

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

PATRICK EDDINGTON,)
1000 Massachusetts Avenue)
Washington, DC 20001)

Case No. 19-cv-02081

Plaintiff,)

v.)

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

Defendant.)

COMPLAINT

1. Plaintiff, Patrick Eddington, files this Freedom of Information Act suit to force Defendant U.S. Department of Justice, to produce records related to programs carried out under Uniting And Strengthening America By Fulfilling Rights And Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act Of 2015, P.L. 114-23.

PARTIES

2. Plaintiff Eddington is a Research Fellow and scholar at the Cato Institute and made the FOIA requests at issue in this case as part of his work.

3. Defendant U.S. Department of Justice (“DOJ”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

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) because a plaintiff may always bring a federal FOIA suit in the U.S. District Court for the District of Columbia.

DOJ's FOIA VIOLATION

6. On May 15, 2019, Eddington requested records “regarding the Uniting And Strengthening America By Fulfilling Rights And Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act Of 2015, P.L. 114-23 generated by the National Security Division (NSD), including but not limited to any correspondence regarding 1) internal or external reports on the efficacy of programs carried out under P.L. 114-23, including solicited or unsolicited feedback from agents or intelligence analysts, whether formal or informal in nature; and 2) any correspondence dealing with the termination or initiation of programs conducted under P.L. 114-23. The date range of this request is June 3, 2015 to the date of this request.” Eddington also requested expedited processing. Ex. A.

7. On June 17, 2019, DOJ responded acknowledging receipt of the request. DOJ did not acknowledge the request for expedited processing. Ex. B.

8. As of the date of this filing, Eddington has received no further correspondence or production from DOJ regarding this request.

COUNT I –DOJ VIOLATION OF FOIA

9. The above paragraphs are incorporated herein.

10. Plaintiff made a proper FOIA request to Defendant.

11. Defendant DOJ is an agency subject to FOIA.

12. Defendant has not promptly produced all non-exempt records responsive to the request resulting from an adequate search.

WHEREFORE, Plaintiff asks the Court to:

- i. Order Defendant to conduct a reasonable search for records and to produce all non-exempt requested records;

- ii. Award Plaintiff attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

DATED: July 12, 2019

Respectfully Submitted,
/s/ Joshua Hart Burday
Attorneys for Plaintiff

Matthew Topic, Bar No. IL0037
Joshua Burday, Bar No. IL0042
Merrick Wayne, Bar No. IL0058
(E-Mail: foia@loevy.com)
LOEVY & LOEVY
311 N. Aberdeen, Third Floor
Chicago, Illinois 60607
Tel.: (312) 243-5900
Fax: (312) 243-5902