

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

REPUBLICAN NATIONAL COMMITTEE,  
310 First Street, SE  
Washington, D.C. 20003,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF STATE,  
320 21st Street, NW  
Washington, D.C. 20451

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

This November, the people of the United States will decide who will serve as their next President—and they should do so with access to as much information as possible about all of the candidates’ fitness for this nation’s highest office. To that end, the Republican National Committee (RNC) files this suit under the Freedom of Information Act (FOIA) seeking records relating to former Secretary of State, and leading candidate to become the Democratic Party’s presidential nominee, Hillary Clinton’s tenure at the U.S. Department of State.

Last December, the RNC requested records under FOIA relating to Secretary Clinton and State Department staffers that may reflect blurred lines between the State Department and Clinton’s private organizations. In particular, the RNC requested visitor logs to Secretary Clinton’s office and formal quarters, invitations and guest lists for functions in the State Department Diplomatic Reception Rooms, donation solicitations and receipts related to maintenance and improvement of the State Department’s Diplomatic Reception Rooms, and records related to mandatory ethics training by Secretary Clinton and her staff. More than three months later, the State Department has not made a determination about those requests (as FOIA requires), let alone

provided any responsive records. With the presidential election fast approaching, the delay must end.

The very purpose of FOIA is to “ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold governors” like Secretary Clinton “accountable to the governed.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1976). Yet the State Department threatens to deprive the American public of critical information needed to make an informed vote in 2016. That cannot happen. This Court should require the State Department to meet its statutory disclosure obligations—and to do so with haste.

### **PARTIES**

1. The Republican National Committee (the Plaintiff) is an unincorporated political committee with headquarters in Washington, D.C.

2. The United States Department of State (the Defendant) is an agency within the meaning of 5 U.S.C. §552(f)(1) that has possession, custody, and control of records that the RNC seeks under FOIA.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

4. Venue is proper in this Court under 28 U.S.C. § 1391(e) and 5 U.S.C. § 552(a)(4)(B) because the State Department, an agency of the United States Government, is headquartered and resides in this District.

5. The RNC is deemed to have exhausted all its administrative remedies under 5 U.S.C. § 552(a)(6)(C) because the State Department has failed to make a determination and provide notification of that determination within the statutorily mandated time limit of twenty working days after receiving the requests. 5 U.S.C. § 552(a)(6)(A)(i).

### **BACKGROUND**

6. FOIA “focuses on the citizens’ right to be informed about what their government is up to” by requiring the release of “[o]fficial information that sheds light on an agency’s performance of its statutory duties.” *Dep’t of Justice v. Reporters Comm. for Freedom of the Press*,

489 U.S. 749, 773 (1989). “[D]isclosure, not secrecy, is the dominant objective.” *Dept. of Interior v. Klamath Water Users Protective Ass’n*, 532 U.S. 1, 8 (2001) (internal quotation marks omitted). Indeed, one of President Obama’s first acts as President was to state his administration’s approach to FOIA, instructing agency heads that “the Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails . . . . Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve.” Presidential Memorandum, Freedom of Information Act, 74 Fed. Reg. 4,681, 4,683 (Jan. 21, 2009).

7. Former Secretary Clinton is seeking, and is considered the leading candidate to secure, the Democratic Party’s presidential nomination. Clinton’s actions while Secretary of State—and the actions of those senior staffers with whom she worked most closely and supervised—are manifestly relevant to whether she is fit to lead this country. Public scrutiny of her tenure at the State Department is “a structural necessity in a real democracy.” *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004); *see also Detroit Free Press v. Ashcroft*, 303 F.3d 681, 683 (6th Cir. 2002) (“Democracies die behind closed doors.”).

8. That scrutiny must happen before the American people cast their ballots. As a general matter, “[s]tale information is of little value.” *Payne Enters., Inc. v. United States*, 837 F.2d 486, 494 (D.C. Cir. 1988). In an election year, stale information is of no value at all. That is reason all the more for this Court to order expedited disclosures to the RNC’s FOIA requests.

### **THE RNC’S REQUESTS**

9. On December 4, 2015, the RNC made four separate FOIA requests for information relating to Clinton’s tenure at the State Department. Those requests seek records concerning Clinton and other State Department staffers with close ties to Clinton. The State Department staffers mentioned in the RNC’s FOIA requests include Cheryl Mills, Jacob Sullivan, Caitlin Klevorick, Raymond Maxwell, Patrick Kennedy, Philippe Reines, Huma Abedin, Anne-Marie Slaughter, Dennis Cheng, Andrew Shapiro, Kris M. Balderston, and Bryan Pagliano.

10. Cheryl Mills is a longtime Clinton aide who served as Secretary Clinton's Chief of Staff at the State Department.

11. Jacob Sullivan, former Director of Policy Planning and Deputy Chief of Staff at the State Department, handled some of the most pressing policies and international crises during Secretary Clinton's tenure at the State Department. *See* Steven Lee Myers, *Unclassified Emails May Have Consequences for a Key Deputy*, N.Y. Times, Feb. 27, 2016, at A13. Sullivan has been regarded as the "principal conduit" to Secretary Clinton. *Id.*

12. Caitlin Klevorick, Senior Advisor to Secretary Clinton, was one of a select handful of employees to receive the "special government employee" designation. That designation allowed Klevorick to run a private consulting firm (CBK Strategies) that advised government and corporate clients about "policy and political advising" while at the same time accessing sensitive government information through her role at the State Department. Justin Elliott & Liz Day, *State Department Finally Releases List of "Special Government Employees,"* ProPublica (Jan. 30, 2014).

13. Raymond Maxwell was the Deputy Assistant Secretary in the Bureau of Near Eastern Affairs.

14. Philippe Reines began as Senior Advisor to Secretary Clinton but was later promoted to Deputy Assistant Secretary of State. Reines has been referred to by some as "Clinton's principal gatekeeper." Amy Chozick, *Madam Secretary of the Universe*, N.Y. Times Magazine, Jan. 26, 2014, at MM26.

15. Patrick Kennedy is the State Department's Under Secretary for Management, a role that he also held during Clinton's tenure as Secretary of State.

16. Huma Abedin, regarded by many as Secretary Clinton's closest confidant, served as Deputy Chief of Staff during Clinton's entire tenure at the State Department. William D. Cohan, *Is Huma Abedin Hillary Clinton's Secret Weapon or Her Next Big Problem?*, Vanity Fair, Feb. 2016. While working at the State Department, Abedin also held jobs with as many as four different employers (including the Clinton Foundation), raising questions about potential conflicts of

interest and misuse of government secrets. Rosalind S. Helderman & Tom Hamburger, *How Huma Abedin Operated at the Center of the Clinton Universe*, Washington Post (Aug. 27, 2015).

17. Anne-Marie Slaughter served as the Director of Policy Planning under Secretary Clinton between January 2009 and February 2011.

18. Dennis Cheng served as a top fundraiser for Secretary Clinton's 2008 presidential campaign before becoming Deputy Chief of Protocol under Clinton at the State Department. Typifying the revolving door between Secretary Clinton's government affairs and the Clinton family's private endeavors, in 2011 Cheng left his role with the State Department to become the Chief of Development for the Clinton Foundation—a move that raised questions about his contact with the agency before and after his tenure. Rosalind S. Helderman et al., *Clintons' Foundation has Raised Nearly \$2 Billion — and Some Key Questions*, Washington Post (Feb. 18, 2015).

19. Andrew Shapiro served as Senior Advisor to Secretary Clinton at the State Department before assuming the role of Assistant Secretary of State for Political-Military Affairs. In the latter role, Shapiro brokered some of those most notorious State Department transactions with foreign nations, including the \$29 billion arms sale to Saudi Arabia. Mark Landler & Steven L. Myers, *With \$30 Billion Arms Deal, U.S. Bolsters Saudi Ties*, N.Y. Times, Dec. 30, 2011, at A10.

20. Kris Balderston managed the State Department's Global Partnership Initiative during Clinton's term as Secretary of State. While serving in that role, Balderston actively recruited partnerships with high-dollar Clinton Foundation contributors, raising questions about potential conflicts of interest. Stephen Dinan & S.A. Miller, *Emails Show Clinton Foundation Shaped Policy*, Washington Times (Sept. 1, 2015); Maggie Haberman, *Emails Show Hillary Clinton Adviser Sidestepping Potential Conflict*, N.Y. Times Blog (Sept. 28, 2015).

21. Bryan Pagliano served as the technology director for Secretary Clinton's 2008 presidential campaign before joining Clinton's staff at the State Department. Secretary Clinton reportedly paid Pagliano out of her own pocket to set up and maintain the now-infamous private server in her Chappaqua, New York home. Rosalind S. Helderman & Carol D. Leonnig, *Clinton's*

*Personally Paid State Department Staffer to Maintain Server*, Washington Post (Sept. 5, 2015). Pagliano, who did not disclose his off-the-book earnings to the State Department, invoked the Fifth Amendment when summoned to testify about Secretary Clinton's private server. Carol D. Leonnig, *Lawmakers Require Ex-Clinton Staffer Who Worked on E-mail Server to Appear*, Washington Post (Sept. 9, 2015). He was recently granted immunity for his cooperation in the criminal investigation. Adam Goldman, *Justice Dept. Grants Immunity to Staffer who set up Clinton Email Server*, Washington Post (Mar. 2, 2016).

22. Through its first request, the RNC sought "[a]ny and all visitor logs or other records detailing any visitors to the Secretary of State's formal quarters and/or personal office located in the Harry S. Truman building." The timeframe for that request is from January 21, 2009 to February 1, 2013. A true and correct copy of the RNC's first request is attached as Exhibit 1.

23. Through its second request, the RNC asked for "[a]ny and all records relating to applications for, as well as approvals of, invitations to any function at a U.S. Department of State Diplomatic Reception Room," as well as "any and all guest lists for functions held at a U.S. Department of State Diplomatic Reception Room. The time period covered by that request is January 21, 2009 to February 1, 2013. A true and correct copy of the RNC's second request is attached as Exhibit 2.

24. Through its third request, the RNC requested "[a]ny and all records relating to the solicitation and/or receipt of donations through the 'Patrons of Diplomacy' program to maintain, renovate, or otherwise fund the U.S. Department of State Diplomatic Reception Rooms" The time period for that request is January 21, 2009 to February 1, 2013. A true and correct copy of the RNC's third request is attached as Exhibit 3.

25. And finally, through its fourth request, the RNC sought records concerning Hillary Clinton and her senior staffers' "attendance at, completion of, or waiver of the requirement to complete, the online ethics training that all new U.S. Department of State employees must complete and the yearly training in ethics that all U.S. Department of State employees who file a SF-278 or OGE-450 financial disclosure form are required to complete." The time period for this

request is from January 1, 2009 to December 31, 2013. A true and correct copy of the RNC's fourth request is attached as Exhibit 4.

26. On January 27, 2016, the State Department sent separate letters acknowledging that it had received the RNC's four FOIA requests and assigning Case Control Numbers F-2015-17194, F-2015-17196, F-2015-17200, and F-2015-17202. And then, silence. The State Department never disclosed any of the requested materials or explained why it cannot comply with its statutory obligations. *See Milner v. Dep't of Navy*, 562 U.S. 562, 571 (2011) ("We have often noted 'the Act's goal of broad disclosure' and insisted that the exemptions be 'given a narrow compass.'"). True and correct copies of the State Department's acknowledgement letters are compiled in Exhibit 5.

27. Because the State Department failed to communicate its "determination" on the RNC's FOIA requests within twenty working days (5 U.S.C. § 552(a)(6)(A)), the RNC has constructively exhausted its administrative remedies and may proceed directly to this Court. *See Citizens for Responsibility & Ethics in Washington v. Fed. Election Comm'n*, 711 F.3d 180, 182 (D.C. Cir. 2013) (a requestor exhausts its remedies unless, within the relevant time period, the agency "inform[s] the requester of the scope of the documents that the agency will produce, as well as the scope of the documents that the agency plans to withhold under any FOIA exemptions"); *id.* at 189-90 ("[I]f the agency does not adhere to FOIA's explicit timelines, the 'penalty' is that the agency cannot rely on the administrative exhaustion requirement to keep cases from getting into court.").

28. Time is of the essence. The information that the RNC seeks bears on Secretary Clinton's fitness to serve as the next President of the United States and will have no value unless it makes its way into the public's hands before the election. The RNC and the public will suffer irreparable harm if the requested information does not come to light before then.

29. The State Department's burden to produce the requested documents is minimal when compared to the American people's substantial interest in vetting a presidential nominee. Indeed, the burden on the State Department is minimal even if considered alone: The agency has

fielded FOIA requests relating to Secretary Clinton's State Department tenure for the last year, so it should already be in a position to disclose many of the communications the RNC seeks.

30. Finally, no "exceptional circumstances" exist that would justify giving the State Department additional time to respond to the RNC's FOIA requests. 5 U.S.C. § 552(a)(6)(C)(ii). If anything, with the election looming, there is every reason to order the State Department to comply with the RNC's FOIA requests at double speed.

**COUNT I: VIOLATION OF FOIA, 5 U.S.C. § 552**

31. The State Department is unlawfully withholding records that the RNC requested under 5 U.S.C. § 552.

32. The State Department's failure to disclose the requested records has irreparably injured the RNC and will continue to do so until the State Department discloses the records.

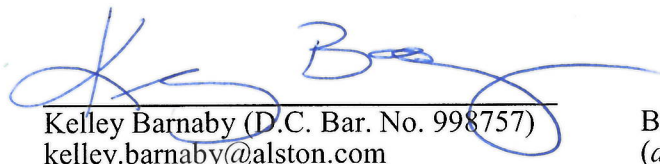
**PRAYER FOR RELIEF**

The RNC requests the following:

1. Expedited consideration under 28 U.S.C. § 1657;
2. A declaratory judgment that the State Department has improperly withheld the requested records under FOIA;
3. An order directing the State Department to respond and produce the requested documents by July 1, 2016, in time for the Democratic National Convention;
4. Costs and reasonable attorneys' fees under 5 U.S.C. § 552(a)(4)(E);
5. Any other relief that the Court deems appropriate.

Dated March 14, 2016.





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*Counsel for Plaintiff Republican National Committee*

# **Exhibit 1**

Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

December 4, 2015

FOIA FREEDOM OF INFORMATION ACT REQUEST

FOIA Officer  
Office of Information Programs and Services  
A/GIS/IPS/RL  
U. S. Department of State  
Washington, D. C. 20522-8100

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

The records I request can be described as follows:

Any and all visitor logs or other records detailing any visitors to the Secretary of State's formal quarters and/or personal office located in the Harry S. Truman building.<sup>1</sup>

The scope of this FOIA request is inclusive of any common variations of the names or terms provided above. The timeframe of this request is from January 21, 2009 to February 1, 2013.

In order to help you determine my status to assess fees, you should know that I am requesting on behalf of the Republican National Committee (RNC) and this information is not primarily in the commercial interest of the RNC.

I am willing to pay fees for this request up to a maximum of \$25. If you estimate that the fees will exceed this limit, please inform me first. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is primarily in the public interest and will contribute significantly to the public's understanding of the operations of the Department of State.<sup>2</sup>

The Department of Justice recommends that each federal agency employ six factors to determine whether a fee waiver is appropriate in a FOIA request.<sup>3</sup> The first such factor is "whether the subject of the requested records concerns 'the operations or activities of the government.'"<sup>4</sup> The records requested here go directly to the official operations and record-keeping activities of the Department of State as it relates to its highest level of leadership.

<sup>1</sup> This building is located at 2201 C Street, N.W., Washington, D.C.

<sup>2</sup> See 5 U.S.C. § 552(1)(4)(A)(iii).

<sup>3</sup> See FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>4</sup> Id.

The second factor is “whether the disclosure is ‘likely to contribute’ to an understanding of government operations or activities.”<sup>5</sup> Here a primary focus is on the present availability of the information and whether it has previously been released to the public.<sup>6</sup> To the best of the requestor’s knowledge, the vast majority of the information contained in the requested records has never been publicly disclosed nor appeared in news reports. The generally undisclosed nature of the records, however, make them very likely to contribute to the understanding of the government operations that it describes.

The third factor is “whether the disclosure of the requested information will contribute to ‘public understanding.’”<sup>7</sup> This turns on “whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject.”<sup>8</sup> The RNC is in a position to make the information widely available. It has an extensive history of publications on its website, GOP.com, and its members and affiliates regularly interact with and appear on national media outlets. Thus, the RNC not only has the desire to furnish these records to a broad audience, but has a substantial ability to do so.<sup>9</sup>

Fourth, an agency is directed to consider “whether disclosure is likely to contribute ‘significantly’ to public understanding of government operations or activities.”<sup>10</sup> In determining the significance of the contribution, an important element is media attention and public interest in the material. Widespread media attention of an issue greatly increases the likelihood that additional information would significantly contribute to the public’s understanding of the government operation or activity in question.<sup>11</sup> As previously noted, the RNC is well positioned to bring media attention to an issue and routinely engages with issues of public import that garner substantial press coverage.

The fee waiver guidance next looks at the question of “whether the requester has a commercial interest that would be furthered by the requested disclosure.”<sup>12</sup> The RNC is not a corporation or business that exists to pursue profits or actively participate in the commercial sphere. There is no readily identifiable commercial interest of the RNC to which this information pertains.

Should your agency determine, however, that some commercial interest exists, it would then have to turn to the final factor: “whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ‘primarily in the commercial interest of the requester.’”<sup>13</sup> Given the RNC’s significant ability to contribute to the public discourse on matters of national significance, any potential commercial interest would be dwarfed in comparison to the public interest in the disclosure of such information.

Where exemptions to the Freedom of Information Act are discretionary, I ask you not withhold such records, even if they might qualify for withholding under the law. If you withhold any records as exempt, please redact the exempted portions and release the remainder of the records. In any case where you withhold any records, please explain in writing any such denial. Please release all reasonably segregable material.

<sup>5</sup> FOIA Update, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>6</sup> 5 See, e.g., *Monaghan v. FBI*, 506 F. App’x 595, 598 (9th Cir. Jan 28, 2013) (prior availability of records linked to whether they are likely to contribute to public understanding); *Judicial Watch, Inc. v. DOJ*, 365 F.3d 1108, 1127 (D.C. Cir. 2004) (emphasizing that requester should address whether information is already in the public domain).

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<sup>8</sup> *Carney v. DOJ*, 19 F.3d 807, 814 (2d Cir. 1994).

<sup>9</sup> See, generally, *Citizens Progressive Alliance v. U.S. Bureau of Indian Affairs*, 241 F. Supp. 2d 1342, 1366 (D.N.M. 2002) (stating that when applying the fee waiver standard, it is relevant to consider the ability of the requester to disseminate information).

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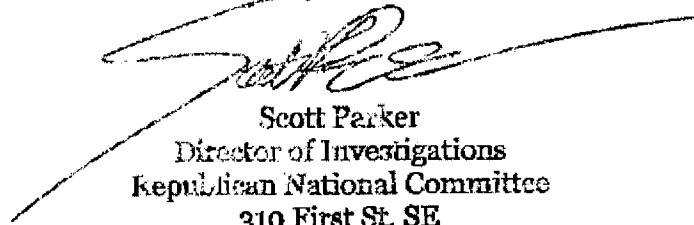
<sup>11</sup> *Pederson v. RTC*, 847 F. Supp. 851, 855 (D. Colo. 1994) (finding that widespread media attention can demonstrate information’s significant contribution to public understanding).

<sup>12</sup> FOIA Update, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>13</sup> *Id.*

Thank you for your consideration of this request. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Parker', is written over a horizontal line.

Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

# **Exhibit 2**

Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

December 4, 2015

**RE: FREEDOM OF INFORMATION ACT REQUEST**

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Office of Information Programs and Services  
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Washington, D. C. 20522-8100

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

The records I request can be described as follows:

Any and all records relating to applications for, as well as approvals of, invitations to any function at a U.S. Department of State Diplomatic Reception Room.<sup>1</sup> Additionally, any and all guest lists for functions held at a U.S. Department of State Diplomatic Reception Room.

The scope of this FOIA request is inclusive of any common variations of the names or terms provided above. The timeframe of this request is from January 21, 2009 to February 1, 2013.

In order to help you determine my status to assess fees, you should know that I am requesting on behalf of the Republican National Committee (RNC) and this information is not primarily in the commercial interest of the RNC.

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The Department of Justice recommends that each federal agency employ six factors to determine whether a fee waiver is appropriate in a FOIA request.<sup>3</sup> The first such factor is "whether the subject of

<sup>1</sup> The U.S. Department of State's Foreign Affairs Manual states: "Attendance at any function shall be by invitation only and invitations shall be extended in the name of the U.S. Government sponsoring official, whose name shall appear first on the invitation, and may also include the name of any private organization co-sponsoring the event (see 6 FAM Exhibit 1033B). Invitations shall be restricted to an established guest list, and not issued as a general solicitation. Invitations shall be approved by the Office of General Services Management (A/OPR/GSM) at the Department of State prior to being sent out to guests." "Conditions For Use," 6 FAM 1033(o).

<sup>2</sup> See 5 U.S.C. § 552(1)(4)(A)(iii).

<sup>3</sup> See *FOIA Update*, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

the requested records concerns ‘the operations or activities of the government.’”<sup>4</sup> The records requested here go directly to the correspondence and actions of agency personnel as they operated in their official capacities.

The second factor is “whether the disclosure is ‘likely to contribute’ to an understanding of government operations or activities.”<sup>5</sup> Here a primary focus is on the present availability of the information and whether it has previously been released to the public.<sup>6</sup> To the best of the requestor’s knowledge, the vast majority of the information contained in the requested records has never been publicly disclosed nor appeared in news reports. The generally undisclosed nature of the records, however, make them very likely to contribute to the understanding of the government operations that it describes.

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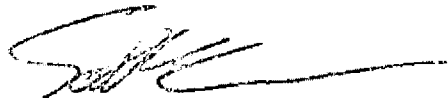
<sup>13</sup> *Id.*



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Sincerely,

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# **Exhibit 3**

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December 4, 2015

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U. S. Department of State  
Washington, D. C. 20522-8100

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

The records I request can be described as follows:

Any and all records relating to the solicitation and/or receipt of donations through the "Patrons of Diplomacy" program to maintain, renovate, or otherwise fund the U.S. Department of State Diplomatic Reception Rooms.

The scope of this FOIA request is inclusive of any common variations of the names or terms provided above. The timeframe of this request is from January 21, 2009 to February 1, 2013.

In order to help you determine my status to assess fees, you should know that I am requesting on behalf of the Republican National Committee (RNC) and this information is not primarily in the commercial interest of the RNC.

I am willing to pay fees for this request up to a maximum of \$25. If you estimate that the fees will exceed this limit, please inform me first. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is primarily in the public interest and will contribute significantly to the public's understanding of the operations of the Department of State.<sup>1</sup>

The Department of Justice recommends that each federal agency employ six factors to determine whether a fee waiver is appropriate in a FOIA request.<sup>2</sup> The first such factor is "whether the subject of the requested records concerns 'the operations or activities of the government.'"<sup>3</sup> The records requested here go directly to the correspondence and actions of agency personnel as they operated in their official capacities.

<sup>1</sup> See 5 U.S.C. § 552(1)(4)(A)(iii).

<sup>2</sup> See FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>3</sup> *Id.*

The second factor is “whether the disclosure is ‘likely to contribute’ to an understanding of government operations or activities.”<sup>4</sup> Here a primary focus is on the present availability of the information and whether it has previously been released to the public.<sup>5</sup> To the best of the requestor’s knowledge, the vast majority of the information contained in the requested records has never been publicly disclosed nor appeared in news reports. The generally undisclosed nature of the records, however, make them very likely to contribute to the understanding of the government operations that it describes.

The third factor is “whether the disclosure of the requested information will contribute to ‘public understanding.’”<sup>6</sup> This turns on “whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject.”<sup>7</sup> The RNC is in a position to make the information widely available. It has an extensive history of publications on its website, GOP.com, and its members and affiliates regularly interact with and appear on national media outlets. Thus, the RNC not only has the desire to furnish these records to a broad audience, but has a substantial ability to do so.<sup>8</sup>

Fourth, an agency is directed to consider “whether disclosure is likely to contribute ‘significantly’ to public understanding of government operations or activities.”<sup>9</sup> In determining the significance of the contribution, an important element is media attention and public interest in the material. Widespread media attention of an issue greatly increases the likelihood that additional information would significantly contribute to the public’s understanding of the government operation or activity in question.<sup>10</sup> As previously noted, the RNC is well positioned to bring media attention to an issue and routinely engages with issues of public import that garner substantial press coverage.

The fee waiver guidance next looks at the question of “whether the requester has a commercial interest that would be furthered by the requested disclosure.”<sup>11</sup> The RNC is not a corporation or business that exists to pursue profits or actively participate in the commercial sphere. There is no readily identifiable commercial interest of the RNC to which this information pertains.

Should your agency determine, however, that some commercial interest exists, it would then have to turn to the final factor: “whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ‘primarily in the commercial interest of the requester.’”<sup>12</sup> Given the RNC’s significant ability to contribute to the public discourse on matters of national significance, any potential commercial interest would be dwarfed in comparison to the public interest in the disclosure of such information.

Where exemptions to the Freedom of Information Act are discretionary, I ask you not withhold such records, even if they might qualify for withholding under the law. If you withhold any records as exempt, please redact the exempted portions and release the remainder of the records. In any case where you withhold any records, please explain in writing any such denial. Please release all reasonably segregable material.

<sup>4</sup> FOIA Update, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>5</sup> See, e.g., *Monaghan v. FBI*, 506 F. App’x 596, 598 (9th Cir. Jan 28, 2013) (prior availability of records linked to whether they are likely to contribute to public understanding); *Judicial Watch, Inc. v. DOJ*, 365 F.3d 1108, 1127 (D.C. Cir. 2004) (emphasizing that requester should address whether information is already in the public domain).

<sup>6</sup> FOIA Update, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>7</sup> *Carney v. DOJ*, 19 F.3d 807, 814 (2d Cir. 1994).

<sup>8</sup> See, generally, *Citizens Progressive Alliance v. U.S. Bureau of Indian Affairs*, 241 F. Supp. 2d 1342, 1366 (D.N.M. 2002) (stating that when applying the fee waiver standard, it is relevant to consider the ability of the requester to disseminate information).

<sup>9</sup> FOIA Update, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

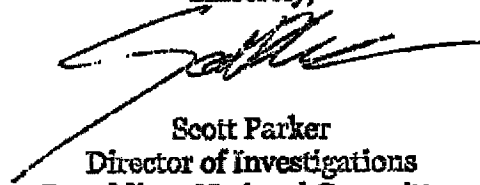
<sup>10</sup> *Pederson v. RTC*, 847 F. Supp. 851, 855 (D. Colo. 1994) (finding that widespread media attention can demonstrate information’s significant contribution to public understanding).

<sup>11</sup> FOIA Update, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>12</sup> *Id.*

Thank you for your consideration of this request. ~~Please do not hesitate to contact me should you have~~  
any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Parker", with a long horizontal stroke extending to the left.

Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

# **Exhibit 4**

Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

December 4, 2015

**RE: FREEDOM OF INFORMATION ACT REQUEST**

FOIA Officer  
Office of Information Programs and Services  
A/GIS/IPS/RL  
U. S. Department of State  
Washington, D. C. 20522-8100

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

For the purpose of this request, the following individuals will hereinafter be referred to collectively as "DESIGNATED INDIVIDUALS:"

- Philippe Reines, Deputy Assistant Secretary, Bureau of Public Affairs
- Anne-Marie Slaughter, Director of Policy Planning
- Dennis Cheng, Deputy Chief of Protocol
- Hillary Clinton, Secretary of State
- Cheryl Mills, Counselor and Chief of Staff, Office of the Secretary
- Huma Abedin, Deputy Chief of Staff, Office of the Secretary
- Jacob Sullivan, Deputy Chief of Staff for Policy/ Planning, Office of the Secretary
- Andrew Shapiro, Assistant Secretary, Bureau of Political-Military Affairs
- Caitlin Klevorick, Special Assistant, Counselor of the Department
- Kris M. Balderston, Special Representative for Global Partnerships
- Patrick F. Kennedy, Under Secretary for Management

The records I request can be described as follows:

Any and all records, correspondence, and memos, in any format, that reference or otherwise relate to any DESIGNATED INDIVIDUALS and reference attendance at, completion of, or waiver of the requirement to complete, the online ethics training that all new U.S. Department of State employees must complete and the yearly training in ethics that all U.S. Department of State employees who file a SF-278 or OGE-450 financial disclosure form are required to complete.<sup>1</sup>

<sup>1</sup> The U.S. Department of State's "The ABCs: What Every New Employee Needs To Know" states: "Mandatory Ethics training is required each year for all employees who file a SF-278 or OGE-450 financial disclosure form. All new employees must complete an online Ethics training course within 90 days." "The ABCs: What Every New Employee Needs To Know," U.S. Department of State, Bureau of Human Resources, Office of Civil Service Human Resource Management,

The timeframe of this request is from January 1, 2009, through December 31, 2013. The scope of this FOIA request is inclusive of any common variations of the names or terms provided above.

In order to help you determine my status to assess fees, you should know that I am requesting on behalf of the Republican National Committee (RNC) and this information is not primarily in the commercial interest of the RNC.

I am willing to pay fees for this request up to a maximum of \$25. If you estimate that the fees will exceed this limit, please inform me first. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is primarily in the public interest and will contribute significantly to the public's understanding of the operations of the Department of State.<sup>2</sup>

The Department of Justice recommends that each federal agency employ six factors to determine whether a fee waiver is appropriate in a FOIA request.<sup>3</sup> The first such factor is "whether the subject of the requested records concerns the operations or activities of the government."<sup>4</sup> The records requested here go directly to the training and actions of agency personnel as they operated in their official capacities.

The second factor is "whether the disclosure is 'likely to contribute' to an understanding of government operations or activities."<sup>5</sup> Here a primary focus is on the present availability of the information and whether it has previously been released to the public.<sup>6</sup> To the best of the requestor's knowledge, the vast majority of the information contained in the requested records has never been publicly disclosed nor appeared in news reports. The generally undisclosed nature of the records, however, make them very likely to contribute to the understanding of the government operations that it describes.

The third factor is "whether the disclosure of the requested information will contribute to 'public understanding.'"<sup>7</sup> This turns on "whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject."<sup>8</sup> The RNC is in a position to make the information widely available. It has an extensive history of publications on its website, GOP.com, and its members and affiliates regularly interact with and appear on national media outlets. Thus, the RNC not only has the desire to furnish these records to a broad audience, but has a substantial ability to do so.<sup>9</sup>

Fourth, an agency is directed to consider "whether disclosure is likely to contribute 'significantly' to public understanding of government operations or activities."<sup>10</sup> In determining the significance of the contribution, an important element is media attention and public interest in the material. Widespread media attention of an issue greatly increases the likelihood that additional information would significantly contribute to the public's understanding of the government operation or activity in

p. 12 (June 2011) (emphasis removed), available online at [http://careers.state.gov/uploads/4a/74/4a7426985b72ba5e586bc386f97fa425/Orientation\\_ABCs-2011.pdf](http://careers.state.gov/uploads/4a/74/4a7426985b72ba5e586bc386f97fa425/Orientation_ABCs-2011.pdf).

<sup>2</sup> See 5 U.S.C. § 552(1)(4)(A)(iii).

<sup>3</sup> See FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>4</sup> *Id.*

<sup>5</sup> FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>6</sup> See, e.g., *Monaghan v. FBI*, 506 F. App'x 595, 598 (9th Cir. Jan 28, 2013) (prior availability of records linked to whether they are likely to contribute to public understanding); *Judicial Watch, Inc. v. DOJ*, 365 F.3d 1108, 1127 (D.C. Cir. 2004) (emphasizing that requester should address whether information is already in the public domain).

<sup>7</sup> FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>8</sup> *Carney v. DOJ*, 19 F.3d 807, 814 (2d Cir. 1994).

<sup>9</sup> See, generally, *Citizens Progressive Alliance v. U.S. Bureau of Indian Affairs*, 241 F. Supp. 2d 1342, 1366 (D.N.M. 2002) (stating that when applying the fee waiver standard, it is relevant to consider the ability of the requester to disseminate information).

<sup>10</sup> FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").



question.<sup>11</sup> As previously noted, the RNC is well positioned to bring media attention to an issue and routinely engages with issues of public import that garner substantial press coverage.

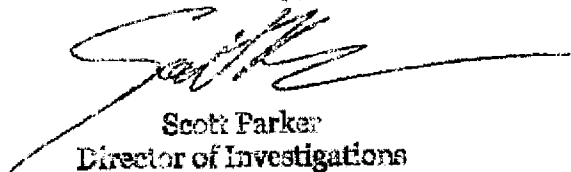
The fee waiver guidance next looks at the question of "whether the requester has a commercial interest that would be furthered by the requested disclosure."<sup>12</sup> The RNC is not a corporation or business that exists to pursue profits or actively participate in the commercial sphere. There is no readily identifiable commercial interest of the RNC to which this information pertains.

Should your agency determine, however, that some commercial interest exists, it would then have to turn to the final factor: "whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is 'primarily in the commercial interest of the requester.'"<sup>13</sup> Given the RNC's significant ability to contribute to the public discourse on matters of national significance, any potential commercial interest would be dwarfed in comparison to the public interest in the disclosure of such information.

Where exemptions to the Freedom of Information Act are discretionary, I ask you not withhold such records, even if they might qualify for withholding under the law. If you withhold any records as exempt, please redact the exempted portions and release the remainder of the records. In any case where you withhold any records, please explain in writing any such denial. Please release all reasonably segregable material.

Thank you for your consideration of this request. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,



Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

<sup>11</sup> *Pederson v. RTC*, 847 F. Supp. 251, 855 (D. Colo. 1994) (finding that widespread media attention can demonstrate information's significant contribution to public understanding).

<sup>12</sup> *FOIA Update*, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>13</sup> *Id.*

# **Exhibit 5**

United States Department of State

Washington, D.C. 20520

27 2016

Dear Requester,

RE: visitor logs or other records detailing any visitors to the  
Secretary of State's formal quarters and/or personal office  
located in the Harry S. Truman building  
This is in response to your request dated December 4th. We have assigned Case  
Control Number F-2015-17202 and will begin the processing of your  
request based upon the information provided in your communication.

The cut-off date is the date the search is initiated unless you have provided a specific  
timeframe.

We have considered your request for a fee waiver. Based upon the information provided  
in your letter, your request for a fee waiver has been denied. If you wish to appeal this  
decision, you may write to the Requester Liaison Division, at the address given on the  
bottom of this page. Your appeal should address the points listed in the enclosed sheet  
titled "Fee Waiver Information Sheet." Your appeal must be sent to us within 30 days  
from the date that you receive this letter.

Unusual circumstances (including the number and location of Department components  
involved in responding to your request, the volume of requested records, etc.) may arise  
that would require additional time to process your request.

We will notify you as soon as responsive material has been retrieved and reviewed.

Should you have any questions, you may call our FOIA Requester Service Center at  
(202) 261-8484 or send an email to FOIAstatus@state.gov. Please refer to the Case  
Control Number in any communication.

Sincerely,

Requester Communications Branch  
Office of Information Programs & Services

United States Department of State

Washington, D.C. 20520

JAN 27 2016

Dear Requester,

RE: U.S. Department of State Diplomatic Reception Room

This is in response to your request dated December 4<sup>th</sup>. We have assigned Case Control Number F-2015-17194 and will begin the processing of your request based upon the information provided in your communication.

The cut-off date is the date the search is initiated unless you have provided a specific timeframe.


We have considered your request for a fee waiver. Based upon the information provided in your letter, your request for a fee waiver has been denied. If you wish to appeal this decision, you may write to the Requester Liaison Division, at the address given on the bottom of this page. Your appeal should address the points listed in the enclosed sheet titled "Fee Waiver Information Sheet." Your appeal must be sent to us within 30 days from the date that you receive this letter.

Unusual circumstances (including the number and location of Department components involved in responding to your request, the volume of requested records, etc.) may arise that would require additional time to process your request.

We will notify you as soon as responsive material has been retrieved and reviewed.

Should you have any questions, you may call our FOIA Requester Service Center at (202) 261-8484 or send an email to FOIAstatus@state.gov. Please refer to the Case Control Number in any communication.

Sincerely,

Requester Communications Branch   
Office of Information Programs & Services

United States Department of State

Washington, D.C. 20520

JAN 27 2016

Dear Requester,

RE: Solicitation and/or receipt of donations through the  
"Patrons of Diplomacy" program to fund the U.S. Department  
of State Diplomatic Reception Room  
This is in response to your request dated December 4th. We have assigned Case  
Control Number F-2015-17196 and will begin the processing of your  
request based upon the information provided in your communication.

The cut-off date is the date the search is initiated unless you have provided a specific  
timeframe.


We have considered your request for a fee waiver. Based upon the information provided  
in your letter, your request for a fee waiver has been denied. If you wish to appeal this  
decision, you may write to the Requester Liaison Division, at the address given on the  
bottom of this page. Your appeal should address the points listed in the enclosed sheet  
titled "Fee Waiver Information Sheet." Your appeal must be sent to us within 30 days  
from the date that you receive this letter.

Unusual circumstances (including the number and location of Department components  
involved in responding to your request, the volume of requested records, etc.) may arise  
that would require additional time to process your request.

We will notify you as soon as responsive material has been retrieved and reviewed.

Should you have any questions, you may call our FOIA Requester Service Center at  
(202) 261-8484 or send an email to FOIAstatus@state.gov. Please refer to the Case  
Control Number in any communication.

Sincerely,

Requester Communications Branch   
Office of Information Programs & Services

United States Department of State

Washington, D.C. 20520

JAN 27 2016

Dear Requester,

RE: SF 278 or OGE-450 forms regarding designated individuals

This is in response to your request dated December 4<sup>th</sup>. We have assigned Case Control Number F-2015-17200 and will begin the processing of your request based upon the information provided in your communication.

The cut-off date is the date the search is initiated unless you have provided a specific timeframe.

We have considered your request for a fee waiver. Based upon the information provided in your letter, your request for a fee waiver has been denied. If you wish to appeal this decision, you may write to the Requester Liaison Division, at the address given on the bottom of this page. Your appeal should address the points listed in the enclosed sheet titled "Fee Waiver Information Sheet." Your appeal must be sent to us within 30 days from the date that you receive this letter.

Unusual circumstances (including the number and location of Department components involved in responding to your request, the volume of requested records, etc.) may arise that would require additional time to process your request.

We will notify you as soon as responsive material has been retrieved and reviewed.

Should you have any questions, you may call our FOIA Requester Service Center at (202) 261-8484 or send an email to [FOIAstatus@state.gov](mailto:FOIAstatus@state.gov). Please refer to the Case Control Number in any communication.

Sincerely,

Requester Communications Branch   
Office of Information Programs & Services

### **I. (a) PLAINTIFFS**

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

## DEFENDANTS

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

## II. BASIS OF JURISDICTION

(PLACE AN x IN ONE BOX ONLY)

- III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) **FOR DIVERSITY CASES ONLY!**

	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

#### 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)

- ### ○ A. Antitrust

- ## ☐ 410 Antitrust

- ☐ B. *Personal Injury/  
Malpractice*

- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Medical Malpractice
- ☐ 365 Product Liability
- ☐ 367 Health Care/Pharmaceutical  
Personal Injury Product Liability
- ☐ 368 Asbestos Product Liability

- ☐ C. *Administrative Agency Review*

- 151 Medicare Act

## Social Security

- ☐ 861 HIA (1395ff)  
☐ 862 Black Lung (923)  
☐ 863 DIWC/DIWW (405(g))  
☐ 864 SSID Title XVI  
☐ 865 RSI (405(g))

## Other Statutes

- ☐ 891 Agricultural Acts  
☐ 893 Environmental Matters  
☐ 890 Other Statutory Actions (If  
Administrative Agency is  
Involved)

- ☐ D. *Temporary Restraining Order/Preliminary Injunction*

**Any nature of suit from any category may be selected for this category of case assignment.**

**\*(If Antitrust, then A governs)\***

- E. *General Civil (Other)*

**OR**

- F. *Pro Se General Civil***

## Real Property

- ☐ 210 Land Condemnation  
☐ 220 Foreclosure  
☐ 230 Rent, Lease & Ejectment  
☐ 240 Torts to Land  
☐ 245 Tort Product Liability  
☐ 290 All Other Real Property

### Personal Property

- ☐ 370 Other Fraud  
☐ 371 Truth in Lending  
☐ 380 Other Personal Property  
     Damage  
☐ 385 Property Damage  
     Product Liability

## Bankruptcy

- ☐ 422 Appeal 27 USC 158
  - ☐ 423 Withdrawal 28 USC 157

## Prisoner Petitions

- ☐ 535 Death Penalty  
☐ 540 Mandamus & Other  
☐ 550 Civil Rights  
☐ 555 Prison Conditions  
☐ 560 Civil Detainee – Conditions  
of Confinement

## Property Rights

- ☐ 820 Copyrights  
☐ 830 Patent  
☐ 840 Trademark

## Federal Tax Suits

- ☐ 870 Taxes (US plaintiff or defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

### **Forfeiture/Penalty**

- ☐ 625 Drug Related Seizure of  
Property 21 USC 881  
☐ 690 Other

## Other Statutes

- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 430 Banks & Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions
- ☐ 470 Racketeer Influenced & Corrupt Organization

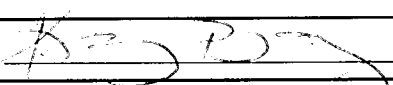
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Satellite TV
- ☐ 850 Securities/Commodities/  
Exchange
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure  
Act/Review or Appeal of  
Agency Decision
- ☐ 950 Constitutionality of State  
Statutes
- ☐ 890 Other Statutory Actions  
(if not Administrative agency  
review or Privacy Act)

<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)  <i>*(If pro se, select this deck)*</i>	<input 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)  <i>*(If pro se, select this deck)*</i>	<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

**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 (Freedom of Information Act); Defendant is unlawfully withholding public records.

<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: 3/14/2016	SIGNATURE OF ATTORNEY OF RECORD: 
-----------------	---

**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**

REPUBLICAN NATIONAL COMMITTEE

*Plaintiff*

v.

UNITED STATES DEPARTMENT OF STATE

*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

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:

Kelley Barnaby and Edward Kang  
Alston & Bird LLP  
950 F Street NW  
Washington, DC 20004

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:

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

REPUBLICAN NATIONAL COMMITTEE

*Plaintiff*

v.

UNITED STATES DEPARTMENT OF STATE

*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* UNITED STATES DEPARTMENT OF STATE  
320 21st Street Northwest  
Washington, DC 20451

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:

Kelley Barnaby and Edward Kang  
Alston & Bird LLP  
950 F Street NW  
Washington, DC 20004

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:

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

REPUBLICAN NATIONAL COMMITTEE

*Plaintiff*

v.

UNITED STATES DEPARTMENT OF STATE

*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Civil Clerk  
United States Attorney's Office  
District of Columbia  
555 Fourth Street, N.W.  
Washington, D.C. 20530

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:

Kelley Barnaby and Edward Kang  
Alston & Bird LLP  
950 F Street NW  
Washington, DC 20004

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:

**United States District Court  
For the District of Columbia**

REPUBLICAN NATIONAL	)	
COMMITTEE	)	
	)	
	)	
vs	)	Civil Action No. _____
	)	
UNITED STATES DEPARTMENT OF	)	
STATE	)	
	)	
	)	
Defendant	)	

**CERTIFICATE RULE LCvR 7.1**

I, the undersigned, counsel of record for Republican National Committee certify that to the best of my knowledge and belief, the following are parent companies, subsidiaries or affiliates of Republican National Committee which have any outstanding securities in the hands of the public:

None.

These representations are made in order that judges of this court may determine the need for recusal.

Attorney of Record

Signature

Kelley Barnaby

Print Name

950 F. Street, NW

Address

Washington, DC 20004

City

State

Zip Code

(202) 239-3300

Phone Number

D.C. Bar No. 998757

BAR IDENTIFICATION NO.