring to filmmakers, documentaries, and organizations promoting veganism and animal welfare. Plaintiffs requested a waiver of fees.

30. On February 12, 2018, ODNI acknowledged receipt of Plaintiffs' January 5, 2018 FOIA request and assigned it tracking number DF-2018-00075. ODNI granted Plaintiffs' request for a fee waiver.

31. More than 20 business days have elapsed since the filing of Plaintiff's FOIA request, but as of the filing of this complaint, ODNI has not made a final determination as to whether ODNI will produce the requested records.

COUNT I:  
VIOLATION OF FOIA

32. 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.

33. FBI, DHS I&A, and ODNI have improperly withheld responsive records.

34. Plaintiffs are entitled to a waiver of fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- (1) Declare Defendants' failure to comply with FOIA to be unlawful;
- (2) Order FBI, DHS I&A, and ODNI to immediately process and release all non-exempt records without cost;
- (3) 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); and
- (4) Grant Plaintiffs such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

Jeffrey L. Light

D.C. Bar #485360

1712 Eye St., NW

Suite 915

Washington, DC 20006

(202)277-6213

Jeffrey@LawOfficeOfJeffreyLight.com

*Counsel for Plaintiffs*