

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-cv-3096

**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 dogs.

**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 dog experiments conducted by the VA.

7. On April 6, 2020, WCW sent a FOIA request to the Veterans Affairs St. Louis Health Care System (stlfoiaoffice@va.gov) seeking copies of all videos and photographs with associated documents related to the VA-funded animal research protocol titled "Contribution of Inflammation and Oxidative Stress in Pericardial Fluid to Postoperative Atrial Fibrillation After Cardiac Surgery," by Spencer Melby, MD.

8. The same day, Jennifer Roberts, FOIA Officer at the Veterans Affairs St. Louis Health Care System, acknowledged receipt of WCW's request and assigned the request tracking number 20-05949-F.

9. As of the filing of this Complaint, WCW has not received a final determination from Veterans Affairs St. Louis Health Care System, or any other component of the VA, with regard to this request.

10. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), WCW is deemed to have exhausted its administrative remedies with regard to this request because the agency has failed to comply with the statutory time limit.

11. The VA continues to wrongfully withhold records responsive to WCW's request.

### **Count I: Violation of FOIA**

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

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

14. 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.

15. 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 request 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: October 27, 2020

Respectfully submitted,

/s/ Matthew Strugar  
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