

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

**CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON,**



Plaintiff,

v.

U.S. DEPARTMENT OF STATE
2201 C Street, N.W.
Washington, D.C. 20520,

Defendant.

Civil Action No. _____

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, for injunctive, declaratory, and other appropriate relief. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) challenges the failure of the U.S. Department of State (“DOS”) to release records in response to CREW’s FOIA request for documents relating to then government-employee Elon Musk’s meeting with Prime Minister of India Narendra Modi on February 13, 2025 in Washington, D.C., as well as records related to visits by other foreign delegations or heads of state to the United States mentioning Mr. Musk.

2. On March 5, 2025, CREW submitted its FOIA request through the DOS FOIA Portal. *See* Exhibit A. On March 5, DOS sent CREW an acknowledgement that the request had been received and has since failed to make determinations on the request in violation of FOIA. *See* Exhibit B.

3. CREW seeks declaratory relief that DOS is in violation of FOIA, 5 U.S.C. §§ 552(a)(3)(A) and 552(a)(4)(A)(iii) by refusing to provide CREW with all responsive, non-exempt documents and for refusing to grant CREW's fee waiver within the statutorily mandated deadline. CREW also seeks injunctive relief requiring DOS to immediately process and release the requested records.

Jurisdiction and Venue

4. The Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(C)(i). The Court also has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202.

5. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

Parties

6. Plaintiff CREW is a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies and to ensuring the integrity of government officials and agencies. CREW seeks to empower citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of its research, CREW uses government records made available to it under FOIA.

7. Defendant DOS is an agency within the meaning of 5 U.S.C. § 552(f) and 5 U.S.C. § 701. Defendant has possession and control of the requested records and is responsible for fulfilling plaintiff's FOIA request to DOS.

Statutory and Regulatory Background

8. FOIA, 5 U.S.C. § 552, requires federal agencies to release requested records to the public unless one or more specific statutory exemptions apply.

9. An agency must respond to a party making a FOIA request within twenty working days, notifying that party of at least the agency's determination of which of the requested records it will release, which it will withhold and why, and the requester's right to appeal the determination to the agency head. *Id.* § 552(a)(6)(A)(i).

10. An agency's failure to make this determination within twenty days is subject to judicial review without exhausting administrative remedies. *Id.*

11. In "unusual circumstances" an agency may extend the time to respond to a request by no more than 10 working days, provided that the agency gives the requester written notice setting forth the unusual circumstances and the date on which the agency expects to make a determination. *Id.* § 552(a)(6)(B)(i)-(iii). FOIA defines "unusual circumstances" as including the need to search for and collect responsive records from offices other than the office processing the request; the need to search for, collect, and examine a "voluminous amount of separate and distinct records"; and the need to consult with another agency. *Id.* § 552(a)(6)(B)(iii).

Factual Background

12. On February 13, 2025, Elon Musk met with Indian Prime Minister Narendra Modi in Washington, D.C. as part of Modi's visit to the White House,¹ which also included a meeting with President Trump in the Oval Office.² Prime Minister Modi described the meeting on his account on Mr. Musk's social media platform, X, stating that they discussed "various issues,

¹ *India's Modi talks space and 'good governance' with Musk in Washington*, REUTERS (Feb. 13, 2025), <https://www.reuters.com/world/indias-modi-holds-meeting-with-billionaire-tesla-ceo-musk-2025-02-13/>.

² *New tariffs announced and Trump and Modi meet*, ASSOCIATED PRESS (Feb. 13, 2025), <https://apnews.com/live/trump-presidency-updates-2-13-2025>.

including those [Mr. Musk] is passionate about such as space, mobility, technology and innovation.”³

13. At the time of that meeting, Mr. Musk was a special government employee whom President Trump had publicly touted as the leader of the United States Department of Government Efficiency (“DOGE”).⁴ Despite not being a member of President Trump’s cabinet, Mr. Musk attended cabinet meetings,⁵ and jointly answered press questions about DOGE cuts with the President from the Oval Office.⁶

14. India’s foreign ministry reported Prime Minister Modi and Mr. Musk “discussed strengthening collaboration between Indian and U.S. entities in innovation, space exploration, artificial intelligence, and sustainable development,” as well as on “entrepreneurship and good governance.”⁷ In its statement, India’s foreign ministry described Mr. Musk as the “Head of the U.S. Department of Government Efficiency (DOGE) and CEO of Tesla.”⁸

15. Mr. Musk is the CEO and founder of SpaceX, and SpaceX subsidiary Starlink has reportedly sought to do business in India.⁹ At the time of Mr. Musk’s meeting with Prime Minister Modi, Starlink reportedly had a license application under review by the Indian

³ Narendra Modi (@narendramodi), X (Feb. 13, 2025, 1:06 PM), <https://x.com/narendramodi/status/1890100201496748210>.

⁴ Elena Moore et al., *Trump taps Musk to lead a 'Department of Government Efficiency' with Ramaswamy*, NPR (Nov. 12, 2024), <https://www.npr.org/2024/11/12/g-s1-33972/trump-elon-musk-vivek-ramaswamy-doge-government-efficiency-deep-state>.

⁵ Kevin Liptak & Jeff Zeleny, *Trump’s Cabinet meeting serves as a backdrop to Musk’s power*, CNN (Feb. 26, 2025), <https://www.cnn.com/2025/02/26/politics/cabinet-meeting-musk-trump>.

⁶ Kathryn Watson, *Elon Musk defends DOGE in Oval Office as Trump orders agencies to comply with cuts*, CBS NEWS (Feb. 12, 2025), <https://www.cbsnews.com/news/elon-musk-trump-doge-cuts/>.

⁷ Press Release, Ministry of External Affairs, Government of India, Head of the U.S. Department of Government Efficiency (DOGE) and CEO of Tesla, Mr. Elon Musk called on Prime Minister (February 13, 2025), (Feb. 13, 2025), <https://www.mea.gov.in/press-releases.htm?dtl/39065/head+of+the+us+department+of+government+efficiency+doge+and+ceo+of+tesla+mr+elon+musk+called+on+prime+minister++february+13+2025>; Sheikh Saaliq, *Elon Musk met with Modi during the Indian prime minister’s US visit. What does he want from India?*, ASSOCIATED PRESS (Feb. 14, 2025), <https://apnews.com/article/india-us-modi-musk-187301d9afe2c6d0edb0542466c2a589>.

⁸ *Id.*

⁹ *India’s Modi talks space and ‘good governance’ with Musk in Washington*, *supra* note 1.

government for “spectrum for satellite services.”¹⁰ As of August 1, 2025, that license was granted and Union Telecom Minister Jyotiraditya Scindia reportedly said that a framework for spectrum allocation is also in place for a smooth rollout.¹¹ Additionally, Tesla, another one of Mr. Musk’s companies, reportedly opened its first showroom in India since Mr. Musk’s February meeting with Prime Minister Modi.¹²

16. On March 5, 2025, CREW submitted its FOIA request to DOS. *See* Exhibit A. CREW sought the following records:

1. All records concerning, reflecting, or referring to Elon Musk’s meeting with Indian Prime Minister Narendra Modi on February 13, 2025 in Washington, D.C., including but not limited to communications sent, received by or copying:
 - A. Elon Musk;
 - B. Marco Rubio, Secretary of State;
 - C. Jorgan Andrews, Charge D’Affaires of Mission of the U.S. Embassy in New Delhi, India;
 - D. Eric Meyer, Senior Bureau Official for the U.S. Department of State Bureau of South and Central Asian Affairs;
 - E. Staff of the U.S. Department of State Bureau of South and Central Asian Affairs;
 - F. Staff of the U.S. Embassy in India or any U.S. Consulate in India;
 - G. The Office of the Chief of Protocol;

¹⁰ *Id.*

¹¹ Press Trust of India, *Elon Musk's Starlink Gets Satellite Internet Permit In India*, NDTV (Aug. 1, 2025), <https://www.ndtv.com/india-news/elon-musks-starlink-gets-satellite-internet-permit-in-india-8996664>.

¹² Pranav Baskar, *Musk Clears Final Hurdles for Tesla and Starlink in India*, N.Y. TIMES (July 17, 2025), <https://www.nytimes.com/2025/07/17/world/asia/tesla-starlink-india-elon-musk.html>.

H. Staff of the United States DOGE Service (“DOGE”), any of its components, or “DOGE Team” members at any agency; or

I. Any representative of the Republic of India, including staff of the Embassy of India in Washington, D.C..

2. All records mentioning Elon Musk related to (1) meetings of the President of the United States with foreign delegations or heads of state, or (2) visits by foreign delegations or heads of state to the United States, including but not limited to communications sent, received by or copying:

A. Secretary of State, Marco Rubio;

B. The Office of the Chief of Protocol;

C. Staff of DOGE, any of its components, or “DOGE Team” members at any agency.

17. In the request, CREW sought a fee waiver in accordance with 5 U.S.C.

§ 552(a)(4)(A) and DOS regulations. *See* Exhibit A.

18. On March 5, 2025, DOS acknowledged receipt of the request and assigned it FOIA tracking number F-2025-11265 via email. *See* Exhibit B. The same day, DOS notified CREW that it changed the status of the request to “Received.” *See* Exhibit C.

19. To date, CREW has received no other communications from DOS regarding the request.

20. More than twenty days have passed since CREW submitted the request, and Defendant DOS has therefore failed to comply with 5 U.S.C. § 552(a)(6)(A)(i).

PLAINTIFF'S CLAIM

Wrongful Withholding of Records Responsive to the Request

21. CREW repeats and re-alleges the foregoing paragraphs.
22. In its March 5, 2025 request, CREW properly asked for records within the possession, custody, and control of DOS.
23. DOS has failed to conduct adequate searches in response to CREW's request.
24. DOS is wrongfully withholding records responsive to CREW's FOIA request.
25. By failing to timely release all requested records in full to CREW, DOS is in violation of FOIA.
26. CREW has constructively exhausted its administrative remedies.
27. CREW is therefore entitled to injunctive and declaratory relief with respect to the immediate processing and disclosure of non-exempt requested records.

Requested Relief

WHEREFORE, CREW respectfully requests that this Court:

- 1) Order Defendant to preserve all records, in whatever form they exist, potentially responsive to CREW's requests prior to and during the processing of its requests;
- 2) Order Defendant to immediately and fully process the request and disclose all non-exempt documents to CREW;
- 3) Issue a declaration that CREW is entitled to immediate processing and disclosure of the requested records;
- 4) Provide for expeditious proceedings in this action;
- 5) Retain jurisdiction of this action to ensure no agency records are wrongfully withheld;

- 6) Award CREW its costs and reasonable attorneys' fees in this action; and
- 7) Grant such other relief as the Court may deem just and proper.

Date: August 21, 2025

Respectfully Submitted,

/s/ Kayvan Farchadi

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**Pro Hac Vice* motion forthcoming

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