

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

REED BEIDLER,)	
)	
)	
Plaintiff,)	
)	
v.)	No.
)	
UNITED STATES DEPARTMENT OF)	
THE TREASURY, and INTERNAL)	
REVENUE SERVICE,)	
)	
Defendants.)	

COMPLAINT

Plaintiff, REED BEIDLER (“Plaintiff”), by his attorneys, Robert E. McKenzie, Adam S. Fayne and Casey T. Grabenstein (Saul Ewing Arnstein & Lehr LLP), for his Complaint against Defendants, United States Department of Treasury and the Internal Revenue Service, states as follows:

1. This is an action under the Freedom of Information Act (hereinafter "FOIA"), 5 U.S.C. § 552, as amended, and the Privacy Act, 5 U.S.C. §§ 552a, for injunctive and other appropriate relief, and seeks to compel the production of files and records requested on or about August 20, 2018.

PARTIES

2. Plaintiff, REED BEIDLER, is an individual taxpayer residing in Evanston, Illinois.

3. Defendant, UNITED STATES DEPARTMENT OF THE TREASURY (hereinafter “USDOT”), is a Department of the Executive Branch of the United States government. The USDOT is an agency within the meaning of 5 U.S.C. § 552(f)(1).

4. Defendant, INTERNAL REVENUE SERVICE (hereinafter “IRS”), is a component within the USDOT. The IRS is an agency within the meaning of 5 U.S.C. § 552(f).

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 5 U.S.C. § 552a(g)(1)(D). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

6. Venue lies in this District under 5 U.S.C. §552(a)(4)(B) and 5 U.S.C. §552a(g).

FACTS

7. By letters to the IRS dated August 20, 2018, Plaintiff, through its duly appointed Power of Attorney, Adam S. Fayne, Saul Ewing Arnstein & Lehr LLP, requested under FOIA copies of certain records, files, notes and information. Complete copies of Plaintiff’s written requests are attached hereto as group Exhibit 1.

8. Plaintiff’s FOIA requests were in conformance with the requirements for such requests set forth in both the FOIA regulations (31 C.F.R. § 1.5(b)) and the IRS regulations (26 C.F.R. § 601.702(c)(4)).

9. By form letter to Plaintiff’s Power of Attorney dated September 26, 2018, the IRS acknowledged receipt of Plaintiffs’ FOIA requests and invoked the ten-day statutory extension of time to respond to Plaintiffs’ requests as provided for in FOIA (5 U.S.C. § 552(a)(6)(B)) and its regulations (31 C.F.R. § 1.5(g)). A copy of the IRS’ letter dated September 26, 2018 is attached

as Exhibit 2. In the same letter, the IRS invoked an additional extension of time to respond to Plaintiff's FOIA requests up through and including December 21, 2018.

10. The IRS has not produced any documents in response to Plaintiff's FOIA Requests and has wrongfully withheld the requested records from Plaintiff.

COUNT I: VIOLATION OF THE PRIVACY ACT

11. Plaintiff repeats and realleges paragraphs 1-10 as paragraph 11 of Count I of their Complaint.

12. Defendants USDOT and IRS' failure to timely respond to Plaintiff's requests violates the Privacy Act, 5 U.S.C. § 552a(g)(1) and the regulations promulgated thereunder, 31 C.F.R. § 1.26(g).

13. Defendants acted willfully and intentionally when they failed to respond to Plaintiffs' requests for records.

14. Plaintiff has been adversely affected by the Defendants' failure and refusal to comply with the Plaintiff's requests for records.

WHEREFORE, Plaintiff, REED BEIDLER, requests that this Court:

- a. Enjoin USDOT and IRS from withholding the requested records and order USDOT and IRS to produce to the Plaintiff any and all records improperly withheld;
- b. Assess reasonable attorney fees and other litigation costs reasonably incurred by Plaintiff in this action;
- c. Award Plaintiff actual damages in an amount not less than \$1,000.00.

COUNT II: VIOLATION OF THE FREEDOM OF INFORMATION ACT

15. Plaintiff repeats and realleges paragraphs 1-14 as paragraph 15 of Count II of their Complaint.

16. Defendants' failure to timely respond to Plaintiff's requests for records violates FOIA, 5 U.S.C. § 552(a)(6)(A), and both the FOIA regulations (31 C.F.R. §§ 1.5(h),(j) and the IRS regulations promulgated thereunder (31 C.F.R. § 601.702(c)(9)(ii)).

WHEREFORE, Plaintiff, REED BEIDLER, requests that this Court:

- a. Enjoin USDOT and IRS from withholding the requested records and order USDOT and IRS to produce to the Plaintiff any and all records improperly withheld;
- b. Assess reasonable attorney fees and other litigation costs reasonably incurred by Plaintiff in this action;
- c. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

REED BEIDLER,

By: s/ Casey T. Grabenstein
One of His Attorneys

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