

**IN THE UNITED STATES DISTRICT COURT  
OF 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,** )

Case No. 20-cv-741

**v.** )

**U.S. DEPARTMENT OF JUSTICE,** )  
950 Pennsylvania Ave NW )  
Washington, D.C. 20530 )

**Defendant.** )

**COMPLAINT**

1. Plaintiffs, JASON LEOPOLD and BUZZFEED INC., bring this Freedom of Information Act suit to force Defendant U.S. DEPARTMENT OF JUSTICE (“DOJ”) to produce various records regarding DOJ’s work, including but not limited to, President Trump’s impeachment trial and DOJ’s sentencing recommendation for *U.S. v. Flynn* and *U.S. v. Stone*.

**PARTIES**

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

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)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

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

**FEBRUARY 13, 2020, FOIA REQUEST**

6. On February 13, 2020, Plaintiffs submitted a FOIA request to DOJ and its components for the following records:

1) Attorney General William Barr's calendar, meeting minutes, and meeting agendas from January 1, 2020 through the date the search for responsive records is conducted;

2) All emails, memos, letters, directives, legal guidance or opinions, talking points, sent and received by Attorney General William Barr mentioning or referring to: Impeachment, Trump and POTUS and President and Acquittal and Acquitted, Ukraine, Rudy (Rudolph) Giuliani, Jesse Lui, Michael Flynn, Roger Stone, Russia, Judge Amy Berman Jackson, Timothy Shea, *US v. Roger Stone*, *US v. Michael Flynn*, Andrew McCabe, Southern District of New York or SDNY, US Attorneys Office for the District of Columbia, President Trump's Tweets that mentioned Roger Stone, the Attorney General and Department of Justice;

[3] Records relating to any discussions, decisions and directives by Attorney General William Barr, the Deputy Attorney General, the head of Justice Department's Criminal Division, US Attorney for the District of Columbia Timothy Shea and his deputy, senior Justice Department officials (political appointees) and US attorneys to intervene in pending criminal cases, including *United States v. Michael Flynn* and *United States v. Roger Stone* as well as discussions reflecting any matter mentioning or referring to *United States v. Roger Stone* and *United States v. Michael Flynn*. Please be sure the search for responsive records includes any that were exchanged with the White House or the eop.gov domain;

[4] Any and all records mentioning or referring to the resignation of the four US attorneys assigned to *United States v. Roger Stone* who resigned from their positions following the Justice Department's intervention in the case: Aaron Zelinsky, Adam Jed, Jonathan Kravis, Michael Marando;

[5] The written approval by a US Attorney, Assistant Attorney General, or any other Justice Department official, memorializing the Department's decision to vary from the Department's and sentencing policy in *United States v. Roger Stone* and *United States v. Michael Flynn*;

[6] Any and all records and directives relating to discussions and decisions by Attorney General William Barr to involve top Justice Department officials at the start of investigations of 2020 political candidates to ensure 'this fall's elections are conducted in a fair manner that is free from inappropriate influences.'; [and]

[7] Any and all records relating to decisions by Attorney General William Barr to remove Jesse Liu from her position as US Attorney for the District of Columbia.

Exhibit A.

7. Plaintiffs also requested expedited processing and a fee waiver for this request.

Exhibit A.

8. DOJ never acknowledged receipt of the request. Nor did it provide a notice of the “determination of whether to provide expedited processing” within 10 days after the date of the request. 5 U.S.C. § 552(a)(6)(E)(i)(ii)(I).

9. Plaintiffs are entitled to expedited processing because there is an urgency to inform the public, the requested records relate to a matter of widespread public interest and actual government activity, and Plaintiffs are primarily engaged in disseminating information.

10. The subject matter of the requested records and the underlying incident have been the subject of a great deal of media attention due to concerns regarding President Trump’s impeachment trial; President’s Trump’s involvement in the sentencing of Michael Flynn and Roger Stone; the politicization of DOJ; and the resulting resignations of multiple U.S. Attorneys assigned to the case.

11. The requested records are needed as they relate to the integrity of DOJ and officials in DOJ who have taken the extraordinary step of intervening in the criminal case of Stone following a tweet by President Trump and recommending a scaled back sentencing of the initial 7 to 9 year sentence.

12. This matter is of urgent concern and goes to the heart of whether the public can have faith in government institutions charged with upholding the law.

13. As of the date of this filing, DOJ has not issued a determination on expedited processing and has produced no records responsive to the request.

**COUNT I – DOJ’S FOIA VIOLATION**

14. The above paragraphs are incorporated herein.
15. DOJ and its component are federal agencies, subject to FOIA.
16. The requested records are not exempt under FOIA.
17. DOJ and its component have refused to produce the requested materials in a timely manner.

**WHEREFORE**, Plaintiffs ask the Court to:

- i. declare that DOJ has violated FOIA;
- ii. order DOJ to conduct a reasonable search for records and to produce the requested records;
- iii. enjoin DOJ from withholding non-exempt public records under FOIA;
- iv. award Plaintiffs attorneys’ fees and costs;
- v. award such other relief the Court considers appropriate.

Dated: March 16, 2020

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

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BUZZFEED INC.

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