

# My FOIA Requester Sued the Agency

What happens now?

Ennelle Debrosse,  
Branch Chief  
Department of State  
Statutory & Compliance Division

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## Introduction

A little about me...



WHO DO WE HAVE IN THE ROOM?

NAME?

YEARS IN FOIA?

YEARS IN FOIA LITIGATION?

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## Agenda

- Introduction
- Why do requesters go to FOIA Litigation?
- How & Where do requesters file?
- The Culture in the Office
- The process involved...
- Summary

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## Why do requesters go to FOIA Litigation?

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## FOIA Litigation – Why?

Requester may file suit after the final agency decision

Challenge Redactions

Challenge Searches

\*Requesters must first exhaust administrative remedies

Failure to respond timely

\*Appeal not required

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## Where do cases get filed? Jurisdiction & Venue

### • U.S. District Courts

#### Where?

- ✓ Home Residence
- ✓ Employment Address
- ✓ Where Records are Located
- ✓ District Court in Washington, DC

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## Let's Talk Culture in Litigation

Deadlines, Deadlines, Deadlines!

### Case Ownership

- Must have case coverage
- Productions
- No Two Cases are Identical

TeamWork makes the DreamWork

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## We have a New Case...

A complaint has been filed...

A complaint is the pleading that starts a case. Essentially, a document that sets forth a jurisdictional basis for the court's power, the plaintiff's cause of action, and a demand for judicial relief.

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## A Sample Complaint

Case 1:07-cv-00371 Document 36 Filed 07/27/2007 Page 1 of 3

Doc. 36

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

WILCOX GROUP, LLC,  
Defendant, v. The Board of AZ  
Homes, Plaintiff.

Lead Plaintiff:

No. 07-CV-00371

GOOGLE INC., OVERSEAS INC.,  
DELO, LLC, LITTELL, INC., AKA  
BENTLEY STREET CORP.,  
BENTLEY STREET CORP., AKA BENTLEY, INC.,  
AND BENTLEY STREET CORP.

Judge Korman  
Magistrate Judge Berman

Defendants:

AMERICAN NATIONAL BANK & TRUST OF THE DISTRICT OF COLUMBIA, INC.,  
AKA AMERICAN NATIONAL BANK & TRUST OF THE DISTRICT OF COLUMBIA, INC.

Defendant. Docket No. 07-CV-00371, Plaintiff v. Defendant, respectively  
before the Court is filed and August 15, 2007 the date by which Plaintiff must answer or  
otherwise plead to the Class Action Complaint to Law and Equity ("Class Action Complaint").

In support of this motion, Docket states:

1. On June 15, 2007, Plaintiff filed the Class Action Complaint. Docket was served  
with a copy of the Defendant and Class Action Complaint on July 5, 2007 and its deadline to  
answer or otherwise plead is July 25, 2007.

2. The Class Action Complaint is 121 pages long and alleges infringement and  
disruptive practices of registered marks, trade names, logos and other distinctive indicia marks.

3. Given the length of the Class Action Complaint and the nature of its claims,

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## Some Common Terms...

What's a:

- Complaint
- Answer
- Production
- Status Report
- Declaration
- Vaughn
- Plaintiff
- AUSA

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## 15 Key Steps in the Process

1. Complaint Filed
2. Gathering Information
3. Responsive Pleading
4. Tasking and Monitoring Searches
5. Drafting Search Descriptions
6. Review of Records
7. Production Schedules

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## 15 Key Steps in the Process cont'd

8. Processing Consultations from Other Agencies
9. Productions
10. Status Reports
11. Status Conferences
12. Settlements
13. Motions for Summary Judgment and Court Filings
14. Declarations and *Vaughn* Indexes
15. Reaching Settlement on Fees and Costs after the Conclusion of a Case

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Summary

We've now gone over ALL the Who, What, When, Where and How of FOIA LITIGATION. Hope you've found the time spent here to be helpful, leaving you enlightened with a basic background and understanding. Remember, every case is different and you will learn something new with each case.

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ANY FINAL Q&A's?

Thank You!

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