

4. The Federal Bureau of Investigation (FBI) is a component of Defendant DOJ.
5. The FBI has possession, custody and control of the records Plaintiffs seeks.

JURISDICTION AND VENUE

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

STATEMENT OF FACTS

BACKGROUND

9. Despite subsequent disclosures of overwhelming evidence to the contrary, since its inception, the FBI staunchly maintained it was a purely apolitical entity. Current FBI Director James Comey also insists, notwithstanding the FBI’s previous transgressions, today’s Bureau truly is outside and above politics. However, numerous leading political and news media figures from across the political spectrum explicitly assert the FBI repeatedly and with significant impact affected the outcome of the 2016 U.S. Presidential election. For example, both Senate Minority leader Harry Reid and former Donald Trump campaign manager Corey Lewandowski openly credit Director Comey and his FBI for Donald Trump’s electoral victory over Hillary Clinton.¹ Even prior to the election, in late October, a piece in Politico opined that a string of

¹ See <http://www.cnn.com/2016/12/12/politics/harry-reid-james-comey-election/> and http://www.huffingtonpost.com/entry/corey-lewandowski-james-comey_us_582dd4f7e4b058ce7aa97d7c

recent FBI actions “give the lie to Comey’s repeated insistence that the FBI is above politics, exposing that notion as both irrelevant—[...] and absurd[.]”²

10. The instant lawsuit, among other things, seeks public disclosure of specified government records to make sense of the pivotal role of the FBI, as well as of other agencies, in perhaps the most controversial presidential election in modern U.S. history.

PLAINTIFFS’ FOIA REQUEST

11. On December 2, 2016, Plaintiffs submitted a FOIA request to the FBI via email for several categories of records, including, *inter alia*:³

- Records mentioning or referring to:
 - a) Breitbart
 - b) Breitbart News
 - c) Breitbart News Network
 - d) breitbart.com
 - e) Stephen Kevin Bannon
 - f) Peter Franz Schweizer
 - g) Clinton Cash
 - h) clintoncashbook.com
 - i) Government Accountability Institute
 - j) g-a-i.org
 - k) National Policy Institute
 - l) npiamerica.org
 - m) William Regnery II
 - n) Richard Bertrand Spencer
 - o) alt-right
 - p) Alternative Right
 - q) alternativerright.com

- Emails containing the terms listed in a-q, as well as emails mentioning or referring to the Clinton Foundation

² <http://www.politico.com/magazine/story/2016/10/the-very-political-james-comey-214403>

³ This summary description of Plaintiffs’ FOIA requests is provided only to assist the reader in understanding the nature of the request. The language in the original FOIA request is controlling.

- Unredacted versions of material related to Hillary Clinton’s emails which were previously released by the FBI in redacted form and placed on its electronic reading room (“The Vault”)
- Records of interviews that were referenced in the fourth batch of Hillary Clinton email-related material released by the FBI
- Records of the FBI’s operations pertaining to Hillary Clinton’s emails and private server
- Emails containing any of the following:
 - a) Hillary Rodham Clinton
 - b) William Jefferson Clinton
 - c) Huma Mahmood Abedin
 - d) Anthony David Weiner
 - e) Donald John Trump
 - f) Rudolph William Louis Giuliani
 - g) Corey R. Lewandowski
 - h) Roger Jason Stone
 - i) Jeffrey Lord
 - j) Kellyanne Elizabeth Conway
 - k) Sean Patrick Hannity
 - l) William Bret Baier
 - m) Fox News
 - n) FBIRecordsVault
 - o) Hatch Act
 - p) Shadow Government
 - q) Patrick Francis Kennedy
- Records mentioning or referring to:
 - a) FBI consideration of recommending criminal prosecution of Clinton and/or others for Clinton email matters.
 - b) The FBI decision not to recommend criminal prosecution of Clinton and/or others for Clinton email matters.
 - c) The FBI’s potential reopening of the Clinton email matters investigation.
 - d) The FBI’s subsequent decision not to reopen its Clinton email matters investigation
 - e) The provisioning of information to Congress by the FBI mentioning or referring to Clinton and/or Clinton email matters.
 - f) Leaks regarding Clinton and/or Clinton email matters, and/or Clinton Foundation matters emanating from within the FBI to entities outside the FBI, including, for example, investigations of leaks.
 - g) The FBI RIDS senior executive referred to as the proposed “quid pro quo” between the FBI and DOS regarding Clinton email matters.
 - h) Potential FBI violations of the Hatch Act

- i) “@FBIRecordsVault” matters as described above. This includes but is not limited to any and all investigations of any and all “@FBIRecordsVault” issues as described above.
- j) President Obama’s 2 Nov. 2016 criticism of Comey and the FBI’s 28 Oct. 2016 Clinton letter to Congress.
- k) Communications between the FBI regarding Clinton, Clinton email matters, and/or Clinton Foundation matters.
- l) Peter Schweizer’s book *Clinton Cash: The Untold Story of How and Why Foreign Governments and Businesses Helped Make Bill and Hillary Rich*.

- Emails:

- a) From FBI Director James Comey to FBI RIDS Section Chief David M. Hardy.
- b) From FBI RIDS Section Chief David M. Hardy to FBI Director James Comey.
- c) In which both FBI Director James Comey and FBI RIDS Section Chief David M. Hardy are recipients or otherwise involved.
- d) From FBI Director James Comey to FBI Assistant Director, Records Management Division, Michelle Ann Jupina.
- e) From FBI Assistant Director, Records Management Division, Michelle Ann Jupina to FBI Director James Comey.
- f) In which both FBI Director James Comey and FBI Assistant Director, Records Management Division, Michelle Ann Jupina are recipients or otherwise involved.
- g) From FBI Director James Comey to Brian McCauley.
- h) From Brian McCauley to FBI Director James Comey.
- i) In which both FBI Director James Comey and Brian McCauley are recipients or otherwise involved.
- j) From FBI RIDS Section Chief David M. Hardy to Brian McCauley.
- k) From Brian McCauley to FBI RIDS Section Chief David M. Hardy.
- l) In which both FBI RIDS Section Chief David M. Hardy and Brian McCauley are recipients or otherwise involved.
- m) From FBI RIDS Section Chief David M. Hardy to any and all State Department employees, including but not limited to Patrick F. Kennedy.
- n) From any and all State Department employees, including but not limited to Patrick F. Kennedy, to FBI RIDS Section Chief David M. Hardy.
- o) In which both FBI RIDS Section Chief David M. Hardy and any and all State Department employees, including but not limited to Patrick F. Kennedy, are recipients or otherwise involved.
- m) From FBI Director James Comey to any and all State Department employees, including but not limited to Patrick F. Kennedy.
- n) From any and all State Department employees, including but not limited to Patrick F. Kennedy, to FBI Director James Comey.
- o) In which both FBI Director James Comey and any and all State Department employees, including but not limited to Patrick F. Kennedy, are recipients or otherwise involved.

- p) From Brian McCauley to any and all State Department employees, including but not limited to Patrick F. Kennedy.
 - q) From any and all State Department employees, including but not limited to Patrick F. Kennedy, to Brian McCauley.
 - r) In which both Brian McCauley and any and all State Department employees, including but not limited to Patrick F. Kennedy, are recipients or otherwise involved.
 - s) From FBI Director James Comey to Michael Steinbach of the FBI.
 - t) From Michael Steinbach of the FBI to FBI Director James Comey.
 - u) In which both FBI Director James Comey and Michael Steinbach of the FBI are recipients or otherwise involved.
 - v) From FBI RIDS Section Chief David M. Hardy to Michael Steinbach of the FBI.
 - w) From Michael Steinbach of the FBI to FBI RIDS Section Chief David M. Hardy.
 - x) In which both FBI RIDS Section Chief David M. Hardy and Michael Steinbach of the FBI are recipients or otherwise involved.
12. The request sought expedited processing.
13. In a letter dated December 6, 2016, the FBI assigned the request tracking number 1362400-000.
14. As of the filing of this Complaint, Plaintiffs have not received a response from the FBI as to whether or not their request for expedited processing will be granted.

COUNT I:
VIOLATION OF FOIA

15. This Count realleges and incorporates by reference all of the preceding paragraphs. All documents referenced in this Complaint are incorporated by reference as if set forth fully herein.
16. The FBI has failed to grant or even rule on Plaintiffs' request for expedited processing.

17. Plaintiffs are deemed to have exhausted their administrative remedies because over 10 calendar days have elapsed without a determination as to whether or not they are entitled to expedited processing.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare Defendant's failure to comply with FOIA to be unlawful;
- (2) Order Defendants to immediately process Plaintiffs' FOIA requests;
- (3) Grant Plaintiffs an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i);
- (4) Grant Plaintiffs such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

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