

**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)

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 matters.

PARTIES

2. Plaintiffs JASON LEOPOLD and BUZZFEED INC. are members of the media and made the FOIA request 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).

MARCH 21, 2019 FOIA TO DOJ (REPORT MATERIALS)

6. On March 21, 2019, Plaintiffs submitted the following request to DOJ: “Copies of any and all records, which includes but is not limited to FBI 302s, emails, memos, letters, charts, used by the Office of Special Counsel Robert Mueller during the drafting and preparation of its FINAL REPORT relating to the Office’s investigation 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).”

7. Plaintiffs requested expedited processing.

8. DOJ assigned the following number to the request: DOJ-2019-003098.

9. On March 29, 2019, DOJ granted expedited processing, but 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.”

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

MARCH 25, 2019 FOIA TO DOJ (SUBPOENAS AND WARRANTS)

11. On March 25, 2019, DOJ received the following request from Plaintiffs: “Copies of the 2800 subpoenas issued/executed by Special Counsel Robert Mueller during his investigation 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). 2. Copies of the 500 search warrants issued/executed by Special Counsel Robert Mueller during his investigation 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).”

12. Plaintiffs sought expedited processing of the request.

13. Defendants assigned the following number to the request: DOJ-2019-003140.

14. On April 4, 2019, DOJ granted expedited processing, but 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.”

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

MARCH 27, 2019 FOIA TO FBI (302’S)

16. On March 27, 2019, Plaintiffs sent the following request to FBI: “All FBI 302s maintained/stored/in possession of the FBI relating or referring to all of the individuals who were questioned and interviewed by FBI agents working for the Office of Special Counsel Robert Mueller during his investigation 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).”

17. FBI assigned the following FOIPA request number to the request: 1432673-000.

18. On April 2, 2019, FBI acknowledged receipt of the request.

19. As of the date of this filing, FBI has not issued a determination or produced responsive records.

MARCH 25, 2019 FOIA TO DOJ (MUELLER RECORDS)

20. On March 25, 2019, DOJ received from Plaintiff the following FOIA request: “All documents and records collected, maintained and stored by the Office of Special Counsel Robert Mueller since May 17, 2017 during the Office’s investigation 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).”

21. Plaintiffs sought expedited processing of the request.

22. Defendants assigned the following tracking number to the request: DOJ-2019-003143.

23. On April 4, 2019, DOJ granted expedited processing, but 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.”

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

APRIL 3, 2019 FOIA TO DOJ (SUMMARIES)

25. On April 3, 2019, Plaintiffs submitted the following request to DOJ: “1. Any and all summaries of the final Mueller report written/drafted by investigators/prosecutors/attorneys working on Special Counsel Robert Mueller's investigation into any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump. 2. Any reports or documents that summarized Special Counsel Robert Mueller's final report into any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump. These summaries could have been written by any individual working on Special Counsel Robert Mueller's investigation. 3. Any and all records, which includes but is not limited to emails, memos, letters, text messages, in possession of the Attorney General, the Deputy Attorney General and the Office of Special Counsel, that mentions or refers to summaries.”

26. Plaintiffs requested expedited processing.

27. Defendants assigned the following number to the request: DOJ-2019-003627.

28. On April 12, 2019, DOJ acknowledged receipt of the request, and granted expedited processing, but 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.”

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

MARCH 27, 2019 FOIA TO FBI (FBI COMMUNICATIONS)

30. On March 27, 2019, Plaintiffs sent the following FOIA request to FBI: “the following NON INVESTIGATIVE records. This request may be limited to senior leadership in the Office of the Director, Deputy Director, the Office of General Counsel, Criminal

Investigative Division, Cyber Division, Counterintelligence Division, Directorate of Intelligence and International Operations Division: 1. Any and all records, which includes but is not limited to emails, memos, letters, text messages, that mentions or refers to Special Counsel Robert Mueller's final report relating to the [Office's] investigation into: any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump. 2. Any and all records, which includes but is not limited to emails, memos, letters, text messages, that mentions or refers to Attorney General William Barr's four page summary of Special Counsel Robert Mueller's final report relating to the [Office's] investigation into: any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump. 3. Any and all emails that mentions or refers to Robert Mueller, the Mueller report, Donald Trump, President Trump, obstruction, collusion, Russia, William Barr, Attorney General Barr, Rod Rosenstein, counterintelligence. The timeframe for the three parts of this request is March 15, 2019 through the date the search for responsive records is conducted. PLEASE NOTE: I AM NOT SEEKING INVESTIGATIVE RECORDS STORED IN THE CRS. I AM SEEKING NON INVESTIGATIVE RECORDS.”

31. FBI assigned the following FOIPA request number to the request: 1432684-000.
32. On April 2, 2019, FBI acknowledged receipt of the request.
33. As of the date of this filing, FBI has not issued a determination or produced responsive records.

COUNT I – DOJ FOIA VIOLATIONS

34. The above paragraphs are incorporated herein.
35. DOJ and the Defendant components are agencies subject to FOIA.
36. Plaintiffs made FOIA requests to the DOJ Defendants for agency records.

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

COUNT II – FBI FOIA VIOLATIONS

38. The above paragraphs are incorporated herein.
39. FBI is an agency subject to FOIA.
40. Plaintiffs made a FOIA request to FBI for agency records.
41. FBI has 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

Matthew Topic
Joshua Burday
(E-Mail: foia@loevy.com)
LOEVY & LOEVY
311 N. Aberdeen, Third Floor
Chicago, Illinois 60607
Tel.: (312) 243-5900
Fax: (312) 243-5902
Bar Nos. IL0037 and IL0042