

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

LEGAL EAGLE, LLC,

Plaintiff,

v.

Civil Action No. 1:24-cv-03316 (CRC)

DEPARTMENT OF JUSTICE,

Defendant.

\* \* \* \* \*

**FIRST AMENDED COMPLAINT**

Plaintiff Legal Eagle, LLC brings this action against Defendant Department of Justice pursuant to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, *as amended* (“FOIA”), the Federal Declaratory Judgment Act, 28 U.S.C. § 2201, and the All Writs Act, 28 U.S.C. § 1651.

**JURISDICTION**

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over Defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

**VENUE**

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

**PARTIES**

3. Plaintiff Legal Eagle, LLC (“Legal Eagle”) is a business headquartered in the District of Columbia. Legal Eagle runs the LegalEagle YouTube channel (<https://www.youtube.com/legaleagle>), which is the most popular long form YouTube channel focused on legal issues—as well as one of the fastest growing educational channels in the world—with more than three million subscribers, fifteen million monthly views, and nearly one

billion total video views. Legal Eagle is accordingly a representative of the news media within the meaning of 5 U.S.C. § 552(a)(4)(A).

4. Defendant Department of Justice (“DOJ”) is an agency within the meaning of 5 U.S.C. § 552(e) and is in possession and/or control of the records requested by Legal Eagle which are the subject of this action.

5. The Federal Bureau of Investigation (“FBI”), Office of Information and Policy (“OIP”), and Special Counsel’s Office (“SCO”) are DOJ components.

### **BACKGROUND**

6. Former President Donald Trump lost the 2020 presidential election.

7. Between 3 November 2020 and 20 January 2021, former President Trump allegedly engaged in a criminal conspiracy to overturn the results of the election.

8. On or around 20 January 2021, former President Donald Trump caused numerous boxes, many of which contained classified documents, to be transported from the White House to the Mar-a-Lago Club in Palm Beach, Florida, where he maintained his residence.

9. Former President Trump maintained these boxes in various locations at the Mar-a-Lago Club for over a year.

10. On 30 March 2022, FBI opened a criminal investigation into the unlawful retention of classified documents at the Mar-a-Lago Club.

11. On 15 November 2022, former President Trump announced that he was running for President again.

12. On 18 November 2022, U.S. Attorney General Merrick Garland appointed Jack Smith (“Smith”) to serve as Special Counsel for both matters involving former President Trump.

13. As of this writing, Smith has been in charge of the investigations and prosecutions of former President Trump.

14. On 8 June 2023, at Smith's request, a grand jury in the Southern District of Florida issued an indictment against former President Trump and Waltine Nauta, which became the case *United States v. Trump*, No. 23-80101 (S. D. Fla.) (hereinafter "the Documents Case").

15. On 27 July 2023, at Smith's request, a grand jury in the Southern District of Florida issued a superseding indictment in the Documents Case against former President Trump, Waltine Nauta, and Carlos de Oliveira.

16. On 1 August 2023, at Smith's request, a grand jury in the District of Columbia issued an indictment against former President Trump, which became the case *United States v. Trump*, No. 23-257 (D.D.C.) (hereinafter "the Election Case").

17. On 27 August 2024, at Smith's request, a grand jury in the District of Columbia issued a superseding indictment in the Election Case against former President Trump.

18. On 5 November 2024, former President Trump was re-elected President.

19. After former President Trump's re-election, various media outlets reported that Smith would be "winding down" both cases against former President Trump, issuing a report, and resigning, due to DOJ guidance that prohibits charging a sitting president with a crime.

20. On 25 November 2024, at Smith's request, the Election Case was dismissed.

21. On 26 November 2024, at Smith's request, former President Trump was dismissed from Smith's appeal of the District Court's decision in the Documents case.

**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**(OIP – RECORDS AND FEE-RELATED DENIAL – FOIA-2025-00458)**

22. Legal Eagle repeats and realleges the allegations contained in all paragraphs set forth above.
23. FOIA requests for SCO records must be submitted to OIP.
24. On 8 November 2024, Legal Eagle submitted to OIP via the portal at <https://www.foia.gov> a FOIA request for two categories of records “from the Office of Special Counsel Jack Smith”: (1) All records collected, maintained, and stored by the SCO since November 18, 2022, during the Office’s investigation into potential federal crimes committed by former President Donald Trump; and (2) All sent and received emails stored in the email accounts of SCO personnel as of the date of the search, not including emails not directly relevant to the investigation (such as press clippings, DOJ administrative emails not unique to the SCO, etc.). Legal Eagle clarified that “[t]he second category is not meant to limit the first category, but simply to provide more specifics regarding responsive emails.”
25. Legal Eagle further advised, “As the SCO is currently in the process of winding down the two criminal cases against former President Trump, you may wait until those cases are resolved to begin reviewing records so that you do not waste time asserting Exemption (b)(7)(A) for information while the cases are still open. You may not, however, wait until those cases are resolved to conduct the search and direct the SCO to preserve all responsive records, including emails.”
26. On 26 November 2024, Legal Eagle’s undersigned counsel sent an email to OIP and FBI (“26 November Email”) which, in pertinent part, further advised: “We modify these

requests to also allow OIP and FBI to wait until Jack Smith's report is completed and a decision is made by the Attorney General whether or not to release it publicly to begin the review process." Legal Eagle explained the change: "That allowance was absent from the original requests because it was not clear at the time whether a formal report would be written after the criminal cases were wrapped up."

27. To ease the review burden, Legal Eagle's request letter further allowed, "You may exclude from consideration any portions of records discussing confidential legal advice about the investigation and/or prosecution, as well as any grand jury materials. You may also exclude from consideration any portions of records which were properly classified prior to 8 November 2024. You may also exclude from consideration any records which have already been made public."

28. In the 26 November Email, Legal Eagle also further clarified the scope of these four exclusions.

29. Legal Eagle requested expedited processing of this request, classification as a representative of the news media, and a public interest fee waiver, citing to the extensive public interest in the investigations and prosecutions of former President Trump, especially in light of the fact that the prosecutions will not conclude due to former President Trump's re-election for a second, non-consecutive term.

30. On 4 December 2024, OIP responded to Legal Eagle's request and assigned it Request No. FOIA-2025-00458. OIP refused to process Legal Eagle's request and did not address its request for expedited processing.

31. Legal Eagle has a legal right under FOIA to have its request fully processed, to be classified as a representative of the news media, and to receive a public interest fee waiver, and there is no legal basis for the denial by OIP of said rights.

**SECOND CAUSE OF ACTION**

**(OIP – EXPEDITED PROCESSING DENIAL – FOIA-2025-00458)**

32. Legal Eagle repeats and realleges the allegations contained in all paragraphs set forth above.

33. Specifically with respect to its request for expedited processing, Legal Eagle explained in its request letter, “For over two years, the SCO has been conducting an investigation into potential crimes committed by former President Trump. This investigation has already resulted in two criminal cases being brought against former President Trump and numerous other people. The investigation, Mr. Smith, and his team have been the subject of harsh criticism by former President Trump on a near daily basis, and former President Trump has promised to fire Mr. Smith as soon as he takes office again. It is crucial that this information, which will now not be revealed in the normal course of criminal litigation, be released expeditiously to provide the public with insight into whether they can have confidence that former President Trump can satisfactorily execute the duties of his office and would set the record straight as to whether the evidence supported the investigation and prosecutions.”

34. On 9 December 2024, Legal Eagle’s undersigned counsel sent an email to OIP and FBI (“9 December Email”) supplementing its requests for expedited processing with more information about former President Trump’s recent comments in the media and the following official response from January 6 Committee Vice Chair Liz Cheney: “What the public now deserves to see is the evidence and grand jury material assembled by Special Counsel Smith,

including the grand jury testimony of Vice President Pence and members of Donald Trump's former White House and campaign staff. The Justice Department should ensure that all that material is preserved and cannot be destroyed. As much of that information as possible should be disclosed in the Special Counsel's upcoming report. Ultimately, Congress should require that all that material be publicly released so all Americans can see Donald Trump for who he genuinely is and fully understand his role in this terrible period in our nation's history." Legal Eagle's undersigned counsel then certified that all statements in the requests and subsequent emails were true and correct to the best of his knowledge and belief.

35. Legal Eagle demonstrated that there was an urgent need of a requester primarily engaged in disseminating information to inform the public about an actual or alleged Federal Government activity and that the subject of the request is of widespread and exceptional media interest and the information sought involves possible questions about the Government's integrity which affect public confidence.

36. As of this writing, OIP has not made a determination within ten days regarding Legal Eagle's request for expedited processing beyond its refusal to process the request.

37. Alternatively, OIP's refusal to process the request could be construed as a denial of Legal Eagle's request for expedited processing.

38. Legal Eagle has a legal right under FOIA to have its request processed as soon as practicable, and there is no legal basis for the denial by OIP of said right.

### **THIRD CAUSE OF ACTION**

#### **(FBI – RECORDS AND FEE-RELATED DENIAL – 1652028-000)**

39. Legal Eagle repeats and realleges the allegations contained in all paragraphs set forth above.

40. On 8 November 2024, Legal Eagle submitted to FBI via the FBI FOIA portal a FOIA request for “all information about former President Donald Trump in the Central Records System collected or created as part of the investigations into him for unlawfully retaining national security information and for his role in the January 6 insurrection, for which he is currently in criminal litigation in the Southern District of Florida and the District of Columbia.”

41. Legal Eagle further advised, “As the Special Counsel’s Office is currently in the process of winding down the two criminal cases against former President Trump, you may wait until those cases are resolved to begin reviewing records so that you do not waste time asserting Exemption (b)(7)(A) for information while the cases are still open. You may not, however, wait until those cases are resolved to conduct the search. You may also not wait to receive a response from us regarding a privacy waiver, as we will not be submitting one due to the overwhelming public interest in these records.”

42. To ease the review burden, Legal Eagle further allowed, “You may exclude from consideration any portions of records discussing confidential legal advice about the investigations and/or prosecutions, as well as any grand jury materials. You may also exclude from consideration any portions of records which were properly classified prior to 8 November 2024. You may also exclude from consideration any records which have already been made public.”

43. Legal Eagle requested expedited processing of this request, classification as a representative of the news media, and a public interest fee waiver, citing to the extensive public interest in the investigation and prosecution of former President Trump.

44. On 18 November 2024, FBI responded to Legal Eagle’s request and assigned it Request No. 1652028-000. FBI denied Legal Eagle’s request for classification as a representative

of the news media, deferred its decision regarding Legal Eagle's request for a public interest fee waiver, and did not address its request for expedited processing.

45. On 22 November 2024, Legal Eagle submitted an appeal of FBI's fee category determination to OIP, which was acknowledged and assigned Appeal No. A-2025-00398 the same day. Legal Eagle also requested that the appeal be expedited.

46. On 26 November 2024, Legal Eagle's undersigned counsel sent the 26 November Email to FBI adding a new allowance for FBI to wait for a decision regarding Smith's report and clarifying the scope of the exclusions.

47. On 3 December 2024, OIP responded to Legal Eagle's appeal, stating that the appeal was being closed because of this litigation.

48. That same day, Legal Eagle's undersigned counsel sent an email to OIP clarifying that the complaint in this litigation did not include FBI's denial of Legal Eagle's request to be classified as a representative of the news media and asking that the appeal be reopened. As of this writing, OIP has not responded to this email.

49. As of this writing, FBI has not made a determination within twenty business days regarding Legal Eagle's request, beyond its denial of Legal Eagle's request to be classified as a representative of the news media.

50. Legal Eagle has a legal right under FOIA to have its request fully processed, to be classified as a representative of the news media, and to receive a public interest fee waiver, and there is no legal basis for the denial by OIP of said rights.

**FOURTH CAUSE OF ACTION**

**(FBI – CONSTRUCTIVE EXPEDITED PROCESSING DENIAL – 1652028-000)**

51. Legal Eagle repeats and realleges the allegations contained in all paragraphs set forth above.

52. Specifically with respect to its request for expedited processing, Legal Eagle explained in its request letter, “For over two years, the Office of Special Counsel Jack Smith has been conducting an investigation into the matters discussed in these records. This investigation has already resulted in two criminal cases being brought against former President Trump and numerous other people. The investigation, Mr. Smith, and his team have been the subject of harsh criticism by former President Trump on a near daily basis. It is crucial that this information, which will now not be revealed in the normal course of criminal litigation, be released expeditiously to provide the public with insight into whether they can have confidence that former President Trump can satisfactorily execute the duties of his office and would set the record straight as to whether the evidence supports the investigations and prosecutions.”

53. On 9 December 2024, Legal Eagle’s undersigned counsel sent the 9 December Email to FBI supplementing its request for expedited processing.

54. Legal Eagle demonstrated that there was an urgent need of a requester primarily engaged in disseminating information to inform the public about an actual or alleged Federal Government activity and that the subject of the request is of widespread and exceptional media interest and the information sought involves possible questions about the Government’s integrity which affect public confidence.

55. As of this writing, FBI has not made a determination within ten days regarding Legal Eagle’s request for expedited processing.

56. Legal Eagle has a legal right under FOIA to have its request processed as soon as practicable, and there is no legal basis for the denial by FBI of said right.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Legal Eagle, LLC prays that this Court:

- (1) Order the Federal Bureau of Investigation and Office of Information Policy to expeditiously process its requests;
- (2) Order FBI and OIP to grant its requests for classification as a representative of the news media;
- (3) Order FBI and OIP to grant its requests for a public interest fee waiver;
- (4) Order FBI and OIP to release all requested records;
- (5) Order preliminary and permanent injunctive and/or declaratory relief as may be appropriate;
- (6) Award reasonable costs and attorneys' fees as provided in 5 U.S.C. § 552(a)(4)(E), 28 U.S.C. § 2412(d), or any other applicable law;
- (7) Expedite this action in every way pursuant to 28 U.S.C. § 1657(a); and
- (8) Grant such other relief as the Court may deem just and proper.

Date: December 10, 2024

Respectfully submitted,

/s/ Kelly B. McClanahan  
Kelly B. McClanahan, Esq.  
D.C. Bar #984704  
National Security Counselors  
4702 Levada Terrace  
Rockville, MD 20853  
301-728-5908  
240-681-2189 fax  
[Kel@NationalSecurityLaw.org](mailto:Kel@NationalSecurityLaw.org)

/s/ Devin Stone  
Devin Stone, Esq.  
D.C. Bar #1022055  
Eagle Team, LLP  
1050 Connecticut Avenue, NW  
Suite 5038  
Washington, DC 20036  
833-369-2473  
240-681-2189 fax  
[Devin@EagleTeam.law](mailto:Devin@EagleTeam.law)

*Counsel for Plaintiff*