

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
CENTRAL INTELLIGENCE AGENCY,)	
Office of General Counsel)	
Washington, DC 20505,)	
)	
)	
Defendant.)	
)	

COMPLAINT

Plaintiff, Judicial Watch, Inc. (“Plaintiff”) brings this action against Defendant Central Intelligence Agency (“Defendant”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

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

PARTIES

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes the

agencies' responses and disseminates both its findings and the requested records to the American public to inform them about "what their government is up to."

4. Defendant Central Intelligence Agency ("CIA") is an agency of the U.S. Government and is headquartered in Langley, Virginia. The CIA has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On March 22, 2024, Plaintiff submitted a FOIA request ("Request No. 1") to the CIA asking the agency to produce the following records:

1. All documents and communications referring or relating to the Department of Justice or Internal Revenue Service investigation of Rober Hunter Biden, DPOB: February 4, 1970, Wilmington, DE.
2. All documents and communications referring or relating to Attorney Patrick Kevin Morris, including but not limited to requests or efforts to interview Mr. Morris concerning Robert Hunter Biden.

The time frame for the requested records was identified as "January 1, 2018, to December 31, 2023."

6. On March 27, 2024, Plaintiff submitted a second FOIA request ("Request No. 2") to the CIA asking the agency to produce the following records:

All records of communications including, but not limited to, emails and text messages between officials of the CIA and officials of the U.S. Justice Department regarding Hunter Biden and/or Hunter Biden's lawyer, Kevin Morris.

The time frame for the requested records was identified as "January 1, 2021, to present."

7. On March 27, 2024, Plaintiff submitted a third FOIA request ("Request No. 3") to the CIA asking the agency to produce the following records:

All handwritten notes, transcripts, reports, memoranda, calendar entries and other records relating to any meetings between CIA officials and Justice Department officials regarding Hunter Biden's lawyer, Kevin Morris.

The time frame for the requested records was "January 1, 2021, to present."

8. By letter dated April 5, 2024, the CIA acknowledged receipt of Request No. 1 and advised Plaintiff that the request had been assigned reference number F-2024-01529.

9. By letter dated April 9, 2024, the CIA acknowledged receipt of Request No. 2 and advised Plaintiff that the request had been assigned reference number F-2024-01558.

10. Plaintiff has yet to receive an acknowledgment from the CIA for Request No. 3. Plaintiff submitted the request via the FOIA.gov central web portal for submitting FOIA requests and received a response from the website representing that the "request has been created and is being sent to the [CIA]." The web portal provided the following confirmation number for the request: 1136976. On information and belief, the request was received by the CIA on or about March 27, 2024.

11. As of the date of this complaint Defendant has failed to: (i) determine whether to comply with the requests; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

COUNT I
(Violation of FOIA, 5 U.S.C. § 552)

12. Plaintiff realleges paragraphs 1 through 11 as if fully stated herein.

13. Defendants are in violation of FOIA.

14. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

15. Plaintiff has no adequate remedy at law.

16. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make final determinations on Plaintiff's request by April 24, 2024, at the latest. Because Defendant failed to make final determinations on Plaintiff's request within the time limit set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and *Vaughn* indices of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: May 24, 2024

Respectfully Submitted,

/s/ Paul J. Orfanedes

Paul J. Orfanedes

D.C. Bar No. 429716

JUDICIAL WATCH, INC.

425 Third Street SW, Suite 800

Washington, DC 20024

Tel: (202) 646-5172

Email: porfanedes@judicialwatch.org

Counsel for Plaintiff