

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

CAUSE OF ACTION INSTITUTE)	
1875 Eye St., NW, Suite 800)	
Washington, DC 20006,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 17-671
)	
FEDERAL BUREAU OF INVESTIGATION)	
935 Pennsylvania Ave., NW)	
Washington, DC 20535,)	
)	
Defendant.)	

COMPLAINT

1. Plaintiff Cause of Action Institute (“CoA Institute”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking access to records relating to the relationship between the Federal Bureau of Investigation (“FBI”) and Christopher Steele. According to a news report, Mr. Steele entered an agreement with the FBI a few weeks before the November 2016 election to investigate then-candidate Donald Trump while, at the same time he was employed by an opposition research firm to collect information for Democratic presidential nominee Hillary Clinton. This relationship raises the possibility that the FBI was misusing taxpayer money to interfere in a presidential election on behalf of one of the candidates. To date, the FBI has failed to issue a final determination on the CoA Institute FOIA request or to produce any responsive records.

JURISDICTION AND VENUE

- 2. Jurisdiction is asserted pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).
- 3. Venue is proper pursuant to 28 U.S.C. § 1391(e) and 5 U.S.C. § 552(a)(4)(B).

PARTIES

4. CoA Institute is a non-profit strategic oversight group committed to ensuring that government decision-making is open, honest, and fair. In carrying out its mission, CoA Institute uses various investigative and legal tools to educate the public about the importance of government transparency and accountability. It regularly requests access under the FOIA to the public records of federal agencies, entities, and offices, and disseminates its findings, analysis, and commentary to the general public.

5. The FBI is an agency within the meaning of 5 U.S.C. § 552(f)(1). It has possession, custody, and control of records to which CoA Institute seeks access and that are the subject of this Complaint.

FACTS

6. By letter, dated March 7, 2017, CoA Institute sent a FOIA request to the FBI seeking access to records evidencing, *inter alia*, whether the FBI paid, or caused to be paid, money to Christopher Steele for any purpose. Ex. 1.

7. CoA Institute submitted the request to the FBI via the agency's eFOIA system.

8. CoA Institute sought a public interest fee waiver and to be classified as a representative of the news media for fee purposes. *Id.* at 2–3.

9. By automated email, dated March 7, 2017, the FBI acknowledged receipt of the CoA Institute FOIA request. Ex. 2.

10. By letter, dated March 28, 2017, the FBI again acknowledged receipt of the request and assigned it case number 1369885-000. Ex. 3.

11. The FBI did not make a determination on CoA Institute's fee waiver request, but did grant CoA Institute news media requester status. *Id.*

12. CoA Institute has had no further communications with the IRS regarding this FOIA request.

COUNT 1

Violation of the FOIA: Failure to Comply with Statutory Deadlines

13. CoA Institute repeats all of the above paragraphs.

14. The FOIA requires agencies to respond to requests within twenty (20) business days or, in “unusual circumstances,” within thirty (30) business days. 5 U.S.C. §§ 552(a)(6)(A)–(B).

15. More than twenty (20) business days have passed since the FBI received the FOIA request at issue in this suit.

16. The FBI has not issued a final determination on or produced any records responsive to the FOIA request at issue within the applicable FOIA time limits. The FBI therefore has failed to comply with the FOIA’s statutory deadline to issue a final determination.

17. CoA Institute has exhausted its administrative remedies under 5 U.S.C. § 552(a)(6)(C).

RELIEF REQUESTED

WHEREFORE, Plaintiff CoA Institute respectfully requests and prays that this Court:

- a. order the FBI to process the FOIA request at issue in this suit and make a final determination within twenty (20) business days of the date of the Order;
- b. order the FBI to produce all responsive records promptly upon issuing a final determination;
- c. award CoA Institute its costs and reasonable attorney fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- d. grant such other relief as the Court may deem just and proper.

Date: April 17, 2017

Respectfully submitted,

/s/ John J. Vecchione

John J. Vecchione (D.C. Bar. No. 431764)

Lee A. Steven (D.C. Bar No. 468543)

R. James Valvo, III (D.C. Bar. No. 1017390)

CAUSE OF ACTION INSTITUTE

1875 Eye St., NW, Suite 800

Washington, DC 20006

Telephone: (202) 499-4232

Facsimile: (202) 330-5842

john.vecchione@causeofaction.org

lee.steven@causeofaction.org

james.valvo@causeofaction.org

Counsel for Plaintiff