

**IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BUZZFEED INC.)
111 E. 18th Street 13th Floor)
New York, NY 10003)
)
Plaintiff,)
)
v.)
)
DEPARTMENT OF STATE,)
2201 C St., NW)
Washington, DC 20520)
)
Defendant.)

COMPLAINT

1. Plaintiff BUZZFEED INC. files this Freedom of Information Act suit seeking the prompt release of communications between DEPARTMENT OF STATE and University of Miami physician Michael E. Hoffer regarding injuries to U.S. diplomats in Cuba.

2. In violation of FOIA, STATE has refused to produce the requested records and has failed to respond to BUZZFEED’s appeal by the required deadline.

PARTIES

3. Plaintiff BUZZFEED INC. is a member of the media and made the FOIA request at issue in this case.

4. STATE is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

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

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

DEFENDANT’S FOIA VIOLATION

7. On June 18, 2018, BUZZFEED requested from STATE under FOIA “communications between State Department Bureau of Medical Services officials and University of Miami physician Michael E. Hoffe[r], MD, regarding injuries to US diplomats in Cuba. The request is for records made from October 30, 2016 to March 30, 2018, and includes any attached memos, white papers, and other documents. The State Department BMS personnel included in the request are the Medical Director (MED/DIR), Executive Director (MED/EX), Director Operational Medicine (MED/OM), Director Clinical Services (MED/C), Regional Medical Manager for Cuba, and/or anyone acting in those positions for the aforementioned time period.” A true and correct copy of the request and the related communications is attached as Group Exhibit A.

8. On July 17, 2018, STATE acknowledged receipt of the request.

9. On December 21, 2018, STATE denied the request in full based on Exemptions (b)(6) and (b)(7)(A).

10. On January 3, 2019, BUZZFEED appealed STATE’s denial.

11. On February 7, 2019, STATE acknowledged receipt of the appeal.

12. On March 26, 2019, BUZZFEED followed up with STATE about the status of the appeal.

13. In violation of FOIA, STATE notified BUZZFEED on April 23, 2019, that it would not provide a response to the appeal within the statutory deadline, but instead, would respond in September 2019.

COUNT I – VIOLATION OF FOIA

14. The above paragraphs are incorporated herein.
15. STATE is an agency subject to FOIA.
16. Plaintiff made a FOIA request to STATE for agency records of STATE.
17. STATE failed to produce the requested records.

WHEREFORE, Plaintiff asks the Court to:

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

DATED: May 9, 2019

Respectfully Submitted,

/s/ Matthew Topic

Attorneys for Plaintiffs

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