

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

AMERICA FIRST LEGAL FOUNDATION,
600 14th Street, NW
Fifth Floor
Washington, DC 20005

Plaintiff,

v.

DEPARTMENT OF STATE,
2201 C Street, NW
Washington, DC 20520

Defendant.

Civil Action No. 21-cv-2832

COMPLAINT

1. America First Legal Foundation (“AFL”) sues the U.S. Department of State (“State”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

JURISDICTION AND VENUE

2. This 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 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. AFL is a nonprofit corporation that promotes government transparency and accountability by gathering official government information, analyzing it, and disseminating it to the public through reports, press releases, media platforms including social media, and by posting government records on its website for use by the public, scholars, and others. AFL’s principal

office is 600 14th Street, N.W., Fifth Floor, Washington, D.C. 20005.

5. State is an agency of the federal government and has possession and control of the requested records.

FACTS

6. AFL submitted a FOIA request to State on August 11, 2021, seeking records related to State's failure to comply with its obligations under The PLO Commitments Compliance Act of 1989, Title VIII of Public Law 101-246 (1990). Exhibit A.

7. That same day, AFL received an e-mail from State acknowledging receipt of this request and assigning it reference number F-2021-09165. State represented that it would not be able to respond to the request within the 20 days required by statute due to its need to search for and collect requested records from other department offices or Foreign Service posts. Exhibit B; *see* 5 U.S.C. § 552(a)(6); *Citizens for Resp. & Ethics in Washington v. Fed. Election Comm'n*, 711 F.3d 180, 188–89 (D.C. Cir. 2013).

8. As of the date of this Complaint, State has failed to produce the requested records or propose a reasonable production schedule; to demonstrate that any of the requested records are lawfully exempt from production; or to notify AFL of the scope of any responsive records it intends to produce or withhold and the reasons for any withholdings and then inform AFL that it may appeal any adequately specific, adverse determination.

CLAIM FOR RELIEF: VIOLATION OF THE FOIA

9. AFL repeats paragraphs 1-8.

10. Per 5 U.S.C. § 552(a)(3)(A), by failing to release any responsive, non-exempt records, or otherwise offer a reasonable schedule for production, State has violated FOIA.

11. Per 5 U.S.C. § 552(a)(6)(C), AFL has exhausted its administrative remedies.

12. AFL is being irreparably harmed because of State's violations of the FOIA and will continue to be irreparably harmed unless State is compelled to comply with the law.

PRAYER FOR RELIEF

WHEREFORE, AFL respectfully requests that this Court:

A. Order State to conduct searches immediately for all records responsive to AFL's FOIA request, demonstrating it employed search methods reasonably likely to lead to the discovery of responsive records.

B. Order State to produce by a date certain all non-exempt records responsive to AFL's FOIA request and a Vaughn index of any responsive records withheld under claim of exemption.

C. Award AFL attorneys' fees and costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E).

D. Grant AFL such other and further relief as this Court deems proper.

October 26, 2021.

Respectfully submitted,

/s/ Christopher Mills
CHRISTOPHER E. MILLS
D.C. Bar No. 1021558
SPERO LAW LLC
557 East Bay St. #22251
Charleston, SC 29413
Tel.: (843) 606-0640
cmills@spero.law

/s/ Reed D. Rubinstein
REED D. RUBINSTEIN
D.C. Bar No. 400153
AMERICA FIRST LEGAL FOUNDATION
600 14th Street, N.W., Fifth Floor
Washington, D.C. 20005
Tel.: (202) 964-3721
reed.rubinstein@aflegal.org

Counsel for Plaintiff America First Legal Foundation



August 11, 2021

VIA EMAIL: FOIARequest@state.gov

U. S. Department of State
Office of Information Programs and Services
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

Freedom of Information Act Request: Records Regarding the Biden Administration's Knowing and Intentional Submission of a False PLO Commitments Compliance Act Report to the Congress.

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization. AFL works to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and promote knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. AFL’s mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public. Whether the President and the agencies he directs, including the U.S. Department of State, respect the Constitution and faithfully execute the laws passed by the Congress, is one of our core institutional concerns.

The PLO Commitments Compliance Act of 1989, Title VIII of Public Law 101-246 (1990) directs the President to report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate if the Palestine Liberation Organization and the Palestinian Authority (collectively the “PLO”), and all “constituent groups related thereto” have, *inter alia*, ceased supporting terrorism and recognized Israel's right to exist, specifically including actions or statements contending the declared “Palestinian state” encompasses all of Israel; repudiated the “strategy of stages” whereby it seeks to use a state in the West Bank and Gaza as the first step in the total elimination of the state of Israel; called on any Arab state to recognize and enter direct negotiations with Israel or end its economic boycott of Israel; or threatened Palestinians who oppose violence against Israel. See PLO Commitments Compliance Act §§ 804(b)(1), (4), (5), and (8).

Subsequently, the PLO Compliance Report provision of Public Law 107-115 (2002), § 566, directed the President:

[T]o submit a report to the Congress assessing the steps that the Palestine Liberation Organization (PLO), or the Palestinian Authority, as appropriate, has taken to comply with its 1993 commitments to renounce the use of terrorism and all other acts of violence and to assume responsibility over all PLO or Palestinian Authority elements and personnel in order to assure their compliance, prevent violations, and discipline violators, including the arrest and prosecution of individuals involved in acts of terror and violence. The President should determine, based on such assessment, whether the PLO or the Palestinian Authority, as appropriate, has substantially complied with such commitments. If the President determines based on the assessment that such compliance has not occurred, then the President should, for a period of time of not less than six months, impose... sanctions...

Public Law 107-115 § 566(a). Congress required the President to “update the report submitted pursuant to subsection (a)” of this section as part of the report “required under [§ 804 of] the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101-246).” *Id.* at § 566(c).

The PLO has manifestly failed to honor the commitments specified by Congress in both the PLO Commitments Compliance Act of 1989 and in the PLO Compliance Report provision of Public Law 107-115. For example, as Senate Foreign Services Committee Ranking Member Sen. James E. Risch has documented, the PLO continues to incentivize and celebrate violence against Jews through an egregious “pay to slay” program. Specifically:

In 2019 alone, the Palestinians spent \$151 million to support imprisoned terrorists and their families. In addition to these prisoner payments, the PA and PLO maintain a “martyrs’ fund” that supports the families of terrorists killed while committing acts of violence.

In addition to Palestinian policies that incentivize violence, the legal requirements under the 1987 Anti-Terrorism Act (ATA), and the 2019 Promoting Security and Justice for Victims of Terrorism Act (PSJVTA) are clear. The 1987 ATA specifically states that “the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law and should not benefit from operating in the United States.”

There is also the matter of Palestinian elections. Originally scheduled for May, Mahmoud Abbas has sought yet another delay over fears Hamas would defeat his Fatah party at the polls. Hamas remains a designated foreign terrorist organization, and the potential for it to fully take over Palestinian governance remains a compelling reason to avoid opening an office in the United States.

The United States is rightly skeptical of the PA's and PLO's compliance with its commitments, and the American people deserve transparency on this important issue.

See [Letter from Sen. James E. Risch to the Hon. Joseph R. Biden \(June 9, 2021\)](#).

Accordingly, we are concerned by the credible allegations Biden Administration's political appointees knowingly and willfully expunged derogatory information from the State Department's most recent § 804 report, prepared, we believe, by a career official, to fit broader political narratives. In particular, we are concerned by attempts to conceal material facts regarding the PLO's support for terrorism, commitment to the destruction of the State of Israel and the concomitant murder and/or expulsion of the Jews now resident there, and ongoing efforts to block peace treaties between Israel and the Arab states from Congress. Allegedly:

The Biden State Department's latest report to Congress, issued under a mandatory reporting statute. . .omits specific references to the Palestinian government's ongoing calls for violence, as well as its support for the Boycott, Divestment, and Sanctions movement, which wages economic warfare on Israel. Both issues, which are being closely tracked in Congress, were included in the outgoing Trump administration's October report, according to copies of both reports viewed by the Washington Free Beacon....The Free Beacon obtained copies of both reports and found the Biden administration deleted information about terror incitement and Palestinian support for the BDS movement. The State Department declined to comment on the changes.

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In the latest report, the Biden State Department removed a section of text detailing how Palestinian schools and media outlets routinely employ violent rhetoric.

"Some PA schools and media outlets continue to promote the idea that Israel does not have a right to exist and support the elimination of Israel on maps that show 'Palestine' covering over Israel with indication

'Palestine' will be 'liberated' in the future," the Trump administration's October report stated in a now-removed section.

###

Another portion on the Arab League's boycotts of Israel omits an entire paragraph detailing how the Palestinian government is undermining regional peace with Israel.

"The PA expressed its strong disapproval of Arab states normalizing relations with Israel," the October report stated in a now-deleted paragraph. "Referring to the [United Arab Emirates'] diplomatic normalization agreement with Israel, [Palestinian president Mahmoud] Abbas said, 'We consider this a stab in the back and we absolutely reject it.'"

The Trump administration's report also stated: "PA diplomats also worked [to] encourage statements, including from the Arab League, condemning normalization. The PA also expressed support for the Boycott, Divestment, and Sanctions movement against Israel."

These findings are omitted from the Biden administration's version of the report.

Adam Kredo, [*Biden Admin Deletes References to Palestinian Terror Incitement From Congressional Report; State Dept silent on removing references to malign Palestinian behavior in congressionally mandated report*](#), The Washington Free Beacon (July 6, 2021).

FOIA's purpose is to ensure an informed citizenry, which is vital to the functioning of a democratic society, needed to check against corruption, and required to hold the governors accountable to the governed. 5 U.S.C. § 552; *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). The Department of State's lawful discharge of its statutorily mandated reporting obligations is obviously a matter of pressing public concern. Accordingly, pursuant to FOIA, AFL hereby requests the following records within twenty business days.

I. Special Definitions

"Free Beacon article" means: Adam Kredo, *Biden Admin Deletes References to Palestinian Terror Incitement From Congressional Report; State Dept silent on removing references to malign Palestinian behavior in congressionally mandated report*, The Washington Free Beacon (July 6, 2021) available at

<https://freebeacon.com/biden-administration/biden-admin-deletes-references-to-palestinian-terror-incitement-from-congressional-report/>

“Section 804 report” means the report required to be transmitted to Congress by § 804(c) of the PLO Commitments Compliance Act, Public Law 101-246 as amended, including the information specified in § 566 of Public Law 107-115.

“Biden Administration Section 804 report” means any draft or final Section 804 report prepared, published, or transmitted after January 20, 2021.

II. Requested Records

- A. All records of, referring, regarding, related to, used, or relied upon in the preparation of a Section 804 report between January 1, 2019, and August 15, 2021.
- B. All records of, referring, regarding, or relating to the (1) Free Beacon article and (2) the edits and/or deletions referenced therein. The time frame for this request is January 20, 2021, to the date this request is processed.
- C. All records sufficient to identify the person(s) who reviewed, directed, and/or approved modifications, edits to or deletions of text contained in the October 2020 Section 804 report but absent from the Biden Administration Section 804 report referenced in the Free Beacon article.
- D. All records sufficient to identify every person who reviewed, approved, or contributed to a Biden Administration Section 804 report.
- E. All records of, referring, regarding, or relating to the reasons that facts, circumstances, conditions, or statements in the Section 804 report submitted to Congress in or about October 2020, were omitted from the Biden Administration Section 804 report, as reported in the Free Beacon article. Such facts, circumstances, conditions, or statements include, but are not limited to, the following:
 - 1. Some PA schools and media outlets continue to promote the idea that Israel does not have a right to exist and support the elimination of Israel on maps that show ‘Palestine’ covering over Israel with indication ‘Palestine’ will be ‘liberated’ in the future.
 - 2. The PA expressed its strong disapproval of Arab states normalizing relations with Israel. . Referring to the [United Arab Emirates] diplomatic normalization agreement with Israel, [Palestinian president Mahmoud] Abbas said, ‘We consider this a stab in the back and we absolutely reject it.’”

3. PA diplomats also worked [to] encourage statements, including from the Arab League, condemning normalization. The PA also expressed support for the Boycott, Divestment, and Sanctions movement against Israel.

The time frame for this request is January 1, 2020, to the date this request is processed.

- F. All records created, received, or transmitted by Naz Durakoglu regarding, referring, or related to a Biden Administration Section 804 report.
- G. All records of, referring, regarding, or related to the processing of this request.

III. Redactions

Redactions are disfavored as the FOIA's exemptions are exclusive and must be narrowly construed. *Am. Immigration Lawyers Ass 'n v. Exec. Office for Immigration Review (AILA)*, 830 F.3d 667, 676-79 (D.C. Cir. 2016). If a record contains information responsive to a FOIA request, then Department of State must disclose the entire record; a single record cannot be split into responsive and non-responsive bits. *Id.*; see also *Parker v. United States DOJ*, 278 F. Supp. 3d 446, 451 (D.D.C. 2017). Consequently, you should produce email attachments.

In connection with this request:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please construe the term “record” in the broadest possible sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek all records, including electronic records, audiotapes, videotapes, and photographs, as well as texts, letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.
- Our request includes any attachments to those records or other materials enclosed with a record when transmitted. If an email is responsive to our request, then our request includes all prior messages sent or received in that email chain, as well as any attachments.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and

procedures that require officials to move such information to official systems within a certain period of time; AFL has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to governmentwide requirements to manage agency information electronically, and many agencies have adopted the National Archives and Records Administration (“NARA”) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; you may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

IV. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your regulations, AFL requests a waiver of all search and duplication fees associated with this request. First, AFL is a qualified non-commercial public education and news media requester. AFL is a new organization, but it has already demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website. For example, its officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities.

In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others. The public’s understanding of your policies and practices will be enhanced through AFL’s analysis and publication of the

requested records. As a nonprofit organization, AFL does not have a commercial purpose and the release of the information requested is not in AFL's financial interest.

Second, waiver is proper as disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.” 5 U.S.C. § 552(a)(4)(A)(iii). The public has a significant interest in the Department of State's compliance with and faithful execution of the laws, in its respect for Congressional prerogative and the separation of powers, and, as Ranking Member Reich stated, in transparency regarding the PLO's/PA's failure to comply with their promises, over the course of decades, to eschew terrorism and support peace, particularly when the Biden Administration has seen fit to subsidize both with hundreds of millions of U.S. taxpayer dollars.

Other federal agencies, including the Departments of Education, Energy, and Interior, have acknowledged AFL is entitled to a fee waiver and granted our request.

V. Expedited Processing

AFL requests and is entitled to expedited processing of this request under 22 CFR 171.11(f). First, the matter of PLO support for terrorism, the apparent attempt by Biden political officials to cover up such support, and the knowing and willful submission of a false report to Congress pursuant thereto, is a “breaking news story” of significant and general public interest. Second, AFL is a nonprofit with a public education mission, and we have a compelling need for the requested records. Among other things, the requested information is urgently needed by AFL to inform the public concerning actual or alleged Department of State activity that may violate Public Law 101-246, Public Law 107-115, and/or 18 U.S.C. § 1001.¹ Critically, the information we seek has a particular value that will be lost if not disseminated

¹ 18 U.S.C. § 1001(a) states:

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

With respect to matters within the jurisdiction of the legislative branch, § 1001(a) applies to “a document required by law, rule, or regulation to be submitted to the Congress...”. 18 U.S.C. § 1001(c). The report mandated by Title VIII of Public Law 101-246, including the additional information specified by § 566 of Public Law 107-115, would appear to be a “document required by law...to be submitted to the Congress”.

quickly, particularly given the Biden Administration's express determination to transfer hundreds of millions of dollars to the PLO and its related entities and enterprises. Finally, as our website makes clear, our primary activity involves publishing or otherwise disseminating information to the public in general, not just to a particular segment or group.

VI. Production

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive. Please send any responsive records being transmitted by mail to America First Legal Foundation, 600 14th Street NW, 5th Floor, Washington, D.C. 20005.

VII. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at foia@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Thank you.

Reed D. Rubinstein
Senior Counselor and Director of Oversight and
Investigations
America First Legal Foundation



AFL FOIA <foia@aflegal.org>

Ref: F-2021-09165, Freedom of Information Act Acknowledgement

A_FOIAacknowledgement@groups.state.gov
<A_FOIAacknowledgement@groups.state.gov>
To: foia@aflegal.org

Wed, Aug 11, 2021 at 3:09
PM

****THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.****

Mr. Rubinstein:

This email acknowledges receipt of your August 11, 2021, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on August 11, 2021, regarding the Biden Administration's Knowing and Intentional Submission of a False PLO Commitments Compliance Act Report to the Congress [as listed in Items A-G of request]. Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h).

Also, you requested expedited processing of this request. According to 22 CFR § 171.11(f), requests shall receive expedited processing when a requester demonstrates a "compelling need" for the information exists for one of the following reasons: (1) failure to obtain the requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity; or (3) failure to release the information would impair substantial due process rights or harm substantial humanitarian interests. Your request does not demonstrate a "compelling need" for the requested information. Therefore, this Office denies your request for expedited processing.

If you are not satisfied with this Office's determination in response to your request for expedited processing, you may administratively appeal to: Appeals Officer, Office of Information Programs and Services, U.S. Department of State, 2201 C Street, NW, Room B266, Washington, D.C. 20520; or facsimile at 202-485-1718. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this email.

This Office will not be able to respond within the 20 days provided by the statute due to "unusual circumstances." See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at FOIAstatus@state.gov or telephone at 202-261-8484. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, [8601 Adelphi Road](https://www.ogis.gov)-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

/s/

Marilyn E. Brittingham

Acting Chief

Requester Communications Branch

****THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.****

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

| <p>I. (a) PLAINTIFFS America First Legal Foundation</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Christopher Mills Spero Law LLC 557 East Bay Street #22251, Charleston, SC 29413 (843) 606-0640</p> | <p>DEFENDANTS Department of State</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN)</p> | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border: none;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td><input type="radio"/> 1</td> <td><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="radio"/> 4</td> <td><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="radio"/> 2</td> <td><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="radio"/> 5</td> <td><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="radio"/> 3</td> <td><input type="radio"/> 3</td> <td>Foreign Nation</td> <td><input type="radio"/> 6</td> <td><input type="radio"/> 6</td> </tr> </tbody> </table> | | PTF | DFT | | PTF | DFT | Citizen of this State | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated or Principal Place of Business in This State | <input type="radio"/> 4 | <input type="radio"/> 4 | Citizen of Another State | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="radio"/> 5 | <input type="radio"/> 5 | Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 |
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| Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 | | | | | | | | | | | | | | | | | | | | |

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

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| <p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p> | <p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p> | <p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p> | <p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p> |
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E. General Civil (Other)

OR

F. Pro Se General Civil

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| <p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> | <p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</p> | <p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 462 Naturalization Application</p> | <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA)</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p> |
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| <input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee | <input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)* | <input checked="" type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)* | <input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans) |
| <input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education | <input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | <input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act) |

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Suit against Department of State to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552.

| | | | |
|------------------------------------|----------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------|
| VII. REQUESTED IN COMPLAINT | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 | DEMAND \$ JURY DEMAND: | Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
|------------------------------------|----------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------|

| | | | |
|-------------------------------------|-------------------|---------------------------------------------------------------------|-------------------------------------------|
| VIII. RELATED CASE(S) IF ANY | (See instruction) | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | If yes, please complete related case form |
|-------------------------------------|-------------------|---------------------------------------------------------------------|-------------------------------------------|

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| DATE: 10/26/21 | SIGNATURE OF ATTORNEY OF RECORD s/ Christopher Mills |
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: