

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

JASON LEOPOLD,)
6824 Lexington Avenue)
Los Angeles, CA 90038)

BUZZFEED INC.,)
111 East 18th Street, 13th Floor)
New York, NY 10003)

Plaintiffs,)

v.)

U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Avenue, NW)
Washington, D.C. 20530)

FEDERAL BUREAU OF)
INVESTIGATION,)
935 Pennsylvania Avenue, NW)
Washington, D.C. 20535)

U.S. DOJ CRIMINAL DIVISION,)
950 Pennsylvania Avenue, NW)
Washington, D.C. 20530)

U.S. DOJ EXECUTIVE OFFICE FOR)
U.S. ATTORNEYS,)
950 Pennsylvania Avenue, NW)
Washington, DC 20530)

Defendants.)

COMPLAINT

1. Plaintiffs JASON LEOPOLD and BUZZFEED INC. file this Freedom of Information Act suit to force Defendants FEDERAL BUREAU OF INVESTIGATION, DOJ CRIMINAL DIVISION, and DOJ EXECUTIVE OFFICE FOR US ATTORNEYS to produce records related to the death of Mikhail Yuriyevich Lesin—a prominent adviser to Vladimir Putin who was found dead of blunt force trauma to the head in a D.C. hotel in November 2015.

PARTIES

2. Plaintiffs JASON LEOPOLD and BUZZFEED INC. are members of the media and made the FOIA requests at issue in this case.

3. Defendant U.S. DEPARTMENT OF JUSTICE (“DOJ”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552. All of the other Defendants are components of DOJ.

4. Defendant FEDERAL BUREAU OF INVESTIGATION is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

5. Defendant U.S. DEPARTMENT OF JUSTICE CRIMINAL DIVISION (“CRM”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

6. Defendant U.S. DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR U.S. ATTORNEYS (“EOUSA”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

7. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

8. Venue is proper under 5 U.S.C. § 552(a)(4)(B) because a plaintiff may always bring a federal FOIA suit in the U.S. District Court for the District of Columbia.

BACKGROUND

9. Interference by the Russian government in U.S. politics has been a subject of significant interest to the FBI, other federal agencies, the media, and the general public.

10. While an FBI investigation into Russian interference and possible related illegal activity by members of the Trump campaign was pending, President Trump fired FBI Director James Comey.

11. A special prosecutor has been appointed to investigate Russian interference and any ties between Russia and members of the Trump campaign. According to Fox News shortly after the appointment was made, 68% percent of Americans approved of the appointment.

12. The Trump administration has given varying, inconsistent accounts of why Comey was fired, but President Trump eventually explained: “Regardless of the [DOJ] recommendation I was going to fire Comey.”

13. Comey’s firing came after a meeting between Comey and President Trump in which the President asked Comey to disclose whether he was under investigation. Comey and President Trump have given varying accounts of the discussion.

14. In a recent meeting with Russian officials, President Trump said: “I just fired the head of the FBI. He was crazy, a real nut job.” The President also told Russian officials: “I faced great pressure because of Russia. That’s taken off.”

15. According to Fox News shortly after Comey’s firing, 60% of Americans believe that President Trump fired FBI Director Comey “because FBI investigations were harming the White House rather than because Comey was harming the agency.”

16. Before his death from blunt force trauma to the head in November 2015, Mikhail Yuriyevich Lesin was an adviser to Vladimir Putin.

17. Lesin is generally credited with achieving Kremlin control over the Russian news media and running propaganda for Putin.

18. In 2014, U.S. Senator Roger Wicker asked the Justice Department to conduct a criminal investigation into Lesin for violations of the Foreign Corrupt Practices Act and Anti-Money Laundering statutes. The Justice Department has confirmed that it referred Lesin’s case to the Criminal Division and the FBI.

19. Russian officials initially claimed that Lesin died from a heart attack, but the chief medical examiner for Washington D.C. later announced that the cause of death was blunt force trauma to the head.

20. According to Time magazine, “the medical examiner also revealed that Lesin’s body had apparently been pummeled, with injuries to his arms, legs, neck and torso.”

21. Time has also reported that there has been “a mixed message from the U.S. government on federal law enforcement’s interest in Lesin.”

22. According to the U.S. Attorney for the District of D.C., Lesin’s death was not the result of foul play. Thus, there is no pending investigation into Lesin’s death.

FBI’S FOIA VIOLATION

23. On April 8, 2016, LEOPOLD requested from FBI any records related to the investigation into Lesin’s death. A true and correct copy of the request is attached as Exhibit A.

24. FBI acknowledged receipt of the request but failed to produce any records, deny the request, or otherwise respond to it.

25. On February 22, 2017, Plaintiffs again requested from FBI any records related to the investigation into Lesin’s death. A true and correct copy of the request is attached as Exhibit B.

26. The FBI again acknowledged receipt of the request but failed to produce any records or otherwise comply with FOIA in responding to it.

27. In response to an inquiry from LEOPOLD sent nearly three months after the February 2017 FOIA request, FBI informed LEOPOLD that it was still unable to provide an estimated completion date and explained that FBI is currently taking an average of 181 days to respond to requests involving 50 pages or less and 659 days to respond to requests involving more than 50 pages.

28. FBI's responses to Plaintiffs specifically, and its long backlog of requests more generally, violate the Freedom of Information Act.

EOUSA'S FOIA VIOLATION

29. On May 10, 2017, Plaintiffs requested from EOUSA the complete case file relating to the investigation into Lesin's death, the video footage obtained in the investigation, and interview transcripts and other materials written and maintained during the course of the investigation into Lesin's death. A true and correct copy of the request is attached as Exhibit C.

30. In violation of FOIA, EOUSA has failed to respond to the request.

CRM'S FOIA VIOLATION

31. On May 15, 2017, Plaintiffs requested from CRM records mentioning or referring to Lesin. A true and correct copy of the request is attached as Exhibit D.

32. In violation of FOIA, CRM has failed to respond to the request, other than to acknowledge its receipt.

COUNT I – FBI

33. The above paragraphs are incorporated herein.

34. Defendant FBI is an agency subject to FOIA.

35. LEOPOLD made a FOIA request to FBI on April 8, 2016.

36. Plaintiffs made a FOIA request to FBI on February 22, 2017.

37. FBI has failed to produce the requested records or otherwise comply with the Freedom of Information Act in response to the requests.

COUNT II – EOUSA

38. The above paragraphs are incorporated herein.

39. Defendant EOUSA is an agency subject to FOIA.

40. Plaintiffs made a FOIA request to EOUSA on May 10, 2017.

41. EOUSA has failed to produce the requested records or otherwise comply with the Freedom of Information Act in response to the requests.

COUNT III – CRM

42. The above paragraphs are incorporated herein.

43. Defendant CRM is an agency subject to FOIA.

44. Plaintiffs made a FOIA request to CRM on May 15, 2017.

45. CRM has failed to produce the requested records or otherwise comply with the Freedom of Information Act in response to the requests.

WHEREFORE, Plaintiffs ask the Court to:

- i. Order Defendants to conduct a reasonable search for records and to produce all non-exempt requested records;
- ii. Award Plaintiffs attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

DATED: July 28, 2017

Respectfully Submitted,

/s/ Matthew Topic

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