

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DENISE P. BLACKBURN,  
1286 Remus  
Kalamazoo, Michigan 49004,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,

Defendant.

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Ci CASE NUMBER 1:01CV00254  
JUDGE: John Garrett Penn  
DECK TYPE: FOIA  
DATE STAMP: 02/02/2001

**COMPLAINT UNDER THE FREEDOM OF INFORMATION ACT  
AND THE PRIVACY ACT**

1. This action is brought under the Freedom of Information Act, as amended, 5 U.S.C. § 552(a)(4)(B) and (F), and the Privacy Act, 5 U.S.C. § 552a(g)(1)(B) ("Acts"), as amended, to compel production of requested records as provided for therein. This Court has jurisdiction under 28 U.S.C. § 1331 and the aforementioned Acts.

2. Plaintiff Denise P. Blackburn is a former employee of the United States Postal Service, the defendant herein. She is the requester of the withheld records.

3. The defendant is an agency of the United States. It has possession of and control over the records that the plaintiff seeks.

4. On July 19, 2000, the plaintiff, through a durable power of attorney exercised by her husband, Jerry T. Blackburn, directed three letters, copies of which are attached and labelled as Exhibits A, B, and C, to the United States Postal Inspection Service, an organization that is

part of the defendant agency.

5. By letter dated October 6, 2000, a copy of which is attached as Exhibit D, the defendant, through the United States Postal Inspection Service, denied plaintiff's request and claimed that the material was exempt from public disclosure pursuant to 5 U.S.C. § 552(b)(7)(A).

6. Pursuant to 39 C.R.R. § 265, plaintiff filed an administrative appeal on November 6, 2000, a copy of this appeal, without the supporting attachments, is attached hereto as Exhibit E.

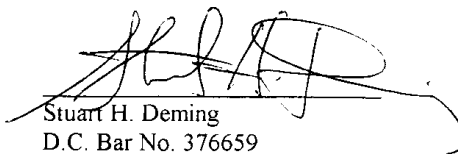
7. By letter of January 18, 2001, a copy of which is attached as Exhibit F, the defendant made a final denial of plaintiff's request by claiming that the documents were exempt from disclosure under 5 U.S.C. § 552(b)(7)(A); 5 U.S.C. §§ 552a(j)(2) and (k)(2); and 39 C.F.R. § 266.9.

8. Plaintiff has a statutory right to the records that she seeks. There is no legal basis for defendant's refusal to disclose them to her.

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Declare that defendant's refusal to disclose the records requested by plaintiff is unlawful;
  - b. Order defendant to make such records, including responsive records up to the date of the Order, immediately available to plaintiff;
  - c. Award plaintiff all attorneys' fees and costs incurred relative to this matter;
- and
- d. Grant such other relief as the Court may deem just and equitable.

Respectfully submitted,



Stuart H. Deming  
D.C. Bar No. 376659

Inman Deming LLP  
Hamilton Square  
600 Fourteenth Street, N.W.  
- Suite 600  
Washington, D.C. 20005-2004  
(202) 347-6800

Attorneys for Plaintiff

Dated: February 2, 2001