

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

JUDICIAL WATCH, INC.,	)	
425 Third Street SW, Suite 800	)	
Washington, DC 20024,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	
U.S. DEPARTMENT OF STATE,	)	
The Executive Office	)	
Office of the Legal Adviser, Suite 5.600	)	
600 19 <sup>th</sup> Street NW	)	
Washington, DC 20522,	)	
	)	
Defendant.	)	
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**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against the U.S. Department of State (“Defendant”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552. As grounds therefor, Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes the

responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of State is an agency of the United States Government headquartered at 2201 C Street NW, Washington, DC 20520. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On May 14, 2018, Plaintiff served a FOIA request on Defendant seeking access to the following public records:

**Any and all records, including but not limited to records of communications (whether by email, cable or the POENS communications systems) regarding Russian National Natalia Veselnitskaya.**

The time frame of the request was identified as “January 1, 2016 through May 31, 2017.” Attached to the request was a news report about Ms. Veselnitskaya published by CNN that referenced a further news report about Ms. Veselnitskaya published by the *New York Times*: Clare Foran, “NYT: Russian lawyer at Trump Tower meeting had closer ties to Kremlin than previously disclosed,” *CNN* (April 27, 2018).

6. In an email dated June 28, 2018, Defendant acknowledged receipt of Plaintiff’s request and advised Plaintiff that the request had been assigned FOIA Control Number F-2018-03904. Defendant’s email also advised Plaintiff, “In order to process your request in a timely manner, you need to narrow the scope of your request.”

7. By return email that same day, June 28, 2018, Plaintiff narrowed the request as follows: “Please provide all records of communications from the Office of the Secretary of State, Office of the Secretariat, and Bureau of Consular Affairs (and its sub-agencies) for the time frame January 1, 2016 through May 31, 2017 regarding Russian National Natalia

Veselnitskaya.” Plaintiff also noted that Ms. Veselnitskaya was “a public figure” and referred Defendant to the news report attached to the May 14, 2018 request.

8. By letter dated July 11, 2018, Defendant again acknowledge receipt of Plaintiff’s request.

9. As of the date of this Complaint, Defendant has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records Defendant intends to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

**COUNT I**  
**(Violation of FOIA, 5 U.S.C. § 552)**

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant is in violation of FOIA.

12. Plaintiff is being irreparably harmed by Defendant’s violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with it.

13. To trigger FOIA’s administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff’s FOIA request within the time limits set by FOIA. Accordingly, Defendant’s determination was due by July 30, 2018 at the latest.

14. Because Defendant failed to make a final determination on Plaintiff’s FOIA request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches for any and all records responsive to Plaintiff’s FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff’s FOIA request; (2) order Defendant to produce, by a date certain, any and all non-

exempt records responsive to Plaintiff's FOIA request and *Vaughn* indices of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: March 6, 2019

Respectfully submitted,

/s/ Eric W. Lee  
Eric W. Lee  
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*Counsel for Plaintiff*