

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

DAVE LEVINTHAL  
910 17<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20006-2606, and

CENTER FOR PUBLIC INTEGRITY  
910 17<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20006-2606,

Plaintiffs,

v.

Civil Action No. 15-1148

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, DC 20463,

Defendant.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs, Dave Levinthal and the Center for Public Integrity (the Center), bring this action for declaratory and injunctive relief, alleging as follows:

**Nature of Action**

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, to compel the production of certain agency records related to Medicare Advantage plans.

**Jurisdiction and Venue**

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), 28 U.S.C. § 1331, and 28 U.S.C. § 2201(a).

3. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

**Parties**

4. Plaintiff Dave Levinthal is a senior investigative reporter employed by the Center for Public Integrity. His assignments include covering the Federal Election Commission and the influence of money in federal politics.

5. Plaintiff Center for Public Integrity is a District of Columbia corporation, a tax-exempt public charity and a nonprofit, nonpartisan, non-advocacy, independent journalism organization based in Washington, D.C. The Center's mission is "[t]o serve democracy by revealing abuses of power, corruption and betrayal of public trust by powerful public and private institutions, using the tools of investigative journalism." "About The Center for Public Integrity," <http://www.publicintegrity.org/about>.

6. Plaintiffs are the requesters of the withheld records.

7. Defendant, Federal Election Commission ("FEC"), is an agency of the United States. Defendant has possession of and control over the records that plaintiffs seek.

**Plaintiffs' Freedom of Information Request**

8. By email dated August 14, 2014, addressed to FOIA@fec.gov, Plaintiffs requested

any and all scheduling documents and/or records — be them in paper or electronic form — used by FEC commissioners.

Such documents should include, but not be limited to, calendars, schedules, emails and itineraries that list or account for commissioners' meetings, whereabouts or travels when conducting government business or traveling to/from engagements or duties involving government business.

The timeframe these documents and records should cover is Oct. 21, 2013, to Aug. 14, 2014.

9. By email dated August 15, 2014, Defendant acknowledged receipt of Plaintiffs' request, assigning it the tracking number 2014-78.

**Defendant's Processing of the Request**

10. On May 19, 2015, in an interim response to Plaintiffs' request, Defendant produced some responsive documents. Defendant acknowledged that it possesses additional responsive documents.

11. Defendant has not yet issued a final determination with respect to Plaintiffs' request.

12. More than twenty working days have passed since Defendant received Plaintiffs' request. Plaintiffs have therefore exhausted all applicable administrative remedies.

13. Plaintiffs have a statutory right to the requested records, and there is no legal basis for Defendant's failure to make them available to Plaintiffs.

**Demand for Relief**

WHEREFORE, Plaintiffs request that this Court:

1. Declare that Defendant's failure to disclose the records requested by Plaintiffs is unlawful;
2. Order Defendant to make the requested records available to Plaintiffs;
3. Award Plaintiffs their costs and reasonable attorneys' fees in this action; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/S/

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Attorney for Plaintiffs

July 20, 2014