

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

MICHAEL ISIKOFF
1750 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Plaintiff,

v.

DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Defendant.

Civil Action No. 20-_____

* * * * *

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, to seek production of agency records sought by the plaintiff Michael Isikoff from the defendant Department of Justice (as well as its subordinate entities).

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Michael Isikoff is the chief investigative correspondent for Yahoo News, where he is also editor at large for reporting and investigations. Previously, he was an

investigative correspondent for NBC as well as a staff writer for Newsweek and the Washington Post. Isikoff qualifies as a representative of the media under FOIA.

4. Defendant Department of Justice (“DOJ”) is an agency within the meaning of 5 U.S.C. § 552(f), and is in possession and/or control of the records requested by Isikoff that is the subject of this action. DOJ controls – and consequently serves as the proper party defendant for litigation purposes for the Office of Special Counsel and the National Security Division.

COUNT ONE (DOJ)

5. By e-mail dated October 6, 2020, Isikoff submitted a FOIA request to DOJ.

6. By letter dated November 5, 2020, DOJ’s Office of Information & Policy acknowledged the request had been received on October 8, 2020, and invoked “unusual circumstances” to extend its deadline by ten days. DOJ designated the request as Request No. 2021-02488.

7. To date, no substantive (or any further) response has been received by Isikoff from DOJ. Isikoff has constructively exhausted all required administrative remedies for seeking the requested agency records.

WHEREFORE, plaintiff Michael Isikoff prays that this Court:

- (1) Order Defendant Department of Justice to process and release non-exempt copies of all responsive records;
- (2) Award reasonable costs and attorney’s fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d);
- (3) Expedite this action in every way pursuant to 28 U.S.C. § 1657(a); and
- (4) Grant such other relief as the Court may deem just and proper.

Date: November 30, 2020

Respectfully submitted,

/s/Mark S. Zaid

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