

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Institute For Public Representation )  
Georgetown University Law Center )  
600 New Jersey Avenue, NW )  
Suite 312 )  
Washington, DC 20001 )

Plaintiff, )

v. )

Federal Communications Commission )  
445 12<sup>th</sup> Street, SW )  
Washington, DC 20554 )

Defendant. )

Civil Action No.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for declaratory and injunctive relief compelling the disclosure of records unlawfully withheld from the Institute For Public Representation (“IPR”) by the Federal Communications Commission (“FCC”).

2. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

**PARTIES**

3. Plaintiff IPR is a public interest legal clinic, part of Georgetown University Law Center, which serves as counsel for a number of organizations concerned with the proposed modification of the FCC’s media ownership rules.

4. Defendant FCC is the federal agency responsible for regulating interstate and international communications by radio, television, wire, satellite and cable. The FCC has possession and control of the records requested by IPR.

## **STATEMENT OF FACTS**

5. By letter dated August 10, 2006, IPR requested under FOIA the FCC to disclose all studies and/or proposals for studies, reports, analytical assessments, and factual data gathered or compiled by the FCC relating in any way to the localism initiatives or the media ownership rules.
6. By letter dated August 23, 2006, IPR clarified that it was requesting “not only completed studies but also any drafts, working papers, or similar documents.”
7. The FCC responded by letter dated January 4, 2007 and provided copies of certain documents and materials it deemed responsive.
8. The FCC also identified 1,400 pages of other responsive records which it withheld pursuant to FOIA Exemptions 4 and 5. According to Defendant, “these documents include data and data analyses; proposals and deliberation on proposals; and internal communications, including e-mails, memoranda and briefing papers.”
9. On February 5, 2007, IPR timely appealed the FCC’s denial.
10. To date, the FCC has not responded to the appeal.
11. IPR contacted FCC staff throughout the spring and summer and was repeatedly told that additional documents would be forthcoming.
12. To date, no additional records have been provided and the FCC has not acted on IPR’s appeal.

## **CLAIM FOR RELIEF**

13. IPR has a legal right under FOIA to the records requested and the FCC’s withholding has no basis in law.

**DEMAND FOR JUDGMENT**

WHEREFORE, Plaintiff requests that this Court issue an Order:

- (1) declaring that Defendant's failure to disclose the requested records violates FOIA;
- (2) enjoining Defendant to make the requested documents available to Plaintiff forthwith;
- (3) awarding Plaintiff attorney fees and other costs of litigation pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (4) granting such other relief as the Court deems just and proper.

Respectfully submitted,



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(D.C. Bar No. 945063)

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\* D.C. Bar application pending