

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL  
FOUNDATION,  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF  
DEFENSE,  
1155 Defense Pentagon  
Washington, DC 20301-1155

*Defendants.*

Civil Action No.: 24-2994

**COMPLAINT**

1. Plaintiff America First Legal Foundation (“AFL”) brings this action against the United States Department of Defense (“DOD”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

2. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201 *et seq.*

3. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

## PARTIES

4. Plaintiff AFL is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public.

5. The Defendant, the United States Department of Defense, is an agency under 5 U.S.C. § 552(f), with its headquarters at 1000 Defense Pentagon, Washington DC.

6. The Defendant has possession, custody, and control of the requested records.

## FACTS

### *Tabatabai, Maier, and Phu (24-F-0147)*

7. On October 24, 2023, AFL submitted a FOIA request to DOD seeking certain records from DOD custodians Ariane Tabatabai, Christopher Maier, and Elizabeth M. Phu in addition to Ms. Tabatabai's Form SF-86, Form SF-50, resumes, and conflict of interest disclosure forms. *Ex. 1.*

8. On October 24, 2023, AFL received messages from DOD stating that AFL's FOIA request had been "Received" and assigned tracking number 24-F-0147. *See Exs. 2, 3.*

9. On October 31, 2024, AFL received a letter from DOD stating that DOD placed AFL's request into its "complex processing queue" and stated that "unusual circumstances" prevented DOD from responding "within the FOIA's 20-day statutory time period." *Ex. 4.*

10. As of the date of filing, AFL has received no further communications from DOD concerning this FOIA request.

*Political Leadership and Staffing (23-F-0789)*

11. On May 9, 2023, the AFL submitted a FOIA request seeking certain employee records for all persons politically appointed to DOD to obtain more information regarding its political leadership. *See Ex. 5.*

12. On May 9, 2023, DOD acknowledged that it received the request and assigned it tracking number 23-F-0789. *See Exs. 6, 7.*

13. On May 11, 2023, AFL received an interim response stating that DOD placed AFL's request into its "complex processing queue" and that "unusual circumstances" prevented DOD from responding "within the FOIA's 20-day statutory time period." *See Ex. 8.*

14. On June 26, 2023, AFL received an email from DOD stating that an agency component requested permission to provide a report showing SF-50 information in lieu of the SF-50 forms for each political appointee "reflecting any

change in position, title, or salary, including when the employee starts or leaves a position” as AFL originally requested. *See Ex. 9.*

15. On July 5, 2023, AFL received an email following up on DOD’s June 26, 2023, email. *See Ex. 10.*

16. On July 5, 2023, AFL conferred with DOD and notified the agency that AFL could not accept the report in lieu of the requested records. *See Ex. 11.*

17. As of the date of filing, AFL has received no further communications from the Department of Defense concerning this FOIA request.

### **CLAIM FOR RELIEF**

#### **Violation of FOIA, 5 U.S.C. § 552**

18. AFL repeats paragraphs 1–17.

19. AFL properly requested records within the possession, custody, and control of the Defendant.

20. The Defendant has failed to produce the requested records within the statutory time limit.

21. Moreover, because the Defendant failed to conduct searches, it failed to disclose any segregable, non-exempt portions of responsive records. *See* 5 U.S.C. § 552(b).

22. The Defendant has failed to respond to AFL’s requests within the statutory time period. *See* 5 U.S.C. § 552(a)(6).

23. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(c)(i).

24. The Defendant has violated the FOIA by failing, within the prescribed time limit, to reasonably search for records responsive to AFL's FOIA request and release nonexempt records.

**RELIEF REQUESTED**

WHEREFORE, AFL respectfully requests this Court:

- i. Declare that the records sought by these requests, as described in the foregoing, must be disclosed pursuant to 5 U.S.C. § 552;
- ii. Order the Defendant to conduct searches immediately for all records responsive to AFL's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records;
- iii. Order the Defendant to produce by a date certain all non-exempt records responsive to AFL's FOIA requests, accompanied by a Vaughn index of any responsive records or portions of responsive records being withheld under a claim of exemption;
- iv. Order the Defendant to grant AFL's requests for fee waivers;
- v. Award AFL attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- vi. Grant AFL such other and further relief as this Court deems proper.

[signature page follows]

Dated: October 22, 2024

Respectfully submitted,

/s/ Michael Ding

Reed D. Rubinstein (DC Bar No. 400153)

Michael Ding (DC Bar No. 1027252)

AMERICA FIRST LEGAL FOUNDATION

611 Pennsylvania Avenue SE #231

Washington, DC 20003

(202) 964-3721

Michael.Ding@aflegal.org

*Counsel for America First Legal Foundation*



October 24, 2023

**Via OSD/JS Request Portal**

OSD/JS FOIA Requester Service Center  
Freedom of Information Division  
1155 Defense Pentagon  
Washington, DC 20301-1155

**Freedom of Information Act Request: OUSDP/ASD for Special Operations  
and Low-Intensity Conflict/Ariane Tabatabai**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 180,000 followers, and the X page of our Founder and President has over 530,000 followers.

**I. Custodian**

1. Ariane Tabatabai
2. Christopher Maier
3. Elizabeth M. Phu

**II. Requested Records**

- A. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from Ms. Tabatabai containing any one of the following phrases or words: "Robert Malley," "Malley," "IEI," " Hamas," "Hezbollah," "Iran," "Zionist," "clearance," "TS/SCI," "terrorist," "Palestinian," "House," or "Senate."

611 Pennsylvania Ave SE #231  
Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655

- B. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications between custodian Maier and/or custodian Phu with custodian Tabatabai containing any one of the following phrases or words: “Robert Malley,” “reporting,” “Iran,” “IEI,” “clearance,” “Senate,” “House,” “TS/SCI,” “testimony.”
- C. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications between any of the listed custodians and Dina Esfandiary (aka “Dina Esfandiari”).
- D. Ms. Tabatabai’s Form SF-86, Form SF-50, resumes, and conflict of interest disclosure forms.

### **III. Fee Waiver and Production**

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL’s status as a representative of the news media has been recognized by other agencies; we have been granted fee waivers by the Departments of State, Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest in this request, which is made entirely to serve the public interest. Finally, disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and of government operations. *See* 22 CFR § 171.17. We are, of course, available to provide additional information in writing or offline to support this request. If AFL’s request for a fee waiver is not granted in full, please contact us immediately.

Processing should strictly comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.<sup>1</sup> If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

### **IV. Conclusion**

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

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<sup>1</sup> U.S. DEPT JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.



Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein  
America First Legal Foundation



AFL Info <info@aflegal.org>

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## PAL Acknowledgement by FOIA Office

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donotreply@mail.mil <donotreply@mail.mil>  
To: info@aflegal.org

Tue, Oct 24, 2023 at 2:49 PM

Dear Gene Hamilton,

Case Number 24-F-0147 has been assigned to the request you submitted. In all future correspondence regarding this request please reference case number 24-F-0147.

Regards,  
FOIA



AFL Info <info@aflegal.org>

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## Status Update for Request #24-F-0147

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**donotreply@mail.mil** <donotreply@mail.mil>  
To: info@aflegal.org

Tue, Oct 24, 2023 at 2:49 PM

Dear Gene Hamilton,

The status of your FOIA request #24-F-0147 has been updated to the following status 'Received'. To log into the PAL Application click on the Application URL below.

<https://pal.whs.mil>

Sincerely,  
FOIA



**DEPARTMENT OF DEFENSE**  
**FREEDOM OF INFORMATION DIVISION**  
**1155 DEFENSE PENTAGON**  
**WASHINGTON, DC 20301-1155**

Ref: 24-F-0147  
October 31, 2023

Mr. Gene Hamilton  
611 Pennsylvania Avenue SE  
#231  
Washington, D.C. 20003

Dear Mr. Hamilton:

This is an interim response to your October 24, 2023 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on October 24, 2023, and assigned it FOIA case number 24-F-0147. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for the Office of the Secretary of Defense (OSD), the Joint Staff (JS) and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required record searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Expedited processing may be granted when the requester demonstrates a compelling need for the information and shows that the information has a particular value that would be lost if not processed on an expedited basis. A key word here is "demonstrates." Therefore, it is incumbent upon you to demonstrate that the requested records will serve an urgency purpose and that they will also be meaningful in the sense that they will provide a greater understanding of actual or alleged federal government activity on the part of the public-at-large than that which existed before such information was disseminated. Consequently, it must be clearly demonstrated that such information has a particular value that will be lost if not disseminated quickly. After carefully considering your request, this Office finds that you have not clearly demonstrated how the information will lose its value if not processed on an expedited basis. For this reason, your request for expedited processing is denied.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 2,970 open requests.

If you have requested a fee waiver, please note that decisions to waive or reduce fees are made on a case-by-case basis, and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or if the responsive records total more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

In some instances, we have found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests. If you wish to narrow the scope of your request or have questions about the foregoing, please do not hesitate to contact your Action Officer, Rose Cartwright, at [rose.m.cartwright3.ctr@mail.mil](mailto:rose.m.cartwright3.ctr@mail.mil) or 571-372-0413.

Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Toni Fuentes, at 571-372-0462 or by email at [OSD.FOIALiaison@mail.mil](mailto:OSD.FOIALiaison@mail.mil). You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Rose Cartwright, and reference FOIA case number 24-F-0147, if you have any questions or concerns.

Sincerely,

*for Ann Ernest Johnson*  
Stephanie L. Carr  
Chief

Enclosure:  
As stated



May 9, 2023

**Via OSD/JS Public Access Link (PAL)**

OSD/JS FOIA Requester Service Center  
Office of Freedom of Information  
1155 Defense Pentagon  
Washington, DC 20301-1155

**Freedom of Information Act Request: Information Regarding Political Leadership and Staffing at the Department of Defense**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's email list contains over 75,000 unique addresses, our Twitter page has over 90,000 followers, the Twitter page of our Founder and President has over 441,000 followers, our Facebook page has 127,000 followers, and we have another 31,800 followers on GETTR.

**I. Definitions**

For the purposes of this request, "Political Appointee" means any person who is employed by the Department who is: 1) Presidentially Appointed and Senate Confirmed ("PAS"); 2) Presidentially Appointed ("PA"); 3) in a non-career Senior Executive Service ("SES") position; 4) a career SES but has been detailed to a leadership or political position since January 20, 2021, 5) a Schedule C employee; 6) a Schedule A employee; 7) in an administratively determined position; 8) in a position that was filled by coordination with, or through, the White House Liaison or Presidential Personnel Office ("PPO"); or 9) a Special Government Employee ("SGE").

611 Pennsylvania Ave SE #231  
Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655

To the extent an SGE is not a Political Appointee or an actual employee any request or reference to a political appointee or employee should be read to mean “Political Appointee or SGE.”

Requests A through C below are intended to be enterprise-wide, meaning that any political appointee who has been hired should be identified regardless of the office, component, or agency to which they have been assigned or have been detailed.

## **II. Requested Records**

- A. Records sufficient to identify all employees who entered into a position at the agency as a Political Appointee since January 20, 2021, to the date this records request is processed, and the title or position of each employee (to the extent that individuals have held multiple positions during this time period, identify each title or position and the time period it was held).
- B. Records sufficient to identify all career employees who, between January 20, 2021, and the date this records request is processed, have been detailed to 1) a position eligible to be filled by a Political Appointee, or 2) a new position through coordination or consultation with either the White House Liaison or Presidential Personnel Office; the title or position of each employee while on detail; and each employee’s originating agency or component, and prior title.
- C. For each individual identified in response to Requests A and B provide:
  1. The resume provided by the individual to the agency in connection with determining the appropriate salary for the individual, or if that is not available, a recent resume contained within the agency’s records. AFL has no objection to the redaction of employee’s contact information, such as email, address, phone numbers etc.; however, prior employment, education, and descriptions of such experiences are not exempt and should be produced.
  2. Any waivers issued to the individual pursuant to 18 U.S.C. § 208(b).
  3. Any authorizations for the individual issued pursuant to 5 C.F.R. § 2635.502.
  4. Any Ethics Pledge waivers, issued pursuant to Section 3 of Executive Order 13989 and Office of Government Ethics Legal Advisory 21-04, received by the individual.

5. Any ethics agreement executed by the individual; any Certification of Ethics Agreement Compliance; and any records relating to any violation by an individual of his or her ethics agreement.
6. Records reflecting any recusal determination made or issued for the individual.
7. Copies of any SF-50 forms for the individual reflecting any change in position, title, or salary, including when the employee starts or leaves a position.
8. Completed Ethics Pledge for each individual.
9. All records of position descriptions on file for each individual identified in Parts A and B above.

D. All records relating to the processing of A, B, and C above.

### **III. Processing and Production**

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.<sup>1</sup> If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

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<sup>1</sup> U.S. DEPT JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.



Thank you in advance for your cooperation.

Sincerely,

/s/ Michael Ding

America First Legal Foundation



AFL Info <info@aflegal.org>

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## Request Acknowledgement by FOIA

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**donotreply@mail.mil** <donotreply@mail.mil>  
To: info@aflegal.org

Tue, May 9, 2023 at 12:33 PM

Dear Gene Hamilton,

Case Number 23-F-0789 has been assigned to the request you submitted with temporary case number [REQUEST\_TEMP\_CASENUMBER]. In all future correspondence regarding this request please reference case number 23-F-0789.

Regards,  
FOIA



AFL Info <info@aflegal.org>

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## Status Update for Request #23-F-0789

1 message

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**donotreply@mail.mil** <donotreply@mail.mil>  
To: info@aflegal.org

Tue, May 9, 2023 at 12:33 PM

Dear Gene Hamilton,

The status of your FOIA request #23-F-0789 has been updated to the following status 'Received'. To log into the PAL Application click on the Application URL below.

<https://pal.whs.mil>

Sincerely,  
FOIA



**DEPARTMENT OF DEFENSE  
FREEDOM OF INFORMATION DIVISION  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155**

Ref: 23-F-0789  
May 11, 2023

Mr. Gene Hamilton  
611 Pennsylvania Avenue  
Suite #231  
Washington, D.C., DC 20003

Dear Mr. Hamilton:

This is an interim response to your May 9, 2023 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on May 9, 2023, and assigned it FOIA case number 23-F-0789. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for the Office of the Secretary of Defense (OSD), the Joint Staff (JS) and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required record searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 3,513 open requests.

If you have requested a fee waiver, please note that decisions to waive or reduce fees are made on a case-by-case basis, and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or if the responsive records total more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

In some instances, we have found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests. If you wish to narrow the scope of your request or have questions about the foregoing, please do not hesitate to contact your Action Officer, Camille Streeter, at [camille.a.streeter.ctr@mail.mil](mailto:camille.a.streeter.ctr@mail.mil) or 703-693-6490.

Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Toni Fuentes, at 571-372-0462 or by email at [OSD.FOIALiaison@mail.mil](mailto:OSD.FOIALiaison@mail.mil). You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Camille Streeter, and reference FOIA case number 23-F-0789, if you have any questions or concerns.

Sincerely,

*Madalyn Harper*  
*for*  
Stephanie L. Carr  
Chief

Enclosure:  
As stated



AFL Info <info@aflegal.org>

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## OSD/JS FOIA 23-F-0789 Request Description Clarification

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**WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center** <whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil> Mon, Jun 26, 2023 at 6:55 AM

To: "info@aflegal.org" <info@aflegal.org>

Cc: "Harper, Madalyn J CIV WHS ESD (USA)" <madalyn.j.harper.civ@mail.mil>, "Ernest-Johnson, Ann J CIV WHS ESD (USA)" <ann.j.ernest-johnson.civ@mail.mil>, "Streeter, Camille A CTR (USA)" <camille.a.streeter.ctr@mail.mil>

Good Morning Mr. Hamilton,

Recently, a component contacted us asking for clarification about your request. The component wants to know if they could provide a report showing SF-50 information in lieu of SF 50s for each political appointee reflecting any change in position, title, or salary, including when the employee starts or leaves a position. Would this report suffice in answering section C, 7 on your request? Please see below for the referenced section. I have also attached your request description for your convience.

*Section C, 7: Copies of any SF-50 forms for the individual reflecting any change in position, title, or salary, including when the employee starts or leaves a position.*

Kindly notify us if you have additional questions and we look forward to hearing from you soon.

Thank you,

Camille Streeter, MA

FOIA Analyst, Freedom of Information Division

OSD/JS FOIA Requester Service Center

(703) 693-6490

[camille.a.streeter.ctr@mail.mil](mailto:camille.a.streeter.ctr@mail.mil)

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 **23-F-0789 Request Description.pdf**  
319K



AFL Info <info@aflegal.org>

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## OSD/JS FOIA 23-F-0789 Request Description Clarification

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**WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center** <whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil> Wed, Jul 5, 2023 at 2:11 PM

To: "info@aflegal.org" <info@aflegal.org>

Cc: "Harper, Madalyn J CIV WHS ESD (USA)" <madalyn.j.harper.civ@mail.mil>, "Ernest-Johnson, Ann J CIV WHS ESD (USA)" <ann.j.ernest-johnson.civ@mail.mil>, "Streeter, Camille A CTR (USA)" <camille.a.streeter.ctr@mail.mil>

Good Afternoon Mr. Hamilton,

I hope you enjoyed your holiday.

I wanted to reach out and follow up on the status of your decision in regards to the matters below. Kindly notify us if you have additional questions.

Thank you,

Camille Streeter, MA

Freedom of Information Division

OSD/JS FOIA Requester Service Center

Action Officer

(703) 693-6490

NIPR: [camille.a.streeter.ctr@mail.mil](mailto:camille.a.streeter.ctr@mail.mil)

SIPR: [camille.a.streeter.ctr@mail.smil.mil](mailto:camille.a.streeter.ctr@mail.smil.mil)

Let us know how we are doing: <https://ice.disa.mil/index.cfm?fa=card&sp=125562&s=110>

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**From:** WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center <whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil>

**Sent:** Monday, June 26, 2023 6:55 AM

**To:** [info@aflegal.org](mailto:info@aflegal.org)

**Cc:** Harper, Madalyn J CIV WHS ESD (USA) <madalyn.j.harper.civ@mail.mil>; Ernest-Johnson, Ann J CIV WHS ESD (USA) <ann.j.ernest-johnson.civ@mail.mil>; Streeter, Camille A CTR (USA) <camille.a.streeter.ctr@mail.mil>

**Subject:** OSD/JS FOIA 23-F-0789 Request Description Clarification

Good Morning Mr. Hamilton,

Recently, a component contacted us asking for clarification about your request. The component wants to know if they could provide a report showing SF-50 information in lieu of SF 50s for each political appointee reflecting any change in position, title, or salary, including when the employee starts or leaves a position. Would this report suffice in answering section C, 7 on your request? Please see below for the referenced section. I have also attached your request description for your convience.

*Section C, 7: Copies of any SF-50 forms for the individual reflecting any change in position, title, or salary, including when the employee starts or leaves a position.*

Kindly notify us if you have additional questions and we look forward to hearing from you soon.

Thank you,

Camille Streeter, MA

FOIA Analyst, Freedom of Information Division

OSD/JS FOIA Requester Service Center

(703) 693-6490

[camille.a.streeter.ctr@mail.mil](mailto:camille.a.streeter.ctr@mail.mil)

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 **23-F-0789 Request Description.pdf**  
319K





AFL Info <info@aflegal.org>

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## OSD/JS FOIA 23-F-0789 Request Description Clarification

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**AFL Info** <info@aflegal.org>

Wed, Jul 5, 2023 at 2:51 PM

To: WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center <whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil>, AFL FOIA <foia@aflegal.org>

Cc: "Harper, Madalyn J CIV WHS ESD (USA)" <madalyn.j.harper.civ@mail.mil>, "Ernest-Johnson, Ann J CIV WHS ESD (USA)" <ann.j.ernest-johnson.civ@mail.mil>, "Streeter, Camille A CTR (USA)" <camille.a.streeter.ctr@mail.mil>

Hi Camille,

Thank you for speaking with me today. As discussed, we are unable to accept the report in lieu of the requested records.

Please let us know if there are other items you would like to discuss.

Sincerely,

Michael Ding  
America First Legal Foundation

[Quoted text hidden]

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

<b>I. (a) PLAINTIFFS</b> AMERICA FIRST LEGAL FOUNDATION  (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANTS</b> UNITED STATES DEPARTMENT OF DEFENSE  COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Michael Ding, Reed D. Rubinstein (AMERICA FIRST LEGAL FOUNDATION, 611 Pennsylvania Avenue SE #231, Washington, DC 20003, (202) 964-3721)	ATTORNEYS (IF KNOWN)

<b>II. BASIS OF JURISDICTION</b> (PLACE AN X IN ONE BOX ONLY)  <input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b> <table><thead><tr><th></th><th>PTF</th><th>DFT</th><th></th><th>PTF</th><th>DFT</th></tr></thead><tbody><tr><td>Citizen of this State</td><td><input type="radio"/> 1</td><td><input type="radio"/> 1</td><td>Incorporated or Principal Place of Business in This State</td><td><input type="radio"/> 4</td><td><input type="radio"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="radio"/> 2</td><td><input type="radio"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="radio"/> 5</td><td><input type="radio"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="radio"/> 3</td><td><input type="radio"/> 3</td><td>Foreign Nation</td><td><input type="radio"/> 6</td><td><input type="radio"/> 6</td></tr></tbody></table>		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
	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)

<input type="radio"/> <b>A. Antitrust</b>  <input type="checkbox"/> 410 Antitrust	<input type="radio"/> <b>B. Personal Injury/Malpractice</b>  <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> <b>C. Administrative Agency Review</b>  <input type="checkbox"/> 151 Medicare Act  <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
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<input type="radio"/> <b>E. General Civil (Other)</b> <span style="margin-left: 100px;">OR</span> <input type="radio"/> <b>F. Pro Se General Civil</b>	<table border="1" style="width:100%"><tr><td style="width:25%; vertical-align: top;"><u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease &amp; Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property  <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</td><td style="width:25%; vertical-align: top;"><u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus &amp; Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement  <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</td><td style="width:25%; vertical-align: top;"><u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609  <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks &amp; Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application</td><td style="width:25%; vertical-align: top;"><input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</td></tr></table>	<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property  <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement  <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609  <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property  <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement  <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609  <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 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)  *(If pro se, select this deck)*	<input checked="" 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)  *(If pro se, select this deck)*	<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  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 Violation of FOIA, 5 U.S.C. § 552, failing to release responsive, non-exempt records

<b>VII. REQUESTED IN COMPLAINT</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> <b>JURY DEMAND:</b>	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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<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
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DATE: 10/22/2024	SIGNATURE OF ATTORNEY OF RECORD /s/ Michael Ding
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**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 coversheet. 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.

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

AMERICA FIRST LEGAL FOUNDATION

*Plaintiff*

v.

UNITED STATES DEPARTMENT OF DEFENSE

*Defendant*

)  
)  
)  
)  
)  
)  
)

Civil Action No. 1:24-cv-2994

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

c/o Attorney General Merrick Garland  
UNITED STATES DEPARTMENT OF JUSTICE  
950 Pennsylvania Ave. NW  
Washington, DC 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:

Michael Ding  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

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**

AMERICA FIRST LEGAL FOUNDATION

*Plaintiff*

v.

UNITED STATES DEPARTMENT OF DEFENSE

*Defendant*

Civil Action No. 1:24-cv-2994

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

UNITED STATES DEPARTMENT OF DEFENSE  
1155 Defense Pentagon  
Washington, DC 20301-1155

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:

Michael Ding  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

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**

AMERICA FIRST LEGAL FOUNDATION

\_\_\_\_\_  
*Plaintiff*

v.

UNITED STATES DEPARTMENT OF DEFENSE

\_\_\_\_\_  
*Defendant*

)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. 1:24-cv-2994

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

U.S. Attorney's Office for the District of Columbia  
Civil Process Clerk  
601 D Street NW  
Washington, DC 20530  
Email service to: USADC.ServiceCivil@usdoj.gov

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:

Michael Ding  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

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: