

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

**WENYI WANG**

Plaintiff,

v.

Civ. No. 1:07-cv-000891-JR

**EXECUTIVE OFFICE OF THE PRESIDENT**

White House  
725 17<sup>th</sup> St., NW  
Washington, DC 20503

Defendant.

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**COMPLAINT FOR DECLARATORY JUDGMENT,  
INJUNCTIVE RELIEF, DAMAGES, AND ATTORNEYS' FEES**

COMES NOW the Plaintiff, Wenyi Wang, by and through her attorneys, Jonathan L. Katz, and the law firm of Marks & Katz, LLC, and represents to this honorable Court as follows:

**I. NATURE OF ACTION**

1. This is an action to compel the disclosure of material sought under the Freedom of Information Act, Privacy Act, and all other applicable laws.

**II. JURISDICTION AND VENUE**

2. This action is brought pursuant to 5 U.S.C. § 552 and 5 U.S.C. § 552(a)(4)(B) to enjoin and order the Executive Office of the President (“Executive Office”) to produce records improperly withheld from Plaintiff.

3. Jurisdiction in this Court is conferred by 5 U.S.C. § 552(a)(4)(B), which confers this Court with the authority to enjoin agencies from withholding agency records improperly withheld under the Freedom of Information Act (“FOIA”).

4. Venue in this Court is conferred by 5 U.S.C. § 552(a)(4)(B), which provides that a complaint thereunder be filed in the district in which the complainant resides (Plaintiff resides in

\_\_\_\_\_), or has his principal place of business, or in which the agency records are situated. In this instance, the records are situated in Washington, DC.

### **III. PARTIES**

5. Plaintiff Wenyi Wang (hereinafter "Wang"), is a \_\_\_\_\_ resident.
6. Defendant Executive Office of the President is an agency as defined in 5 U.S.C. § 552(f)(1).

### **IV. ALLEGATIONS**

7. On July 7, 2006, by certified mail, Plaintiff sent a FOIA request ("FOIA Request") precisely addressed to "FOIA Officer, Office of Administration, White House, 725 17th Street NW, Washington, DC 20503." Plaintiff's FOIA Request states as follows in pertinent part:

**"Re: CCTV Reporter at the White House on April 20, 2006**

"FOIA REQUEST

"To the White House Press Office:

" In my individual capacity and as the attorney for Wenyi Wang for the purpose of this letter, I respectfully request that you provide me the following information voluntarily and/or pursuant to all laws regarding freedom of information.

" Please provide me the name of the cameraman from China Central Television (CCTV) who was present at the White House South Lawn ceremony on April 20, 2006, during Chinese President Hu Jintao's official visit.

" The reason for this request includes my understanding that this cameraman was the one who intervened when Ms. Wang called out for human rights to be protected in China. I also understand that this cameraman applied pressure points on Ms. Wang to restrain her.

" Clearly, such behavior is unacceptable by anybody other than appropriate United States government security personnel. I am sure that you and/or President Bush would not wish to keep this CCTV cameraman's name secret.

" I look forward to receiving this information from you. Thank you.

"Very truly yours, /s/ Jonathan L. Katz."

8. Plaintiff mailed her FOIA Request by Certified Mail receipt number 7006-0810-0002-7871-9415, to “FOIA Officer, Office of Administration, White House, 725 17th Street NW, Washington, DC 20503.” As confirmed by United States Postal Service records, the FOIA Request was delivered on July 10, 2006, at 2:42 a.m., and was signed by J PENNINGTON.

9. Plaintiff also mailed a duplicate (“Duplicate”) of her FOIA Request (with undersigned counsel’s original signature thereon) by Certified Mail receipt number 7006-0810-0001-5867-0010, on June 22, 2006, to “Press Office, The White House, 1600 Pennsylvania Ave., NW, Washington, DC 20500,” except that this duplicate does not say the phrase “FOIA Request”. As confirmed by United States Postal Service records, the FOIA Request Duplicate was delivered on June 26, 2006, at 4:47 a.m., and was signed by R CHASEZ.

10. Defendant never replied to Plaintiff’s FOIA Request, neither orally, by writing, nor by any other means.

11. Plaintiff has exhausted her administrative remedies, in that Defendant failed to comply with the applicable time limit provisions of the Freedom of Information Act, at 5 U.S.C. § 552(a)(6)(A), which requires Defendant to determine within twenty business days after the receipt of the FOIA request whether to comply with such request and to immediately notify the requestor of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination. 5 U.S.C. § 552(a)(6)(C)(i),

### **COUNT I**

#### **PLAINTIFF IS ENTITLED TO THE DOCUMENTS SOUGHT IN HER FOIA REQUEST**

12. Plaintiff realleges and incorporates herein paragraphs 1 through 11 as if fully restated herein.

13. Defendant failed to reply to her FOIA request, pursuant to 5 U.S.C. § 552(a)(6)(A).

Plaintiff is entitled to obtain the documents sought in her FOIA request, pursuant to 5 U.S.C. § 552(a)(3)(A), which provides for each agency to make records promptly available to any person reasonably describing such records.

14. Defendant did not sufficiently and reasonably search for all documents requested by Plaintiff, nor did Defendant reply to Plaintiff's FOIA Request at all.

**COUNT II**

15. Plaintiff realleges and incorporate herein paragraphs 1 through 14 as if fully restated herein.

16. Defendant has wrongfully withheld the documents sought in Plaintiff's above-described FOIA request.

17. In her legitimate desire to pursue the rights and privileges guaranteed by the laws of the United States, Plaintiff has employed the undersigned counsel to prosecute this action.

18. Accordingly, Plaintiff is entitled to an award of attorney's fees as provided for by 5 U.S.C. § 552(a)(4)(E), and by all other applicable provisions of law.

**WHEREFORE**, Plaintiff respectfully requests that this Court GRANT the following relief:

- a) A declaration that Defendant has improperly withheld the documents sought in her FOIA request described above;
- b) An immediate hearing on this Complaint;
- c) An Order that the Defendant forthwith provide the documents sought in Plaintiff's FOIA request;
- d) An award of any and all attorney's fees and costs as authorized by law;
- e) An award of all appropriate damages established by Plaintiff; and
- f) Such other and further relief as this Court deems fit, just, and equitable.

Dated: May 11, 2007

Respectfully submitted,

**MARKS & KATZ, L.L.C.**

/s/  
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Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

The Plaintiff respectfully demands a jury trial on all issues so triable.

/s/  
Jonathan L. Katz