

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

**LAURENCE A. JARVIK** )  
3735 Jocelyn Street, N.W. )  
Washington, D.C. 20015 )

**Plaintiff,** )

**v.** )

**Case No.:** \_\_\_\_\_

**CENTRAL INTELLIGENCE AGENCY** )  
Washington, D.C. 20505 )

**Defendant.** )

**Serve on:** )

(1) **Litigation Division** )  
**Office of General Counsel** )  
**Central Intelligence Agency** )  
**Washington, D.C. 20505** )

**and** )

(2) **Jeffrey Taylor** )  
**United States Attorney for** )  
**the District of Columbia** )  
**Judiciary Building** )  
**555 4th Street, N.W.** )  
**Washington, D.C. 20530** )

**and** )

(3) **Michael B. Mukasey** )  
**Attorney General of the** )  
**United States** )  
**U.S. Department of Justice** )  
**950 Pennsylvania Avenue** )  
**Washington, D.C. 20530** )

**COMPLAINT**

Plaintiff Laurence A. Jarvik (the "Plaintiff"), by and through his undersigned counsel, files

the following Complaint against Defendant Central Intelligence Agency (the "Defendant"). In support of this Complaint, Plaintiff respectfully alleges as follows:

### **The Parties**

1. Plaintiff Laurence A. Jarvik is a resident of the District of Columbia residing at 3735 Jocelyn Street, N.W., Washington, D.C. 20015. He is a United States citizen.

2. Defendant Central Intelligence Agency is a federal agency created under the provisions of the 1947 National Security Act.

3. Defendant Central Intelligence Agency maintains numerous offices throughout the United States, but its primary mailing address for filing a FOIA request is Washington, D.C. 20505.

### **Jurisdiction and Venue**

4. This Court has original jurisdiction over this case pursuant to 5 U.S.C. § 552(a)(4)(B), 28 U.S.C. § 1361.

5. Venue is proper in this judicial district as Plaintiff is a resident of this judicial district and Defendant maintains one of its primary offices in this judicial district.

### **Facts**

6. On February 15, 2006 Plaintiff, pursuant to the Freedom of Information Act ("FOIA"), submitted a request to the Defendant requesting "information or records on all CIA documents about events in Andijan, Uzbekistan from 2004-2006, including any CIA reports relating to the violence [in Andijan, Uzbekistan] of May, 2005 and its aftermath, as well as subsequent trials and evacuation of refugees."

7. Plaintiff requested a waiver of fees related to locating documents and copying costs.

8. In Defendant's reply letter dated March 7, 2006, Defendant stated it would conduct a

search of CIA documents for “CIA reports relating to the violence of May 2005 and its aftermath, as well as subsequent trials and evacuation of refugees,” but denied Plaintiff’s request for a fee waiver.

9. On March 22, 2006 Plaintiff appealed the denial of a fee waiver to the Agency Release Panel.

10. In its letter dated July 18, 2006 the Agency Release Panel denied Plaintiff’s appeal.

11. On September 1, 2006, Plaintiff filed lawsuit appealing this decision. *Jarvik v. CIA*, 495 F. Supp. 2d 67 (D.D.C. 2007).

12. The Parties filed cross-motions for summary judgment on the issue of the fee waiver. On July 16, 2007, Defendant’s motion was granted. *Id.* This Court held that, on the record before it, Plaintiff is not entitled to a fee-waiver. *Id.*

13. In the keeping with this Court’s decision, Plaintiff decided to proceed with his FOIA requests and pay reasonable fees associated with his request.

14. On February 28, 2008, Plaintiff’s counsel wrote a letter to Michelle Johnson, DOJ lawyer who represented Defendant in the litigation, informing her of Plaintiff’s decision to pay the fee and requesting an invoice and estimated time frame in which CIA will comply with Plaintiff’s request.

15. Ms. Johnson informed Plaintiff’s counsel that she was not correct person to contact in regard to this matter.

16. On March 17, 2008, Plaintiff’s counsel wrote a letter to CIA’s Information Privacy Coordinator, informing him of Plaintiff’s decision to pay the fee and requesting an invoice and estimated time frame in which CIA will comply with Plaintiff’s request.

17. On March 20, 2008, Plaintiff’s counsel wrote a letter to Edmund Cohen, Agency Release

Panel Chair, informing Plaintiff's of his decision to pay the fee and requesting an invoice and estimated time frame in which CIA will comply with Plaintiff's request.

18. On March 20, 2008, Plaintiff's counsel wrote a letter to Scott Koch, Information Privacy Coordinator, informing him of Plaintiff's decision to pay the fee and requesting an invoice and estimated time frame in which CIA will comply with Plaintiff's request. <sup>1</sup>

19. There has been no response to any of these letters, referenced in paragraph 14-18 *supra*.

### **COUNT I**

#### **(Violation of the Freedom of Information Act - 5 U.S.C. § 552)**

20. Plaintiff hereby incorporates all previous paragraphs as if fully restated herein.

21. Under FOIA, CIA is obliged to provide requested records unless it falls under one of the exceptions enumeration. Responding to the FOIA requests is its duty to the public in general and to Plaintiff in particular.

22. By ignoring Plaintiff's requests, Defendant had violated FOIA.

WHEREFORE, Plaintiff respectfully requests this Court, pursuant to 28 U.S.C. § 1361 and its inherent power to grant equitable relief, to:

(1) issue a declaratory judgment requiring that Defendant provide invoice to Plaintiff for search and reproduction of records under his FOIA request, namely "CIA reports relating to the violence [in Andijan, Uzbekistan] of May 2005 and its aftermath, as well as subsequent trials and evacuation of refugees";

(2) issue a declaratory judgment mandating that Defendant, upon receiving payment from Plaintiff, provides all records which are not subject to any exception enumerated in statute;

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<sup>1</sup>Mr. Cohen and Mr. Koch are CIA employees whom Plaintiff dealt with during his initial FOIA request process.

(3) award Plaintiff costs and reasonable attorney's fees for bringing and prosecuting this action, as authorized by 5 U.S.C. § 552(a)(4)(E); and,

(4) award such other relief as the Court deems just and appropriate.

Respectfully submitted,



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