## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

					CO	MPLAI	NT				
*	*	*	*	*	*	*	*	*	*	*	*
	Defe	ndant.				*					
	0.11					*					
	hington.					*					
OF N	NATION	NAL IN	TELLI	GENCE		*					
OFF	ICE OF	THE D	DIRECT	OR		*					
						*					
	v.					*					
		,				*					
	Plain	tiffs,				*					
						*					
	cville, N	Iarvlan	d 20855	5		*	0111				
	e 309					*	Civi	l Actior	n No: 23	3-	
	Vest Jeff					*					
BRL	AN J. K	AREM				*					
						*					
	and					*					
iii us	Biolig	, 2.0.				*					
	hington.	D.C.	20036			*					
	e 700		,			*					
	) Conne					*					
THE	JAME	S MAD	ISON I	PROJEC	Г	*					

This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, <u>et seq.</u>, as amended, for expedited processing and production of agency records sought by the Plaintiffs The James Madison Project and Brian J. Karem from the Defendant Office of the Director of National Intelligence ("ODNI").

### **JURISDICTION**

 This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

## **VENUE**

Venue is appropriate in this District under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C.
 § 1391.

#### **PARTIES**

3. Plaintiff The James Madison Project ("JMP") is a non-partisan organization established in 1998 to promote government accountability and the reduction of secrecy, as well as educating the public on issues relating to intelligence and national security.

4. Plaintiff Brian J. Karem ("Karem") is an award-winning investigative reporter and is an acknowledged representative of the news media.

5. Defendant ODNI is an agency within the meaning of 5 U.S.C. § 552(f), and, through its component the Office of Inspector General, is in possession and/or control of the records that were requested by the Plaintiffs in this action.

#### **FACTS**

6. This FOIA lawsuit seeks expedited processing and production of requested non-exempt U.S. Government records. This lawsuit continues ongoing efforts to bring needed transparency surrounding the U.S. Government's knowledge of Anomalous Health Incidents ("AHI") impacting federal employees and their family members.

7. Specifically being sought is the "Urgent Concern" whistleblower complaint and the accompanying exhibits that can be found catalogued within the Office of Inspector General's file number 23-0001. For further identification, this request seeks release of the binder of documents the undersigned counsel personally reviewed on March 15, 2023, at the offices of the Inspector General.

8. This whistleblower complaint and accompanying exhibits demonstrates an ongoing cover-up by various federal agencies, most notably the Central Intelligence Agency. The public has a vested interest in exposing the failures of the Intelligence Community, particularly with respect to deliberately withholding relevant information

2

#### Case 1:23-cv-03457-APM Document 1 Filed 11/16/23 Page 3 of 4

and protecting its personnel and their family members from harm caused by one or more adversaries.

9. The American public deserves to have a straight answer from the U.S.

Government regarding AHIs and the impact that has been and is continuing to be felt by

U.S. Government personnel, both overseas and domestically.

#### FIRST CAUSE OF ACTION (EXPEDITED PROCESSING)

10. Plaintiffs JMP and Karem (hereinafter referred to jointly as the "Plaintiffs"), repeat and reallege the allegations contained in paragraphs 6 through 9 above, inclusive.

11. By letter dated March 16, 2023, the Plaintiffs submitted a FOIA request to ODNI that sought a copy of the requested records.

12. The FOIA request noted the Plaintiffs were asking for expedited processing and provided sufficient information to justify their request pursuant to statute and the Defendant's regulations.

13. No substantive decision has been received.

14. The Plaintiffs have exhausted all required administrative remedies to seek expedited processing.

#### SECOND CAUSE OF ACTION (DISCLOSURE)

15. Plaintiffs repeat and reallege the allegations contained in paragraphs 6 through 9 above, inclusive.

16. By letter dated March 16, 2023, the Plaintiffs submitted a FOIA request to ODNI that sought a copy of the "Urgent Concern" whistleblower complaint and the accompanying exhibits that can be found within the Intelligence Community's Inspector General file number 23-0001.

3

17. No substantive response has been received.

18. The Plaintiffs have exhausted all required administrative remedies.

WHEREFORE, Plaintiffs The James Madison Project and Brian J. Karem request

that the Court award them the following relief:

(1) Order the Defendant to grant the Plaintiffs expedited processing for their request;

(2) Order the Defendant to produce to the Plaintiffs non-exempt copies of responsive records;

(3) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d);

(4) Expedite this action in every way pursuant to 28 U.S.C. § 1657(a); and

(5) Grant such other relief as the Court may deem just and proper.

Date: November 16, 2023

Respectfully submitted,

s/Mark S. Zaid

Mark S. Zaid, Esq. D.C. Bar #440532 Bradley P. Moss, Esq. D.C. Bar #975905 Mark S. Zaid, P.C. 1250 Connecticut Avenue, N.W. Suite 700 Washington, D.C. 20036 (202) 498-0011 (202) 330-5610 fax Brad@MarkZaid.com

Attorneys for the Plaintiffs

# Case 1:23-cv-03457-APM Document 1-1 Filed 11/16/23 Page 1 of 2

JS-44 (Rev. 11/2020 DC)		CIV		LOVEI	X SHEE	1					
I. (a) PLAINTIFFS				D	DEFENDANTS						
James Madison Project/Brian J. Karem				0	ffice of t	he Dire	ctor of	Nationa	al Intelligence		
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)				COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED							
(c) ATTORNEYS (FIRMNA	ME, ADDRES	S, AND TELEPHONE NUMBER	()	A	TTORNEYS			Adda, Oad Th	E LOCATION OF THE TRACT OF I	AND INVOLV	ED
Mark S. Zaid, Esq. 1250 Connecticut Avenue, N.W., Ste. 700 Washington, D.C. 20036 (202) 498-0011/Mark@MarkZaid.com							,				
II. BASIS OF JURISI (PLACE AN X IN ONE B			III. PLAT	CITIZE NTIFF AN	NSHIP O	F PRIN	CIPAL FENDAN	PARTIE	S (PLACE AN x IN ONE RSITY CASES ONLY!	BOXFOR	
O 1 U.S. Government	<b>O</b> 3 Fe	deral Question				PTF	DFT			PTF	DFT
Plaintiff		S. Government Not a Party)	Citize	en of this	State	01	01	Incorport of Busin	ated or Principal Place ess in This State	<b>O</b> 4	<b>O</b> 4
<ul> <li>2 U.S. Government Defendant</li> <li>4 Diversity (Indicate Citizenship of Parties in item III)</li> </ul>		Citize	en of Ano	ther State	<b>O</b> 2	<b>O</b> 2		rated and Principal Place ess in Another State	<b>O</b> 5	05	
	Pa	rties in item III)		en or Subj gn Count		<b>O</b> 3	<b>O</b> 3	Foreign	Nation	<b>O</b> 6	<b>O</b> 6
(Place on V	IV. CASE ASSIGNMENT AND NATURE OF SUIT (Place an X in one category, A-N, that best represents your Cause of Action and <u>one</u> in a corresponding Nature of Suit)										
O A. Antitrust	О В. Л	Personal Injury/ Ialpractice		_	Admin Review	istrative			O D. Tempord	ary Rest	
410 Antitrust			Review			Order/Preliminary Injunction		<i>ly</i>			
410 Anutrust		rplane	re Product Liability , Libel & Slander Social Security			Any nature of suit from any category					
	The second se										
		deral Employers Liability				may be selected for this category of case assignment.					
	340 M				Black Lu				*(If Antitrust, then A governs)*		
		arine Product Liability			DIWC/DI		5(g))				)*
		otor Vehicle	.		864 SSID Title XVI 865 RSI (405(g)) 8ther Statutes						
	presented by the second s	otor Vehicle Product Liabil ther Personal Injury	ity								
		edical Malpractice			Agricultu						
		oduct Liability			Environn						
		ealth Care/Pharmaceutical		890	890 Other Statutory Actions (If Administrative Agency is Involved)						
	pression of the local division of the local	ersonal Injury Product Liab	ility								
	<b>368</b> A:	sbestos Product Liability									
O E. General Civ Real Property	il (Other)	OR		0		Se Ger Tax Suits		ïvil			
210 Land Condemn	ation	422 Appeal 28 USC	158			Taxes (U		iffor	465 Other Imm	igration	Actions
220 Foreclosure		423 Withdrawal 28	USC 1	57	_	defenda			470 Racketeer	0	
230 Rent, Lease & I	Ejectment	Prisoner Petitions			871	IRS-Thin 7609	rd Party	26 USC	& Corrupt	Organiza	tion
240 Torts to Land 245 Tort Product L	iahility	535 Death Penalty				1007			480 Consumer		
290 All Other Real		540 Mandamus & Ot	ther			re/Penalt			485 Telephone Protection A		2655 B
		550 Civil Rights			625	Drug Re Property			490 Cable/Sate		.,
Personal Property 370 Other Fraud		555 Prison Condition		ione	690	Other		501	850 Securities/C		ties/
371 Truth in Lendin	Ig	of Confinement	Conditi	10113	0.1				Exchange		
380 Other Personal	8				Other St	atutes False Cla	aims Act		896 Arbitration		adura
Damage		Property Rights 820 Copyrights			-	Qui Tan			899 Administra Act/Review		
385 Property Dama	0	830 Patent				3729(a))	(2) (1)		Agency Dec		01094801
Product Liabili	9	835 Patent – Abbrevi	ated N	ew		State Re			950 Constitution	nality of S	State
		Drug Application	1			Banks &			Statutes	40.000 A .1	
		840 Trademark				Commer Deportat		vates/etc	890 Other Statu (if not admi		
		880 Defend Trade Se	crets A	ct of		Naturali			review or P		
		2016 (DTSA)		Application							

Case 1:23-c	v-03457-APM Document 1-1	1 Filed 11/16/23 Page 2	of 2				
• G. Habeas Corpus/ 2255	O H. Employment Discrimination	• I. FOIA/Privacy Act	O J. Student Loan				
530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)	X 895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act)	152 Recovery of Defaulted Student Loan (excluding veterans)				
	*(If pro se, select this deck)*	*(If pro se, select this deck)*					
<ul> <li>K. Labor/ERISA (non-employment)</li> <li>710 Fair Labor Standards Act</li> <li>720 Labor/Mgmt. Relations</li> <li>740 Labor Railway Act</li> <li>751 Family and Medical Leave Act</li> <li>790 Other Labor Litigation</li> <li>791 Empl. Ret. Inc. Security Act</li> </ul>	<ul> <li>L. Other Civil Rights (non-employment)</li> <li>441 Voting (if not Voting Rights Act)</li> <li>443 Housing/Accommodations</li> <li>440 Other Civil Rights</li> <li>445 Americans w/Disabilities – Employment</li> <li>446 Americans w/Disabilities – Other</li> <li>448 Education</li> </ul>	<ul> <li>M. Contract</li> <li>110 Insurance</li> <li>120 Marine</li> <li>130 Miller Act</li> <li>140 Negotiable Instrument</li> <li>150 Recovery of Overpayment</li> <li>&amp; Enforcement of</li> <li>Judgment</li> <li>153 Recovery of Overpayment</li> <li>of Veteran's Benefits</li> <li>160 Stockholder's Suits</li> <li>190 Other Contracts</li> <li>195 Contract Product Liability</li> <li>196 Franchise</li> </ul>	<ul> <li>N. Three-Judge Court</li> <li>441 Civil Rights – Voting (if Voting Rights Act)</li> </ul>				
V. ORIGIN							
O 1 Original Proceeding       2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened Court     5 Transferred from another district (specify)     6 Multi-district     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.) Action to disclose non-exempt records under FOIA, 5 U.S.C. 552(a)							
VII. REQUESTED IN COMPLAINT       CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23       DEMAND \$       Check YES only if demanded in complaint JURY DEMAND:       Check YES only if demanded in complaint YES NO X							
VIII. RELATED CASE(S) (See instruction) YES NO X If yes, please complete related case form							
DATE:November 16, 2023	SIGNATURE OF ATTORNEY OF REC	CORD / CALE / Aut	/				
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 <u>only</u> 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 <u>primary</u> cause of action found in your complaint. You may select only <u>one</u> category. You <u>must</u> also select <u>one</u> 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.

FOIA Summons 1/13

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Plaintiff	- )
	)
V.	)
	)
Defendant	)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

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:

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

FOIA Summons (1/13) (Page 2)

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 ree	ceived by me on (date)								
	□ I personally served the summons on the individual at ( <i>place</i> )								
				on (date)	; or				
	□ I left the summons at the individual's residence or usual place of abode with ( <i>name</i> )								
	, 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 ( <i>name of individual</i> )								
	designated by law to ac	cept service of proce							
	on (date) ; or								
	□ I returned the summons unexecuted because								
	<b>Other</b> ( <i>specify</i> ):								
	My fees are \$	for travel and	d \$	for services, for a total of \$					
	I declare under penalty	of perjury that this ir	formation is true.						
Date:		_							
				Server's signature					
		_							
				Printed name and title					

Server's address

Additional information regarding attempted service, etc:

FOIA Summons 1/13

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

	Plaintiff	, )
		)
v.		)
		)
		)
	Defendant	)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

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:

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

FOIA Summons (1/13) (Page 2)

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 (n	ame of individual and title,	if any)							
was ree	ceived by me on (date)		·							
	□ I personally served the summons on the individual at ( <i>place</i> )									
				on (date)	; or					
	$\Box$ I left the summon	s at the individual's re	sidence or usual pla	ce 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 ( <i>name of individual</i> )									
	designated by law to	accept service of proc	cess on behalf of (na	me of organization)		-				
	on (date) ; or									
	□ I returned the summons unexecuted because									
	<b>Other</b> ( <i>specify</i> ):									
	My fees are \$	for travel a	nd \$	for services, for a total of \$						
	I declare under penalty of perjury that this information is true.									
Date:										
Date.		-		Server's signature						
				Printed name and title						

Server's address

Additional information regarding attempted service, etc:

FOIA Summons 1/13

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

	Plaintiff	, )
		)
v.		)
		)
		)
	Defendant	)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

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:

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

FOIA Summons (1/13) (Page 2)

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 (nat	me of individual and title,	if any)							
was rec	ceived by me on (date)									
	□ I personally served the summons on the individual at ( <i>place</i> )									
				on (date)	; or					
	□ I left the summons at the individual's residence or usual place of abode with ( <i>name</i> )									
	, 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)									
	designated by law to	accept service of proc	ess on behalf of (name	ne of organization)		_				
				on (date)	; or					
	□ I returned the summons unexecuted because									
	<b>Other</b> ( <i>specify</i> ):									
	My fees are \$	for travel ar	nd \$	for services, for a total of \$						
	I declare under penalt	y of perjury that this i	information is true.							
Date:										
				Server's signature						
				Printed name and title						

Server's address

Additional information regarding attempted service, etc: