

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FIREARMS POLICY FOUNDATION	)	
1215 K Street, 17 <sup>th</sup> Floor	)	COMPLAINT
Sacramento, CA 95814	)	(Freedom of Information
	)	Act, 5 U.S.C. §552)
FIREARMS POLICY COALITION, INC.	)	
1215 K Street, 17 <sup>th</sup> Floor	)	
Sacramento, CA 95814	)	
	)	CIVIL ACTION NO. _____
BRANDON COMBS	)	
1215 K Street, 17 <sup>th</sup> Floor	)	
Sacramento, CA 95814	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
U.S. DEPARTMENT OF STATE	)	
The Executive Office	)	
Office of the Legal Adviser, Suite 5.600	)	
600 19 <sup>th</sup> Street, N.W.	)	
Washington, DC 20522	)	
	)	
Defendant.	)	
_____	)	

Come now the Plaintiffs, by and through undersigned counsel, and allege as follows:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from Plaintiffs by the U.S. Department of State (“Defendant”).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 and 5 U.S.C. §552(a)(4)(B).

3. Venue lies in this district under 28 U.S.C. §1391(e).

**PARTIES**

4. Plaintiff Firearms Policy Foundation (“FPF”) is a non-profit public benefit organization that serves to promote civil rights through research, education, and other charitable efforts, with a focus on laws affecting the fundamental Second Amendment right to keep and bear arms.

5. Plaintiff Firearms Policy Coalition, Inc. (“FPC”) is a non-profit public benefit organization that serves its members and the public through direct and grassroots advocacy, legal action, education, and other programs. The purposes of FPC include defending the United States Constitution and the People’s rights, privileges and immunities deeply rooted in the Nation’s history and tradition, especially the fundamental Second Amendment right to keep and bear arms.

6. Plaintiff Brandon Combs is the founder and president of Firearms Policy Coalition, Inc. and the founder and president of Firearms Policy Foundation and made the requests at issue in this lawsuit on behalf of FPF, FPC and himself.

7. Defendant U.S. Department of State is an agency of the United States Government headquartered at 2201 C Street, N.W., Washington, DC 20520. Defendant has possession, custody and control of records to which Plaintiffs seek access.

**STATEMENT OF FACTS**

8. On August 22, 2018 Plaintiffs submitted a FOIA request to Defendant seeking access to records pertaining to a number of subjects, including but not limited to 3-D printable gun blueprints; 3D printing; plastic firearms; firearm printing files; firearm machining files; and “ghost guns.” Additionally, the Plaintiffs requested records pertaining to, *inter alia*, Defense Distributed; Cody Wilson; Code is Free Speech and other subjects

as well. A true and correct copy of the request is attached as Exhibit “A” and incorporated by reference.

9. On December 18, 2018 Plaintiffs submitted another FOIA to Defendant, incorporating the first FOIA and requesting similar records for a longer time period. A true and correct copy of the request is attached as Exhibit “B” and incorporated by reference.

10. Plaintiffs sought expedited treatment and a fee waiver for the requests which were ignored by Defendant.

11. As of the date of this Complaint, the Defendant has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiffs of the scope of any responsive records Defendant intends to produce or withhold and the reasons for any withholdings, or (iii) inform Plaintiffs that it may appeal any adequately specific, adverse determination.

**COUNT I**  
**(Violation of FOIA, 5 U.S.C. § 552)**

12. Plaintiffs reallege paragraphs 1 through 12 as if fully stated herein.

13. Plaintiffs are being irreparably harmed by reason of Defendant’s violation of FOIA and Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with FOIA.

14. To trigger FOIA’s administrative exhaustion requirement, Defendant was required to determine whether to comply with Plaintiffs’ requests within twenty (20) working days of receiving the request. At a minimum, Defendant was required to: (1) gather and review the requested documents; (ii) determine and communicate to Plaintiffs the scope of any responsive records Defendant intended to produce or withhold and the reasons for any

withholding; and (iii) inform the Plaintiffs that they may appeal any adequately specific, adverse determination.

15. Because Defendant failed to determine whether to comply with Plaintiffs' requests within the time period required by FOIA, Plaintiffs are deemed to have exhausted their administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

**WHEREFORE**, Plaintiffs respectfully requests that the Court:

(1) Order Defendant to conduct a search for any and all responsive records to Plaintiffs' FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiffs' FOIA requests;

(2) Order Defendant to produce, by a date certain, any and all non-exempt records to Plaintiffs' FOIA requests, and a *Vaughn* index of any responsive records withheld under claim of exemption;

(3) Enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiffs' FOIA request;

(4) Grant Plaintiffs an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and

(5) Grant Plaintiffs such other relief as the Court deems just and proper.

Dated: October 23, 2019.

Respectfully Submitted,

FIREARMS POLICY FOUNDATION,  
FIREARMS POLICY COALITION, INC. and  
BRANDON COMBS

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