

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

<b>BUZZFEED INC.,</b>	)
111 East 18th Street, 13th Floor	)
New York, NY 10003	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>U.S. DEPARTMENT OF JUSTICE</b>	)
950 Pennsylvania Ave NW	)
Washington, D.C. 20530	)
	)
<b>Defendant.</b>	)

**COMPLAINT**

1. Plaintiff, BUZZFEED INC., brings this Freedom of Information Act suit to force Defendant U.S. DEPARTMENT OF JUSTICE (“DOJ”) to produce all records that Archer Daniels Midland Company (“ADM”) filed or submitted to the DOJ as part of the non-prosecution agreement between the two parties. The non-prosecution agreement was executed on December 20, 2013.

**PARTIES**

2. Plaintiff BUZZFEED INC. is a member 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).

**DECEMBER 2, 2019, FOIA REQUEST**

6. On December 2, 2019, BUZZFEED submitted a FOIA request to DOJ's Criminal Division for "any and all records held by the Criminal Division of the Department of Justice filed by Archer Daniels Midland as part of the non-prosecution agreement between the two parties on December 20, 2013." BUZZFEED attached the link to the non-prosecution agreement for DOJ's reference. Exhibit A.

7. On January 8, 2020, DOJ acknowledged receipt of the request, assigned reference number CRM-300818927 to the matter, and sought an extension of ten days. Exhibit B.

8. In response to BUZZFEED's inquiry regarding the status of the request, DOJ stated that the request is being processed on the "complex track," and the search for responsive records is pending. Exhibit C.

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

**COUNT I – DOJ'S FOIA VIOLATION**

10. The above paragraphs are incorporated herein.
11. DOJ is a federal agency and is subject to FOIA.
12. The requested records are not exempt under FOIA.
13. DOJ has refused to produce the requested materials in a timely manner.

**WHEREFORE**, BUZZFEED asks 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 BUZZFEED attorneys' fees and costs;

v. award such other relief the Court considers appropriate.

Dated: September 15, 2020

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorney for Plaintiff  
BUZZFEED INC.

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