

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

Jeffrey Nathan Lewis

(Enter full name of plaintiff(s))

**Plaintiff(s),**

v.

Federal Aviation Administration

Victoria B. Wassmer

Timothy F. Kubik, and Douglas C. Taylor

(Enter full name of ALL defendant(s))

**Defendant(s).**

Civil Case No. **CV 11-1458-AC**  
(to be assigned by Clerk of the Court)

**COMPLAINT**

Jury Trial Demanded

Yes  No

**I. PARTIES**

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

**Plaintiff**

Name: Jeffrey N. Lewis

Street Address: 28242 S. Salo Road

City, State & Zip Code: Mulino, OR 97042

Telephone No. 971-295-7669

**Defendant No. 1** Name: Victoria B. Wassmer  
Street Address: FAA, 800 Independence Avenue, SW  
City, State & Zip Code: Washington, DC 20591  
Telephone No. 202-267-9105

**Defendant No. 2** Name: Timothy F. Kubik  
Street Address: FAA, 15000 Aviation Boulevard  
City, State & Zip Code: Lawndale, CA 90261  
Telephone No. 310-725-7800

**Defendant No. 3** Name: Douglas C. Taylor, Ph.D.  
Street Address: FAA, 800 Independence Avenue, SW  
City, State & Zip Code: Washington, DC 20591  
Telephone No. 202-267-3702

**Defendant No. 4** Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State & Zip Code: \_\_\_\_\_  
Telephone No. \_\_\_\_\_

## II. JURISDICTION

*Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. A case involving the United States Constitution or federal laws or treaties is a federal question case. A case in which a citizen of one state sues a citizen of another state and the amount in damages claimed is more than \$75,000 is a diversity of citizenship case.*

A. What is the basis for federal court jurisdiction (*check all that apply*)

Federal Question

Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory, or treaty right is at issue?

Freedom of Information Act (5 U.S. Code, Section 552a)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

### III. STATEMENT OF CLAIMS

#### Claim I

*State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.*

Victoria B. Wassmer is the Assistant Administrator for Finance and Management, at FAA Headquarters. In a letter received on November 7, 2011, Ms. Wassmer was the official responsible for the denial of my Appeal of FOIA 2011-4258. Ms. Wassmer cited FOIA Exemption #5. However, the records being withheld do not qualify for application of FOIA Exemption #5.

Ms. Wassmer's action denied me my right to access disclosable Agency records. I was wrongfully dismissed by FAA in November 2008, and have been diligently working to obtain Agency records, in defense of my good reputation, and to aid higher FAA officials in recognizing the need to correct an Agency error. Agency misapplication of FOIA Exemption #5 impedes my access to critically needed records, and thus obstructs my fundamental right to Due Process.



**IV. RELIEF**

*State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.*

I ask that the Court sustain my rights under the FOIA Law. Direct Agency to cease their misapplication of FOIA Exemption #5, and cease their use of the pay-to-play tactic for constructively denying FOIA rights. Direct Agency to produce all withheld copies from the six (6) FOIA requests listed below, for an in camera review by the Court. Lastly, facilitate an opportunity for me to view and/or make copies of all disclosable records, at a reasonable location, within the commute area of this Court.

The impacted FOIA requests are: FOIA 2010-3323; FOIA 2010-4091; FOIA 2010-5324-remand; FOIA 2010-5390; FOIA 2011-4258; and FOIA 2011-6114.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5th day of December, 2011.



(Signature of Plaintiff(s))