

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

HUMAN RIGHTS DEFENSE CENTER)
 1028 N. Federal Highway)
 Lake Worth, FL 33460)
)
 Plaintiff,)
)
 v.)
)
NATIONAL RAILROAD PASSENGER)
CORPORATION)
 1 Massachusetts Ave. NW)
 Washington, DC 20002)
)
 Defendant.)
 _____)

Civil Action
No.

COMPLAINT

This lawsuit is an action under the Freedom of Information Act, 5 U.S.C. §552, *et seq.*, seeking production of records responsive to requests submitted by the Human Rights Defense Center (HRDC) to the National Railroad Passenger Corporation (Amtrak).

JURISDICTION AND VENUE

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201(a) and 2202.
2. Venue is appropriate in this Court under to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §1391.

PARTIES

3. Plaintiff HRDC is a non-profit charitable organization incorporated in the state of Washington, with principal offices in Lake Worth, Florida.
4. Defendant Amtrak is a quasi-public corporation owned by the United States through the Secretary of Transportation and is an agency under 5 U.S.C. §552(f)(1) and 5 U.S.C. § 701.

FACTS

Human Rights Defense Center's Background and Mission

5. HRDC (previously named Prison Legal News) has spent over thirty years dedicated to public education, prisoner education, advocacy, and outreach to support the rights of prisoners and to further basic human rights.
6. To accomplish its mission, HRDC gathers information from governmental entities around the country and publishes the information in its journals and on its websites.
7. HRDC publishes and distributes books, magazines, and other information containing news and analysis about prisons, jails and other detention facilities, prisoners' rights, court rulings, management of prison facilities, prison conditions, and other matters about the rights and interests of incarcerated individuals.
8. HRDC publishes two magazines: *Prison Legal News (PLN)* and *Criminal Legal News*

(*CLN*).

9. *PLN* is a legal journal that reports news and litigation about carceral facilities. *PLN* has published monthly since 1990 and has thousands of subscribers across all 50 states. *PLN*'s subscribers include lawyers, journalists, judges, courts, public libraries and universities. *PLN* also maintains a website that receives around 300,000 unique visitors per month based on site analytics.
10. *CLN* is a legal journal launched in November, 2017. *CLN* reports on criminal law decisions from the states and federal systems, focusing on legal developments affecting the fact and duration of confinement. *CLN* also covers civil rights litigation against police, prosecutors, and court systems.
11. Through its publishing arm, HRDC also publishes books about the criminal justice system and legal issues affecting prisoners.

The National Railroad Passenger Corporation / Amtrak

12. Amtrak was created in 1971 by the federal government to provide medium and long-distance passenger rail service in the United States.
13. Amtrak operates the Amtrak Police Department, a police agency and security organization that acts as the law enforcement arm of Amtrak.

Request at Issue

14. On May 27, 2021, HRDC sent to Amtrak via electronic mail a FOIA request for records

of litigation against the Amtrak Police Department.

15. Specifically, the May 27, 2021 FOIA request sought:

1. Records, regardless of physical form or characteristics, sufficient to show for all claims or lawsuits brought against the Amtrak Police Department and/or any of its agents or employees in which payments totaling \$1,000 or more were disbursed from January 1, 2011 to the present:

- The name of all parties involved;
- The case or claim number;
- The jurisdiction in which the case or claim was brought (e.g., U.S. District Court for the District of Columbia, D.C. Superior Court, etc.);
- The date of resolution;
- The amount of money involved in the resolution and to whom it was paid.

2. For each case or claim detailed above:

- The complaint or claim form and any amended versions;
- The verdict form, final judgment, settlement agreement, consent decree, or other paper that resolved the case.

16. HRDC received no response to this request.

17. On July 2, 2021, having had no communication from Amtrak, HRDC sent a follow up e-mail inquiring as to the status of the FOIA request.

18. Again, on July 9, 2021, HRDC again sent an e-mail to Amtrak asking the agency to provide a status update for the FOIA request.

19. HRDC has not received any communication from Amtrak regarding its May 27, 2021 FOIA request.

20. HRDC never received any documents in response to its FOIA request to Amtrak.

HRDC'S CLAIM FOR RELIEF

21. HRDC incorporates paragraphs 1-20 by reference.

22. Amtrak wrongly withheld documents responsive to HRDC's properly submitted request.

23. HRDC has a statutory right to the records it seeks, and there is no basis for Amtrak to withhold them.

24. As a result, by failing to release the records specifically requested by HRDC, Amtrak has violated FOIA.

25. HRDC has a legal right to the responsive documents.

Requested Relief

HRDC therefore respectfully requests that this Court:

1. Declare that the records sought by HRDC are subject to FOIA;
2. Order Amtrak to disclose the requested records;
3. Award costs and attorney's fees under 5 USC (a)(4)(E); and

4. Grant such other relief as the Court may consider just and proper.

Date: August 2, 2021.

Respectfully submitted,

/s/ Deborah M. Golden

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