

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL  
FOUNDATION,  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

*Plaintiff,*

v.

U.S. DEPARTMENT OF STATE,  
2201 C Street NW  
Washington, DC 20520

*Defendant.*

Civil Action No.: 22-3386

**COMPLAINT**

1. Plaintiff America First Legal Foundation (“AFL”) brings this action against Defendant U.S. Department of State (“State”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. Since July 2021, AFL has investigated the federal government’s efforts to censor speech through collaboration with establishment media and social media companies. *See e.g., AFL, Following Disturbing Admission by Biden White House, AFL FOIAS The Biden Administration About Its Directions to Social Media Companies to Censor Americans* (July 16, 2021), <https://tinyurl.com/2p8tmb24>.

3. In March 2022, the Biden Administration leaned on content creators to amplify its preferred political narratives on social media platforms on issues ranging from the Russia-Ukraine conflict to “Why is gas so expensive?” Michael Ruiz & Sarah

Rumpf, *White House Pre-Screened Questions from TikTok Influencers During Special Briefing Last Week, Attendees Say*, FOX BUS. (Mar. 17, 2022), <https://tinyurl.com/2p8vbn6w>.

4. The Biden Administration's open efforts to influence content moderation on social media platforms on domestic policy issues raised the possibility it may have also done so on foreign policy issues. See Joe Concha, Opinion, *Hypocritical Psaki Leads Chilling Effort to Flag 'Misinformation'*, HILL (Jul. 18, 2021), <https://tinyurl.com/3rfjhavs>; Munsif Vengattil & Elizabeth Culliford, *Facebook Allows War Posts Urging Violence Against Russian Invaders*, REUTERS (Mar. 11, 2022), <https://tinyurl.com/38xw65wj>; Munsif Vegattil, *Meta Narrows Guidance to Prohibit Calls for Death of a Head of State*, REUTERS (Mar. 14, 2022), <https://tinyurl.com/yckaz72v>.

5. On April 4, 2022, AFL submitted a FOIA request to State to uncover how its Global Engagement Center influences content moderation social media platforms—potentially in violation of the Constitution. The FOIA sought information on how this may have happened leading up to the 2020 election and how it occurs on an ongoing basis to this day on an evolving list of topics. See AFL, *AFL Targets Another Biden Administration Effort to Collaborate with Establishment Media and Social Media Companies* (Apr. 7, 2022), <https://tinyurl.com/zyknkbdn>.

6. On July 27, 2022, AFL released documents proving that at least one federal agency was actively causing politically sensitive content to be removed from social media platforms, including Twitter, Facebook, and Instagram. See AFL, *AFL*

*Lawsuit Reveals Damning CDC Documents Proving Government Collusion with Big Tech to Censor Free Speech and Promote Biden Administration Propaganda* (July 27, 2022), <https://tinyurl.com/2p9d8asz>.

7. Reportedly, records obtained by Missouri Attorney General Eric Schmitt have confirmed that, during the period leading up to November 2020, the Cybersecurity and Infrastructure Security Agency (CISA) and the Office of Intelligence and Analysis (I&A) within the Department of Homeland Security (DHS) frequently engaged with social media companies and expected them to “process reports and provide timely responses, to include the removal of reported misinformation from the platform where possible.” Ken Klippenstein & Lee Fang, *Truth Cops: Leaked Documents Outline DHS’s Plans to Police Disinformation*, INTERCEPT (Oct. 31, 2022), <https://tinyurl.com/54u6vb8c>.

8. State’s Global Engagement Center work with CISA and I&A on “countering disinformation,” further raising the possibility that it has worked with social media companies to censor politically controversial content, including during the period leading up to the 2020 election. See OFF. OF THE INSPECTOR GEN., DEP’T OF HOMELAND SEC., *OIG-22-58, DHS NEEDS A UNIFIED STRATEGY TO COUNTER DISINFORMATION CAMPAIGNS* (Aug. 10, 2022), available at <https://tinyurl.com/4jcddr5w>.

9. “The First Amendment bars the government from deciding for us what is true or false, online or anywhere. Our government can’t use private pressure to get

around our constitutional rights.” @ACLU, Twitter (Oct. 31, 2022, 5:43 PM), <https://tinyurl.com/3ejdfapu> (citing Klippenstein & Fang, *supra*).

10. More than 200 days after AFL filed its FOIA request, State officials continue to suppress information of great public interest and stonewall AFL’s request for records relating to their unconstitutional collaboration with social media companies to censor politically controversial speech.

### **JURISDICTION AND VENUE**

11. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

12. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

### **PARTIES**

13. Plaintiff AFL is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of the law and individual rights guaranteed under the United States Constitution and the laws of the United States.

14. AFL’s mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms,

all to educate the public. All the records AFL receives will be made publicly available on AFL's website for citizens, journalists, and scholars to review and use.

15. Defendant State is an agency of the federal government within the meaning of 5 U.S.C. § 552(f), with headquarters at 2201 C Street N.W., Washington, D.C., 20520, and has possession and control of the records AFL seeks.

### **AFL'S FOIA REQUEST**

16. On April 4, 2022, AFL sent a FOIA request to State seeking records relating to its Global Engagement Center, certain policies and directives, certain records relating to the 2020 election, certain records relating to the Russia-Ukraine Conflict, and communications between certain State employees and specific private entities. Ex. A.

17. On April 6, 2022, State sent an e-mail to AFL acknowledging receipt of the request and assigning it reference number F-2022-06835. Ex. B.

18. In that response, State granted AFL's request for a fee waiver. *Id.*

19. On April 25, 2022, State sent an e-mail to AFL, stating that a "preliminary search was conducted for your request and yielded a high volume of responsive records. Ex. C at 6.

20. In that e-mail, State proposed limiting the search to the Global Engagement Center and narrowing the search terms for three of the items in AFL's initial request. *See id.* at 6–7.

21. On April 27, 2022, AFL replied to State, agreeing to limit the search to the Global Engagement Center, and agreeing to narrow two of the items in AFL's initial request *See id.* at 5–6.

22. On June 10, 2022, AFL sent an e-mail to State, requesting an update on the status of the FOIA request. *Id.* at 5.

23. On June 15, 2022, State replied, stating that the “request is in progress [and] you will be notified of the results of the Department’s search and review efforts in response to this request when that information becomes available.” *Id.* at 4–5.

24. On August 2, 2022, AFL sent another e-mail to State, requesting an update on the status of the FOIA request. *Id.* at 4.

25. On August 9, 2022, State replied, stating that “[t]he request remains in process.” *Id.* at 3.

26. On August 31, 2022, AFL sent another e-mail to State, requesting an update on the status of the FOIA request. *Id.* at 2–3.

27. On September 1, 2022, State replied, stating that “this request remains in process and there is no new information to report at this time regarding the status of your request.” *Id.* at 2.

28. On September 1, 2022, AFL replied to State, seeking clarification whether a search had been conducted, where the request was in State’s queue, and when State estimated it would make its first release of records. *Id.* at 2.

29. On September 8, 2022, State replied, stating that “[t]his request remains in process and a search for responsive records has been initiated.” *Id.* at 1.

30. In that response, State stated it would “follow-up with [AFL] to provide an estimated date of completion for this request.” *Id.*

31. As of the date of this Complaint, AFL has received no further response from State about its FOIA request.

**CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**

32. AFL repeats paragraphs 1-31.

33. AFL properly requested records within the possession, custody, and control of Defendant.

34. Defendant failed to conduct a reasonable search for responsive records, and the requested records are not exempt from disclosure pursuant to any FOIA exemption. *See* 5 U.S.C. § 552(b).

35. Moreover, Defendants failed to disclose any segregable, non-exempt portions of responsive records. *See id.*

36. Defendants failed to respond to AFL’s request within the statutory time-period. *See* 5 U.S.C. § 552(a)(6).

37. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

38. Defendants have violated FOIA by failing, within the prescribed time limit, to (i) reasonably search for records responsive to AFL’s FOIA request; (ii) provide a lawful reason for the withholding of any responsive records; and (iii) segregate exempt information in otherwise non-exempt responsive records.

**PRAYER FOR RELIEF**

WHEREFORE, AFL respectfully requests that this Court:

- i. Declare that the records sought by AFL's April 4, 2022 request must be disclosed pursuant to 5 U.S.C. § 552;
- ii. Order Defendant to search immediately, demonstrating search methods reasonably likely to lead to the discovery of responsive records;
- iii. Order Defendant to produce by a date certain all non-exempt records responsive to AFL's FOIA request, accompanied by a Vaughn index of any responsive records or portions of responsive records being withheld under claim of exemption;
- iv. Award AFL attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- v. Grant AFL such other and further relief as this Court deems proper.

[signature page follows]



November 4, 2022

Respectfully submitted,

/s/ Michael Ding

MICHAEL DING

D.C. Bar No. 1027252

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*Counsel for Plaintiff America First  
Legal Foundation*



April 4, 2022

Via Email - [FOIARequest@state.gov](mailto:FOIARequest@state.gov)

U. S. Department of State  
Office of Information Programs and Services  
A/GIS/IPS/RL  
2201 C Street N.W., Suite B266  
Washington, D.C. 20520-0000

**Freedom of Information Act Request: State Department's Global Disinformation Center**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's email list contains over 30,000 unique addresses, our Facebook page has over 18,000 followers, our Twitter page has over 11,000 followers, the Twitter page of our Founder and President has over 118,000 followers, and we have another 28,000 followers on GETTR.

**I. Introduction**

There is substantial direct evidence of collusion between technology and social media companies with leftist/Democrat operatives and politicians to control information and interfere in our elections.<sup>1</sup> For example, in 2016, Google manipulated potential voters

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<sup>1</sup> See, e.g., *Google and Censorship Through Search Engines: Hearing Before the Subcomm. on the Const. of the S. Comm. Of the Judiciary*, 116th Cong. 3-4 (2019), <https://www.judiciary.senate.gov/imo/media/doc/Epstein%20Testimony.pdf> (statement of Richard Epstein, Senior Research Psychologist, American Institute for Behavior Research and Technology) ("These effects are nothing like Russian-placed ads or fake news stories. Russian interference,

to cast their ballots for Hillary Clinton and made “silent donations” to help her win;<sup>2</sup> after Google and Clinton lost the election, company leaders characterized Americans who voted for President Trump as “extremists” and promised to deploy artificial intelligence and machine learning to “fix the problem” of “misinformation” – that is, of political and cultural dissent.<sup>3</sup> One part of the fix was a conspiracy between technology and social media companies to bury the truth about Hunter Biden’s laptop and Joe Biden’s foreign money corruption before the 2020 presidential election.<sup>4</sup>

Since taking power, the Biden Administration has worked closely with technology and social media companies to control and limit the free flow of public information and to punish anyone who deviates from the regime’s approved line. Intimidating and chilling Americans from exercising their constitutional rights of free speech and free association, using the same terms Google employed to smear U.S. citizens who voted for President Trump, is the purpose and strategy of the Biden Administration’s “National Strategy for Countering Domestic Terrorism.”<sup>5</sup> It is also the essential point behind White House Press Secretary Psaki’s statements that “We’re flagging problematic posts for Facebook that spread disinformation,”<sup>6</sup> and, “We are in regular

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although troubling and unacceptable, does not, in my opinion, shift many votes. Ads and news stories are competitive and visible, like billboards. The kinds of ephemeral effects I am studying, however, are invisible and non-competitive. They are controlled entirely by Big Tech companies, and there is no way to counteract them.”)

<sup>2</sup> Matthew Boyle, ‘*Silent Donation*’: Corporate Emails Reveal Google Executives’ Efforts to Turn Out Latino Voters Who They Thought Would Vote for Clinton, BREITBART (Sep. 10, 2018), <https://www.breitbart.com/politics/2018/09/10/silent-donation-corporate-emails-reveal-google-executives-efforts-to-swing-election-to-hillary-clinton-with-latino-outreach-campaign/>; Ian Schwartz, *Tucker Carlson: Did Google Meddle In 2016 Election More Than Russia?*, REAL CLEAR POLITICS (Sept. 11, 2018), <https://www.realclearpolitics.com/video/2018/09/11/tucker-carlson-did-google-meddle-in-2016-election-on-more-than-russia.html>.

<sup>3</sup> Tim Hains, *Breitbart Posts Leaked Video Of Google Leadership Reacting To 2016 Election With Tears, Fear*, REAL CLEAR POLITICS (Sept. 13, 2018), <https://www.realclearpolitics.com/video/2018/09/13/breitbart-posts-leaked-video-of-google-leadership-reacting-to-2016-election.html> (leaked video exposing Google executives attacking Americans as “fascists” and “extremists” and promising to use artificial intelligence and machine learning to control information and “fix the problem” in future elections).

<sup>4</sup> Ben Weingarten, “Hunter Biden Laptop Scandal Is the Ultimate American Information Operation”, NEWSWEEK (Mar. 23, 2022), <https://www.msn.com/en-us/news/opinion/hunter-biden-laptop-scandal-is-the-ultimate-american-information-operation-opinion/ar-AAVoXMG?ocid=uxbndlbing>; see also Heather Hamilton, “Rep. Issa says Hunter Biden laptop investigation coming”, The Washington Examiner (Mar. 24, 2022), <https://www.washingtonexaminer.com/news/listen-gop-rep-hunter-biden-laptop-investigation-likely-coming-after-midterms022>.

<sup>5</sup> See National Security Council, “National Strategy for Countering Domestic Terrorism” (June 2021), <https://int.nyt.com/data/documenttools/biden-s-strategy-for-combating-domestic-extremism/22ddf1f2f328e688/full.pdf>.

<sup>6</sup> Joe Concha, Opinion, *Hypocritical Psaki Leads Chilling Effort to Flag ‘Misinformation’*, THE HILL (Jul. 18, 2021), <https://thehill.com/opinion/white-house/563547-hypocritical-psaki-leads-chilling-effort-to-flag-misinformation>.

touch with the social media platforms and those engagements typically happen through members of our senior staff and also members of our COVID-19 team.”<sup>7</sup>

For their part, technology and social media companies have proven to be willing partners of the Biden Administration and the political left, eager to engage in censorship and deception, even when the supposed “misinformation” is truth.<sup>8</sup>

Recently, the close Biden ally and partner Meta Platforms temporarily changed its hate speech policy on Facebook and Instagram. In the wake of Russia’s invasion of Ukraine, it issued a directive to moderators:

We are issuing a spirit-of-the-policy allowance to allow T1 violent speech that would otherwise be removed under the Hate Speech policy when: (a) targeting Russian soldiers, EXCEPT prisoners of war, or (b) targeting Russians where it's clear that the context is the Russian invasion of Ukraine (e.g., content mentions the invasion, self-defense, etc.).<sup>9</sup>

Meta permitted calls for death to Russian dictator Putin and the President of Belarus, Alexander Lukashenko,<sup>10</sup> and praise for the Azov Battalion despite its neo-Nazi ties.<sup>11</sup>

In response to questions about its reasoning, Meta “[narrowed] the focus to make it explicitly clear in the guidance that it is never to be interpreted as condoning violence against Russians in general ... to make explicit that [Meta is] not allowing calls for the death of a head of state.”<sup>12</sup> It is not clear if Meta’s original policy was organic or the result of a request or directive from political operatives, or if the subsequent “change” the result of a political request. But what is clear is that Meta, Twitter, and other leftist information control assets have willingly amplified many Biden Administration claims and priorities. For example, these assets pushed the

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<sup>7</sup> Steven Nelson, *White House ‘Flagging’ Posts for Facebook to Censor Over COVID ‘Misinformation’*, NY POST (July 15, 2021), <https://nypost.com/2021/07/15/white-house-flagging-posts-for-facebook-to-censor-due-to-covid-19-misinformation/>.

<sup>8</sup> Jacob Siegel, *Invasion of the Fact-Checkers*, TABLET (Mar. 21, 2022), <https://www.tabletmag.com/sections/news/articles/invasion-fact-checkers>; Jonathan Turley, *The New York Times Admits Hunter Biden’s Laptop was Authentic*, RES IPSA LOQUITUR (Mar. 17, 2022), <https://jonathanturley.org/2022/03/17/two-years-later-the-new-york-times-admits-hunter-laptop-was-authentic-and-now-basis-for-federal-investigation/>.

<sup>9</sup> Munsif Vengattil & Elizabeth Culliford, *Facebook Allows War Posts Urging Violence Against Russian Invaders*, REUTERS (Mar. 11, 2022), <https://www.reuters.com/world/europe/exclusive-facebook-instagram-temporarily-allow-calls-violence-against-russians-2022-03-10>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Munsif Vegattil, *Meta Narrows Guidance to Prohibit Calls for Death of a Head of State*, REUTERS (Mar. 14, 2022), <https://www.reuters.com/technology/meta-narrows-guidance-restrict-calls-death-head-state-2022-03-14/>.

administration's approved talking points through TikTok stars issues ranging from Russia to "Why is gas so expensive?"<sup>13</sup>

The U.S. State Department's Global Engagement Center leads efforts across the federal government to "counter foreign state and non-state propaganda and disinformation efforts."<sup>14</sup> While technology and social media companies have already proven their eagerness to censor content under false foreign disinformation labels when it served the interests of their liberal political allies,<sup>15</sup> it is unclear how the national security apparatus has been, and continues to be, involved.

To shed light on government activities, and to help the public better understand how the State Department's Global Engagement Center works with private companies to censor and manipulate information to shape the attitudes and behavior of American citizens, AFL requests the following records under 5 U.S.C. § 552.

## II. Requested Records

Please note that AFL's requests do not include "daily clips" emails and press releases.

- A. All records containing the terms "misinformation," "disinformation," "malinformation", or "MDM". The time frame for this item is January 20, 2021, to the date this request is processed.
- B. All records sufficient to identify the person(s) responsible for identifying or designating what is or is not "misinformation", "disinformation", "malinformation", or "MDM". The time frame for this item is January 20, 2021, to the date this request is processed.
- C. All records of State Department Directives, which are currently operative, that instruct the Global Engagement Center's activities relating to misinformation, disinformation, or malinformation.

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<sup>13</sup> Michael Ruiz & Sarah Rumpf, *White House Pre-Screened Questions from TikTok Influencers During Special Briefing Last Week, Attendees Say*, FOX BUS. (Mar. 17, 2022), <https://www.foxbusiness.com/technology/white-house-pre-screened-questions-tiktok-briefing>.

<sup>14</sup> State Dept., Global Engagement Center (2022), <https://www.state.gov/bureaus-offices/under-secretary-for-public-diplomacy-and-public-affairs/global-engagement-center/> (last visited Apr. 4, 2022) ("Core Mission: To direct, lead, synchronize, integrate, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation efforts aimed at undermining or influencing the policies, security, or stability of the United States, its allies, and partner nations.").

<sup>15</sup> Anders Hagstrom, *"He Doesn't Work for the United States": Psaki Deflects When Asked if She Stands by Calling Hunter's Laptop Disinformation*, DAILY CALLER (Mar. 17, 2022), <https://dailycaller.com/2022/03/17/hunter-biden-laptop-new-york-post-psaki-ukraine-business/>.

- D. All records of State Department Directives, which are currently operative, that instruct the Global Engagement Center on how it communicates and interacts with social media companies.
- E. All records, including but not limited to emails and Slack chats, from February 1, 2022, to the date this request is processed, containing the terms “hate speech”, “promoting safety and expression”, “violence against Russians”, “targeting Russians”, “violent speech”, or “Azov Battalion”.
- F. All records, including but not limited to emails and Slack chats, between October 1, 2020, and January 20, 2021, containing the words “Hunter”, “laptop”, “Devon”, “Archer”, “Burisma”, “Bohai”, “Rosemont Seneca”, or “Ukraine”.
- G. All records, including but not limited to emails and Slack chats, between October 1, 2020, and January 20, 2021, containing the terms “election fraud”, “voting irregularities”, “alternate electors”, “electoral college”, or “stop the steal”.
- H. All communications from October 1, 2020, to the date this request is processed, to or from any person with an email containing: “@facebook.com”, “@google.com”, “@instagram.com”, “@linkedin.com”, “@meta.com”, “@reddit.com”, “@twitter.com”, “@tiktok.com”, or “@youtube.com”.
- I. All communications from October 1, 2020, to the date this request is processed, to or from any person with an email containing: “@factcheck.org”, “@fullfact.org”, “@poynter.org”, “@snopes.com”, or “@stopfake.org”.
- J. All communications, from October 1, 2020, to the date this request is processed, to or from any person with an email ending in: “@ap.org”, “@cnn.com”, “@latimes.com”, “@msnbc.com”, “@nypost.com”, “@nytimes.com”, “@reuters.com”, “@usatoday.com”, “@washpost.com”, or “@wsj.com”.
- K. All records of or regarding the processing of this request.

### III. Processing

The Department of State must comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.<sup>16</sup> This means, among other things, the following.

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<sup>16</sup> U.S. Dep’t Just. (Mar. 15, 2022), <https://www.justice.gov/ag/page/file/1483516/download>.

- You may withhold responsive records only if you reasonably foresee that disclosure will harm an interest protected by one of the nine exemptions that the FOIA enumerates, or disclosure is prohibited by law.
- Information that might technically fall within an exemption should not be withheld from AFL unless you can identify a foreseeable harm or legal bar to disclosure. In case of doubt, openness should prevail.
- If you determine that you cannot make full disclosure of a requested record, then the FOIA requires you to consider whether partial disclosure of information is possible and take reasonable steps necessary to segregate and release nonexempt information.
- You must properly apply the foreseeable harm standard. This means you must confirm and demonstrate to AFL that you have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.
- Redactions are disfavored as the FOIA's exemptions are exclusive and must be narrowly construed. If a record contains information responsive to a FOIA request, you must disclose the entire record, as a single record cannot be split into responsive and non-responsive bits. Our requests include any attachments to those records or other materials enclosed with a record when transmitted. If an email is responsive, then our request includes all prior messages sent or received in that email chain, as well as any attachments.
- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. In conducting your search, please give full effect to all applicable legal authorities requiring you to broadly construe each item and your obligation to provide responsive records.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move records to official systems within a certain time. AFL has a right to records in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.
- Please use all available tools to conduct a complete and efficient search for potentially responsive records. Many agencies have adopted the National

Archives and Records Administration (“NARA”) Capstone program or similar policies. These provide options for searching emails and other electronic records in a manner reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; you may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- If some portions of the requested records are properly exempt from disclosure, then please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted before our items are processed. If potentially responsive records are subject to potential deletion, including on a scheduled basis, please place a litigation hold or take other appropriate measures to prevent same.

#### **IV. Fee Waiver Request**

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees. These authorities provide for fee waivers when, as here, “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” AFL’s request concerns identifiable operations or activities of the government, and the information requested is likely to contribute significantly to the public understanding of how the federal government coordinates with the private sector to shape public information.

Also, AFL is a qualified non-commercial public education and news media requester. AFL is a new organization, but it has already demonstrated its commitment to the public disclosure of documents and creation of editorial content. We distribute our work widely, posting government records for the benefit of the public, Congress, policymakers, and scholars, and creating and disseminating distinct work on media outlets of all sorts through the exercise of our editorial skills.

As a nonprofit organization primarily engaged in the dissemination of information to educate the public, AFL does not have a commercial purpose and the release of the information requested is not primarily in AFL’s financial interest. Our status as a qualified non-commercial public education and news media requester has been recognized by the Departments of Defense, Education, Energy, Interior, Health and



Human Services, and Homeland Security, and the Office of the Director of National Intelligence.

## **V. Production**

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive. Please send any responsive records being transmitted by mail to America First Legal Foundation, 611 Pennsylvania Avenue SE #231, Washington, D.C. 20003.

## **VI. Conclusion**

If you have any questions about this request or believe further discussions regarding search and processing will speed the efficient production of records of interest to AFL, then please contact me at [FOIA@aflegal.org](mailto:FOIA@aflegal.org). Finally, please contact us immediately if AFL's request for a fee waiver is not granted in full. Thank you in advance for your cooperation.

Thank you,

/s/ Reed D. Rubinstein

Reed D. Rubinstein

America First Legal Foundation



AFL FOIA <foia@aflegal.org>

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**Ref: F-2022-06835, Freedom of Information Act Acknowledgement**

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AFL FOIA <foia@aflegal.org>  
To: FOIA Status <FOIAstatus@state.gov>

Tue, Apr 26, 2022 at 12:49 PM

Thank you. We would be pleased to discuss how to narrow the request in a manner that will facilitate prompt processing. Please let us know when you might be available for a call.

----- Forwarded message -----

From: <A\_FOIAacknowledgement@groups.state.gov>  
Date: Wed, Apr 6, 2022 at 10:05 AM  
Subject: Ref: F-2022-06835, Freedom of Information Act Acknowledgement  
To: <FOIA@aflegal.org>

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***

Mr. Rubinstein:

This email acknowledges receipt of your April 4, 2022, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on April 5, 2022, regarding records that pertain to State Department's Global Engagement Center listed in paragraphs A. thru K. of this request. Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h). This Office grants your request for a fee waiver.

This Office will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at FOIAstatus@state.gov or telephone at 202-261-8484. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\*



AFL FOIA <foia@aflegal.org>

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## Freedom of Information Act request

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**FOIA Status** <FOIAStatus@state.gov>  
To: AFL FOIA <foia@aflegal.org>

Thu, Sep 8, 2022 at 4:09 PM

Mr. Ding,

This is in response to your email below regarding FOIA Case Control Number F-2022-06835.

This request remains in process and a search for responsive records has been initiated. You will be notified when information becomes available in this case.

As you were previously advised, the Department processes FOIA requests on a first-in, first-out basis and currently has a backlog of requests. As the Department works through its backlog of requests, it is mindful of its accountability to the public.

We will follow-up with you to provide an estimated date of completion for this request.

If you have further questions or any concerns regarding a FOIA-related matter, you may contact the FOIA Requester Service Center via email at [FOIAStatus@state.gov](mailto:FOIAStatus@state.gov).

Regards,

U.S. Department of State

FOIA Requester Service Center

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**From:** AFL FOIA <[foia@aflegal.org](mailto:foia@aflegal.org)>  
**Sent:** Thursday, September 1, 2022 11:43 PM  
**To:** FOIA Status <[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)>  
**Subject:** Re: Freedom of Information Act request

Thank you for your response. Would you please provide any additional information regarding where it is in process? Has a search been conducted? Is it in queue? If so, how many requests are ahead of it in the queue? What is your estimate for the time until the first release of records?

On Thu, Sep 1, 2022 at 5:05 PM FOIA Status <[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)> wrote:

Mr. Ding,

This is in response to your email below regarding Reed Rubinstein's FOIA Case Control Number F-2022-06835.

Please note that this request remains in process and there is no new information to report at this time regarding the status of your request.

Regards,

U.S. Department of State

FOIA Requester Service Center

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**From:** AFL FOIA <[foia@aflegal.org](mailto:foia@aflegal.org)>  
**Sent:** Wednesday, August 31, 2022 9:23 AM  
**To:** FOIA Status <[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)>  
**Subject:** Re: Freedom of Information Act request

Good morning,

May I please receive an update on my case?

Thank you,  
Michael

On Tue, Aug 9, 2022 at 5:23 PM FOIA Status <[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)> wrote:

Mr. Ding,

This is in response to your email below regarding Reed Rubinstein's FOIA Case Control Number F-2022-06835.

This request remains in process. Mr. Rubinstein will be advised as soon as information becomes available in this case.

Please note that the Department processes FOIA requests on a first-in, first-out basis and currently has a backlog of requests. Therefore, there will be a delay in processing requests.

We apologize for the delayed response and appreciate your continued patience.

If you have further questions or any concerns regarding a FOIA-related matter, please contact the FOIA Requester Service Center at 202-261-8484 or send an e-mail to [foiastatus@state.gov](mailto:foiastatus@state.gov).

Regards,

U.S. Department of State

FOIA Requester Service Center

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**From:** AFL FOIA <[foia@aflegal.org](mailto:foia@aflegal.org)>  
**Sent:** Tuesday, August 2, 2022 4:58 PM  
**To:** FOIA Status <[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)>  
**Cc:** Michael Ding <[michael.ding@aflegal.org](mailto:michael.ding@aflegal.org)>  
**Subject:** Re: Freedom of Information Act request

Good afternoon,

Would you provide us with an update on the status of our request?

Thank you,

Michael Ding

America First Legal Foundation

On Wed, Jun 15, 2022 at 3:07 PM FOIA Status <[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)> wrote:

Mr. Ding,

We refer to your email below regarding the status of FOIA request control number F-2022-06835.

The Office of Information Programs and Services' electronic records system indicates that your request is in process. Please note that you will be notified of the results of the Department's search and review efforts in response to this request when that information becomes available.

If you have any concerns or questions regarding a FOIA-related matter, please contact the FOIA Requester Service Center at 202-261-8484 or send an e-mail to [foiastatus@state.gov](mailto:foiastatus@state.gov).

Sincerely,

U.S. Department of State  
FOIA Requester Service Center

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**From:** AFL FOIA <[foia@aflegal.org](mailto:foia@aflegal.org)>  
**Sent:** Friday, June 10, 2022 2:45 PM  
**To:** FOIArequest <[FOIArequest@state.gov](mailto:FOIArequest@state.gov)>  
**Cc:** Michael Ding <[michael.ding@aflegal.org](mailto:michael.ding@aflegal.org)>  
**Subject:** Re: Freedom of Information Act request

Good afternoon,

May we please receive an update on the status of this request?

Thank you,  
Michael Ding

America First Legal Foundation

On Wed, Apr 27, 2022 at 4:07 PM AFL FOIA <[foia@aflegal.org](mailto:foia@aflegal.org)> wrote:

Good afternoon,

The request was limited to the GEC, sorry that was not made more clear. Please limit the search to the GEC, but not to any specific agency officials. (How many employees are there in GEC, can't be that many?)



Regarding Item A, no, we are also interested in records relating to vaccine disinformation results, as that is relevant to what we are seeking.

Regarding Item E, yes, but OR instead of AND. (Limit the search to records containing the requested keywords/terms but which also make mention of one of the tech/social media companies mentioned OR Russia, Ukraine, or Belarus.)

Regarding Item F, yes, the records requested are all "in relation to" Hunter Biden; however, please do not limit this search to require the records to INCLUDE the phrase "Hunter Biden", as we do not expect all responsive records will in fact make a mention of Hunter Biden.

Thank you,

America First Legal Foundation

On Mon, Apr 25, 2022 at 10:58 AM FOIArequest <[FOIArequest@state.gov](mailto:FOIArequest@state.gov)> wrote:

Mr. Rubinstein,

A preliminary search was conducted for your request and yielded a high volume of responsive records. In an effort to narrow the scope of your request, are you willing to limit the search to only those records originating from the Department's Global Engagement Center (GEC)? Or, are there other specific offices and/or bureaus that you would like to be searched? Also, is there a specific *type* of record that you are seeking or that we could limit the search to (e.g., only emails, only memos, and/or both emails and memos, etc.)?

If you're willing to limit the search to the GEC, are there specific agency officials you are particularly interested in (e.g., capstone/senior officials)?

Regarding Item A of your request, may we limit the search to records containing the requested keywords/terms in relation to the word "election" and any mention of "social media" (or specific companies mentioned later on in your letter—Google, Meta, Facebook, Instagram, LinkedIn, Reddit, Twitter, TikTok, YouTube)? Focusing on "election" would allow us to remove any hits related to "vaccine disinformation" results.

Regarding Item E, may we limit the search to records containing the requested keywords/terms but which also make mention of one of the tech/social media companies mentioned AND Russia, Ukraine, or Belarus?

Regarding Item F, may we limit the search to records containing the requested keywords/terms but which are in relation to “Hunter Biden” specifically?

Please confirm any of the proposed search parameters by Tuesday, June 7<sup>th</sup>. If no response is received, we will proceed with the aforementioned search parameters. Limiting and clarifying the search will help to narrow the amount of responsive records and speed the overall processing of your request

Sincerely,

Requester Communications Branch  
Office of Information Programs and Services  
U.S. Department of State

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**From:** AFL FOIA <[foia@aflegal.org](mailto:foia@aflegal.org)>  
**Sent:** Wednesday, April 20, 2022 3:20 PM  
**To:** FOIArequest <[FOIArequest@state.gov](mailto:FOIArequest@state.gov)>  
**Subject:** Re: Freedom of Information Act request

Good afternoon, Please confirm receipt of this email and advise as to the tracking number assigned to this request.

America First Legal Foundation

On Mon, Apr 4, 2022 at 6:19 PM AFL FOIA <[foia@aflegal.org](mailto:foia@aflegal.org)> wrote:

Good afternoon,

Please find attached a new FOIA request.

Please provide written acknowledgement of receipt.

Thank you,

America First Legal Foundation

SENSITIVE BUT UNCLASSIFIED

**CIVIL COVER SHEET**

JS-44 (Rev. 11/2020 DC)

<p><b>I. (a) PLAINTIFFS</b>                  AMERICA FIRST LEGAL FOUNDATION                  611 Pennsylvania Ave SE #231                  Washington, DC 20003</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p><b>DEFENDANTS</b>                  U.S. DEPARTMENT OF STATE                  2201 C Street NW                  Washington, DC 20520</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u>                  (IN U.S. PLAINTIFF CASES ONLY)  <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>
<p>(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER)                  MICHAEL DING                  AMERICA FIRST LEGAL FOUNDATION                  611 Pennsylvania Ave SE #231, Washington, D.C. 20003                  (202) 964-3721</p>	<p>ATTORNEYS (IF KNOWN)</p>

<p><b>II. BASIS OF JURISDICTION</b>                  (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff      <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant      <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b></p> <table style="width:100%;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td><input type="radio"/> 1</td> <td><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="radio"/> 4</td> <td><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="radio"/> 2</td> <td><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="radio"/> 5</td> <td><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="radio"/> 3</td> <td><input type="radio"/> 3</td> <td>Foreign Nation</td> <td><input type="radio"/> 6</td> <td><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Federal Employers Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury  <input type="checkbox"/> 362 Medical Malpractice  <input type="checkbox"/> 365 Product Liability  <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability  <input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u>  <input type="checkbox"/> 861 HIA (1395ff)  <input type="checkbox"/> 862 Black Lung (923)  <input type="checkbox"/> 863 DIWC/DIWW (405(g))  <input type="checkbox"/> 864 SSID Title XVI  <input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u>  <input type="checkbox"/> 891 Agricultural Acts  <input type="checkbox"/> 893 Environmental Matters  <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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<p><input type="radio"/> <b>E. General Civil (Other)</b>      OR      <input type="radio"/> <b>F. Pro Se General Civil</b></p>			
<p><u>Real Property</u>  <input type="checkbox"/> 210 Land Condemnation  <input type="checkbox"/> 220 Foreclosure  <input type="checkbox"/> 230 Rent, Lease &amp; Ejectment  <input type="checkbox"/> 240 Torts to Land  <input type="checkbox"/> 245 Tort Product Liability  <input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u>  <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u>  <input type="checkbox"/> 422 Appeal 27 USC 158  <input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u>  <input type="checkbox"/> 535 Death Penalty  <input type="checkbox"/> 540 Mandamus &amp; Other  <input type="checkbox"/> 550 Civil Rights  <input type="checkbox"/> 555 Prison Conditions  <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u>  <input type="checkbox"/> 820 Copyrights  <input type="checkbox"/> 830 Patent  <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application  <input type="checkbox"/> 840 Trademark  <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</p>	<p><u>Federal Tax Suits</u>  <input type="checkbox"/> 870 Taxes (US plaintiff or defendant)  <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u>  <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u>  <input type="checkbox"/> 375 False Claims Act  <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))  <input type="checkbox"/> 400 State Reapportionment  <input type="checkbox"/> 430 Banks &amp; Banking  <input type="checkbox"/> 450 Commerce/ICC Rates/etc  <input type="checkbox"/> 460 Deportation  <input type="checkbox"/> 462 Naturalization Application</p>	<p><input type="checkbox"/> 465 Other Immigration Actions  <input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organization  <input type="checkbox"/> 480 Consumer Credit  <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA)  <input type="checkbox"/> 490 Cable/Satellite TV  <input type="checkbox"/> 850 Securities/Commodities/Exchange  <input type="checkbox"/> 896 Arbitration  <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision  <input type="checkbox"/> 950 Constitutionality of State Statutes  <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input checked="" type="radio"/> <b>I. FOIA/Privacy Act</b>  <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 Violation of FOIA, 5 U.S.C. section 552, failing to release responsive, non-exempt records.

<b>VII. REQUESTED IN COMPLAINT</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> <b>JURY DEMAND:</b>	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: 11/04/2022	SIGNATURE OF ATTORNEY OF RECORD /s/ Michael Ding
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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

AMERICA FIRST LEGAL FOUNDATION

\_\_\_\_\_  
*Plaintiff*

v.

U.S. DEPARTMENT OF STATE

\_\_\_\_\_  
*Defendant*

)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. 22-3386

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

MERRICK B. GARLAND, U.S. ATTORNEY GENERAL  
U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Ave NW  
Washington, DC 20530-0001

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

MICHAEL DING  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. 22-3386

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

AMERICA FIRST LEGAL FOUNDATION

\_\_\_\_\_  
*Plaintiff*

v.

U.S. DEPARTMENT OF STATE

\_\_\_\_\_  
*Defendant*

)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. 22-3386

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

U.S. DEPARTMENT OF STATE  
2201 C Street NW  
Washington, DC 20520

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

MICHAEL DING  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



Civil Action No. 22-3386

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

AMERICA FIRST LEGAL FOUNDATION

\_\_\_\_\_  
*Plaintiff*

v.

U.S. DEPARTMENT OF THE TREASURY et al

\_\_\_\_\_  
*Defendant*

)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. 1:22-cv-3034

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

Civil Process Clerk  
U.S. Attorney's Office for D.C.  
601 D Street, NW  
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

MICHAEL DING  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. 1:22-cv-3034

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: