

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

FREEDOM WATCH,  
2020 Pennsylvania Ave. NW, Suite 345  
Washington, DC, 20006

Plaintiffs,

v.

ROBERT MUELLER  
Special Counsel  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Suite 3266  
Washington, D.C. 20530

And

U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Ave N.W.  
Washington, DC, 20530

And

FEDERAL BUREAU OF INVESTIGATION  
170 Marcel Drive  
Winchester, VA, 22602

Defendants.

**COMPLAINT**

Plaintiff Freedom Watch, Inc. (“Freedom Watch”) brings this action against Defendants Special Counsel Robert Mueller (“Mr. Mueller”), United States Department of Justice (“DOJ”), and Federal Bureau of Investigation (“FBI”) to compel compliance with the Freedom of

Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefore, Freedom Watch alleges as follows:

### **JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5. U.S.C. § 552(a)(4)(B) and 28 § U.S.C 1331.
2. Venue is proper in this district pursuant to 28. U.S.C. § 1391(e).

### **PARTIES**

3. Plaintiff Freedom Watch, Inc. is a 501(c)(3), non-profit, public interest foundation organized under the laws of the District of Columbia and having its principal place of business at 2020 Pennsylvania Ave., NW Suite 345, Washington, DC, 20006. Plaintiff seeks to promote openness within the federal government and its actions. Plaintiff regularly requests records under FOIA to shed light on the operations of the federal government and to educate the public about these operations. Plaintiff then analyzes the agency records and disseminates the results of its analysis to the public.

4. Defendant Mueller was appointed as Special Counsel on May 17, 2017 to investigate allegations of Russian collusion in the 2016 Presidential election.

5. Defendant USDOJ is an agency of the U.S. Government. USDOJ has possession, custody, and control of records to which Plaintiff seeks access.

6. Defendant FBI is an agency of the U.S. Government. FBI has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

7. On January 2, 2018, Freedom Watch sent a FOIA requests to Defendants by facsimile, Federal Express, and U.S. mail, seeking:

Any and all documents and records as defined and set forth above that refer or relate with regard to communications to and from the media, domestic and foreign, concerning the activities of Special Counsel Robert Mueller and/or his staff as well as the Federal Bureau of Investigation, concerning the investigation of alleged Russian collusion and related matters concerning the Trump Presidential Campaign and the Trump Transition Team with the print, internet, social media and radio and television networks including but not limited to: New York Times, The Washington Post, Los Angeles Times, Politico, The Daily Beast, Slate, Huffington Post, Associated Press, Reuters, MSNBC, NBC, ABC, CBS, CNN, The Hill, Mother Jones, New Republic, McClatchy, and any other media outlets, where they be print, radio, social media television or other media.

A true and correct copy of Freedom Watch's FOIA Request and Proof of Service are attached hereto as **Exhibit 1**.

8. Defendants were required to determine whether to comply with Freedom Watch's FOIA Request within 10 days, excepting Saturdays, Sundays, and legal public holidays, pursuant to 5 U.S.C. § 552(a)(6)(E)(ii)(I), based on Freedom Watch's request for expedited processing. Pursuant to 5 U.S.C. § 552, Defendants were also required to notify Freedom Watch immediately of this determination, the reasons therefore, and the right to appeal any adverse determination to the head of the agency. Excluding weekends, and since there were no legal public holidays within the timeframe, Defendants required to make its determination and provide Freedom Watch with requisite notifications regarding Freedom Watch's FOIA Request by January 12, 2018

9. As of the date of this Complaint, Defendants have failed to make bona fide, good faith determinations about whether they will comply with Freedom Watch's request. Nor have Defendants produced any records responsive to Freedom Watch's request, indicated when any responsive records will be produced, or demonstrated that specific responsive records are exempt from production. Defendants have failed, in bad faith, to respond in any way to the FOIA Request attached hereto as **Exhibit 1**.

**FIRST CAUSE OF ACTION**  
**(Violation of FOIA, 5 U.S.C. § 552)**

10. Freedom Watch realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendants are unlawfully withholding records requested by Freedom Watch's FOIA Request pursuant to 5 U.S.C. § 552 as set forth in Exhibit A, which is incorporated herein by reference.

12. Freedom Watch is being irreparably harmed by reason of Defendants' unlawful withholding of requested records, and Freedom Watch will continue to be irreparably harmed unless Defendants are compelled to conform its conduct to the requirements of the law.

13. Freedom Watch respectfully requests a FOIA fee waiver pursuant to 5 U.S.C. § 552, as Freedom Watch is a non-profit, public interest organization that seeks to promote openness within the federal government and their actions. Freedom Watch regularly requests records under FOIA to shed light on the operations of the federal government and to educate the public about these operations. Freedom Watch then analyzes the agency records and disseminates the results of its analysis to the public at large.

WHEREFORE, Freedom Watch respectfully request that the Court: (1) order Defendants to conduct a search for any and all responsive records to Freedom Watch's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Freedom Watch's FOIA Request; (2) order Defendants to produce, by a certain date, any and all non-exempt records responsive to Freedom Watch's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exception.; (3) enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Freedom Watch's FOIA request; (4) grant Freedom Watch an award of attorneys' fees and other litigation

costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Freedom Watch such other relief as the Court deems just and proper.

Dated: January 14, 2018

Respectfully submitted,

/s/ Larry Klayman  
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