

**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.)

U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Avenue, NW)
Washington, D.C. 20530)

DOJ OFFICE OF ATTORNEY GENERAL,)
950 Pennsylvania Avenue, NW)
Washington, D.C. 20530)

DOJ DEPUTY ATTORNEY GENERAL,)
950 Pennsylvania Avenue, NW)
Washington, D.C. 20530)

DOJ OFFICE OF SPECIAL COUNSEL,)
950 Pennsylvania Avenue, NW)
Washington, D.C. 20530)

FEDERAL BUREAU OF)
INVESTIGATION,)
935 Pennsylvania Avenue, NW)
Washington, D.C. 20535)

DOJ NATIONAL SECURITY DIVISION,)
950 Pennsylvania Avenue, N.W.)
Washington, D.C. 20530)

DOJ OFFICE OF LEGAL COUNSEL,)
950 Pennsylvania Avenue, N.W.)
Washington, D.C. 20530)

DOJ OFFICE OF THE)
INSPECTOR GENERAL,)
950 Pennsylvania Avenue, N.W.)
Washington, D.C. 20530)

**OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE**)
Washington, DC 20511)
Defendants.)

COMPLAINT

1. Plaintiffs JASON LEOPOLD and BUZZFEED INC. file this Freedom of Information Act suit seeking the prompt release of certain records relating to the Special Counsel’s investigation into Russian interference with the 2016 Presidential election and related events and communications.

PARTIES

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

3. Defendants are federal agencies subject to the Freedom of Information Act, 5 U.S.C. § 552, and/or components of the U.S. Department of Justice.

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).

JANUARY 20, 2019 FOIA TO DOJ (COHEN STORY)

6. On January 20, 2019, Plaintiffs requested from DOJ: “1. All records, which includes but is not limited to emails, memos, letters, from President Donald Trump’s legal team, any White House lawyer or representative of the President of the United States, mentioning or referring to the following news report published by BuzzFeed: President Trump Directed His Attorney Michael Cohen To Lie To Congress About The Moscow Tower Project; all records mentioning or referring to the authors of the news report, Jason Leopold and Anthony Cormier.

Please be aware that President Donald Trump's private attorney Rudy Giuliani stated to the New York Times and to CNN and other cable news networks that lawyers representing the president sent a letter to the Office of Special Counsel Robert Mueller to inquire about the BuzzFeed news story. 2. All records, same type as above, sent or received by the special counsel's office and any individual using the eop.gov domain."

7. DOJ assigned the following numbers to the requests: DOJ-2019-001757 and DOJ-2019-001758.

8. On February 20, 2019, DOJ acknowledged receipt of the request and asserted that due to "unusual circumstances," "we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute."

9. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

MARCH 28, 2019 FOIA TO DOJ (COHEN STORY 2)

10. On March 28, 2019, Plaintiffs requested from DOJ: "1. All records, which includes but is not limited to emails, memos, letters, mentioning or referring to the following news report published by BuzzFeed: President Trump Directed His Attorney Michael Cohen To Lie To Congress About The Moscow Tower Project; all records mentioning or referring to the authors of the news report, Jason Leopold and Anthony Cormier. 2. All records, same type as above, memorializing discussions by the special counsel's office to issue a public statement about the BuzzFeed news report. 3. All records, same type as above, memorializing any and all communications and discussions between the Office of Special Counsel Robert Mueller and the Office of Deputy Attorney General and the Attorney General mentioning or referring to the BuzzFeed news report and authors Jason Leopold and Anthony Cormier. 4. All correspondence between the Justice Department Office of Public Affairs, same type as above, with other

members of the news media mentioning or referring to the BuzzFeed News report. 5. All correspondence, same type as above, between the Office of Attorney General and the Office of Deputy Attorney General and the Office of Public Affairs and the Washington Post between January 17 and January 20, 2019. 6. All correspondence, same type as above, between the Office of the Deputy Attorney General and the Office of Public Affairs mentioning or referring to the BuzzFeed News report President Trump Directed His Attorney Michael Cohen To Lie To Congress About The Moscow Tower Project and the Washington Post report: Inside the Mueller team's decision to dispute BuzzFeed's explosive story on Trump and Cohen".

11. DOJ assigned the following number to the request: DOJ-2019-003320.

12. On April 2, 2019, DOJ acknowledged receipt of the request and asserted that due to "unusual circumstances," "we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute."

13. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

MARCH 24, 2019 FOIA TO DOJ (DOJ MUELLER EMAILS)

14. On March 24, 2019, Plaintiffs requested from DOJ: "Any and all emails, memos, letters, between Attorney General William Barr, Deputy Attorney General Rod Rosenstein and the Office of Legal Counsel mentioning or referring to Robert Mueller, the Mueller Report, Donald Trump, Trump, and obstruction."

15. Plaintiffs sought expedited processing with their request.

16. DOJ assigned the following number to the request: DOJ-2019-003142.

17. On April 4, 2019, DOJ acknowledged receipt of the request, denied the request for expedited processing, and asserted that due to "unusual circumstances," "we will need to

extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

18. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

MARCH 26, 2019 FOIA TO DOJ (TALKING POINTS)

19. On March 26, 2019, Plaintiffs requested from DOJ: “Any and all talking points prepared for Attorney General William Barr, DOJ's public relations staff, mentioning or referring to Special Counsel Robert Mueller's report submitted to Mr. Barr on March 22, 2019.”

20. Plaintiffs sought expedited processing with their request.

21. DOJ assigned the following number to the request: DOJ-2019-003213.

22. On April 5, 2019, DOJ acknowledged receipt of the request, denied expedited processing, and asserted that due to “unusual circumstances,” “we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

23. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

MARCH 27, 2019 FOIA TO DOJ (CONGRESS EMAILS)

24. On March 27, 2019, Plaintiffs requested from DOJ: “All email and letter correspondence to and from the Office of Attorney General, Deputy Attorney General, Office of Legislative Affairs and any Congressional Offices, Congressional Committees or individual members of the House and Senate between March 22, 2019 and the date the search for responsive records is conducted relating or referring to Special Counsel Robert Mueller's final report FINAL REPORT into: any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and (ii) any matters that

arose or may arise directly from the investigation; and (iii) any other matters within the scope of 28 C.F.R. § 600.4(a).”

25. Plaintiffs sought expedited processing with their request.

26. DOJ assigned the following number to the request: DOJ-2019-003282.

27. On April 5, 2019, DOJ acknowledged receipt of the request, denied expedited processing, and asserted that due to “unusual circumstances,” “we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

28. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

MARCH 27, 2019 FOIA TO DOJ (DOJ EMAILS MARCH 2019)

29. On March 27, 2019, Plaintiffs requested from DOJ: “1. Any and all emails that mention or refer to Robert Mueller, the Mueller report, Donald Trump, President Trump, obstruction, collusion, Russia, William Barr, Attorney General Barr, Rod Rosenstein. The timeframe for this part of my request is March 20 through the date the search for responsive records is conducted. 2. Any and all reports, letters, talking points, legal guidance, mentioning or referring to the handling of Special Counsel Robert Mueller's final report on any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump, and the classification of the report. The timeframe for this part of my request is March 15 through the date the search for responsive records is conducted. 3. All records, which includes emails, memos, letters, directives, legal guidance relating or referring to Attorney General William Barr's March 24, 2019 four page summary of Robert Mueller's final report and any documents separate from the final Mueller report that Mr. Barr used to prepare his summary”.

30. Plaintiffs sought expedited processing with their request.

31. DOJ assigned the following number to the request: DOJ-2019-003295.

32. On April 5, 2019, DOJ acknowledged receipt of the request, denied expedited processing, and asserted that due to “unusual circumstances,” “we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

33. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

APRIL 1, 2019 FOIA TO DOJ (LEADERSHIP COMMUNICATIONS)

34. On April 1, 2019, Plaintiffs requested from DOJ: “1. Any and all records, which includes but is not limited to letters, emails, memos, directives, text messages, calendars, exchanged between senior leadership in these offices that mentions or refers to Special Counsel Robert Mueller's investigation into: A. any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and (ii) any matters that arose or may arise directly from the investigation; and (iii) any other matters within the scope of 28 C.F.R. § 600.4(a). B. The following keywords: Mueller report, Mueller's report, Special Counsel Report on Russia interference, Trump and Witch Hunt, 13 Angry Democrats, Collusion, Obstruction, Donald Trump, Jr. Roger Stone, Paul Manafort, Michael Cohen, Michael Flynn, James Comey, Andrew McCabe. 2. Any and all records, which includes but is not limited to emails, memos, text messages and letters, memorializing discussions between Attorney General William Barr, Justice Department officials, Robert Mueller and any congressional committee or individual member of Congress, to release a public version of Special Counsel Robert Mueller's report, discussions mentioning or referring to releasing a version of the report to Congress, discussions mentioning or referring to decisions to withhold information and certain details from the report, even from Congress. 3. Any and all emails, letters, memos, reports, sent or received by any person in the Office of Special Counsel since

May 17, 2017. The timeframe for part 1, which includes A and B is May 12, 2017 through the date the search for records is conducted. For part, the timeframe is March 22, 2019 through the date the search for responsive records is conducted.”

35. Plaintiffs sought expedited processing with their request.

36. DOJ assigned the following number to the request: DOJ-2019-003452.

37. On April 11, 2019, DOJ acknowledged receipt of the request, denied expedited processing, and asserted that due to “unusual circumstances,” “we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

38. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

APRIL 1, 2019 FOIA TO DOJ (DOJ MUELLER FOIA PROCESS)

39. On April 1, 2019, Plaintiffs requested from DOJ: “all memos, instructions or emails describing the handling of Freedom of Information Act requests seeking a copy of Special Counsel Robert Mueller's Report from the Department of Justice.”

40. Plaintiffs sought expedited processing with their request.

41. DOJ assigned the following number to the request: DOJ-2019-003135.

42. On April 4, 2019, DOJ acknowledged receipt of the request, denied expedited processing, and asserted that due to “unusual circumstances,” “we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

43. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

NOVEMBER 9, 2018 FOIA TO DOJ (WHITAKER EMAILS VARIOUS SUBJECTS)

44. On November 9, 2018, Plaintiffs requested from DOJ: “1. All emails from the account of Matthew Whitaker, formerly Chief of Staff to Attorney General Jeff Sessions and

now the Acting Attorney General, that mentions or refers to Special Counsel, Robert Mueller, Russia, Vladimir Putin, Immigration, election fraud/voter fraud, subpoena, Antifa, White Supremacist, Neo-Nazis, Charlottesville, consent decree, MS-13, collusion, constitution, Supreme Court, Brett Kavanaugh, liberals, leftists, fake news, CNN, liberal media, Fox News. PLEASE be sure to include any correspondence from the EOP.gov domain. 2. Any and all ethics waiver requested by or received by Matthew Whitaker relating or referring to his appointment as Acting Attorney General.”

45. DOJ assigned the following number to the request: DOJ-2019-000783.

46. On November 9, 2018, DOJ confirmed receipt of the request.

47. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

DECEMBER 26, 2018 FOIA TO DOJ (WHITAKER EMAILS DECEMBER 20)

48. On December 26, 2018, DOJ received Plaintiffs’ FOIA request for: “Acting Attorney General Matthew Whitaker all emails sent and received on December 20, 2018.”

49. DOJ assigned the following number to the request: DOJ-2019-001660.

50. On February 7, 2019, DOJ acknowledged receipt of the request and asserted that due to “unusual circumstances,” “we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

51. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

AUGUST 9, 2018 FOIA TO DOJ (YATES EMAILS)

52. On August 9, 2018, Plaintiffs requested from DOJ: “all emails sent and received from the inbox of former Acting Attorney General Sally Yates for the month of December 2016 and January and February 2017 that mentions or refers to Donald Trump, Tweets, Jared Kushner,

Donald Trump, Jr. Michael Flynn, Jeff Sessions, Russia, James Comey, Hillary Clinton, special counsel, Russia, counterintelligence.”

53. DOJ assigned the following numbers to the request: DOJ-2018-007532 and DOJ-2018-008239.

54. On September 7, 2018, DOJ acknowledged receipt of the request and asserted that due to “unusual circumstances,” “we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

55. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

AUGUST 9, 2018 FOIA TO DOJ (WITCH HUNT TWEETS)

56. On August 9, 2018, Plaintiffs requested from DOJ: “Any and all record, which includes but is not limited to emails, letters, memos, reports, that mentions and refers to Donald Trump and Tweet and Tweets and Witch Hunt and Angry Democrats. You may omit news clippings from processing. The timeframe for my request is January 1, 2018 through the date the search for responsive records is conducted.”

57. DOJ assigned the following numbers to the request: DOJ-2018-00753, DOJ-2018-008221, DOJ-2018-008222, DOJ-2018-008223, and DOJ-2018-008224.

58. On September 7, 2018, DOJ acknowledged receipt of the request and asserted that due to “unusual circumstances,” “we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.”

59. As of the date of this filing, DOJ has not issued a determination or produced any responsive records.

FEBRUARY 28, 2018 FOIA TO NSD (NSD MUELER COMMUNICATIONS)

60. On February 28, 2018, Plaintiffs requested from NSD all records, including emails, letters and memos, exchanged between the NSD and the Office of Special Counsel Robert Mueller.

61. NSD assigned the following numbers to the request: FOIA/PA 18-125.

62. On March 12, 2018, NSD acknowledged receipt of the request.

63. As of the date of this filing, NSD has not issued a determination or produced any responsive records.

MARCH 1, 2018 FOIA TO OIG (OIG MUELLER COMMUNICATINOS)

64. On March 1, 2018, Plaintiffs requested from OIG records exchanged between the OIG and the Office of Special Counsel Robert Mueller.

65. OIG assigned the following numbers to the request: 18-OIG-183.

66. On March 13, 2018, OIG acknowledged receipt of the request.

67. As of the date of this filing, OIG has not issued a determination or produced any responsive records.

AUGUST 27, 2018 FOIA TO OLC (OLC COMMUNICATIONS WITH MUELLER)

68. On August 27, 2018, OLC received Plaintiffs' FOIA request seeking: "letters, emails, memos, reports, exchanged between [OLC] and the Office of Special Counsel Robert Mueller, which includes Mr. Mueller and/or any individual member of the special counsel's team of prosecutors and investigators."

69. OLC assigned the following tracking number to the request: FY18-192.

70. On September 12, 2018, OLC acknowledged receipt of the request.

71. As of the date of this filing, OLC has not issued a determination or produced any responsive records.

SEPTEMBER 24, 2018 FOIA TO NSD (PAGE)

72. On September 24, 2018, Plaintiffs submitted the following request to NSD: “On September 17, 2018, the White House issued the following press release: <https://www.whitehouse.gov/briefingsstatements/statementpresssecretary34/> At the request of a number of committees of Congress, and for reasons of transparency, the President has directed the Office of the Director of National Intelligence and the Department of Justice (including the FBI) to provide for the immediate declassification of the following materials: (1) pages 10-12 and 17-34 of the June 2017 application to the FISA court in the matter of Carter W. Page; (2) all FBI reports of interviews with Bruce G. Ohr prepared in connection with the Russia investigation; and (3) all FBI reports of interviews prepared in connection with all Carter Page FISA applications. In addition, President Donald J. Trump has directed the Department of Justice (including the FBI) to publicly release all text messages relating to the Russia investigation, without redaction, of James Comey, Andrew McCabe, Peter Strzok, Lisa Page, and Bruce Ohr. I request disclosure from the FBI the following records: 1. Emails, memos, letters, talking points, mentioning or referring to this directive by President Donald Trump as disseminated by the White House. Please be sure the search for responsive records includes any from EOP.gov in possession of ODNI 2. A copy of the directive or any other document the White House sent to DOJ to carry out this instruction. 3. DAMAGE ASSESSMENTS, reports and or studies of DAMAGE to NATIONAL SECURITY or POTENTIAL DAMAGE to NATIONAL SECURITY that would result from the declassification of said records. The timeframe for the search is September 1, 2018 through the date the search for responsive records is conducted.”

73. Plaintiffs requested expedited processing of the request.

74. NSD assigned the following numbers to the request: FOIA/PA #18317.

75. On October 3, 2018, NSD acknowledged receipt of the request.

76. On October 26, 2018, NSD granted Plaintiffs' request for expedited processing.

77. As of the date of this filing, NSD has not issued a determination or produced any responsive records.

FEBRUARY 22, 2017 FOIA TO FBI (CLAPPER)

78. On February 22, 2017, Plaintiffs requested from FBI records about the two page synopsis related to Russia's interference in the U.S. presidential election, records concerning the private security company document referred to by James Clapper in a January 11, 2017 statement, as well as other records.

79. FBI assigned the request the following tracking number: 1368241-000.

80. On March 29, 2017, FBI asserted a *Glomar* response.

81. On May 2, 2017, Plaintiffs appealed the FBI's denial.

82. DOJ assigned the appeal the following tracking number: DOJ-AP-2017-003861.

83. On August 31, 2017, DOJ affirmed the *Glomar* response.

FEBRUARY 22, 2017 FOIA TO ODNI (CLAPPER)

84. On February 22, 2017, Plaintiffs requested from ODNI records about the two page synopsis related to Russia's interference in the U.S. presidential election, records concerning the private security company document referred to by James Clapper in a January 11, 2017 statement, as well as other records.

85. ODNI acknowledged receipt of the request.

86. As of the date of this filing, ODNI has not issued a determination or produced any responsive records.

MAY 11, 2017 FOIA TO OIG (COMEY TERMINATION)

87. On May 11, 2017, Plaintiffs submitted a request to OIG seeking various records related to James Comey's performance and termination.

88. OIG assigned the following control number to the request: 17-OIG-226.

89. On June 21, 2017, OIG acknowledged receipt of the request.

90. As of the date of this filing, OIG has not issued a determination or produced any responsive records.

FEBRUARY 24, 2017 FOIA TO FBI (RUSSIA CONTACTS)

91. On February 24, 2017, Plaintiffs requested from FBI records concerning news reports headlined "Trump Campaign Aides Had Repeated Contacts with Russian Intelligence" and "Trump aides were in constant touch with senior Russian officials during campaign," both dated February 14, 2017.

92. FBI assigned the request the following tracking number: 1368642.

93. On July 26, 2017, FBI denied the request in its entirety under 5 U.S.C. § 552(b)(7)(A).

94. On August 24, 2017, Plaintiffs appealed the denial.

95. DOJ assigned the appeal the following number: DOJ-AP-2017-006307.

96. On September 26, 2017, DOJ affirmed the denial.

FEBRUARY 22, 2017 FOIA TO ODNI (RUSSIA CONTACTS)

97. On February 24, 2017, Plaintiffs requested from FBI records concerning news reports headlined "Trump Campaign Aides Had Repeated Contacts with Russian Intelligence" and "Trump aides were in constant touch with senior Russian officials during campaign," both dated February 14, 2017.

98. ODNI assigned the request tracking number DF-2017-00182.

99. On March 27, 2017, ODNI informed Plaintiffs that ODNI would not be providing a response by the statutory deadline.

100. As of the date of this filing, ODNI has not issued a determination or produced any responsive records.

JUNE 30, 2017 FOIA TO FBI (PETER W. SMITH)

101. On June 30, 2017, Plaintiffs requested from FBI records concerning Peter W. Smith.

102. FBI assigned the request the following tracking number: 1378996.

103. On October 12, 2017, FBI denied the request in its entirety stating that it did not locate any responsive records.

104. On October 17, 2017, Plaintiffs appealed the denial, challenging the adequacy of the search.

105. DOJ assigned the appeal the following number: DOJ-AP-2018-000270.

106. On September 26, 2017, DOJ affirmed the FBI's response but remanded the request to the FBI for further review and processing of a "190" FOIA file located subsequent to the appeal.

107. As of the date of this filing, FBI has provided no further response.

SEPTEMBER 6, 2018 FOIA TO FBI (VARIOUS TWEETS)

108. On September 6, 2018, Plaintiffs requested from FBI any and all records, mentioning or referring to Tweets by President Donald Trump that refer to the FBI, James Comey, Bruce Ohr Jeff Sessions, Peter Strzok, Lisa Page, Deep State. The timeframe for this request is March 1, 2018 through the date the search for responsive records is conducted.

109. FBI assigned the request the following tracking number: 1416324.

110. On September 20, 2018, FBI denied the request in its entirety by claiming that the request was too broad and did not adequately describe the records sought.

111. On September 24, 2018, Plaintiffs appealed the denial.

112. DOJ assigned the appeal the following number: DOJ-AP-2018-008543.

113. On April 9, 2019, DOJ affirmed FBI's denial of the FOIA request.

APRIL 1, 2019 FOIA TO OLC (OLC COMMUNICATIONS WITH MUELLER)

114. On April 1, 2019, Plaintiffs requested from OLC: "1. All letters, emails, memos, reports, exchanged between The Office of Legal Counsel and the Office of Special Counsel Robert Mueller, which includes Mr. Mueller and/or any individual member of the special counsel's team of prosecutors and investigators. 2. All letters, emails, memos, reports, exchanged between the Office of Legal Counsel, the Office of Attorney General, the Office of Deputy Attorney General and the Office of the Associate Attorney General, mentioning or referring to Special Counsel Robert Mueller's investigation into Russia interference, obstruction, collusion, impeachment, and whether a president can be indicted and or charged with a crime while in office. The timeframe for this request is May 17, 2017 through the date the search for responsive records is conducted."

115. OLC assigned the request the following tracking number: FY19-127.

116. On April 30, 2019, OLC stated that it "will be unable to comply with the statutory deadline for responding to [Plaintiffs'] request."

COUNT I – DOJ FOIA VIOLATIONS

117. The above paragraphs are incorporated herein.

118. DOJ and the Defendant DOJ components are agencies subject to FOIA.

119. Plaintiffs made FOIA requests to the DOJ Defendants for agency records.

120. The DOJ Defendants have failed to issue determinations and/or produce the requested records.

COUNT II – FBI FOIA VIOLATIONS

121. The above paragraphs are incorporated herein.

- 122. FBI is an agency subject to FOIA.
- 123. Plaintiffs made FOIA requests to the FBI for agency records.
- 124. FBI failed to issue determinations and/or produce the requested records.

COUNT III – NSD FOIA VIOLATIONS

- 125. The above paragraphs are incorporated herein.
- 126. NSD is an agency subject to FOIA.
- 127. Plaintiffs made FOIA requests to NSD for agency records.
- 128. NSD failed to issue determinations and/or produce the requested records.

COUNT IV – OIG FOIA VIOLATIONS

- 129. The above paragraphs are incorporated herein.
- 130. OIG is an agency subject to FOIA.
- 131. Plaintiffs made FOIA requests to OIG for agency records.
- 132. OIG failed to issue determinations and/or produce the requested records.

COUNT V – OLC FOIA VIOLATIONS

- 133. The above paragraphs are incorporated herein.
- 134. OLC is an agency subject to FOIA.
- 135. Plaintiffs made FOIA requests to OLC for agency records.
- 136. OLC failed to issue determinations and/or produce the requested records.

COUNT VI – ODNI FOIA VIOLATIONS

- 137. The above paragraphs are incorporated herein.
- 138. ODNI is an agency subject to FOIA.
- 139. Plaintiffs made FOIA requests to ODNI for agency records.
- 140. ODNI failed to issue determinations and/or produce the requested records.

WHEREFORE, Plaintiffs ask the Court to:

- i. Order Defendants to produce the requested records;
- ii. Award Plaintiffs attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

DATED: May 2, 2019

Respectfully Submitted,

/s/ Matthew Topic

Attorneys for Plaintiffs

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