

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

[Your Name Here],)
)
 Plaintiff,) Civil Action No. _____
)
 v.)
)
 [District of Columbia Public Body],)
)
 Defendant.)
 _____)

**VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF TO CAUSE [DC Public Body]
TO DISCLOSE PUBLIC RECORDS UNDER THE D.C. FREEDOM OF INFORMATION
ACT**

Freedom of Information Act, D.C. Code § 2-531, *et seq.*

This is a lawsuit seeking to enforce the right to inspect public records pursuant to the District of Columbia Freedom of Information Act, D.C. Code § 2-531 *et seq.* Plaintiff [Student Name], a District of Columbia journalist, requested data from Defendant, [DC Public Body], relevant to [description of issue]. [Describe the issue’s importance]. Through [his/her] reporting, [Student Name] seeks to inform the public about [description of events that caused the issue]. [Amount of time] after [Mr./Ms.] [Student Last Name] first requested the public data necessary for [his/her] reporting, Defendant [D.C. Public Body] continues without lawful justification to withhold documents that indisputably are subject to timely production under the District of Columbia Freedom of Information Act (“DC FOIA”). This Court’s intervention, and the sanction of an award of attorney’s fees and costs, are consequently required.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to D.C. Code §§ 2-537(a)(1) [or 2-537(a-1)] and 11-921.
2. Venue properly lies with this Court as the defendant is the District of Columbia Government, the actions forming the basis of the claim occurred principally within the District of Columbia, and the agency records at issue are located in the District of Columbia.

PARTIES

3. Plaintiff [Student Name] is a journalist. [Description of Plaintiff's work as a journalist]. [Mr./Ms.] [Student's Last Name] is a resident of the District of Columbia.
4. Defendant [D.C. Public Body] is the [description of public body's role in the District, including why it maintains the relevant data]. The [D.C. Public Body] is the legal custodian of the data at issue in this lawsuit.
5. The District of Columbia is a municipal corporation, subject to suit, that runs and constitutes the local government of the District of Columbia.

FACTUAL ALLEGATIONS

6. The [D.C. Public Body] is an agency of the District of Columbia, and as such, is governed by the public disclosure requirements of the District of Columbia Freedom of Information Act, D.C. Code § 2-531, *et seq.*
7. [Public Body Employee] is the Freedom of Information Officer at [D.C. Public Body]. Under the D.C. FOIA, [he/she] is designated as a responsible authority to receive and

respond on behalf of the [D.C. Public Body] to requests for public data made pursuant to the District of Columbia Freedom of Information Act.

8. On [date], Plaintiff submitted a [written/mailed/online/faxed] DC FOIA request to [Public Body Employee] seeking the disclosure of [#] categories of public data. (A true and correct copy of Plaintiff's request is attached to this Complaint as Attachment A.)
9. By [electronic mail/fax/letter, etc.] dated [date], [Public Body Employee] responded to Plaintiff that fulfilling the request would cost [\$] for [list of services]. The letter asserted that some documents would not be produced because [classification claimed]. A true and correct copy of this [email/fax/letter, etc.] is attached to this Complaint as Attachment B.
10. [Use additional space to detail any further communication on this issue in chronological order. If there has been a partial production of documents, use the following two paragraphs in the appropriate place in the timeline:]
11. It was not until [date], nearly [#] months after Plaintiff's initial request, that [D.C. Public Body] provided the first batch of responsive documents to Plaintiff. This initial production represented only a partial response to the [#] enumerated requests in Plaintiff's original DC FOIA request letter of [date]. [Note any further production of documents on later dates.]
12. [Student Last Name] sent at least [#] follow-up emails to [D.C. Public Body] asking when he could expect to receive the balance of documents, but received no reply.
13. [If there has been an appeal to the Mayor, use the following paragraph.]
14. On appeal to the Mayor pursuant to D.C. Code § 2-537(a), the Mayor [denied Plaintiff's petition/did not make a determination within 10 business days].
15. Defendant's production remains incomplete and does not encompass all non-classified documents in Defendant's custody or control that are subject to the DC FOIA. Upon

information and belief, Defendant possesses documents responsive to items [#’s from the original request letter] that they have yet to produce.

RIGHT TO JUDICIAL REVIEW

16. The District of Columbia and [D.C. Public Body] have failed to comply with plaintiff’s request under the D.C. FOIA. The plaintiff’s request is deemed to have been denied and plaintiff has the right to judicial review of this denial. D.C. Code § 2-537(a)(1) [or § 2-537(a-1)].

CLAIMS FOR RELIEF

Count One: Violation of the District of Columbia Freedom of Information Act (DC FOIA)

17. The allegations set forth in the foregoing paragraphs are incorporated herein by reference.

18. The District of Columbia Freedom of Information Act, D.C. Code § 2-531, declares that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Code § 2-531 accordingly provides that the provisions of the DC FOIA “shall be construed with the view toward expansion of public access and the minimization of costs and time delays to persons requesting information.”

19. DC FOIA provides that “any person has a right to inspect, and at his or her discretion, to copy any public record of a public body,” D.C. Code § 2-532(a), and that a public body shall have 15 business days to “either make the requested public record accessible or notify the person making such request of its determination not to make the requested public record or any part thereof accessible and the reasons therefor,” *Id.* § 2-532(c).

20. DC FOIA further provides that a denial by a public body of a request for a public record shall contain “the specific reasons for the denial, including citations to the particular exemption(s) under § 2-534 relied on as authority for the denial.” D.C. Code § 2-533(a)(1).
21. [Describe the delay in receiving a denial or in receiving access to documents if applicable. For example, “Defendant did not produce the first document responsive to Plaintiff’s [date] request until [#] days from the date of the request;” or “Defendant’s letter of denial did not contain specific reasons for the denial or the required citations to particular exemptions in § 2-534.”]
22. DC FOIA also authorizes a public body to “establish and collect fees not to exceed the actual cost of searching for, reviewing, and making copies of records,” D.C. Code § 2-532(b), and states that “only the direct costs of search, duplication, or review may be recovered,” *Id.* § 2-532(b-1)(4)
23. [If applicable, describe how the agency charged more than the actual costs of producing the requested documents. Note: time spent copying data counts as actual costs. D.C. Code § 2-532(b).]
24. [If applicable] In refusing to timely produce data, Defendant relied on [exemption from D.C. Code § 2-534]. [Describe why that exemption is not applicable to the requested documents.]
25. [If the Mayor issued an order and the agency is not in compliance] The Mayor found that the documents were not properly classified, and that the public records may not be withheld. DC FOIA thus provides that the person seeking disclosure may bring a suit “to enjoin the public body from withholding the record and to compel the production of the requested record.” D.C. Code § 2-537(a)(2).

26. DC FOIA provides that in a suit for injunctive relief to enforce the Act, “the burden is on the public agency to sustain its action” of not producing the requested documents. D.C. Code § 2-537(b).
27. By their refusal to provide timely compliance with DC FOIA, by their reliance on inapplicable classifications, by their assessment of charges beyond actual costs, by their continuing willful refusal to provide documents responsive to [#] of Plaintiff’s [#] requests, and by their production of only a partial subset of the documents in their custody responsive to the remaining [#] requests, Defendant has violated the District of Columbia Freedom of Information Act, D.C. Code § 2-531, *et seq.*, and thereby caused Plaintiff to obtain legal counsel to obtain the desired relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

1. Enter an injunction against Defendant enjoining Defendant from withholding all public documents meeting the description in Plaintiff’s requests;
2. Enter an injunction ordering Defendant to produce to Plaintiff all public documents meeting the description in [his/her] requests;
3. Award Plaintiff reasonable attorneys’ fees and other costs of litigation as authorized by D.C. Code § 2-537(c), and;

4. Order such additional relief as the Court may deem just and proper.

DATED this the ____ day of [month], [year].

Respectfully submitted,

Plaintiff's Lawyer, Esq.
(District of Columbia Bar No. [#])

Lawyer's Firm
Street Address
City, State Zip
Phone
Email