

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WHITE COAT WASTE PROJECT
7288 Hanover Green Dr.
Mechanicsville, VA 23111

Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS,
810 Vermont Avenue, NW
Washington, DC 20420,

Defendant.

Civ. No. 20-2416

**Complaint for Declaratory and
Injunctive Relief**

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, seeking the release of records related to the United States Department of Veterans Affairs' experiments on cats.

Jurisdiction and Venue

2. This Court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

Parties

4. Plaintiff White Coat Waste Project, Inc. (WCW) is a bipartisan taxpayer watchdog organization pursuant to Section 501(c)(3) of the Internal Revenue Code, located at 7288 Hanover Green Drive, Mechanicsville, VA, 23111. WCW's mission is

to unite animal-lovers and liberty-lovers to expose and end wasteful taxpayer-funded animal experiments. WCW is the requester of the information at issue in this case.

5. Defendant United States Department of Veterans Affairs is an agency of the United States. The VA has possession, custody, and control of the records WCW seeks.

Statement of Facts

6. WCW is engaged in a years-long campaign to end wasteful animal experiments conducted by the VA.

7. On December 16, 2019, WCW sent a FOIA request to the VA Greater Los Angeles Healthcare System seeking materials related to the following two experiments on cats performed by, or in conjunction with, the Los Angeles VA: 1) “Resolution of the Mechanisms Responsible for Atonia during REM Sleep,” and 2) “GABAergic Switches Control Wakefulness, NREM Sleep and REM Sleep.”

8. Specifically, WCW requested copies of the following documents related to each experiment:

- The most recent funding applications;
- The most recent complete [Institutional Animal Care and Use Committee]-approved protocols with all appendices, secondary reviews and amendments;
- [Institutional Animal Care and Use Committee] meeting minutes related to these projects (from January 1, 2015–present);

- Invoices for the purchase of cats, or other records of procurements (from January 1, 2015–present);
- Acquisition and disposition records for cats obtained for use in experiments (January 1, 2015–present);
- Complete veterinary records for cats held or experimented on (January 1, 2015–present);
- Animal welfare noncompliance incident reports (January 1, 2015–present);
- Complete raw and unedited videos, edited videos and photographs (January 1, 2015–present).

9. That same day, Tiffany Anderson, Assistant Privacy/FOIA Officer with the VA Greater Los Angeles Healthcare System, acknowledged receipt of WCW's request and assigned the request FOIA Request No. 20-02563-F.

10. As of the filing of this Complaint, WCW has not received a final determination (or any additional response or correspondence) from VA Greater Los Angeles Healthcare System, or any other component of the VA, with regard to FOIA Request No. 20-02563-F.

11. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), WCW is deemed to have exhausted its administrative remedies with regard to FOIA Request No. 20-02563-F because the agency has failed to comply with the statutory time limit.

12. The VA continues to wrongfully withhold records responsive to FOIA Request No. 20-02563-F from WCW.

Count I: Violation of FOIA

13. WCW realleges and incorporates by reference the allegations in each of the preceding paragraphs of this Complaint.

14. The Department of Veterans Affairs has wrongfully withheld agency records requested by WCW, in violation of FOIA.

15. WCW and the public have been and will continue to be irreparably harmed until the Department of Veterans Affairs is ordered to comply with WCW's FOIA requests.

16. WCW is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

Request for Relief

WCW respectfully requests that this Court:

(1) Declare the Department of Veterans Affairs' failure to comply with FOIA to be unlawful;

(2) Enjoin the Department of Veterans Affairs from continuing to withhold the public records responsive to WCW's FOIA requests and otherwise order the Department of Veterans Affairs to produce the requested public records without further delay;

(3) Grant WCW an award of attorney's fees and other litigation costs reasonably incurred in this action, to the extent permitted by law; and

(4) Grant WCW such other and further relief which the Court deems proper.

Date: August 28, 2020

Respectfully submitted,

/s/ Matthew Strugar _____
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