

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

LOUISE TRAUMA CENTER LLC
1234 Mass Ave NW #1019
Washington DC 20005

Plaintiff

v.

Civil Action No. 20-

UNITED STATES DEPARTMENT
OF JUSTICE
950 Penn Ave NW
Washington DC 20530

Defendant

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is a Freedom of Information Act [FOIA] case. Defendant, Department of Justice, [DOJ] has failed to respond to six requests of the Louise Trauma Center, LLC. All of the requests were received over 30 working days ago.

JURISDICTION

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over Defendant pursuant to 5 U.S.C. § 552(a) (4) (B) and 28 U.S.C. § 1331. This Court has jurisdiction to grant declaratory and other necessary relief pursuant to 28 U.S.C. § 2201-02.

VENUE

3. Venue is appropriate under 5 U.S.C. § 552(a) (4) (B), and 28 U.S.C. § 1391, because defendant is located in the District of Columbia.

PARTIES

4. Plaintiff Louise Trauma Center, LLC, [“Louise Trauma”] is a nonprofit organization dedicated to raising awareness about immigrant women who have suffered from gender-based violence such as female genital mutilation (FGM), rape, domestic violence, and forced marriage. It helps these women seek asylum. It publicizes and educates. It sets forth new asylum cases, briefs, reports, and analysis on the law surrounding these women and their issues.

5. Louise Trauma, formed in the District of Columbia, is a domestic limited liability company, under D.C. Code § 29-801.05. It has made FOIA requests in the past, and will continue to do so in the future.

6. Defendant United States Department of Justice (“DOJ”) is an agency within the meaning of 5 U.S.C. § 552(e) and 701(b) (1), and is in possession and/or control of the records requested by Louise Trauma.

FIRST CAUSE OF ACTION “Brief Bank”

7. Louise Trauma repeats, re-alleges, and incorporates by reference the allegations contained in all paragraphs set forth above.

8. Louise Trauma requested “all records...in the Brief Bank dated January 1, 2012 to the date you begin to process this request.” The DOJ received that request in June 2019 and assigned EOUSA -2019-004465 to it. *See Exhibit First*, attached hereto.

9. DOJ has failed to make a determination about that request. DOJ failed to produce any records within the statutorily mandated time frame. Defendant is still in violation of 5 U.S.C. § 552(a)(6)(A)(i).

10. Louise Trauma has the legal right under FOIA to obtain all of the records requested. No legal basis exists for DOJ's failure to make the records available.

11. DOJ has violated the FOIA, 5 U.S.C. §§ 552(a). DOJ's wrongful withholding of the records violates the FOIA, § 552(a) (3) (A).

12. Louise Trauma has exhausted all the necessary administrative remedies.

SECOND CAUSE OF ACTION “appellate OIL materials”

13. Louise Trauma repeats, re-alleges, and incorporates by reference the allegations contained in all paragraphs set forth above.

14. Louise Trauma requested “all records concerning Office of Immigration Litigation training materials for lawyers in the appellate section. dated 1-1-19 to the date you begin to process this request.”

15. The DOJ received that request in September 2019, but has made no response to it.

Louise Trauma Center follow-up emails on April 29th, May 14, and July 26 of the year 2020. *See Exhibit Second*, attached hereto.

16. DOJ has failed to acknowledge these requests and it failed to make a determination about them. Defendant is still in violation of 5 U.S.C. § 552(a) as set forth above.

17. Louise Trauma has exhausted all the necessary administrative remedies.

THIRD CAUSE OF ACTION “district court OIL training”

18. Louise Trauma repeats, re-alleges, and incorporates by reference the allegations contained in all paragraphs set forth above.

19. Louise Trauma requested “all records concerning Office of Immigration Litigation training materials for lawyers in the district court section dated from 1-1-20 to the date you begin to search.”

20. The Civil Division of DOJ received that request in early May 2020 and assigned 145-FOI-17358 to it. The Civil Division said it had no responsive records. Louise Trauma Center then sent to request to DOJ at MRUFOIA@usdoj.gov on May 19, 2020. *See Exhibit Third*, attached hereto. Louise Trauma Center sent a follow-up email on July 26, 2020.

21. DOJ has failed to acknowledge the request and has failed to make a determination about that request. Defendant is still in violation of 5 U.S.C. § 552(a).

22. Louise Trauma has exhausted all the necessary administrative remedies.

FOURTH CAUSE OF ACTION “studies about harm to an agency”

23. Louise Trauma repeats, re-alleges, and incorporates by reference the allegations contained in all paragraphs set forth above.

24. Louise Trauma requested records “concerning studies, analyses, etc. concerning harm that an agency reasonably foresees upon disclosure of documents, mentioned in the FOIA Improvement Act of 2016, dated from 6-1-15 to the date you begin to process this request.”

25. The DOJ received that request in May 2020 and assigned EMRU FOIA 054 420 to it. *See Exhibit Fourth*, attached hereto. On May 11, 2020 at 11:25 am, via an email, DOJ requested more information and the name of a component inside DOJ, and said “We will refer your request upon receipt on the required information.”

26. About six hours later [6:28 pm] that same day, [May 11th] the Louise Trauma Center provided “the required information” and asked DOJ to send the request to the Civil Division.

27. On June 22, 2020 at 8:42 am, Louise Trauma sent a follow-up email.

28. DOJ responded to that email in about 20 minutes: by re-sending its May 11, 2020 letter to Louise Trauma.

29. Since that time, DOJ has done nothing.

30. DOJ has failed to make a determination about that request. Defendant is still in violation of 5 U.S.C. § 552(a).

31. Louise Trauma has exhausted all the necessary administrative remedies.

FIFTH CAUSE OF ACTION “studies about harm: USAEO”

32. Louise Trauma repeats, re-alleges, and incorporates by reference the allegations contained in all paragraphs set forth above.

33. Louise Trauma requested records “concerning studies, analyses, etc. concerning harm that an agency reasonably foresees upon disclosure of documents, mentioned in the FOIA Improvement Act of 2016, dated from 6-1-15 to the date you begin to process this request.”

34. The USAEO-DOJ received that request in May 2020 but did nothing in response.

35. Louise Trauma sent the same request again in June 2020, but USAEO-DOJ still did nothing.

36. Louise Trauma sent a follow-up email on July 26, 2020. See *Exhibit Fifth* attached hereto.

37. Since that time, DOJ has done nothing.

38. DOJ has failed to acknowledge receipt and has failed to make a determination about that request. Defendant is still in violation of 5 U.S.C. § 552(a).

39. Louise Trauma has exhausted all the necessary administrative remedies.

SIXTH CAUSE OF ACTION “harm and the OIP”

40. Louise Trauma repeats, re-alleges, and incorporates by reference the allegations contained in all paragraphs set forth above.

41. Louise Trauma requested records “concerning the interpretation and implementation of the foreseeable harm standard of the FOIA since January 1, 2020 to the date you begin to process this request.”

42. The Office of Information Policy-DOJ received that request in September 2020 and assigned “2020-02243” to it. See *Exhibit Sixth* attached hereto.

43. Since that time, DOJ has done nothing.

44. DOJ has failed to make a determination about that request. Defendant is still in violation of 5 U.S.C. § 552(a).

45. Louise Trauma has exhausted all the necessary administrative remedies.

PRAYER FOR RELIEF

46. WHEREFORE, plaintiff Louise Trauma prays that judgment be entered in its favor against DOJ; and that the Court:

47. Order DOJ to promptly disclose all of the requested records;

48. Declare that DOJ’s inaction and actions violate the FOIA;

49. Award Louise Trauma reasonable attorney fees and costs pursuant to 5 U.S. C. §552(a) (4) (E); and

50. Grant all other such relief to Louise Trauma as the Court deems proper and equitable.

Respectfully submitted,

/s/ David L. Cleveland

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