

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

LAFAYETTE MEDIA GROUP, LLC  
d/b/a Task & Purpose  
1147 Broadway, 3rd Floor  
New York, NY 10001

and

PAUL SZOLDRA  
1147 Broadway, 3rd Floor  
New York, NY 10001

Plaintiffs,

v.

DEPARTMENT OF DEFENSE  
1000 Defense Pentagon  
Washington, D.C. 20301-1000

Defendant.

Civil Action No. 20-984

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**COMPLAINT**

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, to seek expedited processing of a request for production of agency records sought by the plaintiffs Lafayette Media Group, LLC and Paul Szoldra from the defendant Department of Defense (and its component entity).

**JURISDICTION**

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the 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 Lafayette Media Group, LLC (doing business as “Task & Purpose” and hereinafter referred to as “T&P”) is a military and veteran-focused digital media company founded in 2014. T&P qualifies as a representative of the news media.

4. Plaintiff Paul Szoldra (“Mr. Szoldra”) is the Editor in Chief of T&P, and he qualifies as a representative of the news media.

5. Defendant Department of Defense (“DoD”) is an agency within the meaning of 5 U.S.C. § 552(f), and is in possession and/or control of the records requested by the plaintiffs that are the subject of this action. DoD controls – and consequently serves as the proper party defendant for litigation purposes for – the Department of the Navy (“Navy”).

**COUNT ONE**

6. On April 3, 2020, T&P and Mr. Szoldra (hereinafter referred to jointly as the “Requesters”) submitted a FOIA request to the Navy. The request stated that it sought “all emails sent to or from the following address, [brett.crozier@navy.mil](mailto:brett.crozier@navy.mil), or any other email addressed assigned to CAPT Brett E. Crozier, USN, between March 25, 2020 and April 2, 2020”. The request sought a fee waiver, designation as representative of the news media, and expedited processing.

7. On April 5, 2020, the Requesters submitted supplemental and clarifying information to the original request. Specifically, the Requesters clarified that the scope of the request should encompass four categories of information:

1. all emails sent to or from CAPT Brett E. Crozier, USN, (“CAPT Crozier”) between March 25, 2020 and April 2, 2020;

2. all communications – including verbal communications memorialized in writing – to or from CAPT Crozier regarding the permissibility of making a port call in Vietnam on March 5, 2020;

3. all communications – including verbal communications memorialized in writing – to or from CAPT Crozier reflecting guidance on how to manage the spread of COVID-19, resources and facilities that could be made available to treat infected personnel, and determinations regarding the extent to which CAPT Crozier could make emergency ports of call at U.S. Government locations to offload infected personnel; and

4. any communications – including verbal communications memorialized in writing – from White House personnel (including President Trump) regarding potential disciplinary action for CAPT Crozier.

8. In the supplemental language, the Requesters provided additional information sufficient to warrant expedited processing. In particular, the Requesters outlined the immense and immediate public interest in disclosure of responsive records in light of President Donald Trump’s remarks about the actions of CAPT Crozier in the midst of the COVID-19 pandemic.

9. Later that same day, the Navy acknowledged receipt of the request and assigned it Request Number DON-NAVY-2020-006482.

10. Per the FOIA, the Navy was required to issue a substantive response regarding expedited processing no later than April 13, 2020. No substantive response has been received regarding expedited processing. The Requesters have constructively exhausted their administrative remedies with respect to expedited processing.

WHEREFORE, plaintiffs Lafayette Media Group, LLC and Paul Szoldra pray that this Court:

(1) Order the defendant Department of Defense to grant expedited processing of the production and release of all responsive, non-exempt records;

(2) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d);

(3) Expedite this action in every way pursuant to 28 U.S.C. § 1657(a); and

(4) Grant such other relief as the Court may deem just and proper.

Date: April 15, 2020

Respectfully submitted,

*/s/ Bradley P. Moss*

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