

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

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

Plaintiff

v.

FEDERAL BUREAU OF INVESTIGATION,
935 Pennsylvania Ave NW
Washington, DC 20535-0001

and

DEPARTMENT OF JUSTICE
950 Pennsylvania Ave NW
Washington, DC 20530-0001

Defendants.

Civil Action No.: 23-2545

COMPLAINT

1. The Plaintiff, America First Legal Foundation (“AFL”), brings this action against the Federal Bureau of Investigation (“FBI”) and the Department of Justice (collectively, “Defendants”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. On November 6, 2022, two days before Election Day, the FBI National Election Command Post (NECP) sent an email to Assistant Special Agent in Charge Elvis Chan, flagging twenty-five Twitter “accounts being utilized to spread misinformation about the upcoming election” that “may warrant action.” *See*

MattTaibbi (@mtaibbi), *The Twitter Files, Part Six: Twitter, the FBI Subsidiary*, TWITTER (Dec. 16, 2022, 4:00 PM), <https://tinyurl.com/ye7wp67k>.

3. The NECP requested the following assistance from Chan and the San Francisco Field Office (SF):

1. *Coordination between SF with Twitter* to determine whether the accounts identified below have violated Twitter's terms of service and may be subject to any actions deemed appropriate by Twitter.
2. The issuance of preservation letters regarding the accounts identified below in order to preserve *subscriber information* and content information pending the issuance of legal process.
3. *Any location information* associated with the accounts that Twitter will voluntarily provide to aid the FBI in assigning any follow-up deemed necessary to the appropriate FBI field office.

Id. (emphasis added).

4. The list of accounts flagged included @RSBNetwork, the official Twitter account for Right Side Broadcasting Network. *Id.*

5. Discovery in *Missouri v. Biden* revealed that “during the days immediately preceding and through election days, the FBI maintain[ed] a command center around the clock to receive reports of ‘disinformation’ and ‘misinformation’ [and] request[ed] that social-media platforms have people available to receive and process the reports at all times.” *Missouri v. Biden*, No. 22-CV-1213, ECF No. 293 at 61 (W.D. La. July 4, 2023) (Doughty, J.).

6. “According to Chan, the FBI share[d] this information [that] the FBI believe[d] should be censored [and the] predictable effect [is] that social-media

platforms would take action against the content in accordance with their policies.” *Id.* at 64.

7. However, the House Judiciary Committee’s investigation revealed that the “FBI personnel who were warning social media companies about a potential ‘hack and leak’ operation in the run-up to the 2020 election knew that the laptop belonging to Hunter Biden was not Russian disinformation.” Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to the Hon. Christopher Wray, Director, FBI (July 20, 2023), <https://tinyurl.com/3m7a6wsa>.

8. Moreover, the FBI “made the institutional decision to refuse to answer direct questions from social media companies about the laptop’s authenticity” after the New York Post broke a story based on the contents of Hunter Biden’s laptop “despite months of constant information sharing up to that time.” *Id.*

9. Accordingly, AFL brings this action to uncover how the FBI interfered in U.S. elections under the guise of protecting elections from alleged “disinformation and “misinformation.”

JURISDICTION AND VENUE

10. The 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.*

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

PARTIES

12. The 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. 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.

13. Defendant FBI is an agency within the meaning of 5 U.S.C. § 552(f), is located within the District of Columbia, and has possession and control of the records AFL seeks.

14. Defendant Department of Justice is an agency within the meaning of 5 U.S.C. § 552(f), is located within the District of Columbia, and has possession and control of the records AFL seeks.

AFL'S FOIA REQUEST

15. On December 29, 2022, AFL submitted a FOIA request to the FBI, seeking "All records of communications to or from the National Election Command Post (NECP) referencing the Twitter accounts that were flagged for 'additional action due to the accounts being utilized to spread misinformation.'" Exhibit A at 5–7 (citing Matt Taibbi (@mtaibbi), *The Twitter Files, Part Six: Twitter, the FBI Subsidiary*, TWITTER (Dec. 16, 2022, 4:00 PM), <https://tinyurl.com/ye7wp67k>).

16. AFL requested records from June 1, 2022, to November 10, 2022, and from December 16, 2022, to the date of processing. *Id.* at 5.

17. To assist the FBI in conducting a search for responsive records, AFL suggested twenty-four¹ search terms based on the Twitter accounts listed in the e-mail from the NECP to Chan. *Id.* at 6.

18. On February 14, 2023, the FBI responded to AFL's request, stating that the "request is overly broad and ... does not provide enough detail to enable personnel to locate records 'with a reasonable amount of effort.' Therefore, your request is being closed." *Id.* at 9.

19. On April 14, 2023, AFL appealed the FBI's denial. Exhibit A at 1–3.

20. On August 23, 2023, the Department of Justice affirmed the FBI's denial of AFL's request. Exhibit B.

CLAIM FOR RELIEF

Violation of FOIA, 5 U.S.C. § 552

21. AFL repeats paragraphs 1–20.

22. AFL properly requested records within the possession, custody, and control of the Defendants.

23. The FBI failed to conduct a reasonable search for responsive records.

24. The FBI improperly withheld the responsive records under FOIA pursuant to 5 U.S.C. §§ 552(b)(6) and (b)(7)(C).

¹ The NECP listed one account twice in its e-mail.

25. Moreover, the FBI failed to disclose any segregable, non-exempt portions of responsive records. *See* 5 U.S.C. § 552(b).

26. AFL properly appealed the FBI's determination to withhold the responsive records in full.

27. The Department of Justice improperly affirmed the FBI's determination to withhold the responsive records in full.

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

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

RELIEF REQUESTED

WHEREFORE, AFL respectfully requests this Court:

- i. Declare that the records sought by these requests, as described in the foregoing paragraphs, must be disclosed pursuant to 5 U.S.C. § 552;
- ii. Order the Defendants to conduct searches immediately for all records responsive to AFL's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records;
- iii. Order the Defendants to produce by a date certain all non-exempt records responsive to AFL's FOIA requests;

- iv. Award AFL attorneys' fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E);
and
v. Grant AFL such other and further relief as this Court deems proper.

August 31, 2023.

Respectfully submitted,

/s/ Michael Ding

MICHAEL DING (D.C. Bar No. 1027252)
JACOB MECKLER (D.C. Bar No. #90005210)
AMERICA FIRST LEGAL FOUNDATION
611 Pennsylvania Avenue SE #231
Washington, D.C. 20003
Tel.: (202) 964-3721
E-mail: michael.ding@aflegal.org

*Counsel for the Plaintiff
America First Legal Foundation*



April 14, 2023

Via FOIA STAR Portal

Office of Information Policy
United States Department of Justice
441 G Street NW, 6th Floor
Washington, DC 20530
Attn: Director

Freedom of Information Act Appeal: Closure of 1577663-000

Dear Director:

This appeals the Federal Bureau of Investigation's ("FBI") denial of America First Legal Foundation's ("AFL") Freedom of Information Act ("FOIA") Request No. 1577663-000 (Exhibit 1). In the FBI's response, the FBI provided its canned justification for denial, stating that AFL's FOIA request for records to and from the National Election Command Post flagging specific Twitter accounts was "overly broad," and "it does not provide enough detail to enable personnel to locate records 'with a reasonable amount of effort.'" (Exhibit 2). This blanket denial, however, lacks legal foundation.

I. Standard of review

FOIA is meant "to pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny." *U.S. Dep't of State v. Ray*, 502 U.S. 164, 173 (1991) (quoting *Dep't of Air Force v. Rose*, 425 U.S. 352, 361 (1976)). FOIA "directs that 'each agency, upon any request for records ... shall make the records promptly available to any person' unless the requested records fall within one of the statute's nine exemptions." *Loving v. Dep't of Def.*, 550 F.3d 32, 37 (D.C. Cir. 2008).

Also, FBI is required to disclose records freely and promptly, to liberally construe AFL's requests, and to "make 'a good faith effort to search for requested records, using methods which can be reasonably expected to produce the information requested.'" *Nation Magazine v. U.S. Customs Service*, 71 F.3d 885, 890 (D.C. Cir. 1995) (quoting *Oglesby v. U.S. Dep't of Army*, 920 F.2d 57, 68). See also *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978); *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 151 (1989). At all times, FOIA must be construed to carry out Congress's open government mandate according to the ordinary public meaning of its terms at the

time of its enactment. *See Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 1738 (2020).

II. The FBI's blanket denial lacks legal foundation

On December 29, 2022, AFL filed its FOIA request with the FBI. On February 14, 2023, the FBI without any prior engagement or communications, denied and closed AFL's FOIA request.

This is the entirety of its justification:

Your request is overly broad and it does not comport with the requirements of 28 CFR § 16.3(b), as it does not provide enough detail to enable personnel to locate records "with a reasonable amount of effort." Therefore, your request is being closed.

(Exhibit 2 at 1). Courts require agencies to clarify the scope of the request with the requester, "particularly when doing so is required by the agency's regulations." *U.S. Dep't of Just. Guide to the Freedom of Information Act Procedural Requirements* at 29 (Feb. 16, 2022), <https://www.justice.gov/oip/page/file/1199421/download> (citing *Ruotolo v. DOJ, Tax Div.*, 53 F.3d 4, 10 (2d Cir. 1995) (stating that agency failed to perform its "duty" to assist requester in reformulating request)). The regulation relied upon in the FBI's denial specifically requires that, "[i]f after receiving a request [the FBI] determines that it does not reasonably describe the records sought, the component shall inform the requester what additional information is needed or why the request is otherwise insufficient." 28 C.F.R. § 16.3(b). The FBI has "no right to 'resist disclosure because the request fails reasonably to describe records unless it has first made a good faith attempt to assist the requester in satisfying that requirement.'" 53 F.3d at 10 (citing *Ferri v. Bell*, 645 F.2d 1213, 1221 (3d Cir. 1981)) (cleaned up).

Therefore, even if AFL's FOIA request was overly broad or did not reasonably describe the records sought, the FBI failed to perform its duty to assist AFL in reformulating its request. In particular, the FBI failed to inform AFL what additional information was needed or why the request was otherwise insufficient. Without engaging or communicating with AFL until after the statutory response deadline, the FBI abruptly made an outright determination to close AFL's FOIA request simply on the basis that it "does not comport with the requirements" of the regulation. The FBI clearly did not make a good faith attempt to assist AFL in satisfying the requirements that it believed AFL's request had failed to meet.

While AFL does not concede that its request did not comport with the requirements of 28 C.F.R. § 16.3(b), AFL remains willing to work with the FBI in good faith to

address its concerns. But the FBI's blanket denial of AFL's FOIA request is contrary to law and should not stand.

Sincerely yours,

/s/ Michael Ding

Michael Ding

America First Legal Foundation

EXHIBIT 1



December 29, 2022

Via eFOIPA Portal

Federal Bureau of Investigation
Attn: Initial Processing Operations Unit
Record/Information Dissemination Section
200 Constitution Drive
Winchester, VA 22602

Freedom of Information Act Request: Right Side Broadcasting Network

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 43,000 unique addresses, our Twitter page has approximately 48,500 followers, the Twitter page of our Founder and President has 366,000 followers, our Facebook page has 104,000 followers, and we have another approximately 31,500 followers on GETTR.

I. Requested Records

AFL requests the following records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a).

- A. All records of communications to or from the National Election Command Post (NECP) referencing the Twitter accounts that were flagged for "additional action due to the accounts being utilized to spread misinformation." See Matt Taibbi (@mtaibbi), *The Twitter Files, Part Six: Twitter, the FBI Subsidiary* 18, TWITTER (Dec. 16, 2022, 4:00 PM), <https://tinyurl.com/ye7wp67k>. The time frames for this item are June 1, 2022, to November 10, 2022, and December 16, 2022, to the date of processing.

611 Pennsylvania Ave SE #231
Washington, DC 20003

B. All records relating to or regarding the processing of item A.

II. Search Terms

1. @DartfulCodger
2. @DrAndrewJackson
3. @DanDuryeas
4. @2020_mtb
5. @JeanneGary13
6. @RSBNetwork
7. @Davidkloy
8. @Ronsmit49336969
9. @AScottHoneycut
10. @thearmogidaship
11. @lexitollah
12. @Tiboron11
13. @wisefrog57
14. @hfsboatr5
15. @chriswest567
16. @Trump2017847791
17. @kag2020_2024
18. @Tiberius444
19. @BillyBaldwin
20. @chrisfig33ad
21. @michaelp4283
22. @BrettBarker22
23. @EPaul9
24. @warrenintronno

III. Fee Waiver Request

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees.

IV. Processing and Production

Processing should occur in strict compliance with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines. If you have any questions about our request or believe further discussions regarding search and processing would facilitate more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

To accelerate your 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 to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Michael Ding

America First Legal Foundation

EXHIBIT 2



Federal Bureau of Investigation
Washington, D.C. 20535

February 14, 2023

MR. MICHAEL DING
AMERICA FIRST LEGAL FOUNDATION
NUMBER 231
611 PENNSYLVANIA AVENUE SOUTHEAST
WASHINGTON, DC 20003

FOIPA Request No.: 1577663-000
Subject: All Records of Communications
to/from the National Election Command Post
referencing the Twitter Accounts that were
flagged for "Additional Action due to
Accounts being utilized to Spread
Misinformation"
(June 1, 2022 – November 10, 2022;
December 16, 2022 – January 9, 2023)

Dear Mr. Ding:

This is in response to your Freedom of Information Privacy Acts (FOIPA) request. Your request is overly broad and it does not comport with the requirements of 28 CFR § 16.3(b), as it does not provide enough detail to enable personnel to locate records "with a reasonable amount of effort." Therefore, your request is being closed.

It is unnecessary to adjudicate your request for a Fee Waiver at this time, as no applicable fees were assessed.

For questions on how to reasonably describe your request, please email us at foipaquestions@fbi.gov. You may also visit www.fbi.gov and select "Services," "Information Management," and "Freedom of Information/Privacy Act" for additional guidance.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). 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, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely

A handwritten signature in black ink, appearing to read "M. G. Seidel", is positioned above the typed name.

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Michael Ding
America First Legal

August 23, 2023
Re: Appeal No. A-2023-01072
Request No. 1577663-000

foia@aflegal.org

VIA: Email

Dear Michael Ding:

You appealed from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act (FOIA) request for access to records of communications to or from the National Election Command Post referencing Twitter accounts that were flagged for "additional action due to the accounts being utilized to spread misinformation" from June 1, 2022, to November 10, 2022, and December 16, 2022, to present. I note that your appeal concerns the FBI's determination that your request was not reasonably described.

After carefully considering your appeal, I am affirming the FBI's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b) (2022). The FBI informed you that your request for records related to National Election Command Post communications referencing flagged Twitter accounts would require the FBI to conduct an unreasonably burdensome search. I have determined that the FBI's response was correct. Your request is not reasonably described because you did not characterize the records sought in such a way that they could be located without the FBI having to conduct searches in the email accounts of hundreds of FBI employees. Courts have consistently held that the FOIA does not require agencies to conduct unreasonably burdensome searches for records. See, e.g., Nation Magazine v. U.S. Customs Serv., 71 F.3d 885, 892 (D.C. Cir. 1995). If you would like to discuss with the FBI how to reformulate your request, you can contact the FBI's FOIA Public Liaison at (540) 848-2101.

Finally, in your letter you also seek records "regarding the processing of the request." By definition, no such records existed at the time of your request. Please be advised that the FOIA provides a right of access to agency records that exist and can be located in federal agency files. The FOIA does not require agencies to create new records in response to a FOIA request.

Please be advised that this Office's decision was made only after a full review of this

matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, 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. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office and speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

Matthew Hurd

X

Matthew Hurd,

Chief, Administrative Appeals Staff

<input type="radio"/> G. Habeas Corpus/ 2255 <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"/> H. Employment Discrimination <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"/> I. FOIA/Privacy Act <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"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <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"/> L. Other Civil Rights (non-employment) <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"/> M. Contract <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"/> N. Three-Judge Court <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. § 552, failing to release responsive, non-exempt records

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ JURY DEMAND:	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: 08/31/2023	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 cover sheet. 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.

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

AMERICA FIRST LEGAL FOUNDATION

Plaintiff

v.

FEDERAL BUREAU OF INVESTIGATION, et al.

Defendant

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Civil Action No. 1:23-cv-2545

SUMMONS IN A CIVIL ACTION

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

FEDERAL BUREAU OF INVESTIGATION
935 Pennsylvania Ave NW
Washington, DC 20535

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. 1:23-cv-2545

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:

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

AMERICA FIRST LEGAL FOUNDATION

Plaintiff

v.

FEDERAL BUREAU OF INVESTIGATION, et al.

Defendant

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Civil Action No. 1:23-cv-2545

SUMMONS IN A CIVIL ACTION

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

Merrick Garland, Attorney General
DEPARTMENT OF JUSTICE
950 Pennsylvania Ave 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. 1:23-cv-2545

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:

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

AMERICA FIRST LEGAL FOUNDATION

Plaintiff

v.

FEDERAL BUREAU OF INVESTIGATION, et al.

Defendant

Civil Action No. 1:23-cv-2545

SUMMONS IN A CIVIL ACTION

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

DEPARTMENT OF JUSTICE
U.S. Attorney's Office for the District of Columbia
Civil Process Clerk
601 D Street NW
Washington, DC 20530
Email service to: USADC.ServiceCivil@usdoj.gov

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

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