

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

**JASON LEOPOLD,** )  
6824 Lexington Ave. )  
Los Angeles, CA 90038 )

**BUZZFEED INC.,** )  
111 East 18th Street, 13th Floor )  
New York, NY 10003 )

**Plaintiffs,** )

v. )

**DEFENSE INTELLIGENCE AGENCY,** )  
7400 Pentagon )  
Washington, DC 20301 )

**Defendant.** )

**COMPLAINT**

1. Plaintiffs JASON LEOPOLD and BUZZFEED INC. file this Freedom of Information Act suit to force Defendant DEFENSE INTELLIGENCE AGENCY to produce certain records relating to Lt. Gen. Michael Flynn’s tenure at the White House.

**PARTIES**

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

3. Defendant DEFENSE INTELLIGENCE AGENCY (“DIA”) 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).

**JUNE 6, 2019 REQUEST**

6. On June 6, 2019, Plaintiffs submitted a FOIA request to DIA under FOIA: [1] “I request disclosure from the Defense Intelligence Agency (DIA) the last 100 emails sent and received from the inbox of Lt. Gen. Michael Flynn and Mr. Flynn’s deputy, David Shedd. Moreover, I seek any and all records collected and/or maintained by DIA referring to Lt. Gen. Flynn’s job performance, any IG complaints filed against Mr. Flynn, any reports of investigations by the IG involving Mr. Flynn. I seek any and all correspondence (memos, letters, emails) between Lt. Gen. Michael Flynn and Director of National Intelligence James Clapper. I seek any and all records collected and/or maintained by DIA referring to Lt. Gen. Flynn’s and David Shedd’s resignation. I seek any and all reports written by Lt. Gen. Michael Flynn. I seek copies of DIA’s budget and any and all records referring calling upon the DIA to reduce its budget,” [2] “[a]ll records of correspondence between the DIA and the Office of Special Counsel Robert Mueller mentioning or referring to Michael Flynn.” Exhibit A.

7. Plaintiffs also requested a fee waiver. Exhibit A.

8. DIA has not acknowledged and has not responded to Plaintiffs’ request.

9. As of the date of filing, DIA has not issued a determination and has produced no responsive records.

**COUNT I – DIA’S JUNE 6, 2019, VIOLATION OF FOIA**

10. The above paragraphs are incorporated by reference.

11. Defendant DIA is an agency subject to FOIA.

12. The requested records are not exempt under FOIA.

13. DIA has refused to produce the requested records in a timely manner.

**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: September 18, 2019

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic\_\_\_\_\_

Attorneys for Plaintiffs

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