

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WHITE COAT WASTE PROJECT
7288 Hanover Green Dr.
Mechanicsville, VA 23111

Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF
JUSTICE,
950 Pennsylvania Ave NW
Washington, DC 20530

Defendant.

Civ. No.

**Complaint for Declaratory and
Injunctive Relief**

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, seeking the release of records related to the United States Department of Justice’s use of tax dollars for “live tissue training,” in which animals are violently inflicted with traumatic injuries so trainees can allegedly practice human medical skills.

Jurisdiction and Venue

2. This Court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

Parties

4. Plaintiff White Coat Waste Project, Inc. (WCW) is a bipartisan taxpayer watchdog organization pursuant to Section 501(c)(3) of the Internal Revenue Code, located at 7288 Hanover Green Drive, Mechanicsville, VA, 23111. WCW’s mission is

to unite animal-lovers and liberty-lovers to expose and end wasteful taxpayer-funded animal experiments. WCW is the requester of the information at issue in this case.

5. Defendant United States Department of Justice (DOJ) is an agency of the United States. DOJ has possession, custody, and control of the records WCW seeks.

6. The Federal Bureau of Investigation (FBI) is a component of DOJ.

7. The United States Marshal's Service (USMS) is component of DOJ.

Statement of Facts

8. WCW is engaged in a years-long campaign to end wasteful animal experiments conducted by federal agencies. This lawsuit relates to two Freedom of Information Act requests by WCW to DOJ related to the FBI and USMS's use of "live tissue training," whereby living animals are cut, shot, and have limbs severed to simulate traumatic injuries.

FOIA Requests 1450635-000 and 1450632-000

9. On October 24, 2019, WCW made a FOIA request to the FBI seeking copies of the Contract and Statement of Work; Paid invoices; Training guides, liability releases, non-disclosure agreements, and other material distributed during the training; and Associated IACUC- [Institutional Animal Care and Use Committee-] approved protocols related to the FBI's contracts 15F06719P0000150 and 15F06719P0002656 with Assessments and Training Solutions Consulting Corp.

10. The FBI acknowledged this request on October 30, 2019.

11. The FBI broke the request into two and assigned them tracking numbers 1450635-000 and 1450632-000.

12. On January 10, 2020, White Coat Waste requested an update on the status of the request.

13. On January 14, 2020, the FBI wrote White Coat Waste stating that “[t]he estimated date of completion for these requests is March 2020.”

14. To date, WCW has not received any responsive records from the FBI.

15. As of the filing of this Complaint, WCW has not received a final determination and response from the FBI with regard to case number 1450635-000 or 1450632-000.

16. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), WCW is deemed to have exhausted its administrative remedies with regard to case number 1450635-000 and 1450632-000 because the agency has failed to comply with the statutory time limit.

17. The FBI continues to wrongfully withhold the requested records from WCW.

FOIA Request 2020USMS34618

18. On October 24, 2019, WCW also made a FOIA request to the USMS seeking copies of seeking copies of the Contract and Statement of Work; Paid invoices; Training guides, liability releases, non-disclosure agreements, and other material distributed during the training; and Associated IACUC- [Institutional Animal Care and Use Committee-] approved protocols related to the USMS’s contract 15M70119PA3100023 with The Tactical Development Group, LLC.

19. The USMS acknowledged receipt of the request on December 9, 2020 and assigned it request number 2020USMS34618.

20. On January 23, 2020, WCW called the USMS to inquire about the status of the request. The agency told WCW that the agency was “working on it.”

21. To date, WCW has not received any responsive records from the USMS.

22. As of the filing of this Complaint, WCW has not received a final determination and response from the USMS with regard to this FOIA request.

23. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), WCW is deemed to have exhausted its administrative remedies with regard to this FOIA request because the agency has failed to comply with the statutory time limit.

24. The USMS continues to wrongfully withhold the requested records from WCW.

Count I: Violation of FOIA

1. WCW realleges and incorporates by reference the allegations in each of the preceding paragraphs of this Complaint.

2. DOJ has wrongfully withheld agency records requested by WCW, in violation of FOIA.

3. WCW and the public have been and will continue to be irreparably harmed until DOJ is ordered to comply with WCW's FOIA requests.

4. WCW is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

Request for Relief

WCW respectfully requests that this Court:

(1) Declare DOJ's failure to comply with FOIA to be unlawful;

(2) Enjoin DOJ from continuing to withhold the public records responsive to WCW's FOIA requests and otherwise order DOJ to produce the requested public records without further delay;

(3) Grant WCW an award of attorney's fees and other litigation costs reasonably incurred in this action, to the extent permitted by law; and

(4) Grant WCW such other and further relief which the Court deems proper.

Date: May 11, 2020

Respectfully submitted,

/s/ Matthew Strugar
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