

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,)
425 Third Street S.W., Suite 800)
Washington, D.C. 20024,)
)
Plaintiff,)
)
v.)
)
U.S. DEPARTMENT OF STATE,)
The Executive Office)
Office of the Legal Adviser, Suite 5.600)
600 19th Street N.W.)
Washington, D.C. 20522,)
)
Defendant.)
_____)

COMPLAINT

1. Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of State 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

2. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

4. 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.”

5. Defendant U.S. Department of State (“State Department”) is an agency of the U.S. Government headquartered at 2201 C Street, N.W., Washington, D.C. 20520. The State Department has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

6. According to media reports, on the final day of the Biden Administration, the U.S. Embassy in Budapest, Hungary, awarded grants worth millions of Hungarian Forints to various Hungarian media outlets and educational organizations aligned with opponents of Hungarian Prime Minister Viktor Orban, an ally of incoming U.S. President Donald Trump. *See, e.g.*, “U.S. Embassy Awards Millions in Grants to Opposition Media on Trump Inauguration Day,” *Hungarian Conservative*, Jan. 21, 2025 (available at <https://www.hungarianconservative.com/articles/current/us-embassy-hungary-opposition-media-funding-interference-pressman/>).

7. On January 29, 2025, Plaintiff sent a FOIA request to the State Department seeking access to the following:

All records regarding any grants provided under the Independent Media Support Fund/Free Media Grant Program to any organization or individual in Hungary. This request includes, but is not limited to, all records depicting the recipients and purposes of the grants, the timing of the awards, and all related records of communication between former Ambassador David Pressman or Chargé d’Affaires David Holmes and any other individual or entity.

The time frame for the request was identified as “November 1, 2024 to the present.”

8. Plaintiff’s request expressly sought a waiver of both search and duplication fees but agreed to pay up to \$300 in search or duplication fees if the waiver request was denied.

9. By email that same day, January 29, 2025, the State Department acknowledged receipt of Plaintiff's request and advised Plaintiff that the request had been assigned reference number F-2025-08996.

10. As of the date of this Complaint, the State Department has failed to: (i) determine whether to comply with the request; (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)

11. Plaintiff realleges paragraphs 1 through 10 as if fully stated herein.

13. Defendant is in violation of FOIA.

14. Plaintiff is being irreparably harmed by reason of 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 a final determination on Plaintiff's request by February 27, 2025. Because Defendant failed to make a final determination on Plaintiff's request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

17. Because Defendant failed to provide timely written notice to Plaintiff of any "unusual circumstances," as that term is used in FOIA, Defendant cannot charge Plaintiff for search or duplication fees.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches 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 the request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to the request and a Vaughn index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to the 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: March 20, 2025

Respectfully submitted,

/s/ Paul J. Orfanedes

PAUL J. ORFANEDES

D.C. Bar No. 429716

Judicial Watch,

425 Third Street SW, Suite 800

Washington, DC 20024

Tel: (202) 646-5172

Email: porfanedes@judicialwatch.org

Attorney for Plaintiff