

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

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JASON LEOPOLD	)	
1712 Eye Street NW	)	
Suite 915	)	
Washington, DC 20006	)	
	)	
RYAN NOAH SHAPIRO	)	
1712 Eye Street NW	)	
Suite 915	)	
Washington, DC 20006,	)	Judge _____
	)	
PLANTIFFS	)	Civil Action No. _____
	)	
v.	)	
	)	
DEPARTMENT OF JUSTICE	)	
950 Pennsylvania Ave NW	)	
Washington, DC 20530,	)	
	)	
DEFENDANT.	)	
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**COMPLAINT**

**THE PARTIES**

1. Plaintiff Ryan Shapiro is a citizen of California residing in Santa Cruz.
2. Plaintiff Ryan Noah Shapiro is a Ph.D. candidate in the Department of Science, Technology, and Society (HASTS) at the Massachusetts Institute of Technology, as well as a Research Affiliate at the Berkman Klein Center for Internet & Society at Harvard University. Plaintiff is an historian of national security, the policing of dissent, and governmental transparency.
3. Plaintiff Jason Leopold is a citizen of California residing in Beverly Hills.
4. Mr. Leopold is a senior investigative reporter for *Vice News*. Mr. Leopold covers

Guantanamo, national security, counterterrorism, civil liberties, human rights and open government. In addition to his role at *Vice News*, his reporting has appeared in *The Nation*, *The Wall Street Journal*, *The Financial Times*, *Salon*, *CBS Marketwatch*, *The Los Angeles Times* and numerous other domestic and international publications.

5. The Department of Justice (“DOJ”) is an agency of the United States.

6. The Federal Bureau of Investigation (“FBI”) is a component of DOJ. The FBI has possession, custody and control of the records Plaintiffs seek.

#### JURISDICTION AND VENUE

7. This action arises under the Freedom of Information Act (“FOIA”), 5 U.S.C. §552.

8. This Court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. §552(a)(4)(B).

9. Venue is proper in this district pursuant to 5 U.S.C. §552(a)(4)(B).

#### STATEMENT OF FACTS

##### BACKGROUND

10. Donald J. Trump (“Trump”) is the Republican Party nominee for the President of the United States in the 2016 U.S. election.

11. Various Trump entities, including Trump Entertainment Resorts, Inc., (“TER”), Trump Organization, Trump University and Trump Foundation (“Foundation”) have been the subject of media coverage and investigation for various activities that may have violated federal law.

12. Violations of federal law by these Trump entities are of urgent public interest due to his current campaign for President of the United States.

### PLAINTIFFS' FOIA REQUESTS

13. On October 3, 2016, Plaintiffs Shapiro and Leopold submitted a FOIA/PA request to the FBI seeking expedited treatment under FOIA for the “disclosure of any and all records, including but not limited to investigative records, mentioning or referring to Trump Entertainment Resorts, Inc. (aka Trump Entertainment Resorts, aka TER, aka Trump Hotel & Casino Resorts, aka THCR).”

14. On October 4, 2016, the FBI acknowledged the receipt of Plaintiffs' request for Records mentioning or referring to TER.

15. On October 3, 2016, Plaintiffs Shapiro and Leopold submitted a FOIA/PA request to the FBI seeking expedited treatment under FOIA for the “disclosure of any and all records, including but not limited to investigative records, mentioning or referring the Donald J. Trump Foundation (aka the Trump Foundation).”

16. On October 3, 2016, the FBI acknowledged the receipt of Plaintiff's request for records mentioning or referring to the Trump Foundation.

17. On October 3, 2016 Plaintiffs Shapiro and Leopold submitted a FOIA/PA request to the FBI seeking expedited treatment under FOIA for the “disclosure of any and all records, including but not limited to investigative records, mentioning or referring to the Trump Organization (aka Elizabeth Trump & Son).”

18. On October 3, 2016, the FBI acknowledged the receipt of Plaintiffs' request for records mentioning or referring to the Trump Organization.

19. On October 3, 2016, Plaintiffs Shapiro and Leopold submitted a FOIA/PA request to the FBI seeking expedited treatment under FOIA for the “disclosure of any and all records, including but not limited to investigative records, mentioning or referring to Trump University

(aka Trump University LLC, aka the Trump Wealth Institute, aka the Trump Entrepreneur Initiative, aka the Trump Entrepreneur Initiative LLC).

20. On October 3, 2016, the FBI acknowledged receipt of Plaintiffs' request for records mentioning or referring to Trump University.

21. Under expedited processing, the FBI must determine whether to release requested records within ten calendar days after receipt of the request.

### **FBI'S FAILURE TO RESPOND TO PLAINTIFF'S FOIA/PA REQUESTS**

22. More than ten calendar days have passed since Plaintiffs submitted their request for TER records. The FBI's response was due ten calendar days after its October 4, 2016 acknowledgement of receipt, or October 14, 2016. The FBI assigned Plaintiffs' TER request FOIPA Request No. 1359968-000.

23. Under 5 USC §552(a)(6)(C)(i), Plaintiffs Shapiro and Leopold are deemed to have exhausted their administrative remedies with regard to the TER FOIA/PA request because the FBI has failed to comply with the statutory time limit.

24. More than ten calendar days have passed since Plaintiffs submitted their request for records mentioning or referring to Trump Foundation. The FBI's response was due ten calendar days after its October 3, 2016 acknowledgement of receipt, or October 13, 2016. The FBI assigned Plaintiff's Trump Foundation. The FBI assigned this request FOIPA Request No. 1359975-000.

25. Under 5 USC §552(a)(6)(C)(i), Plaintiffs Shapiro and Leopold are deemed to have exhausted their administrative remedies with regard to the Trump Foundation FOIA/PA requests because the FBI has failed to comply with the statutory time limit.

26. More than ten calendar days have passed since Plaintiffs submitted their Trump Organization request. The FBI's response was due ten calendar days after its October 3, 2016 acknowledgement of receipt, or October 18, 2016. The FBI assigned this request FOIPA Request No. 1359980.

27. Under 5 USC §552(a)(6)(C)(i), Plaintiffs Shapiro and Leopold are deemed to have exhausted their administrative remedies with regard to the Trump Organization FOIA/PA requests because the FBI has failed to comply with the statutory time limit.

28. More than ten calendar days have passed since Plaintiffs submitted their Trump University request. The FBI's response was due ten calendar days after its October 3, 2016 acknowledgement of receipt, or October 13, 2016. The FBI assigned this request FOIPA Request No. 1359978-000.

29. Under 5 USC §552(a)(6)(C)(i), Plaintiffs Shapiro and Leopold are deemed to have exhausted their administrative remedies with regard to the Trump University FOIA/PA requests because the FBI has failed to comply with the statutory time limit.

COUNT I:  
VIOLATION OF FOIA

30. Plaintiffs re-allege and incorporate by reference Paragraphs 1-29 above.

31. Each of the documents referred to in this complaint is incorporated here by reference.

32. Defendant has violated FOIA by failing to timely respond with a determination as to whether it will comply with Plaintiffs' FOIA/PA requests for expedited processing as described herein.

33. Plaintiffs have been and will continue to be irreparably harmed until Defendant is ordered to comply with Plaintiff's FOIA/PA requests.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Shapiro and Leopold respectfully request that this Court:

- (1) Declare Defendant's failure to comply with FOIA to be unlawful;
- (2) Declare that Plaintiffs Shapiro and Leopold are entitled to expedited processing of their FOIA/PA requests described herein;
- (3) Grant Plaintiffs an award of attorneys fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. §552(a)(4)(E)(i).
- (4) Grant Plaintiffs such other and further relief which this Court deems appropriate.

Respectfully Submitted,

/s/ Joseph Creed Kelly  
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*Counsel for Plaintiffs*