

**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.)

Case No. 18-2567

FEDERAL BUREAU OF INVESTIGATION,)
935 Pennsylvania Avenue, NW)
Washington, DC 20535-0001)

Defendant.)

COMPLAINT

1. Plaintiffs JASON LEOPOLD and BUZZFEED, INC. file this Freedom of Information Act suit to force Defendant FEDERAL BUREAU OF INVESTIGATION to disclose certain files relating to an investigation conducted by Defendant.

PARTIES

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

3. Defendant FEDERAL BUREAU OF INVESTIGATION is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

FOIPA REQUEST NO.: 1418186-000

6. On October 4, 2018, Plaintiffs requested from Defendant the following investigative records: (1) “A copy of the final report sent to the White House and the Senate Judiciary Committee on either October 3 or October 4, 2018 on Supreme Court nominee Brett Kavanaugh”; and (2) “All interview notes; investigative notes; FD-302s relating or referring to the FBI investigation into allegations leveled against Mr. Kavanaugh.” A true and correct copy of that correspondence is annexed hereto as Exhibit A (“Request”).

7. The same day, Defendant acknowledged receipt of the Request and assigned it FOIPA Request No.: 1418186-000. A true and correct copy of that correspondence is annexed hereto as Exhibit B (“Acknowledgment”).

8. The same day, Defendant also granted expedited processing pursuant to 28 C.F.R. § 16.5(e)(1)(ii) because Plaintiffs provided sufficient information demonstrating an “urgency to inform the public about an actual or alleged federal government activity.” A true and correct copy of that correspondence is annexed hereto as Exhibit C.

9. In addition to granting expedited processing, that same day Defendant also informed Plaintiffs unusual circumstances applied to the processing of the Request. A true and correct copy of that correspondence is annexed hereto as Exhibit D.

10. As of the date of this Complaint, Defendant has not provided a determination or produced any records within the relevant statutory timelines.

11. Because Defendant has failed to adhere to certain statutory mandates regarding timeliness in responding to the Request, Plaintiffs are deemed by statute to have fulfilled the administrative exhaustion requirement.

COUNT I – VIOLATION OF FOIA

12. The above paragraphs are incorporated herein.
13. Defendant is an agency subject to FOIA.
14. Plaintiffs made a FOIA request to Defendant for agency records of Defendant.
15. One or more of the requested records are not exempt from disclosure.
16. Defendant has failed to produce the requested records.

WHEREFORE, Plaintiffs ask the Court to:

- i. Order Defendant 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: November 7, 2018

Respectfully Submitted,

/s/ Matthew L. Schafer

Attorney for Plaintiffs

Matthew Schafer (D.C. Bar 1008728)
BUZZFEED, INC.
111 East 18th Street, 14th Floor
New York, NY 10003
Tel.: (646) 798-0693
Fax: (212) 431-7461
Matthew.Schafer@BuzzFeed.com