

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

CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON,
P.O. Box 14596
Washington, DC 20044,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue NW
Washington, DC 20530,

Defendant.

Case No. 1:26-cv-3095

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) brings this action under Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking records from the United States Department of Justice (“DOJ”) relating to Federal Tort Claims Act (“FTCA”) claims filed by individuals (“January 6 Defendants”) who received a pardon or commutation by virtue of Presidential Proclamation 10887 of January 20, 2025, *Granting Pardons and Commutation of Sentences for Certain Offenses Relating to the Events at or Near the United States Capitol on January 6, 2021*, 90 Fed. Reg. 8331 (Jan. 29, 2025) (“January 6 Pardon”).

2. The January 6 Pardon benefited over 1,500 people who were criminally charged or convicted for their participation in the January 6, 2021, attack on the U.S. Capitol. The attack was launched to prevent the certification of the 2020 election, which President Trump lost, resulted in

the death of at least one law enforcement officer and injuries to approximately 140 others, and has been classified by the FBI as an act of domestic terrorism.¹

3. Hundreds of January 6 Defendants have since filed FTCA administrative claims with the DOJ seeking millions of dollars for what they claim are injuries incurred during the investigation and prosecution of their federal crimes.²

4. President Trump unabashedly supports handing taxpayer money to January 6 Defendants, proclaiming, “I’m very proud to have given them pardons. And I think they should be reimbursed for a crooked government.”³

5. President Trump and the DOJ have gone to alarming lengths to make President Trump’s wishes a reality. In June 2025, the DOJ paid \$4.975 million to settle wrongful death claims brought by the estate of Ashli Babbitt, who was killed by a U.S. Capitol Police officer defending members of Congress as she attempted to breach a broken window inside of the Capitol during the January 6 insurrection, but whom President Trump defended as “a good Trump fan, a MAGA fan” before even undertaking a promised review of the circumstances of her death.⁴

6. In May 2026, President Trump and the DOJ launched a thus far failed attempt to circumvent the FTCA and funnel taxpayer funds directly to January 6 Defendants outside of public view through a \$1.776 billion slush fund. *See* Settlement Agreement, *Trump v. IRS*, No. 26-cv-

¹ Tom Dreisbach, *Donald Trump Calls Jan. 6 a “Day of Love.” Here Are the Facts.*, NPR (Oct. 29, 2024), <https://perma.cc/5EQH-A3HD>.

² *See* Dan Rosenzweig-Ziff, *Trump’s allies have another plan to pay ‘weaponization’ victims*, Reuters (Jun. 12, 2026), <https://tinyurl.com/3f5v2fdk>; *see also* Complaint, *Sullivan v. United States*, 5:26-cv-220 (M.D. Fla. March 27, 2026).

³ Pod Force One with Miranda Devine and New York Post, *Donald Trump Unleashed*, at 40:33-41:06 (YouTube, June 3, 2026), <https://tinyurl.com/ec3yavy8>.

⁴ Ali Bianco, *Trump administration to pay nearly \$5M in wrongful death lawsuit of Jan. 6 rioter shot by police*, Politico (Jun. 6, 2025), <https://tinyurl.com/ymby88v4>; Will Pavia, *Trump vows to ‘look into’ Ashli Babbitt killing*, The Times of London (Mar. 26, 2025), <https://tinyurl.com/5exv35m7>.

20609-KMW (S.D. Fla. May 18, 2026), *available at* <https://perma.cc/6HQR-J3AG> (“May 18 Settlement Agreement”); Order Establishing Anti-Weaponization Fund, Office of the Attorney General (May 18, 2026), *available at* <https://perma.cc/RZ3L-9PEK> (“May 18 Order”).

7. The slush fund was itself created through a collusive settlement agreement between President Trump and the DOJ that nominally settled personal legal claims by President Trump against the IRS stemming from a leak of his tax returns. That settlement was later found to be “the product of collusion” without a “viable basis in law or fact.” Order, *Trump v. IRS*, 1:26-cv-20609-KMW at *56, 38 (S.D. FL. July 13, 2026), and the slush fund was met with such sweeping bipartisan condemnation from Congress and the public that the Attorney General had to publicly disavow it,⁵ though the DOJ has not obtained President Trump’s assent to abandon the slush fund, as is required by the settlement agreement that established DOJ’s obligation to create it.

8. While the status of the slush fund is unclear,⁶ the DOJ and other Trump-administration officials have assured President Trump’s allies, in the face of pushback on the slush fund, that the DOJ’s plans to pay January 6 Defendants through the alternate means of the FTCA remain on track.⁷ These statements and the DOJ’s demonstrated willingness to ignore federal law, its ethical obligations, and the public interest in service of paying January 6 Defendants makes it

⁵ See Alexander Bolton, *GOP Sen. Cassidy Calls Out Trump DOJ’s \$1.8 Billion Compensation Fund as ‘Slush Fund’*, The Hill (May 18, 2026), <https://tinyurl.com/bdhvayje>; see Andy Hirschfeld, *Trump halts \$1.8bn ‘anti-weaponisation’ fund amid bipartisan backlash*, Al Jazeera (Jun. 1, 2026), <https://tinyurl.com/4cp5vu8y>.

⁶ CBS News, *Blanche refuses to put end of “anti-weaponization” fund in writing*, at 3:39 (YouTube, June 2, 2026), <https://tinyurl.com/fawvh73e> (“...but we are not moving forward with the fund, period”); see also Questions for the Record for the Hon. Todd Blanche, Nominee for Att’y Gen. of U.S., Before the S. Comm. on the Judiciary, 119th Cong. (July 17, 2026) at 21, <https://perma.cc/9TKE-ZNVE>.

⁷ Sarah Fitzpatrick, *Trump Isn’t Giving Up on His Slush Fund*, The Atlantic (Jun. 11, 2026), <https://tinyurl.com/2bbvp67n>; Alexander Mallin, *Top DOJ official deletes post suggesting alternate plan for compensating alleged ‘weaponization’ victims*, ABC News (June 3, 2026), <https://tinyurl.com/5ywphrxf>.

imperative for the public to access information regarding how the DOJ is handling January 6 Defendants' FTCA claims.

9. From November 2025 to July 2026, CREW submitted two expedited FOIA requests to the DOJ Civil Division and one expedited FOIA request to the Office of the Associate Attorney General for various records regarding January 6 Defendants' FTCA claims and the DOJ's handling of them. Each expedition request was improperly denied and no request has been processed, in violation of FOIA.

10. CREW now seeks declaratory and injunctive relief requiring the DOJ to process CREW's FOIA requests on an expedited basis, preserve all records potentially responsive to CREW's requests, and promptly disclose all non-exempt responsive records.

JURISDICTION AND VENUE

11. This Court has subject-matter jurisdiction under 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(E)(iii). The Court also has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202.

12. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(b).

PARTIES

13. 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 and widely disseminates those records to the public.

14. Defendant DOJ is an agency within the meaning of 5 U.S.C. § 552(f).

15. Defendant has possession and control of the requested records and is responsible for fulfilling Plaintiff's FOIA request at issue.

LEGAL FRAMEWORK

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

17. Upon receipt of a FOIA request, an agency must make a determination whether to comply with it and notify the requester of that determination within 20 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. 5 U.S.C. § 552(a)(6)(A)(i).

18. An agency's failure to make this determination within 20 days is subject to judicial review without exhausting administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

19. Moreover, FOIA provides that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules . . . shall make the records promptly available to any person." 5 U.S.C. § 552(a)(3)(A).

20. After a FOIA request is received by an agency, it must "make reasonable efforts to search for the records." 5 U.S.C. § 552(a)(3)(C). If the agency identifies any responsive records, the agency must make them "promptly available." *Id.*

21. 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. 5 U.S.C. § 552(a)(6)(B)(i)-(iii). The 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)(I)-(III).

22. Further, agencies shall grant requesters requests for expedited processing of their FOIA requests when they demonstrate “compelling need,” as well as “other cases determined by the agency.” 5 U.S.C. § 552(a)(6)(E)(i). “Compelling need” requires the requester to show that they are “a person primarily engaged in disseminating information” with an “urgency to inform the public concerning actual or alleged Federal Government activity.” *Id.* § 552(a)(6)(E)(v)(II).

23. The DOJ’s FOIA regulations also require expedited processing for, among other things, “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” 28 C.F.R. § 16.5(e)(1)(iv).

24. A determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request. 5 U.S.C. § 552(a)(6)(E)(ii)(I). The DOJ regulations mirror this requirement. *See* 28 C.F.R. § 16.5(e)(4).

25. Agency action to deny a request for expedited processing, and failure by an agency to respond in a timely manner to such a request, is subject to judicial review. 5 U.S.C. § 552(a)(6)(E)(iii).

26. Requesters may appeal any adverse determination to the Office of Information Policy within 90 calendar days after the date of the agency’s determination. *See* 28 C.F.R. § 16.8(a). The agency must then make a determination on the appeal within 20 working days upon receipt of such appeal. 5 U.S.C. § 552(a)(6)(A)(ii).

27. An agency’s failure to make this determination within 20 days is subject to judicial review. 5 U.S.C. § 552(a)(6)(C)(i).

FACTUAL ALLEGATIONS

28. On January 6, 2021, a violent mob incited by President Trump attacked the United States Capitol to stop the constitutionally mandated transfer of presidential power following the 2020 election. The mob forced the Vice President and other lawmakers to flee for their lives, temporarily stopping the counting of electoral votes mandated by the Twelfth Amendment. *See Anderson v. Griswold*, 543 P.3d 283, 329 (Colo. 2023), *rev’d on other grounds sub nom. Trump v. Anderson*, 601 U.S. 100 (2024) (per curiam).

29. The attackers repeatedly and violently assaulted law enforcement officers defending the Capitol, using objects from the Capitol’s premises or from law enforcement officers to use as weapons, including metal bars from the police barricades and officers’ batons and riot shields. *See Griswold*, 543 P.3d at 331. More than 140 officers suffered bodily injuries at the hands of rioters, including bruises, lacerations, concussions, rib fractures, and a heart attack.⁸ In the days and months after the attack, one officer died from injuries sustained “while physically engaging with protestors,”⁹ and four officers committed suicide.¹⁰

⁸ Michael S. Schmidt & Luke Broadwater, *Officers’ Injuries, Including Concussions, Show Scope of Violence at Capitol Riot*, NY Times (Feb. 11, 2021), <https://tinyurl.com/4sux3wxu>.

⁹ *Id.*

¹⁰ Jan Wolfe, *Four officers who responded to U.S. Capitol attack have died by suicide*, Reuters (Aug. 2, 2021), <https://tinyurl.com/2uttz76z>.

30. The FBI classified the attack on the Capitol as an act of domestic terrorism.¹¹

31. In 2022, a grand jury indicted President Trump on four criminal charges, including conspiracy to defraud the United States, conspiracy to obstruct an official proceeding, obstruction of and attempt to obstruct an official proceeding, and conspiracy against rights. *See* Indictment, *United States v. Trump*, No. 1:23-cr-00257-TSC (D.D.C. August 1, 2023). The charges were later dropped pursuant to DOJ policy following President Trump’s reelection. *See* Gov’ts Mot. to Dismiss, *United States v. Trump*, No. 1:23-cr-00257-TSC (D.D.C. Nov. 25, 2024).

32. At least 1,583 individuals were arrested in connection with the attack, and about 1,270 were convicted before President Trump issued the January 6 Pardon.¹² Federal prosecutors obtained convictions in 100% of jury trials held for January 6 Defendants.

33. Between his first and second administrations, President Trump repeatedly described the January 6 Defendants as persecuted political prisoners who were victimized by the justice system and questioned why those in federal custody were “still in jail”¹³ He vowed that if re-elected, “we will give them pardons because they are being treated so unfairly.”¹⁴

34. On January 20, 2025, within hours of taking the oath of office, President Trump granted clemency to every person charged or convicted for their role in the violent January 6 attack,

¹¹ Dreisbach, *supra* n.1.

¹² Roger Parloff, *The High-Water Mark of the Jan. 6 Prosecutions*, Lawfare (Jan. 6, 2025), <https://tinyurl.com/yc52db9>.

¹³ *See* Mariana Alfaro, *Trump Vows Pardons, Government Apology to Capitol Rioters If Elected*, Wash. Post (Sept. 1, 2022), <https://tinyurl.com/ydrucpjr>; Dan Barry and Alan Feuer, *‘A Day of Love’: How Trump Inverted the Violent History of Jan. 6*, NY Times (Jan. 5, 2025), <https://tinyurl.com/4s7k27ys>.

¹⁴ *Id.*

calling efforts to prosecute them “a grave national injustice that has been perpetrated upon the American people over the last four years and begin[] a process of national reconciliation.”¹⁵

35. Hundreds of January 6 Defendants are reportedly seeking payments from the federal government through the FTCA for alleged injuries related to their arrest, prosecution, and imprisonment for their conduct during the attack on the U.S. Capitol.¹⁶

36. The FTCA permits certain claims against the United States and its executive agencies for damages caused by federal employee conduct within the scope of that employee’s federal employment. *See* 28 U.S.C. §§ 1346(b), 2671-80. It imposes a variety of procedural requirements, including requiring claimants to “present their claim to the appropriate federal agency” and for the agency to have “finally denied” the claim before the claims can be pursued in federal court. *See id.* § 2675. These administrative and exhaustion requirements are meant to afford agencies latitude to settle cases without litigation.¹⁷ The DOJ Civil Division handles FTCA claims across the federal government. According to Mark McCloskey, an attorney representing many January 6 Defendants, most of his clients are seeking “\$1 million to \$10 million” for their injuries.¹⁸

37. In June 2025, the Trump administration agreed to pay a \$4.975 million settlement to resolve a wrongful death lawsuit brought by the estate and family of Ashli Babbitt, who was

¹⁵ Proclamation No. 10887, 90 Fed. Reg. 8331 (Jan. 20, 2025).

¹⁶ Arthur Delaney and Dave Jamieson, *Dropping The ‘Anti-Weaponization Fund’ Doesn’t Mean Trump Admin Won’t Pay Rioters*, Huffpost (Jun. 3, 2026), <https://tinyurl.com/45tnjxnt>

¹⁷ *See The Federal Tort Claims Act (FTCA): A Legal Overview*, Congressional Research Service (Apr. 17, 2023), <https://tinyurl.com/23z8p4t2>.

¹⁸ Zoe Tillman, *Trump Pardoned Them for Jan. 6. Now They Want Millions of Dollars*, Bloomberg (Dec. 10, 2025), <https://tinyurl.com/4xyw9f2b>; Peter Yankowski, *Lawyer seeking money for Jan. 6 Capitol rioters says some may be from Connecticut*, Connecticut Post (Dec. 11, 2025), <https://tinyurl.com/4ew7pkyw>.

killed by a U.S. Capitol Police officer as she attempted to breach a broken window inside of the Capitol during the January 6 insurrection.¹⁹

38. Other January 6 Defendants have filed a class action complaint, claiming entitlement to damages under the FTCA.²⁰

39. On August 28, 2025, McCloskey announced in a public meeting of January 6 Defendants and supporters that he had met with top DOJ officials to propose a “voluntary nonjudicial resolution committee” to review and compensate individual January 6 Defendants for their alleged injuries.²¹ In December 2025, McCloskey told a reporter that, although the DOJ had rejected several January 6-related claims that he had submitted earlier in 2025 for procedural reasons, the Justice Department had not rejected more recently-submitted claims.²²

40. In a March 25, 2026 interview, Trump publicly confirmed his administration was discussing a compensation scheme for pardoned January 6 Defendants, stating: “A lot of people that are in government now talk about it because a lot of the people in government really like that group of people.”²³

41. On May 18, 2026, President Trump and the DOJ initiated an end-run around the FTCA, and other federal statutes requiring accountability and transparency in the settlement of the January 6 Defendants’ claims, through a collusive settlement of *Trump v. IRS*, No. 26-cv-20609

¹⁹ Ali Bianco, *Trump administration to pay nearly \$5M in wrongful death lawsuit of Jan. 6 rioter shot by police*, Politico (Jun. 6, 2025), <https://tinyurl.com/ymby88v4>.

²⁰ See Complaint, Dkt. No. 1, *Sullivan v. United States*, 5:26-cv-220 (M.D. FL. Mar. 27, 2026).

²¹ Alan Feuer, *Already Pardoned by Trump, Jan. 6 Rioters Push for Compensation*, NY Times (Aug. 31, 2025), <https://tinyurl.com/4cj6btzy>; The Gateway Pundit (@gatewaypundit), X (Aug. 28, 2025, at 7:01PM), <https://tinyurl.com/yxan7fzp>.

²² See Tillman, *supra* n.15.

²³ Tara Suter, *Trump suggests ‘compensation’ for pardoned Jan. 6 rioters*, The Hill (Mar. 26, 2025), <https://tinyurl.com/2p9ju5au>.

(S.D. Fla.), purportedly for damages he personally suffered because of a leak of his personal tax returns.

42. The DOJ did not defend the suit or even enter an appearance on behalf of its clients in that case. Instead, it engineered a “settlement” that created a \$1.776 billion slush fund to funnel public funds to those—like the January 6 Defendants—President Trump deems to be the victims of “lawfare” and government “weaponization.”²⁴ It further stated that the DOJ’s own conduct in investigating and prosecuting criminal wrongdoing was “representative of the sustained use of the levers of government power by Democrat elected officials, political and career federal employees, contractors, and agents.”²⁵

43. January 6 Defendants and their lawyers immediately announced their intention to seek money from the slush fund,²⁶ with one convicted defendant stating that news of the slush fund was “all over Twitter [and] our group chats.”²⁷

44. The DOJ’s announcement of the slush fund was met with immediate and bipartisan outrage. In the weeks that followed, a federal court blocked DOJ from creating the slush fund and Attorney General Tood Blanche was forced in oversight hearings and his own confirmation hearings to disavow DOJ’s intentions to move forward with it.²⁸ To date, the DOJ has not obtained

²⁴ See May 18 Settlement Agreement; May 18 Order.

²⁵ See May 18 Settlement Agreement ¶ II.C.

²⁶ See Marshall Cohen et al., *‘This is Long Overdue’: Jan. 6 Rioters and Election Deniers Celebrate Trump’s \$1.8 Billion Compensation Fund*, CNN (May 21, 2026), <https://tinyurl.com/25bp9v2v>.

²⁷ See Gabe Kaminsky, *Trump’s \$1.7+ Billion Fund Sparks Rush to Capitalize: “All J6ers Will Apply”*, CBS News (May 19, 2026), <https://tinyurl.com/mhh82eke>.

²⁸ House Appropriations Committee, Oversight Hearing – DOJ, at 40:30-41:00 (YouTube, June 2, 2026), <https://tinyurl.com/ym67xahs>; see also Order Rescinding Attorney General’s May 18, 2026 Order, Office of the Attorney General (Aug. 2, 2026), available at <https://perma.cc/3TGP-RKNV>.

President Trump’s assent to abandon the slush fund, as is required by the settlement agreement that established DOJ’s obligation to create it.²⁹

45. On July 13, 2026, the court in *Trump v. IRS* found that the “settlement agreement” creating the slush fund was “the product of collusion” with “no viable basis in law or fact.” Order, *Trump v. IRS*, 1:26-cv-20609-KMW at *1, 38 (S.D. FL. July 13, 2026). The court concluded that the settlement “was an attempt to use the court to provide some legitimacy to an agreement to . . . earmark billions of dollars from American taxpayers to redress grievances not defined in the law.” *Id.* at 55.

46. In the absence of the slush fund, the FTCA has re-emerged as the primary legal mechanism by which January 6 Defendants are pressing claims for money damages from the federal government, and the DOJ has indicated that it will pay them.

47. Peter Ticktin, an attorney representing more than 400 January 6 defendants, said he is “very optimistic” that the Trump administration will be receptive to his claims.³⁰ Former Proud Boy leader Enrique Tarrio, who was convicted of seditious conspiracy for his role in the January 6 attack, said, “I believe even if this fund is killed in courts or at a congressional level, the President will find a way. . . They can just settle the tort claims and lawsuits. That has no judicial review or congressional oversight. And it would mean a lot more money in compensation.”³¹

48. During the confirmation hearings for his nomination as Attorney General, Attorney General Blanche declined to commit to prohibiting DOJ payouts to January 6 Defendants or to

²⁹ *Id.* at 41:38

³⁰ Laura Romero and Peter Charalambous, *‘They should be reimbursed’: Jan. 6 defendants still eyeing payouts, despite scrapped \$1.8B fund*, ABC News (Jun. 3, 2026), <https://tinyurl.com/3ct7xamx>.

³¹ Anna Bower (@AnnaBower), X (Jun. 2, 2026, at 3:23PM), <https://tinyurl.com/44vfe342>.

issue a memorandum to that effect,³² and avoided answering whether DOJ has participated in any settlement discussions with them.³³ And when, mere hours after Attorney General Blanche told members of Congress that the DOJ would not be going forward with the slush fund, the late-Senator Lindsey Graham posted on X that January 6 Defendants could still be paid through the FTCA, Associate Attorney General Stanley Woodward responded, “We’re on it.”³⁴ AAG Woodward, who was a signatory to the sham settlement that established the slush fund, deleted his post the following day.³⁵

49. President Trump’s desire to pay January 6 Defendants has never wavered. In defending the slush fund, President Trump said, “I’m very proud to have given [all January 6 Defendants] pardons. And I think they should be reimbursed for a crooked government.”³⁶ President Trump also said he “love[d] the idea” of the Fund and that “[m]any of those people should be compensated.”³⁷

50. In fact, President Trump nominated Attorney General Blanche and urged his “immediate” confirmation specifically to ensure that January 6 Defendants receive taxpayer funds, stating that “the great American Patriots [January 6 Defendants] who were hunted down like dogs and whose lives were unfairly and illegally destroyed by the Crooked Joe Biden Administration” should “be given compensation for what has been done to them.”³⁸

³² *Id.* at 20.

³³ *Id.* at 25-26.

³⁴ Alexander Malin, *Top DOJ Official Deletes Post Suggesting Alternate Plan for Compensating Alleged ‘Weaponization’ Victims*, ABC News (June 3, 2026), <https://tinyurl.com/5ywphrxf>.

³⁵ *Id.*

³⁶ Pod Force One, *supra* n.3.

³⁷ Peter Nicholas, *Trump doesn’t rule out giving Jan. 6 rioters who attacked police payouts from the ‘anti-weaponization’ fund*, NBC News (June 7, 2026), <https://perma.cc/5256-CCXJ>.

³⁸ Pres. Donald J. Trump (@realDonaldTrump), Truth Social (July 31, 2026, 7:03 AM), <https://perma.cc/RM9D-66DQ>.

CREW's November 17, 2025 FOIA Request to the DOJ Civil Division

51. On November 17, 2025, CREW submitted a FOIA request to the DOJ Civil Division ("First CIV Request"). *See* Exhibit A.

52. CREW sought the following records:

1. From January 6, 2021 to the date this request is processed, any Standard Form 95 or other document asserting an administrative claim for relief under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671-2680, submitted pursuant to 28 C.F.R. § 14.2, by or on behalf of any individual who received a pardon or commutation via Presidential Proclamation 10887 of January 20, 2025 (90 F.R. 8331) 1 (hereinafter "January 6 Defendant"), including all documentation, exhibits, affidavits, and evidence submitted with such claims.
2. From January 6, 2021 to the date this request is processed, any final denial, issued pursuant to 28 C.F.R. § 14.9(a), of an administrative claim for relief under the FTCA submitted by or on behalf of a January 6 Defendant, including the statement of reasons for the denial and any other accompanying documentation.
3. From January 6, 2021 to the date this request is processed, any request for reconsideration of a final denial of any FTCA claim filed by or on behalf of a January 6 Defendant pursuant to 28 C.F.R. § 14.9(b), and any final disposition of the claim.
4. From January 6, 2021 to the date this request is processed, any document memorializing an award, compromise, or settlement made pursuant to 28 C.F.R. § 14.10, regarding any FTCA claim submitted by or on behalf of a January 6 Defendant, including records sufficient to identify the amount of any payment made, any related Standard Form 1145, any evidence of approval of the payment by the Attorney General or his or her designee, and any other accompanying documentation.

Exhibit A.

53. CREW sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and 28 C.F.R. § 16.10(k). *Id.*

54. On December 16, 2025, the Civil Division acknowledged receipt of the request and informed CREW that the request falls within the "unusual circumstances" exception to prescribed

FOIA time limits, providing no explicit timeline for records production was provided. *See* Exhibit B.

55. On December 22, 2025, CREW sought expedited processing of the First CIV Request pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(II) and 28 C.F.R. § 16.5(e)(1) on the grounds that the public’s need for records of FTCA requests by January 6 Defendants constitute a current exigency to the American public; a delay in processing would preclude the public from obtaining vital information necessary for the participation in the ongoing debate regarding the substance of such claims; DOJ’s decision whether to settle such administrative claims is a quintessential federal government activity; and the request presents a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” *See* Exhibit C.

56. On April 9, 2026, the Civil Division wrongly denied CREW’s expedition request under 28 C.F.R. § 16.5(e)(1)(ii) for a purported failure to “identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public’s right to know about government activities generally.” *See* Exhibit D. The Civil Division also wrongly denied CREW’s expedition request under 28 C.F.R. § 16.5(e)(1)(iv) after determining it “is not the subject of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” *Id.*

57. To date, CREW has received no other communications from the DOJ Criminal Division regarding the request.

CREW’s June 23, 2026 FOIA Request to the DOJ Civil Division

58. On June 23, 2026, CREW submitted a FOIA request to the DOJ Civil Division. (“Second CIV Request”) *See* Exhibit E.

59. CREW sought the following records from January 6, 2025 to the date the request was processed:

1. All records of communications between the DOJ and any individual who received a pardon or commutation via Presidential Proclamation 10887 of January 20, 2025 (90 Fed. Reg. 8331) (hereinafter “January 6 Defendant”) regarding Federal Tort Claims Act (“FTCA”) administrative claims, including but not limited to:

- a. Stephanie Baez
- b. Joshua Black
- c. Glenn Brooks
- d. Lloyd Cruz, Jr.
- e. Treniss Evans, III
- f. Derek Gunby
- g. Andrew Millard
- h. Kenneth Joseph Thomas
- i. John George Todd, III
- j. Andrew Quentin Taake
- k. Patrick Sullivan
- l. Marie Sullivan
- m. Alan E. Fischer, III
- n. Enrique Tarrio
- o. Zachary Rehl
- p. Ethan Nordean
- q. Joseph Biggs
- r. Dominic Pezzola
- s. Adam Johnson

2. All records of communications between the DOJ and any attorney representing any January 6 Defendant regarding FTCA administrative claims, including but not limited to:

- a. Peter Ticktin
- b. Roger Roots
- c. Stephen Austin Carr
- d. Mark McCloskey
- e. Thomas F. Ranieri
- f. Augustus Invictus
- g. Nayib Hassan

60. CREW sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and 28 C.F.R. § 16.10. *Id.*

61. CREW also sought expedited processing in accordance with 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e) on the grounds that, without timely disclosure and particularly in light of the DOJ's efforts to facilitate payments to January 6 Defendants, the public must understand how the DOJ is handling January 6 Defendants FTCA claims, delaying a response would undermine the public's ability to evaluate the integrity of such payments before taxpayer dollars are distributed, and this issue has been the subject of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence in the DOJ's review process for FTCA claims filed by January 6 Defendants.

62. On June 23, 2026, CREW submitted an identical FOIA request to the DOJ's Justice Management Division ("JMD"). *See* Exhibit E.

63. On June 26, 2026, JMD acknowledged receipt of CREW's request and determined that it "does not maintain the type of records [CREW] seek[s]." *See* Exhibit F. JMD also informed CREW that it "consulted" with the Civil Division and "determined they are the appropriate agency to handle [CREW's] request." *Id.*

64. On July 10, 2026, the Civil Division initially responded to the Second CIV Request. In so doing, the Civil Division first artificially construed the Second CIV Request as seeking records pertaining only to the January 6 Defendants identified by name in the text of the Second CIV Request rather than, as requested, all January 6 Defendants who received clemency or pardons as ordered in Presidential Proclamation 10887 of January 20, 2025 (90 Fed. Reg. 8331). *See* Exhibit G. The Civil Division's response made no reference to any January 6 Defendant not listed by name in the Second CIV Request.

65. The Civil Division also agreed to process the Second CIV Request only as it pertained to January 6 Defendants who have asserted FTCA claims in litigation in federal court,

amounting to only 12 of the January 6 Defendants: Stephanie Baez; Joshua Black; Glenn Brooks; Lloyd Cruz, Jr.; Treniss Evans, III; Derek Gunby; Andrew Millard; Kenneth Joseph Thomas; John George Todd, III; Patrick Sullivan; Marie Sullivan; and Alan E. Fischer, III. *Id.*

66. With respect to January 6 Defendants Enrique Tarrio, Zachary Rehl, Ethan Nordean, Joseph Biggs, Dominic Pezzola, and Adam Johnson, the Civil Division issued a Glomar response that the “office will neither confirm nor deny the existence of such records” because “without consent, proof of death, or an overriding public interest, disclosure of the existence or non-existence of any claim that has not been publicly acknowledged by a claimant could reasonably be expected to constitute a clearly unwarranted invasion of personal privacy.” *See* Exhibit G (citing 5 U.S.C. § 552(b)(6)). The Civil Division’s response made no effort to account for the fact that Tarrio, Rehl, Nordean, Biggs, Pezzola, and Johnson were convicted or pled guilty to federal crimes in connection with the January 6 attack, or that they filed suit for damages under the FTCA based on their prosecution.³⁹ The Civil Division did not attempt to account for the records regarding the remainder of the January 6 Defendants.

67. The Civil Division further wrongly denied CREW’s expedition request under 28 C.F.R. § 16.5(e)(1)(ii) for a purported failure to “identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public’s right to know about government activities generally.” *Id.* The Civil Division also wrongly denied CREW’s expedition request under 28 C.F.R. § 16.5(e)(1)(iv) after determining it “is not the subject of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” *Id.*

³⁹ *See* Complaint, *Tarrio v. United States*, No. 25-cv-00998-AGM-DCI (M.D. Fla. June 6, 2025).

68. Lastly, the Civil Division informed CREW that the request falls within the “unusual circumstances” exception to prescribed FOIA time limits. *Id.* No explicit timeline for records production was provided. *Id.*

69. On July 23, 2026, CREW appealed the Civil Division’s determination of its Second CIV Request, claiming that the Civil Division improperly denied CREW’s request for expedited processing and narrowed the Request’s scope. *See* Exhibit H.

70. On July 24, 2026, the DOJ’s Office of Information Policy (“OIP”) confirmed receipt of CREW’s appeal and assigned it a tracking number. *See* Exhibit I.

71. To date, CREW has received no other communications from the DOJ Civil Division or OIP regarding the request or appeal.

CREW’s June 23, 2026 FOIA Request to the Office of the Associate Attorney General

72. On June 23, 2026, CREW submitted a FOIA request to OASG. *See* Exhibit J.

73. That request sought the following records from January 6, 2025 to the date the request was processed:

1. All records of communications between any employee in the Office of the Associate Attorney General, including Associate Attorney General Stanley Woodward and any individual who received a pardon or commutation via Presidential Proclamation 10887 of January 20, 2025 (90 Fed. Reg. 8331) (hereinafter “January 6 Defendant”), including but not limited to:
 - a. Stephanie Baez
 - b. Joshua Black
 - c. Glenn Brooks
 - d. Lloyd Cruz, Jr.
 - e. Treniss Evans, III
 - f. Derek Gunby
 - g. Andrew Millard
 - h. Kenneth Joseph Thomas
 - i. John George Todd, III
 - j. Andrew Quentin Taake
 - k. Patrick Sullivan

- l. Marie Sullivan
 - m. Alan E. Fischer, III
 - n. Enrique Tarrio
 - o. Zachary Rehl
 - p. Ethan Nordean
 - q. Joseph Biggs
 - r. Dominic Pezzola
 - s. Adam Johnson
2. All records of communications between any employee in the Office of the Associate Attorney General, including Associate Attorney General Stanley Woodward, and any attorney representing any January 6 Defendant, including but not limited to:
 - a. Peter Ticktin
 - b. Roger Roots
 - c. Stephen Austin Carr
 - d. Mark McCloskey
 - e. Thomas F. Ranieri
 - f. Augustus Invictus
 - g. Nayib Hassan
3. All records from the Office of the Associate Attorney General regarding Federal Tort Claims Act (“FTCA”) claims submitted by January 6 Defendants.

74. CREW sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and 28 C.F.R. § 16.10. *Id.*

75. CREW also sought expedited processing in accordance with 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e) on the grounds that, without timely disclosure, the public will not know whether the DOJ is colluding with January 6 Defendants to facilitate FTCA settlement payments, delaying a response would undermine the public’s ability to evaluate the integrity of such payments before taxpayer dollars are distributed, and that this issue has been the subject of national press coverage, raising possible questions about the government’s integrity which affect public confidence in the DOJ’s review process for FTCA claims filed by January 6 Defendants.

76. To date, CREW has received no communications from OASG regarding the request.

CREW'S CLAIMS FOR RELIEF

COUNT I

Violation of FOIA – Failure to Grant Expedited Processing (5 U.S.C. § 552)

77. CREW re-alleges and incorporates by reference all preceding paragraphs.

78. In its November 17, 2025 FOIA request to the DOJ Civil Division, CREW properly sought records within the possession, custody, and control of Defendant.

79. CREW further requested expedited processing of that FOIA request on December 22, 2025.

80. In its June 23, 2026 FOIA requests to the DOJ Civil Division and OASG, CREW properly sought records within the possession, custody, and control of Defendant.

81. CREW further requested expedited processing of its FOIA request.

82. CREW properly sought expedition of these requests from Defendants because of the urgency to inform the public about an actual or alleged federal government activity.

83. CREW further properly sought expedition because the subject of the request is a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

84. CREW is primarily engaged in disseminating information.

85. Defendants wrongfully denied CREW's request for expedited processing and improperly failed to process CREW's request on an expedited basis.

86. An agency's denial of a request for expedited processing or an agency's failure to respond within 10 calendar days to a request for expedited processing is subject to judicial review. 5 U.S.C. § 552(a)(6)(E)(iii).

87. By denying CREW's request for expedition and failing to expeditiously release all requested non-exempt records to CREW, Defendant is in violation of FOIA.

88. Accordingly, CREW is entitled to injunctive and declaratory relief requiring Defendant to process and disclose all non-exempt requested records to CREW on an expedited basis.

COUNT II
Violation of FOIA – Wrongful Withholding of Agency Records
(5 U.S.C. § 552)

89. CREW re-alleges and incorporates by reference all preceding paragraphs.

90. In its November 17, 2025 request to the DOJ Civil Division, CREW properly sought records within the possession, custody, and control of Defendant.

91. In its June 23, 2026 FOIA requests to the DOJ Civil Division and OASG, CREW properly sought records within the possession, custody, and control of Defendant.

92. Defendant wrongfully withheld agency records requested by CREW by failing to make determinations on CREW's requests within the statutorily prescribed time period of 30 business days, as required by 5 U.S.C. § 552(a)(6)(A-B), and by continuing to withhold documents that are non-exempt and responsive to CREW's FOIA requests.

93. CREW has constructively exhausted its administrative remedies.

94. Accordingly, CREW is entitled to injunctive and declaratory relief requiring Defendant to immediately process and disclose all non-exempt requested records to Plaintiff.

REQUESTED RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

(1) Order Defendant DOJ to grant expedited processing of CREW's FOIA requests to the DOJ Civil Rights Division and Office of the Associate Attorney General, and

- immediately and fully process that request and disclose all non-exempt documents to
CREW;
- (2) Declare CREW is entitled to the expedited processing and disclosure of the non-exempt records it has requested under FOIA;
 - (3) Order Defendant to preserve all records, in whatever form they exist, potentially responsive to all of CREW's pending FOIA requests prior to and during the processing of these requests;
 - (4) Order Defendant to grant CREW's requests for fee waivers;
 - (5) Provide for expeditious proceedings in this action;
 - (6) Retain jurisdiction of this action to ensure no agency records are wrongfully withheld and ensure compliance with this Court's orders;
 - (7) Award Plaintiff its costs and reasonable attorneys' fees in this action; and
 - (8) Grant such other relief as the Court may deem just and proper.

Date: September 3, 2026

Respectfully Submitted,

/s/ Samantha Y. Suman

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Lauren C. Bingham (D.C. Bar. No. 90043462)

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A large black rectangular redaction box covering the signature and name of the individual(s) who submitted the document.

Counsel for Plaintiff