

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

**CABLE NEWS NETWORK  
One CNN Center  
Atlanta, GA 30303,**

**Plaintiff,**

**v.**

**FEDERAL BUREAU OF INVESTIGATION,  
935 Pennsylvania Avenue, NW,  
Washington DC 20535-0001,**

**Defendant.**

**Case No. 1:19-cv-1626**

**COMPLAINT**

Plaintiff Cable News Network, Inc. (“CNN”) brings this suit against the Federal Bureau of Investigation (“FBI”). In support thereof, CNN states as follows:

**INTRODUCTION**

1. This is an action brought pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, *et seq.*, for declaratory, injunctive, and other appropriate relief, seeking the immediate processing of CNN’s request for case files and memoranda, including but not limited to the FBI’s FD-302s (“302s”) related to the interviews of approximately 500 witnesses as part of the Office of Special Counsel Robert S. Mueller III’s investigation into potential Russian interference in the 2016 election.

2. Despite numerous citations to 302s and other underlying documentation throughout the publicly-released version of the Special Counsel’s Report – including many direct

quotes from documents themselves – the FBI has failed to respond to CNN’s request for the Report’s underlying evidence and factual findings within the time required by the FOIA.

### **PARTIES**

3. Plaintiff CNN is a 24-hour cable news network headquartered in Atlanta, Georgia. CNN operates nine news bureaus across the United States, including in Washington, D.C., and 31 news bureaus internationally. A trusted source of news and information, CNN reaches more individuals on television, the web and mobile devices than any other cable television news organization in the United States.

4. Defendant FBI is a division of the Department of Justice (“DOJ”), a department of the Executive Branch of the United States, and an agency within the meaning of 5 U.S.C. § 552(f)(1). The FBI has possession and control of the records requested by CNN.

### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over this action and personal jurisdiction over the FBI pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B) and (a)(6)(C)(i).

6. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B).

7. CNN is deemed to have exhausted all its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C) because the FBI has failed to respond within the statutorily mandated time limit after receipt of a request. 5 U.S.C. § 552(a)(6)(A)(i).

### **FACTUAL ALLEGATIONS**

8. FOIA “focuses on the citizens’ right to be informed about ‘what their government is up to,’” by fostering the release of “[o]fficial information that sheds light on an agency’s performance of its statutory duties.” *DOJ v. Reporters Comm. for Freedom of the Press*, 489

U.S. 749, 750, 773 (1989) (citation omitted). “[D]isclosure, not secrecy, is the dominant objective” of FOIA. *Dep’t of Interior v. Klamath Water Users Protective Ass’n*, 532 U.S. 1, 8 (2001) (internal quotation marks and citations omitted).

9. CNN, like other news organizations, plays a critical role in providing information to citizens about “what their government is up to.” Indeed, the First Amendment’s guarantee of freedom of the press is meant to enable journalists to play an “essential role in our democracy,” to “bare the secrets of government and inform the people.” *New York Times Co. v. United States*, 403 U.S. 713, 717 (1971) (Black, J., concurring).

10. Through the FOIA request at issue in this case, CNN seeks to fulfill its journalistic function and provide the public with documents detailing the Special Counsel’s unprecedented investigation of the highest-ranking officials in the U.S government – the president and his staff.

11. On March 26, 2019, CNN Reporter Katelyn Polantz submitted a FOIA request to DOJ seeking copies of “FBI memoranda, such as 302s, from any and all of the interviews of the ‘approximately 500 witnesses’ in the Mueller investigation,” as well as “any and all case files” related to those interviews (“the Request”). A true and correct copy of Ms. Polantz’s Request is attached as Exhibit A.

12. The records sought by Ms. Polantz’s Request, when disclosed, will offer unique insight to the facts underlying Special Counsel Mueller’s Report.

13. On April 18, 2019, the DOJ released a redacted version of the report summarizing the Special Counsel’s investigation (“the Mueller Report”). CNN made the Mueller Report available on its website, as well as covering the release of the Report across all of its platforms.

*See, e.g., Read and Search the Full Mueller Report*, CNN (Apr. 18, 2019),

<https://www.cnn.com/2019/04/18/politics/full-mueller-report-pdf/index.html>.

14. The redacted version of the Mueller Report contains more than 1,700 references to FBI 302s memorializing interviews with witnesses. *Id.*

15. Some of the FBI 302s summarizing witness interviews from the Mueller investigation have already been publicly released. *See, e.g., READ: Mueller memo summarizing FBI's interview with Michael Flynn*, CNN (Dec. 17, 2018),

<https://www.cnn.com/2018/12/17/politics/mueller-memo-doc-flynn/>.

16. On April 25, 2019, the FBI acknowledged receipt of Ms. Polantz's Request in a letter and assigned it tracking number 1433273-000. *See* FBI Letter, attached as Exhibit B.

17. The FOIA requires that within 20 working days of receiving a request an agency, like the FBI, notify a requester of the scope of the documents that the agency will produce, the scope of the documents that the agency plans to withhold under any FOIA exemptions, the right to seek assistance from a FOIA Public Liaison or the Office of Government Information Services, and the right to administratively appeal any adverse determination. 5 U.S.C. § 552(a)(6)(A)(i).

18. In this case, however, the FBI's letter to Ms. Polantz stated that the records sought involved "unusual circumstances" that will "delay [the FBI's] ability to make a determination" on her Request. *See* Exhibit B.

19. In "unusual circumstances," an agency may take an additional ten days – 30 working days – to make and communicate its decision about whether to comply with a FOIA request and the reasons for its determination. 5 U.S.C. § 552(a)(6)(B)(i).

20. May 7, 2019 marked 30 working days from the date of Ms. Polantz's Request.

21. Nearly a month after the maximum time frame permitted by law, the FBI has not provided a response indicating whether it will comply with Ms. Polantz's Request.

22. Therefore, the FBI has constructively denied the Request and CNN has exhausted its administrative remedies, permitting it to bring suit directly in federal district court. 5 U.S.C. § 552(a)(6)(C)(i).

**CLAIM FOR RELIEF**  
**Declaratory and Injunctive Relief:**  
**Violation of the Freedom of Information Act, 5 U.S.C. § 552**

23. CNN realleges and incorporates by reference all previous paragraphs as if fully set forth herein.

24. The FOIA provides this Court with "jurisdiction to enjoin [the FBI] from withholding agency records and to order the production of any agency records improperly withheld from the complainant." 5 U.S.C. § 552(a)(4)(B).

25. The documents requested by CNN are agency records within the FBI's control.

26. Pursuant to the FOIA, even in "unusual circumstances," the FBI was required to respond to CNN's request within 30 working days, or by May 7, 2019. *Id.* § 552 (a)(6)(B)(i).

27. As of the date of this filing, nearly a month since May 7, 2019, the FBI has not provided any substantive response to CNN. Nor has it produced any of the requested records.

28. The FBI has, thus, wrongfully withheld agency records in violation of the FOIA.

29. CNN has exhausted its administrative remedies with respect to the FBI's failure to respond to its request and produce the requested records. *Id.* § 552(a)(6)(C)(i).

30. CNN requests a declaratory judgment that the FBI has violated FOIA and that CNN is entitled to immediately receive the records referenced above.

31. CNN further requests that, pursuant to 5 U.S.C. § 552(a)(4)(B), the Court issue an

injunction to the FBI to process CNN's request and produce the requested records.

**REQUEST FOR RELIEF**

**WHEREFORE**, CNN respectfully requests that this Court:

- A. Declare that the FBI's failure to provide responsive documents is unlawful under FOIA;
- B. Enter an injunction that directs the FBI to immediately process CNN's March 26, 2019 Request;
- C. Enter an injunction that directs the FBI to make all requested records available to CNN, unredacted, and without further delay;
- D. Provide for expeditious proceedings in this action;
- E. Award CNN its costs and reasonable attorneys' fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- F. Grant such other and further relief as the Court may deem just and proper.

Dated: June 4, 2019

BALLARD SPAHR LLP

By: /s/ Charles D. Tobin

Charles D. Tobin (D.C. Bar No. 455593)  
[tobinc@balladspahr.com](mailto:tobinc@balladspahr.com)  
Matthew E. Kelley (D.C. Bar No. 1018126)  
[kelleym@ballardspahr.com](mailto:kelleym@ballardspahr.com)  
BALLARD SPAHR LLP  
1909 K Street, NW  
Washington, D.C. 20006-1157  
T: (202) 661-2200  
F: (202) 661-2299

*Counsel for Cable News Network, Inc.*

# Exhibit A



Tuesday, March 26, 2019

Federal Bureau of Investigation  
Department of Justice  
David M. Hardy, Chief, Record/Information Dissemination Section, Records Management Division  
170 Marcel Drive  
Winchester, VA 22602-4843  
Phone: 540-868-4500  
Fax: 540-868-4997

## **Re: Interview memos in special counsel's investigation**

This is a request for records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA").

### **REQUESTED RECORDS**

Records related to the Office of Special Counsel's investigation led by Robert Mueller into Russian interference in the 2016 election. Specifically, CNN seeks:

- FBI memoranda, such as 302s, from any and all of the interviews of the "approximately 500 witnesses" in the Mueller investigation. We also request any and all case files related to the approximately 500 witnesses in the Mueller investigation.

### **FORMAT OF REQUESTED RECORDS**

If this request is denied in whole or in part, justify all deletions or withholdings by reference to specific exemptions in the FOIA.

When possible, produce responsive records in their native, digital formats and include their original metadata, not as hard copy facsimiles or PDFs. For example, spreadsheets created in Microsoft Excel should be provided in an `.xlsx` format. Emails should be provided in common email file formats, such as `.pst` files for collections of emails or `.eml` files for individual emails.

Data should be provided in a non-proprietary, machine-readable format, such as comma separated values (`.csv`). Included is a request for a record layout for the database and a data dictionary for any codes used in the database.

### **LIMITATIONS ON FEES**

Because CNN is a representative of the news media and these records are sought as part of a newsgathering effort, waive or reduce search and duplication fees, where applicable.



If you determine that fees will apply to this request and expect such fees to exceed \$500 USD, provide an itemized invoice of fees.

#### **TIME LIMITS FOR RESPONSE**

If you expect this request to take longer than ten (10) working days to process, we expect an acknowledgment letter and tracking number within that time or no later than Tuesday, April 9, 2019.

We expect a final grant/denial determination on this request within twenty (20) working days after receipt by the appropriate office or no later than Tuesday, April 23, 2019.

If you are unable to fulfill this request within that period, produce information as it becomes available (i.e. on a "rolling" basis) and an explanation for the circumstances requiring an extension of time and an estimated date on which you expect to finish processing this request.

Please direct questions and responsive information concerning this request to [katelyn.polantz@turner.com](mailto:katelyn.polantz@turner.com).

Sincerely,

Katelyn Polantz  
Senior writer  
Justice, crime & courts  
(202) 738-8185  
[katelyn.polantz@turner.com](mailto:katelyn.polantz@turner.com)

820 First St. NE | Washington, D.C. 20002

# Exhibit B



Federal Bureau of Investigation  
Washington, D.C. 20535

April 25, 2019

MS. KATELYN POLANTZ  
CNN  
820 FIRST STREET NORTHEAST  
WASHINGTON, DC 20002

FOIPA Request No.: 1433273-000  
Subject: Any and all case files and FBI Memoranda, such as 302's, from any and all of the interviews of the "approximately 500 witnesses" in the Mueller Investigation.

Dear Ms. Polantz:

Please be advised that "unusual circumstances" apply to the processing of your request. See 5 U.S.C. § 552 (a)(6)(B)(iii). "Unusual circumstances" include one or more of the following scenarios:

There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI Record/Information Dissemination Section (RIDS).

There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.

There is a need for consultation with another agency or two or more DOJ components.

These "unusual circumstances" will delay our ability to make a determination on your request within 20 days (excluding weekend and legal public holidays). Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii).

The application of "unusual circumstances" is not a determination of how the FBI will respond to your substantive request, this letter provides notice that these "unusual circumstances" apply to processing and delay the determination of your request. See 5 U.S.C. §§ 552 (a)(6)(A)(viii); (a)(6)(B).

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please advise in writing if you would like to discuss reducing the scope of your request. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing [ogis@nara.gov](mailto:ogis@nara.gov). Alternatively, you may contact the FBI's FOIA Public Liaison by emailing [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Information Management Division



**Federal Bureau of Investigation**  
 Washington, D.C. 20535

April 25, 2019

MS. KATELYN POLANTZ  
 CNN  
 820 FIRST STREET NORTHEAST  
 WASHINGTON, DC 20002

FOIPA Request No.: 1433273-000  
 Subject: Any and all case files and FBI  
 Memoranda, such as 302's, from any and all  
 of the interviews of the "approximately 500  
 witnesses" in the Mueller Investigation.

Dear Ms. Polantz:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
  - We have reviewed your request and determined it is consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be provided in an email link unless the record's file type is not supported by the eFOIPA system.
  - We have reviewed your request and determined it is not consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be sent through standard mail.
- The subject of your request is currently being processed and documents will be released to you upon completion.
- Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
  - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at [www.fbi.gov/foia](http://www.fbi.gov/foia) by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

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Sincerely,



David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Information Management Division

**CIVIL COVER SHEET**

JS-44 (Rev. 6/17 DC)

<b>I. (a) PLAINTIFFS</b> Cable News Network, Inc. One CNN Center Atlanta, GA 30303  (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Fulton (GA)</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANTS</b> Federal Bureau of Investigation 935 Pennsylvania Ave. NW Washington, D.C. 20535-0001  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>
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(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Charles D. Tobin Ballard Spahr LLP 1909 K Street, NW, Suite 1200 Washington, DC 20006   Tel: (202) 661-2200	ATTORNEYS (IF KNOWN)
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<b>II. BASIS OF JURISDICTION</b> (PLACE AN x IN ONE BOX ONLY) <table style="width:100%; margin-top: 5px;"> <tr> <td><input type="radio"/> 1 U.S. Government Plaintiff</td> <td><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td><input checked="" type="radio"/> 2 U.S. Government Defendant</td> <td><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</td> </tr> </table>	<input type="radio"/> 1 U.S. Government Plaintiff	<input type="radio"/> 3 Federal Question (U.S. Government Not a Party)	<input checked="" type="radio"/> 2 U.S. Government Defendant	<input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b> <table style="width:100%; margin-top: 5px;"> <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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**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)

<input type="radio"/> <b>A. Antitrust</b>  <input type="checkbox"/> 410 Antitrust	<input type="radio"/> <b>B. Personal Injury/Malpractice</b>  <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> <b>C. Administrative Agency Review</b>  <input type="checkbox"/> 151 Medicare Act  <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
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<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <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"/> <b>H. Employment Discrimination</b>  <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"/> <b>I. FOIA/Privacy Act</b>  <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"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <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"/> <b>L. Other Civil Rights (non-employment)</b>  <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"/> <b>M. Contract</b>  <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"/> <b>N. Three-Judge Court</b>  <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.)**  
 5 U.S.C 552; to compel release of public records in possession of agency

<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: 06/04/2019	SIGNATURE OF ATTORNEY OF RECORD: /s/ Charles D. Tobin
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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 cover sheet. 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.



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

CABLE NEWS NETWORK, INC.,

\_\_\_\_\_  
*Plaintiff*

v.

FEDERAL BUREAU OF INVESTIGATION

\_\_\_\_\_  
*Defendant*

)  
)  
)  
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)  
)  
)

Civil Action No. 1:19-cv-1626

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535-0001

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) 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:

Matthew E. Kelley (D.C. Bar No. 1018126)  
kelley@ballardspahr.com  
BALLARD SPAHR LLP  
1909 K Street, NW  
Washington, DC 20006-1157  
Telephone: (202) 661-2200  
Facsimile: (202) 661-2299

If you fail to respond, judgment by default may 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 \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

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:



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 \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

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:

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

CABLE NEWS NETWORK, INC.,

\_\_\_\_\_  
*Plaintiff*

v.

FEDERAL BUREAU OF INVESTIGATION

\_\_\_\_\_  
*Defendant*

)  
)  
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)  
)

Civil Action No. 1:19-cv-1626

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* William Barr  
Attorney General of the United States  
U.S. Department of Justice  
145 N Street N.E.  
Washington, D.C. 20002

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) 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:

Matthew E. Kelley (D.C. Bar No. 1018126)  
kelley@ballardspahr.com  
BALLARD SPAHR LLP  
1909 K Street, NW  
Washington, DC 20006-1157

If you fail to respond, judgment by default may 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 \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

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: