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8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 U.S. RIGHT TO KNOW, a California Non-Profit  
12 Corporation,

13 Plaintiff,

14 vs.

15 CENTRAL INTELLIGENCE AGENCY,

16 Defendant.

Case No.:

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

Freedom of Information Act,  
5 U.S.C. § 552 *et seq*

**INTRODUCTION**

1  
2 1. Through this action, Plaintiff U.S. Right to Know (hereinafter “Plaintiff” and/or  
3 “USRTK”) seeks access to government records held by Defendant Central Intelligence Agency  
4 (hereinafter “Defendant” and/or “CIA”), pursuant to the Freedom of Information Act (hereinafter  
5 “FOIA”), 5 U.S.C. § 552 *et seq.*, and the CIA Implementing Regulations, 32 C.F.R. § 1900 *et seq.*  
6 This action challenges Defendant’s unlawful failure to abide by the statutory requirements of FOIA  
7 and applicable implementing regulations.

8 2. Defendant is unlawfully withholding from public disclosure information sought by  
9 USRTK, information to which USRTK is entitled and for which no valid disclosure exemption  
10 applies or has been properly asserted. In particular, Defendant has violated, and remains in  
11 violation of, the statutory mandates imposed by the FOIA by: (Count I) failing to provide a timely  
12 final determination on USRTK’s FOIA Requests; (Count II) unlawfully withholding records from  
13 public disclosure for which no valid disclosure exemption applies or has been properly asserted, or  
14 to provide the reasonably segregable portions of those records; (Count III) failing to timely approve  
15 USRTK’s fee waiver request under the FOIA; and, (Count IV) failing to provide an “estimated date  
16 of completion.”

17 3. The records requested by USRTK are likely to contribute significantly to the  
18 understanding of the operations or the activities of the government. USRTK is a 501(c)(3) nonprofit  
19 organization and, by its nature, has no commercial interest in the requested records.

20 4. USRTK seeks declaratory relief establishing that Defendant has violated the FOIA  
21 and that such actions entitle USRTK to relief thereunder. USRTK also seeks injunctive relief  
22 directing Defendant to conduct a reasonably adequate search for records and to promptly provide  
23 responsive material, to reasonably segregate portions of non-exempt records, and to provide proper  
24 justifications for any disclosure exemptions that are applied. Finally, USRTK requests that the  
25 Court award Plaintiff its reasonable attorneys’ fees and costs incurred in bringing this action.

26 //

27 //

28 //

**JURISDICTION AND VENUE**

1  
2 5. This Court has jurisdiction pursuant to 5 U.S.C. section 552(a)(4)(B). That provision  
3 of the FOIA grants jurisdiction to “the district court of the United States in the district in which the  
4 complainant resides or has his principal place of business[.]” 5 U.S.C. § 552(a)(4)(B). USRTK is a  
5 nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law  
6 for charitable purposes. USRTK was incorporated in the State of California in May 2014. USRTK  
7 maintains its principal place of business in the Northern District of California.

8 6. This Court also has federal question jurisdiction pursuant to 28 U.S.C. section 1331  
9 because this action arises under the FOIA and the Declaratory Judgment Act, 28 U.S.C. section  
10 2201 *et seq.*

**INTRADISTRICT ASSIGNMENT**

11  
12 7. Pursuant to Local Rule 3-2(c), this case is properly brought in the San Francisco  
13 Division of the Northern District of California, because a substantial part of the events and  
14 omissions which give rise to the claims alleged herein occurred in the County of San Francisco.

15 8. Under the FOIA, 5 U.S.C. § 522(a)(4)(B), jurisdiction vests in the district court  
16 where “the complainant resides” or “has his principal place of business.”

17 9. Plaintiff has its principal place of business in the County of San Francisco.

18 10. As such, under the L.R. 3-2(c), (d), intradistrict assignment to the San Francisco  
19 division is proper.

**PARTIES**

20  
21 11. Plaintiff USRTK is a 501(c)(3) nonprofit corporation organized under the laws of the  
22 State of California.

23 12. USRTK is a nonprofit newsroom and public health research group. USRTK  
24 investigates and reports on corporate wrongdoing and government failures that threaten our health,  
25 environment or food system.

26 13. Defendant CIA is a department of the Executive Branch of the United States  
27 government branch and an “agency” under the FOIA, the records sought are “records” under the  
28 FOIA, and because Defendant CIA is in possession and control of the records sought by USRTK,

1 the CIA is subject to the FOIA pursuant to 5 U.S.C. §552(f).

2 **LEGAL FRAMEWORK**

3 14. The FOIA requires U.S. government agencies to “promptly” make public records  
4 available to any person if that person makes a request which (1) reasonably describes the records  
5 sought and (2) complies with any applicable agency rules for making such a request. 5 U.S.C. §  
6 552(a)(3)(A).

7 15. The FOIA requires an agency to issue a final determination on any such information  
8 request within twenty business days from the date of its receipt. 5 U.S.C. § 552(a)(6)(A)(i). In  
9 issuing a final determination, an agency is required to inform the requester of three things: (1) the  
10 agency’s determination of whether or not it must comply with the request; (2) the reasons for its  
11 decision; and (3) notice of the right of the requester to appeal to the head of the agency. 5 U.S.C. §  
12 552(a)(6)(A)(i).

13 16. The FOIA allows an agency to extend the twenty-day determination deadline,  
14 however, by ten working days when “unusual circumstances” exist and when the agency so notifies  
15 a requester in writing. 5 U.S.C. § 552(a)(6)(B)(i)-(iii). A notice informing a requester of the  
16 invocation of the “unusual circumstances” provision must specify the applicable “unusual  
17 circumstances.” *Id.*; 32 C.F.R. § 1901.21(d)

18 17. Permissible “unusual circumstances” are limited to: “(I) the need to search for and  
19 collect the requested records from field facilities or other establishments that are separate from the  
20 office processing the request; (II) the need to search for, collect, and appropriately examine a  
21 voluminous amount of separate and distinct records which are demanded in a single request; or (III)  
22 the need for consultation, which shall be conducted with all practicable speed, with another agency  
23 having a substantial interest in the determination of the request or among two or more components  
24 of the agency having substantial subject-matter interest therein.” 5 U.S.C. § 552(a)(6)(B)(iii).

25 18. An agency is entitled to one ten-business day extension. 5 U.S.C. § 552(a)(6)(B)(i).  
26 The written notice provided to the requester must specify the specific unusual circumstances  
27 justifying the extension and the date on which a final determination is expected to be dispatched. *Id.*

28 19. In some circumstances, the FOIA allows an agency to invoke an extension beyond

1 ten days. To invoke a longer extension, the FOIA requires an agency to provide written notification  
2 to the requester that (1) offers the requester an opportunity to limit the scope of the request so that it  
3 may be processed within that time limit, or (2) offers the requester an opportunity to arrange with  
4 the agency an “alternative time frame” for processing the request. 5 U.S.C. § 552(a)(6)(B)(ii).

5 20. As part of invoking an “alternative time frame” extension, the agency must also  
6 make available to the requester its FOIA Public Liaison, who is tasked to resolve any dispute  
7 between the requester and the agency. 5 U.S.C. § 552(a)(6)(B)(ii).

8 21. FOIA Public Liaisons “shall serve as supervisory officials” and “shall be responsible  
9 for assisting in reducing delays, increasing transparency and understanding of the status of requests,  
10 and assisting in the resolution of disputes.” 5 U.S.C. § 552(l).

11 22. Even when an “unusual circumstances” extension is made, the agency must still  
12 notify the requester of its expected date on which a final determination will be dispatched. 5 U.S.C.  
13 § 552(a)(6)(B)(i)(“Whenever we cannot meet the statutory time limit for processing a request  
14 because of ‘unusual circumstances,’ as defined in the FOIA, and we extend the time limit on that  
15 basis, we will notify you, before expiration of the 20-day period to respond and in writing of the  
16 unusual circumstances involved and of the date by which we estimate processing of the request will  
17 be completed.”).

18 23. “Exceptional circumstances” for failure to comply with applicable time limits “does  
19 not include a delay that results from a predictable agency workload of requests under this section,  
20 unless the agency demonstrates reasonable progress in reducing its backlog of pending requests.”  
21 5 U.S.C. § 552(a)(6)(C)(ii).

22 24. If an agency fails to provide a final determination on a FOIA request within the  
23 statutory timeframe, the requester is deemed to have exhausted its administrative remedies and may  
24 immediately file suit against the agency. 5 U.S.C. § 552(a)(6)(C)(i).

25 25. The FOIA also requires agencies to provide “an estimated date on which the agency  
26 will complete action on the request.” 5 U.S.C. § 552(a)(7)(B)(ii); *see also* 5 U.S.C.  
27 § 552(a)(6)(B)(i).

28 26. Agencies shall make reasonable efforts to maintain their records so they are

1 reproducible for FOIA purposes, and “shall make reasonable efforts to search” for responsive  
2 records. 5 U.S.C. § 552(a)(3)(B), (C). The term “search” “means to review, manually or by  
3 automated means, agency records for the purpose of locating those records which are responsive to  
4 a request.” 5 U.S.C. § 552(a)(3)(D).

5 27. In furnishing records responsive to a request under the FOIA, an agency may, for a  
6 limited set of categories of information, exclude or withhold such information from disclosure.  
7 5 U.S.C. § 552(b). However, even where proper justification exists for withholding such  
8 information, the agency must provide the remaining portions of records that are reasonably  
9 segregable from the properly withheld portions thereof. *Id.*

10 28. Except in certain circumstances, when an agency produces a record in response to a  
11 FOIA request but withholds a portion thereof, the agency must indicate the volume of information  
12 withheld and the exemption under which such information has been withheld. *Id.*; 5 U.S.C. §  
13 552(a)(6)(F).

14 29. An agency that withholds public records from a requestor under the FOIA bears the  
15 burden of sustaining the legality of its action. 5 U.S.C. § 552(a)(4)(B).

16 30. Requesters under the FOIA may ask that an agency waive fees associated with any  
17 request for records “if disclosure of the information is in the public interest because it is likely to  
18 contribute significantly to the public understanding of the operations or activities of the government  
19 and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

20 31. An agency may only charge certain fees depending on the category of requester. For  
21 non-commercial requesters such as USRTK, “fees shall be limited to reasonable standard charges  
22 for document search and duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(III).

23 32. Agencies are prohibited from assessing search fees if the agency fails to comply with  
24 the FOIA’s twenty-day determination deadline or any lawful extension under the statute’s “unusual  
25 circumstances” provisions. 5 U.S.C. § 552(a)(4)(A)(viii).

26 33. This Court has jurisdiction to enjoin the agency from withholding agency records  
27 and to order the production of any agency records improperly withheld from the complainant,  
28 pursuant to 5 U.S.C. § 552(a)(4)(A)(i)(B).

1 **STATEMENT OF OPERATIVE FACTS**

2 **U.S. Right to Know’s Investigative Work**

3 34. USRTK has a demonstrated track record of obtaining and disseminating information  
4 obtained under the FOIA and state public records laws concerning public health. Since 2015,  
5 USRTK has obtained, posted online, and reported on thousands of industry and government  
6 documents gathered via public records requests. USRTK’s work has contributed to three New York  
7 Times investigations, 15 academic papers in public health journals, 13 articles in the BMJ, one of  
8 the world’s leading medical journals, and global media coverage documenting how food and  
9 chemical corporations impact public health and the environment. USRTK’s staff has expertise in  
10 investigative journalism and advanced research, especially as it concerns impacts on human health.  
11 (<https://usrtk.org/about-u-s-right-to-know/>). USRTK is a recognized news outlet and is a member  
12 of the Institute for Nonprofit News, a network of more than 500 nonprofit news organizations  
13 dedicated to public service journalism.

14 35. USRTK’s investigation of the origins of COVID-19 has been featured in news  
15 outlets around the world, including the [Wall Street Journal](#), [New York Times](#), [Washington Post](#),  
16 [USA Today](#), [New Yorker](#), [Vanity Fair](#), [Science](#), [the BMJ](#), [Journal of Medical Ethics](#) and many other  
17 outlets. (<https://usrtk.org/about-u-s-right-to-know/>).

18 36. In February 2025, USRTK received a James Madison Freedom of Information  
19 Award from the Society for Professional Journalists Northern California chapter. This award  
20 recognizes people and organizations that have made “significant contributions to advancing  
21 freedom of information and expression in the spirit of James Madison, the creative force behind the  
22 First Amendment.” The award states in part that:

23 By filing more than 160 requests under the Freedom of Information  
24 Act, initiating 30 lawsuits to uncover documents held by federal  
25 officials, and combing through tens of thousands of documents, U.S.  
26 Right to Know unearthed crucial information about the potential  
27 origins of COVID-19 and the high-risk research being conducted at  
28 the Wuhan Institute of Virology.

1 See Thomas Peele & Laura Wenus, *SPJ NORCAL Honors Transparency Champions in James*  
2 *Madison Freedom of Information Awards*, Society of Professional Journalists, Northern California,  
3 [https://spjnorcal.org/2025/02/12/spj-norcal-honors-transparency-champions-in-james-madison-](https://spjnorcal.org/2025/02/12/spj-norcal-honors-transparency-champions-in-james-madison-freedom-of-information-awards-3/)  
4 [freedom-of-information-awards-3/](https://spjnorcal.org/2025/02/12/spj-norcal-honors-transparency-champions-in-james-madison-freedom-of-information-awards-3/) (last visited March 04, 2026).

5 37. USRTK shares its findings with media outlets, public health and medical journals,  
6 and through its own library of information, available online at: <https://www.usrtk.org>. Many of  
7 USRTK's documents are available through the USRTK Agrichemical Collection of the University  
8 of California, San Francisco's (UCSF) Chemical Industry Documents Archive, available online at:  
9 <https://www.industrydocuments.ucsf.edu/chemical/collections/usrtk-agrichemical-collection/>,  
10 and the USRTK Food Industry Collection of the UCSF Food Industry Documents Archive,  
11 available online at: [https://www.industrydocuments.ucsf.edu/food/collections/usrtk-food-industry-](https://www.industrydocuments.ucsf.edu/food/collections/usrtk-food-industry-collection/)  
12 [collection/](https://www.industrydocuments.ucsf.edu/food/collections/usrtk-food-industry-collection/).

### 13 **FOIA Request One**

14 38. On November 5, 2025, USRTK submitted a FOIA Request to the CIA (referred to  
15 herein as "Request One"). USRTK submitted Request One to the CIA through the online portal on  
16 FOIA.gov. Request One sought a waiver of all fees associated with processing the request. USRTK  
17 documented its request for a fee waiver by attaching multi-page, highly detailed, relevant  
18 justification within Request One. USRTK also requested expedited proceeding for this Request in  
19 accordance with 32 CFR § 1900.34(a). A true and accurate copy of Request One is attached hereto  
20 as **Exhibit A** and is incorporated by reference as though set forth in full herein.

21 39. Request One sought documents pertaining to the Senate Committee on Homeland  
22 Security and Governmental Affairs' investigation into COVID-19 origins, including specific  
23 communications involving the CIA with Dr. Ralph Baric in 2015. **Exh. A, pp. 1-2.**

24 40. USRTK stated in Request One that the documents sought "...will provide U.S. Right  
25 to Know and the public with crucial insight into the activities of the CIA in relation to the US  
26 Government's efforts to understand the origins of the COVID-19 pandemic." **Exh. A, p. 3.**

27 41. On November 10, 2025, Plaintiff USRTK received an Automatic Reply from  
28 FOIA.Gov, Office of Information Policy, stating, "Your FOIA request has been created and is being

1 sent to the Central Intelligence Agency.” Along with the contact information for the FOIA  
2 Requester Service Center, and Michelle Murphy, the FOIA Public Liaison, this Request summary  
3 stated that USRTK’s request was submitted on November 10, 2025, and was assigned “Submission  
4 ID: 2510851”.

5 42. On January 13, 2026, Plaintiff USRTK sent a letter to Information and Privacy  
6 Coordinator, Central Intelligence Agency, via facsimile, stating that USRTK had not received an  
7 acknowledgement of Request One or information about when USRTK would receive an official  
8 “determination” on its request, ID: 2510851, as required by FOIA, 5 U.S.C. § 552(a)(6)(B)(i). This  
9 letter demanded that Defendant CIA provide, within 10 business days, an official determination on  
10 Request One or, at the very least, a certain date by which USRTK should expect a determination.  
11 Plaintiff USRTK also asked that Defendant CIA address USRTK’s request for a fee waiver in a  
12 timely manner. Finally, Plaintiff USRTK asked that Defendant CIA provide an estimated  
13 completion date that complied with the FOIA's requirement to "promptly" make records available  
14 upon request.

15 43. On January 13, 2026, USRTK received confirmation that their fax was successfully  
16 sent to the CIA via Dropbox Fax, at the number of (702) 613-3007.

17 44. Defendant CIA did not provide USRTK any communication following the  
18 submission of USRTK’s January 13, 2026, letter.

19 45. Having heard nothing further from the CIA, on February 18, 2026, counsel for  
20 Plaintiff USRTK, sent a letter to Michelle Murphy, Acting FOIA Officer at the National Institutes  
21 of Health. The February 18, 2026, letter was submitted to the FOIA submission email addresses for  
22 the CIA at National.FOIAPortal@usdoj.gov

23 46. The February 18, 2026, letter advised Defendant CIA of Greenfire Law PC’s  
24 representation of USRTK concerning Request One, dated November 5, 2025, ID: 2510851. The  
25 February 18, 2026, letter asked that, within 20 calendar days, the CIA provide the statutorily  
26 required determination required by both the FOIA and the Request for Determination submitted by  
27 USRTK on January 13, 2025, provide a date certain for the production of documents subject to  
28 Request One, and approve USRTK’s request for a fee waiver and request for expedited processing.

1 47. On February 18, 2026, counsel for USRTK received an automatic reply email from  
2 the National FOIA Portal stating that to inquire about the status of a pending FOIA request, “please  
3 reach out directly to the agency where you submitted your request.” The information provided  
4 within Defendant’s response lists the CIA agency contact as Michelle Murphy, FOIA Public  
5 Liaison.

6 48. To date, neither USRTK nor USRTK’s legal counsel has received any  
7 communications from Defendant CIA about Request One.

8 49. To date, Defendant CIA has not provided USRTK nor counsel with an estimated  
9 date of completion, nor a timely and lawful “determination” that informs USRTK of (1) the CIA’s  
10 determination of whether or not it must comply with the Request; (2) the reasons for its decision;  
11 and (3) notice of the right of the requester to appeal to the head of the agency. 5 U.S.C. §  
12 552(a)(6)(A)(i).

13 50. At no time has Defendant CIA lawfully invoked the FOIA’s “unusual  
14 circumstances” exception to the FOIA’s twenty-day determination deadline.

15 51. Defendant CIA has not shown due diligence in responding to Request One. 5 U.S.C.  
16 § 552(a)(6)(C)(i).

17 52. To date, Defendant CIA has failed to issue a decision on USRTK’s request for a  
18 waiver of fees associated with the processing of the Request.

19 53. To date, Defendant CIA has not produced a single record responsive to Request One.

20 54. USRTK has constructively exhausted all administrative remedies required by the  
21 FOIA. 5 U.S.C. § 552(a)(6)(A), (a)(6)(C).

22 55. USRTK has been forced to retain the services of counsel and to expend funds  
23 litigating Defendant’s unlawful actions and omissions under the FOIA.

24 **FOIA Request Two**

25 56. On November 19, 2025, USRTK submitted a FOIA request to the CIA. This FOIA  
26 request is referred to herein as Request Two. USRTK submitted Request Two to the CIA through  
27 the online portal on FOIA.gov. Request Two sought a waiver of all fees associated with processing  
28 the request. USRTK documented its request for a fee waiver by attaching multi-page, highly

1 detailed, relevant justification within Request Two. Request Two also included a request for  
2 expedited processing pursuant to 32 CFR § 1900.34(a). A true and accurate copy of Request Two is  
3 attached hereto as **Exhibit B** and is incorporated by reference as though set forth in full herein.

4 57. Request Two sought finished intelligence products produced by the CIA's  
5 Directorate of Science and Technology from January 1, 2016, to July 1, 2017, having "Baric" and  
6 one or more of a list of specific keywords pertaining to the origins of the Covid-19 virus. **Exh. B,**  
7 **pp. 1-2.**

8 58. Request Two stated that the request would provide USRTK and the public with  
9 crucial insight into the activities of the CIA in relation to the U.S. Government's efforts to  
10 understand the origins of the COVID-19 pandemic. **Exh. B, pg. 3.**

11 59. On November 19, 2025, Plaintiff USRTK received an Automatic Reply from  
12 FOIA.Gov, Office of Information Policy, stating, "Your FOIA request has been created and is being  
13 sent to the Central Intelligence Agency." Along with the contact information for the FOIA  
14 Requester Service Center, and Michelle Murphy, the FOIA Public Liaison, this Request summary  
15 stated that USRTK's request was submitted on November 19, 2025, and was assigned "Submission  
16 ID: 2547851".

17 60. On January 13, 2026, Plaintiff USRTK sent a letter to Information and Privacy  
18 Coordinator via facsimile, stating that USRTK has not received an acknowledgement of Request  
19 Two or information about when USRTK would receive an official "determination" on its request,  
20 ID:2547851, as required by FOIA, 5 U.S.C. § 552(a)(6)(B)(i). This letter demanded that Defendant  
21 CIA provide, within 10 business days, an official determination on Request Two or, at the very  
22 least, a certain date by which USRTK should expect a determination. Plaintiff USRTK also asked  
23 that Defendant CIA address USRTK's request for a fee waiver in a timely manner. Finally, Plaintiff  
24 USRTK asked that Defendant CIA provide an estimated completion date that complied with the  
25 FOIA's requirement to "promptly" make records available upon request.

26 61. On January 13, 2026, USRTK received confirmation that their fax was successfully  
27 sent to the CIA via Dropbox Fax at the number of (703) 613-3007.

28 62. Defendant CIA did not provide USRTK any communication following the

1 submission of USRTK’s January 13, 2026, letter.

2 63. On February 18, 2026, counsel for Plaintiff USRTK sent a letter to Michelle  
3 Murphy, Acting FOIA Officer at the National Institutes of Health. The February 18, 2026, letter  
4 was submitted by email to the FOIA submission email addresses for the CIA at  
5 national.FOIAPortal@usdoj.gov

6 64. The February 18, 2026, letter advised Defendant CIA of Greenfire Law PC’s  
7 representation of USRTK concerning Request Two, dated November 19, 2025, ID: 2547851. The  
8 February 18, 2026, letter asked that, within 20 calendar days, the CIA provide the statutorily  
9 required determination required by both the FOIA and the Request for Determination submitted by  
10 USRTK on January 13, 2025, provide a date certain for the production of documents subject to  
11 Request One, and approve USRTK’s request for a fee waiver and request for expedited processing.

12 65. On February 18, 2026, counsel for USRTK received an automatic reply email from  
13 the National FOIA Portal stating that to inquire about the status of a pending FOIA request, “please  
14 reach out directly to the agency where you submitted your request.” The information provided  
15 within Defendant’s response lists the CIA agency contact as Michelle Murphy, FOIA Public  
16 Liaison.

17 66. To date, neither USRTK nor USRTK’s legal counsel has received any  
18 communications from Defendant CIA about Request Two.

19 67. To date, Defendant CIA has not provided USRTK nor counsel with an estimated  
20 date of completion, nor a timely and lawful “determination” that informs USRTK of (1) the CIA’s  
21 determination of whether or not it must comply with the Request; (2) the reasons for its decision;  
22 and (3) notice of the right of the requester to appeal to the head of the agency. 5 U.S.C. §  
23 552(a)(6)(A)(i).

24 68. At no time has Defendant CIA lawfully invoked the FOIA’s “unusual  
25 circumstances” exception to the FOIA’s twenty-day determination deadline.

26 69. Defendant CIA has not shown due diligence in responding to Request Two. 5 U.S.C.  
27 § 552(a)(6)(C)(i).

28 70. To date, Defendant CIA has failed to issue a decision on USRTK’s request for a

1 waiver of fees associated with the processing of the Request.

2 71. To date, Defendant CIA has not produced a single record responsive to Request  
3 Two.

4 72. USRTK has constructively exhausted all administrative remedies required by the  
5 FOIA. 5 U.S.C. § 552(a)(6)(A), (a)(6)(C).

6 73. USRTK has been forced to retain the services of counsel and to expend funds  
7 litigating Defendant's unlawful actions and omissions under the FOIA.

8 **CAUSES OF ACTION**

9 **COUNT I**

10 **Violations of the Freedom of Information Act:  
11 Failure to Provide Timely Final Determination**

12 74. The allegations made in all preceding paragraphs are realleged and incorporated by  
13 reference herein.

14 75. USRTK has a statutory right to have Defendant process its FOIA requests in a  
15 manner that complies with the FOIA. USRTK's rights in this regard were violated by Defendant's  
16 failure to provide a timely and legally adequate final determination for Request One and Request  
17 Two (collectively, the "FOIA Requests").

18 76. To date, USRTK has not received any written communication from Defendant CIA  
19 about whether the Agency will comply with the FOIA Requests, the Defendant's reasons for  
20 making that decision, and any right of USRTK to administratively appeal that decision. 5 U.S.C.  
21 § 552(a)(6)(A)(i); 32 C.F.R. § 1900.21(d)

22 77. Based on the nature of USRTK's organizational activities, USRTK will continue to  
23 employ the FOIA's provisions to request information from Defendant CIA in the foreseeable future.  
24 These activities will be adversely affected if Defendant CIA is allowed to continue violating the  
25 FOIA's response deadlines.

26 78. Unless enjoined and made subject to a declaration of USRTK's legal rights by this  
27 Court, Defendant will continue to violate USRTK's rights to receive public records under the FOIA.

28 79. Defendant CIA's failure to make a final determination on the FOIA Requests within

1 the statutory timeframe has prejudiced USRTK’s ability to timely obtain public records.

2 **COUNT II**

3 **Violation of the Freedom of Information Act:**  
4 **Unlawful Withholding of Non-Exempt Public Records**

5 80. The allegations made in all preceding paragraphs are realleged and incorporated by  
6 reference herein.

7 81. USRTK has a statutory right to have Defendant process its FOIA Requests in a  
8 manner that complies with the FOIA. USRTK’s rights in this regard were violated when the CIA  
9 failed to promptly provide public, non-exempt records to USRTK in response to the FOIA  
10 Requests, 5 U.S.C. §§ 552(a)(3)(A) & (b), to provide a reasonable estimate of the volume of  
11 withheld records, 5 U.S.C. § 552(a)(6)(F), and to reasonably segregate all non-exempt portions of  
12 otherwise exempt material, 5 U.S.C. § 552(b).

13 82. Defendant CIA is unlawfully withholding public disclosure of information sought by  
14 USRTK, information to which it is entitled and for which no valid disclosure exemption applies.

15 83. USRTK has constructively exhausted its administrative remedies with respect to this  
16 claim for both Request One and Request Two.

17 84. USRTK is entitled to injunctive relief to compel production of all non-exempt,  
18 responsive records.

19 85. Based on the nature of USRTK’s organizational activities, USRTK will undoubtedly  
20 continue to employ FOIA’s provisions to request information from Defendant in the foreseeable  
21 future.

22 86. USRTK’s organizational activities will be adversely affected if Defendant is allowed  
23 to continue violating FOIA’s response deadlines as it has in this case.

24 87. Unless enjoined and made subject to a declaration of USRTK’s legal rights by this  
25 Court, the CIA will continue to violate the rights of USRTK to receive public records under the  
26 FOIA.

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28 //

**COUNT III**

**Violation of the Freedom of Information Act:  
Failure to Timely Approve USRTK's Fee Waiver Requests**

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2  
3  
4 88. The allegations made in all preceding paragraphs are realleged and incorporated by  
5 reference herein.

6 89. USRTK has a statutory right to have Defendant process its FOIA Requests in a  
7 manner that complies with the FOIA. USRTK's rights in this regard were violated by the CIA's  
8 unlawful delay in informing USRTK of its decision concerning USRTK's requests for a fee waiver  
9 for both Request One and Request Two.

10 90. Based on the nature of USRTK's organizational activities, USRTK will continue to  
11 employ the FOIA's provisions to request information from Defendant CIA in the foreseeable future.  
12 These activities will be adversely affected if Defendant CIA is allowed to continue violating the  
13 FOIA's requirements and deadlines for fee waiver requests.

14 91. USRTK's requests for a waiver of all fees associated with Request One and Request  
15 Two are appropriate and satisfies all elements required for approval of a fee waiver.

16 92. Unless enjoined and made subject to a declaration of USRTK's legal rights by this  
17 Court, Defendant will continue to violate the rights of USRTK to receive public records under the  
18 FOIA.

19 93. Defendant CIA's failure to make a timely determination on USRTK's fee waiver  
20 requests for Request One and Request Two has prejudiced USRTK's ability to timely obtain public  
21 records.

**COUNT IV**

**Violation of the Freedom of Information Act:  
Failure to Provide Estimated Date of Completion**

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23  
24  
25 94. The allegations made in all preceding paragraphs are realleged and incorporated by  
26 reference herein.

27 95. USRTK has a statutory right to have Defendant process its FOIA Requests in a  
28 manner that complies with the FOIA. USRTK's rights in this regard were violated by the CIA's

1 unlawful failure to provide an estimated date of completion for both Request One and Request Two,  
2 as required by the FOIA, 5 U.S.C. section 552(a)(7)(B)(ii).

3 96. USRTK formally requested that the CIA provide an estimated date of completion for  
4 both Request One and Request Two. No response was received from the CIA.

5 97. Based on the nature of USRTK's organizational activities, USRTK will continue to  
6 employ FOIA's provisions to request information from Defendant CIA in the foreseeable future.  
7 These activities will be adversely affected if Defendant CIA is allowed to continue violating the  
8 FOIA's requirements for providing USRTK with an estimated date of completion on its FOIA  
9 Requests.

10 98. Unless enjoined and made subject to a declaration of USRTK's legal rights by this  
11 Court, Defendant CIA will continue to violate the rights of USRTK to receive public records under  
12 the FOIA.

13 **REQUEST FOR RELIEF**

14 THEREFORE, USRTK prays that this Court:

15 1. Order Defendant to promptly provide USRTK all the information sought in this  
16 action and to immediately disclose the requested records for Request One and Request Two in  
17 unredacted format unless an exemption is properly claimed and properly applies.

18 2. Declare Defendant's failure to provide USRTK with a final determination for  
19 Request One and Request Two as unlawful under the FOIA.

20 3. Declare Defendant's failure to promptly provide USRTK with all non-exempt  
21 records responsive to Request One and Request Two as unlawful under the FOIA.

22 4. Declare Defendant's failure to timely approve USRTK's request for a waiver of all  
23 fees associated with Request One and Request Two unlawful, and order Defendant to approve  
24 USRTK's fee waiver requests.

25 5. Declare Defendant's failure to provide USRTK with an estimated date of completion  
26 for Request One and Request Two, as required by 5 U.S.C. § 552(a)(7)(B)(ii), unlawful under the  
27 FOIA.

28 6. Award USRTK its reasonable attorneys' fees and costs pursuant to 5 U.S.C.

1 § 552(a)(4)(E) and/or 28 U.S.C. § 2412.

2 7. Grant such other and further relief to USRTK as the Court may deem just and  
3 proper.

4 Dated: March 26, 2026

Respectfully Submitted,

6 By: /s/ Lily A. Rivo

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Lily A. Rivo

Richard A. Brody

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*Attorneys for Plaintiff U.S. Right to Know*