

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DUSTIN MICHAEL SLAUGHTER,  
 ●

*Plaintiff,*

v.

Civil Action No. 23-1406

NATIONAL OCEANIC AND  
ATMOSPHERIC ADMINISTRATION,  
1401 Constitution Avenue NW, Room 5128  
Washington, DC 20230

*Defendant.*

**COMPLAINT**

**I. INTRODUCTION**

1. Plaintiff DUSTIN MICHAEL SLAUGHTER is a citizen of the United States of America and resident of the Commonwealth of Pennsylvania. Plaintiff, in his role as an independent journalist, has made a request for records on March 16, 2022 and has not received any records. Defendant has violated the Freedom of Information Act (FOIA) as is more clearly described below.

2. Plaintiff brings this action seeking declaratory and injunctive relief to redress violations of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et. seq., by Defendant National Oceanic and Atmospheric Administration (hereinafter "NOAA" or "Defendant") in failing to

provide Plaintiff with all non-exempt records responsive to his FOIA request, seeking records from NOAA.

## **II. JURISDICTION**

3. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) (FOIA citizen suit provision) and 28 U.S.C. § 1331 (federal question).

## **III. VENUE**

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

## **IV. PARTIES**

5. Plaintiff is a citizen of the United States of America and of the State of Pennsylvania.

6. Defendant NOAA is a federal agency of the United States, and as such, is an agency subject to the FOIA, pursuant to 5 U.S.C. § 552(f).

## **V. LEGAL FRAMEWORK OF FOIA**

7. FOIA requires, *inter alia*, that all federal agencies must promptly provide copies of all non-exempt agency records to those persons who make a request for records that reasonably describes the nature of the records sought, and which conform with agency regulations and procedures in requesting such records. 5 U.S.C. § 552(a)(3)(A).

8. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

9. Under FOIA, the federal agency has the burden to sustain its actions. 5 U.S.C. § 552(a)(4)(B). As described below, Plaintiff has repeatedly requested that the

Defendant provide an estimated date of completion for the above-captioned request, as permitted under FOIA. 5 U.S.C. 552(a)(7)(B). Defendant has failed to provide an estimated date of completion for Plaintiff's request. Defendant has also failed to produce responsive records or otherwise segregable portions thereof within 20 working days as required by statute.

10. Pursuant to FOIA, this Court may assess attorneys' fees and litigation costs against the United States if the Plaintiff prevails in this action. 5 U.S.C. § 552(a)(4)(E).

### **PLAINTIFF'S FOIA REQUEST**

11. Plaintiff is currently an independent journalist who has been utilizing public record requests to accurately and thoroughly source his journalism for approximately a decade.

12. On March 16, 2022, Plaintiff filed a request to Defendant, using Defendant's FOIA portal. Plaintiff's request seeks Unidentified Aerial Phenomena (UAP) and Unidentified Undersea Phenomena (UUP) related records held by Defendant NOAA, specifically: "Any and all records exchanged between the National Oceanic and Atmospheric Administration and the Office of the National Director of Intelligence (ODNI) regarding unidentified aerial phenomena (UAP), unidentified flying objects (UFOs), unidentified submerged objects (USOs), unidentified objects, unidentified craft, the Advanced Aerospace Threat Identification Program (AATIP), Advanced Aerial Threat Identification Program (AATIP), the Unidentified Aerial Phenomena Task Force (UAPTF), the Airborne Object Identification and Management Executive Council (AOIMEXEC), and the Airborne Object Identification and Management Synchronization Group (AOIMSG). This request includes any and all emails, email attachments, physical correspondence, memorandums, photographs, video,

official reports, bulletins, meeting minutes, maps, audio recordings, and any and all other responsive records and segregable materials. Please interpret the scope of this request as broadly and in the most liberal way possible. Please conduct searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request. Please also include with NOAA's final response any and all processing notes associated with this request." Exhibit 101 is the request and it is attached and made part of this Complaint.

13. Plaintiff upon knowledge and belief alleges that Defendant possesses records responsive to this request for reasons put forth below and has not searched for and released these records.

14. A spokesperson for Defendant recently indicated in an email to Plaintiff that Defendant "did participate in past interagency discussions" on the matter of UAP. Exhibit 102 is this email and it is attached and made part of this Complaint.

15. A former Deputy Administrator for Defendant wrote a piece of commentary with a former Deputy Assistant Secretary of Defense for Intelligence calling for serious and robustly funded research into Unidentified Undersea Phenomena (UUP). Plaintiff in-part seeks records from Defendant on UUP in addition to UAP. Exhibit 103 is this article and it is attached and made part of this Complaint.

16. Spokespersons for the United States Department of Defense -- including the current head of the Pentagon's UAP office, the All-domain Anomaly Resolution Office (AARO), and Pentagon Press Secretary Pat Ryder -- have publicly discussed Defendant's assistance with the DOD and other interagency partners regarding the topic of UAP. These two transcripts are attached as Exhibits 104 and 105, respectively, and are made part of this Complaint.

17. A leaked US Navy video publicized in May 2021 depicts an unidentified object hovering over the water off the coast of California before plunging into the waves. The DOD confirmed the video's authenticity and indicated that the video was being investigated by the Pentagon as an unidentified phenomenon. An article from a reputable mainstream news outlet about this leaked video is attached as Exhibit 106 and is made part of this Complaint.

18. Shortly after receipt of Plaintiff's request for records, Defendant acknowledged this request and assigned it reference number DOC-NOAA-2022-001129. Exhibit 107 is the acknowledgement and it is attached and made part of this Complaint.

19. As the statutory deadline for completion of this request was on or around April 21, 2022, Plaintiff, on May 3 and May 9, 2022, requested an estimated date of completion from Defendant, as permitted under FOIA. 5 U.S.C. 552(a)(7)(B). No response was received. Exhibit 108 and 109 are these requests for estimated completion dates and are attached as part of this Complaint.

20. On May 11, 2022, NOAA returned a "no records" response. Exhibit 110 is the "no records" response and it is attached and made part of this Complaint.

21. On May 11, 2022, Plaintiff appealed NOAA's no records response. Plaintiff pointed out in his administrative appeal that UAP-related records likely exist due to the fact that NOAA provided input to the Office of Director of National Intelligence's *Preliminary Assessment: Unidentified Aerial Phenomena*. Plaintiff cited Page Two of the ODNI's *Preliminary Assessment* as evidence of coordination between NOAA and ODNI. Exhibit 111 is Plaintiff's administrative appeal and it is attached and made part of this Complaint.

22. On May 16, 2022, Defendant acknowledged Plaintiff's appeal and assigned it reference number DOC-OS-2022-001632. Exhibit 112 is the acknowledgement document and it is attached and made part of this Complaint.

23. On December 1, 2022, Plaintiff requested an estimated date of completion from Defendant, as permitted under FOIA. 5 U.S.C. 552(a)(7)(B). No response was received. This request for an estimated completion date is Exhibit 113 and is attached and made part of this Complaint.

24. On February 9, 2023, Plaintiff requested an estimated date of completion from Defendant, as permitted under FOIA. 5 U.S.C. 552(a)(7)(B). No response was received. This request for an estimated completion date is Exhibit 114 and is attached and made part of this Complaint.

25. On April 20, 2023, Plaintiff requested an estimated date of completion from Defendant, as permitted under FOIA. 5 U.S.C. 552(a)(7)(B). Defendant responded that this request would be forwarded to the Department of Commerce Appeals Office. No subsequent response has been received to-date. This request and response are attached and made part of this Complaint as Exhibits 115 and 116, respectively.

26. As of the date of the filing of this Complaint, Defendant has not issued a final response or decision on Plaintiff's administrative appeal.

27. Plaintiff has been required to retain counsel and seeks reasonable costs and attorneys' fees for the work required in this judicial review.

#### **CLAIM FOR RELIEF**

28. Plaintiff realleges and incorporates by reference all of the preceding paragraphs.

29. Plaintiff has been and will continue to be irreparably harmed until Defendant is ordered to conduct an adequate search for records and release all non-exempt records, responsive to Plaintiff's requests as described by preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Order Defendant to adequately search for and then release all non-exempt records, responsive to Plaintiff's request described in this Complaint;
- (2) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i); and
- (3) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully submitted this 17th day of May, 2023.

/s/ C. Peter Sorenson

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