

**IN UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**

FREEDOM WATCH, INC.  
3610 SW 38th Ave  
Ocala, Fl 34474,

Plaintiff,

v.

THE HONORABLE BARACK OBAMA  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20006  
as De Facto Chairman of the  
Defendant Advisory Committee,

THE HONORABLE JOSEPH R. BIDEN  
Vice President of the United States and Chairman of  
the OBAMA GUN CONTROL TASK FORCE,  
Old Executive Office Building  
Washington, DC 20501,

OBAMA GUN CONTROL TASK FORCE  
c/o Eisenhower Executive Office Building  
Washington, D.C. 20501,

JOHN AND JANE DOE NOS. 1-99,  
Certain Unknown Non-Federal Employees,  
and/or Members of the Obama Gun Control Task  
Force,

Defendants.

Civil Action No.

**COMPLAINT**

Plaintiff, Freedom Watch, Inc., hereby files this complaint for compliance with the Federal Advisory Committee Act, 5 U.S.C. App. 2 (“FACA”). As grounds therefore, Plaintiff alleges as follows:

## JURISDICTION AND VENUE

1. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1346(a)(2) (United States as defendant), and 5 U.S.C. § 552(a)(4)(B) (FOIA).
2. States as defendant), and 5 U.S.C. § 552(a)(4)(B) (FOIA).
3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

## PARTIES

4. Plaintiff conducts business and has a presence in Ocala, Florida. Plaintiff requested certain documents pursuant to the FACA and FOIA and intends to disseminate the requested information and documents to its supporters and benefactors, government officials, appropriate news media, and to the American public at large.
5. Defendant Obama Gun Control Task Force (“OGCTF”) is an agency and entity of the United States Government. Defendant OGCTF was created by President Barack H. Obama and is headed by Vice President Joseph R. Biden to develop proposals for gun control legislation.
6. Defendant Barack H. Obama (“Obama”) is the President of the United States. Defendant Obama formed the Obama Gun Control Task Force.
7. Defendant Joseph R. Biden is the Vice President of the United States and has been appointed the chairman of the Gun Control Task Force by President Obama.
8. John and Jane Does Nos. 1-99 are currently unknown, non-federal employees who are members of the OGCTF. This complaint will thus be amended once the case is ripe to file.

## STATEMENT OF FACTS

9. After the tragic Sandy Hook Elementary School shooting of December 14, 2012 President Obama established and directed the OGCTF on December 19, 2012, with the goal of gathering information and advising the president on matters related to possible gun control legislation and the use of executive orders to limit and infringe gun ownership rights under the Second Amendment of the U.S. Constitution.
10. By designating this newly formed task force, which is a presidential advisory committee, de jure and/or de facto, Defendant Obama has made the meetings subject to the provisions of FACA.
11. Pursuant to FACA, an advisory committee must publish within the Federal Registry notice of any meeting fifteen days prior to that meeting, and the meetings must be made open to members of the public who seek access pursuant to FACA, as Plaintiff did herein.
12. The first meeting of the OGCTF was held on December 20, 2012 a single day after its creation, without the required notice requirements having been met being posted in the Federal Registry.
13. It has been widely reported and disclosed by the national media that non-federal employees, including lobbyists from the video game industry, Walmart, and other private lobbyists (John and Jane Does 1-99), fully participated in non-public meetings of the OGCTF as if they were members of the OGCTF, and, in fact, were members of the OGCTF.
14. On January 7, 2013, Plaintiff served a letter to President Obama, pursuant to the provisions the FACA, 5 U.S.C. §§ 552 and App.2, requesting copies of all minutes and

final decision documents of OGCTF meetings from the inception of OGCTF to the present. See January 7, 2013 Letter to The Hon. Barack Obama, attached as Exhibit 1 and incorporated herein by reference. Plaintiff also sought to attend all future meetings of the OGCTF pursuant to the FACA, and asked to be provided with future meeting schedules and contact information so that representatives of Plaintiff could attend these meetings.

15. Plaintiff also requested all minutes and documents from the OGCTF and will amend the complaint if and when Defendants do not produce all documents at the end of the 20 days provided for under FACA, which will run on January 28, 2013.

#### COUNT I

(Violation of the Federal Advisory Committee Act)

16. Plaintiff incorporates by paragraphs 1-12 as if fully set forth herein.

17. The OGCTF is a federal advisory committee as defined under the FACA, 5 U.S.C.

App.2, and as such is required to comply with all provisions of that law, including, but not limited to, filing a charter, allowing interested persons--such as Plaintiff--to attend and have input at meetings of the OGCTF, producing documents and other things and having open meetings in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et. seq, publishing notice of all future meetings in the Federal Register, and having a board that is fairly balanced in terms of the points of view represented.

18. Plaintiff has made a request to the OGCTF that representatives of Plaintiff be allowed to attend and participate in meetings of the OGCTF, that they be given copies of certain OGCTF documents, and the OGCTF appoint at least one person with a different point of view, among other matters. See Exhibit 1.

19. Defendant OGCTF has thus far failed and refused to accede to Plaintiff's request by providing the requisite 15 days notice and allowing Plaintiff access to and participation at the meetings.
20. The failure of Defendants to comply with the FACA has harmed Plaintiff in that Plaintiff has as one of its primary functions the monitoring and safeguarding of the public trust and interest. The activities of the Defendants in this case have thus far deprived Plaintiff of its right, granted by the FACA, to participate in meetings held by the OGCTF, to have advance notice of those meetings, and to have a voice in the affairs of the OGCTF on behalf of the American people. The acts of Defendants have thus frustrated Plaintiff's ability to effectively carry out its purpose of promoting and protecting justice and social welfare, including, among other things, preventing abuse and violation of the public trust and interest by federal officers, officials, employees, agents, and/or persons acting in concert with them.
21. As an interested party and a representative of the public, Plaintiff has been and continues to be damaged by the operations of the OGCTF. Public confidence in the integrity of the Presidency and the executive branch as a whole has been and will be harmed by the appearance that the President and the Obama Administration as a whole are under the influence of, or are promising favors to, a select few special interests but not the American people as a whole. Members of Defendant OGCTF also gain influence or favor with the executive branch to the detriment of others who do not participate in the OGCTF.

22. Plaintiff and the American people which it represents will continue to suffer permanent and irreparable injury unless operation of the OGCTF is brought into compliance with the provisions of the FACA.

WHEREFORE, Plaintiff prays:

- I. that Defendant OGCTF be found in violation of the FACA and that Defendants be enjoined, pursuant to Rule 65 of the Federal Rules of Civil Procedure, from holding meetings while it continues to be in violation of the FACA;
- II. that, pursuant to 28 U.S.C. §1361 and other applicable laws, a writ of mandamus issue compelling Defendant OGCTF to comply with the FACA;
- III. that the court issue an order enjoining the Obama Gun Control Task Force from conducting any more meetings;
- IV. that the court issue an order that this Task Force be shut down immediately as it is illegally in violation of FACA laws;
- V. that this court enjoin the issuance and implementation of the recommendations of the Gun Control Task Force which reportedly will be issued on Tuesday, January 15, 2013;
- VI. Defendants having already violated the notice and open meeting requirements of FACA, this complaint will be amended if the requested documents are also not produced within the 20 day period;
- VII. that Plaintiff be awarded the attorneys fees and costs of bringing this suit, as well as any and all other relief the Court deems proper.

Respectfully submitted,

FREEDOM WATCH, INC.

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