

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL  
FOUNDATION,  
611 Pennsylvania Ave., SE #231  
Washington, D.C. 20003

*Plaintiff,*

Civil Action No.:

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

*Defendant.*

**COMPLAINT**

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

**Jurisdiction and Venue**

2. 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.*

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

## **Parties**

4. The plaintiff America First Legal Foundation 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. America First Legal'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.

5. The defendant, the United States Department of Justice, is an agency under 5 U.S.C. § 552(f), with its headquarters located at 950 Pennsylvania Avenue NW, Washington, D.C. 20530. The defendant has possession, custody, and control of the requested records.

## **Background**

6. "Timely disclosure of records is also essential to the core purpose of FOIA." U.S. DEP'T JUST., Freedom of Information Act Guidelines (Mar. 15, 2022), <https://tinyurl.com/2yd463dv>.

7. However, the Department of Justice refuses to timely process America First Legal's request for records related to the empaneling of a grand jury to investigate a series of sexual assaults on a school campus in Loudoun, Virginia.

8. On January 3, 2023, America First Legal submitted a Freedom of Information Act request to the Department of Justice regarding a series of sexual assaults in the Loudoun County Public Schools during 2021. Exhibit A. The request covered the Department's communications with school district and county officials, and records relating to the assaults and ensuing grand jury investigation. Also, America First Legal requested a fee waiver.

9. On January 26, 2023, the Department acknowledged America First Legal's request and assigned it tracking number FOIA-2023-00419. Exhibit B.

10. On April 14, 2023, America First Legal emailed the Department asking for a status update. Exhibit C.

11. On April 20, 2023, the Department replied that it estimated the search phase of the request would be complete in "nine to ten months." It further advised that additional time would be required to review the records and begin production after the search was completed. *Id.*

12. The Department did not adjudicate the fee waiver request.

13. America First Legal has yet to receive anything else from the Department regarding this request.

**Claim for Relief  
Violation of the FOIA, 5 U.S.C. § 552**

14. AFL repeats the foregoing paragraphs as if set for fully herein.

15. The Department of Justice is an agency of the federal government within the meaning of 5 U.S.C. § 552(f).

16. The Freedom of Information Act requires the defendant to “promptly” release records to the public upon request unless a specific statutory exemption applies or disclosure is prohibited by law.

17. The plaintiff has properly requested records within the defendant’s possession, custody, and control.

18. The plaintiff is also entitled to a fee waiver under 28 CFR § 16.10.

19. Under the Freedom of Information Act, the plaintiff is therefore entitled to declaratory and injunctive relief requiring Defendants to promptly produce all non-exempt records responsive to its request and to a fee waiver.

### **Prayer for Relief**

WHEREFORE, AFL respectfully requests that this Court:

A. Declare that the records sought by AFL’s requests must be disclosed pursuant to 5 U.S.C. § 552;

B. Order the defendant to search immediately, demonstrating search methods reasonably likely to lead to the discovery of responsive records;

C. Order the defendant to produce by a date certain all non-exempt records responsive to America First Legal’s FOIA requests, accompanied by a Vaughn index of any responsive records or portions of responsive records being withheld under a claim of exemption;

D. Order the defendant to grant America First Legal’s request for a fee waiver;

E. Award America First Legal's attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and

F. Grant America First Legal such other and further relief as this Court deems proper.

Date: June 13, 2023

Respectfully Submitted

/s/ Jacob Meckler

Ian Prior\*

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