

4. The DOS has possession, custody and control of the records Plaintiff seeks.

JURISDICTION AND VENUE

5. This action arises under the Freedom of Information Act (“FOIA”), 5 USC § 552.
6. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B). Jurisdiction also lies with this Court under 28 USC § 1331.
7. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

BACKGROUND

8. Hillary Rodham Clinton served as Secretary of the Department of State from January 21, 2009 to February 1, 2013.
9. How a cabinet Secretary performs his or her functions is always a matter of public interest. This is particularly true in the case of Secretary Clinton due to the widespread speculation that she will run for President of the United States in 2016. Accordingly, how Secretary Clinton managed personnel, conducted foreign policy, prioritized goals and negotiated competing interests both domestically and abroad during her tenure at the helm of the State Department is of great interest to the American public.

PLAINTIFF’S FOIA REQUEST

10. By letter dated November 4, 2014, Plaintiff submitted a FOIA request for “any and all records that were prepared, received, transmitted, collected and/or maintained by the Department of State (DOS) mentioning or referring to or prepared by Secretary of State Hillary Clinton or any member of the Office of the Secretary (S) from January 21, 2009 to February 1, 2013.”

11. Plaintiff's FOIA request stated that it includes, but is not limited to, (1) Records prepared by Secretary Clinton, or by any member of the Office of the Secretary (S) in whole or in part; and (2) Notes made by Secretary Clinton on or about any meeting or record prepared by any other person; and (3) Emails sent by Secretary Clinton or by any member of the Office of the Secretary (S); and (4) Records of meetings, including individual participant's notes, in which Secretary Clinton or any member of the Office of the Secretary (S) attended or in which she or any member of the Office of the Secretary (S) otherwise participated.

12. Plaintiff's FOIA request provided his credentials as a published journalist and requested a fee waiver and expedited processing.

**DEFENDANT'S FAILURE TO TIMELY RESPOND TO
PLAINTIFF'S FOIA REQUEST**

13. The DOS assigned Plaintiff's FOIA request tracking number F-2014-20439. In a letter dated November 24, 2014, DOS granted Plaintiff's request for a fee waiver but denied Plaintiff's request for expedited processing.

14. As of the filing of this Complaint, Plaintiff has not received a final response to his FOIA request to the DOS with a determination as to whether the agency will release or withhold all of the requested records.

15. Under 5 USC § 552(a)(6)(C)(i), Plaintiff is deemed to have exhausted his administrative remedies with regard to his FOIA request to the DOS because Defendant has failed to comply with the statutory time limit set forth in 5 USC 552(a)(6)(A)(i).

COUNT I:
VIOLATION OF FOIA

16. This Count realleges and incorporates by reference all of the preceding paragraphs.

17. Each of the documents referred to in this Complaint is incorporated herein by reference.

18. The DOS has violated FOIA by failing to grant Plaintiff's request for expedited processing.

19. The DOS has violated FOIA by failing to make a final decision as to whether these agency will release or withhold all of the requested records within the statutory timeframe.

20. Plaintiff has been and will continue to be irreparably harmed until Defendant is ordered to comply with FOIA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare Defendant's failure to comply with FOIA to be unlawful;
- (2) Declare that Plaintiff is entitled to expedited processing of his FOIA request;
- (3) Order Defendant to search for and process the requested records without further delay;
- (4) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i);
- (5) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Ryan S. James

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