

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

FOOD PROJECT ASSOCIATION  
d/b/a FARMSTAND,

Plaintiff,

Case No. 1:25-cv-1146

v.

UNITED STATES DEPARTMENT  
OF STATE,

Defendant.

**COMPLAINT**

Plaintiff FarmSTAND, by its undersigned attorneys, alleges:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to obtain an order for the production of agency records from the United States Department of State (“State Department” or the “Department”) in response to a request properly made by the Plaintiff.

**PARTIES**

2. The Food Project Association, d/b/a FarmSTAND (“FarmSTAND”) is a non-profit legal advocacy organization headquartered in Washington, D.C., that works to dismantle structures that enable the consolidation of corporate power and extractive practices in our food system, and aims to build an agriculture system that is regenerative, humane, and owned by independent farmers.

3. FarmSTAND often represents workers in the animal agriculture industry. As relevant here, FarmSTAND represents several Guatemalan nationals who came to the United States on Exchange Visitor (J-1) visas believing they would be participating in internships as part of a

cultural exchange program, but instead were forced to provide general labor to an industrial swine operation for long hours and low pay.

4. Defendant State Department is an agency of the federal government within the meaning of 5 U.S.C. § 551(1) that has possession and control of the records that FarmSTAND seeks.

### **JURISDICTION, VENUE, AND EXHAUSTION**

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

6. Venue is premised on Plaintiff's place of business and is proper in this district under 5 U.S.C. § 552(a)(4)(B).

7. FarmSTAND has exhausted all administrative remedies available regarding the request at issue. *See* U.S.C. § 552(a)(6)(C).

### **FACTS**

8. On June 27, 2024, FarmSTAND submitted a FOIA request to the State Department for documents held by the Department's Bureau of Education and Cultural Affairs related to the J-1 Exchange Visitor Program ("the Request"). *See* Exhibit A.

9. Specifically, the Request sought "all documents, emails and correspondence mentioning or concerning" the J-1 visa "host organization 'Livingston Enterprises, Inc.' or 'Livingston Enterprises' in Fairbury, Nebraska" from January 1, 2019 to the present, "including but not limited to all Training/Internship Placement Plans (State Dept. Form DS-7002) with" J-1 visa "sponsor organization Worldwide Farmers Exchange" ("WFE").

10. The Request further sought "any correspondence from and between [WFE] and the

Bureau's Office of Private Sector Exchange Administration" from August 25, 2022 to March 1, 2023.

11. Finally, the Request sought, for 2022 and 2023, the Annual Reports (State Dept. Form DS-3097) and Program Evaluations for the J-1 Exchange Visitor Program that WFE submitted to the Bureau.

12. On June 27, 2024, the State Department emailed confirming receipt of the Request, assigning it reference number F-2024-13746. *See* Exhibit B.

13. On July 15, 2024, the Department emailed a confirmation again, indicating that the FOIA Office had placed the Request in the "complex processing track," citing "unusual circumstances" in accordance with 5 U.S.C. § 552(a)(6)(B)(i)-(iii), because the Request required the Department "to search for and collect requested records from other Department offices or Foreign Service posts." *See* Exhibit C.

14. The Department further indicated that it would "not be able to respond within the 20 days provided by the statute due to [these] 'unusual circumstances,'" but stated that the Request would be "processed as quickly as possible" in accordance with 22 CFR § 171.11(h). *Id.* The Department did not provide a date by which it expected to make a determination on the Request.

15. On January 2, 2025, having heard nothing from the Department since this July 2024 email, FarmSTAND emailed the Department requesting an estimated date of completion for the Request. FarmSTAND further indicated that "[i]f narrowing the request would speed its processing, [FarmSTAND] would also like to discuss potential narrowing options with the FOIA processing officer." *See* Exhibit D.

16. On February 24, 2025, the Department responded, informing FarmSTAND that the Request had been assigned to the Department's Directorate for Visa Services in the Bureau of Consular Affairs, and was in process. *Id.*

17. A few days later, FarmSTAND requested to be put in direct contact with the Directorate for Visa Services, to determine whether the Request could be narrowed to speed its processing and whether the Directorate could provide an estimated date of completion. *Id.*

18. On March 19, 2025, the Department responded, informing FarmSTAND that the estimated date of completion for the Request was September 30, 2026, and noting the Department's current backlog of FOIA requests. *Id.*

### **COUNT I**

19. FarmSTAND repeats, realleges, and reincorporates the allegations in the foregoing paragraphs as though fully set forth herein.

20. The State Department is an agency subject to FOIA and must therefore release in response to a FOIA request any non-exempt, segregable records in its possession at the time of the request and provide a lawful reason for withholding any materials it claims are exempt.

21. Under 5 U.S.C. § 552(a)(6)(C)(i), FarmSTAND has exhausted all administrative remedies under FOIA as to the Request, because the Department has failed to produce records or communication responsive to the Request. Specifically, within the statutory timeframe, the Department failed to render a determination under 5 U.S.C. § 552(a)(6)(A)(i) that included the scope of the documents it intends to produce, the reasons for withholding any documents, and a statement informing the Plaintiff that it can appeal whatever portion of the "determination" is adverse.

22. Accordingly, FarmSTAND is entitled to an order compelling the State Department to

produce records responsive to the Request.

**PRAYER FOR RELIEF**

**WHEREFORE**, FarmSTAND respectfully requests that this Court:

23. Declare that the documents sought by the Request, as described in the foregoing paragraphs, are public under 5 U.S.C. § 552 and must be disclosed;

24. Order the State Department to undertake an adequate search for the requested records and provide those records to FarmSTAND within 20 business days of the Court's order;

25. Award FarmSTAND the costs of this proceeding, including reasonable attorney's fees, as expressly permitted by FOIA, 5 U.S.C. § 552(a)(4)(E)(i); and

26. Grant FarmSTAND such other and further relief as this Court deems just and proper.

Dated April 16, 2025

Respectfully submitted,

/s/ Nathan Leys

Nathan Leys  
DC Bar No. 90018987  
DDC Bar No. CT0022  
FarmSTAND  
712 H Street NE  
Suite 2534  
Washington, DC 20002  
202-630-3095  
Email: nathan@farmstand.org

Melia Amal Bouhabib  
TN Bar No. 035588 (*Pro Hac Vice*  
*admission forthcoming*)  
FarmSTAND  
712 H Street NE  
Suite 2534  
Washington, DC 20002  
202-630-3095  
Email: amal@farmstand.org

Kelsey R. Eberly  
DC Bar No. 90021503 (*Pro Hac Vice*  
*admission forthcoming*)  
FarmSTAND  
712 H Street NE  
Suite 2534  
Washington, DC 20002  
202-630-3095  
Email: kelsey@farmstand.org

# **Exhibit A**

## Submit New Request

## Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

**Kelsey Eberly**

712 H Street Northeast  
Ste 2534  
Washington, DC 20002  
kelsey@farmstand.org

Requester Default Category: Other (General Public)

## General Information

Action Office	IPS
Action Office Instructions	Department of State
Request Type	FOIA
Requester Category	Other (General Public)
Delivery Mode	PAL Download

## Shipping Address

Street1	712 H Street Northeast
Street2	Ste 2534
Country	United States
City	Washington
State	District of Columbia
Other State/Province (Int'l)	
Zip Code	20002

## Description of Records

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, from FarmSTAND, a non-profit organization that works to dismantle the structures that enable the consolidation of corporate power and extractive practices in our food system in order to build an animal agriculture system that is regenerative, humane, and owned by independent farmers. FarmSTAND requests from the U.S. Department of State ("State Department") the following: Records from the U.S. Department of State Bureau of Educational and Cultural Affairs concerning the Exchange Visitor Program—specifically, the following records concerning participants in the J-1 visa program (Intern and Trainee category):

(1) From Jan. 1, 2019 to the present, all documents, emails, and correspondence mentioning or concerning the host organization "Livingston Enterprises, Inc." or "Livingston Enterprises" in Fairbury, Nebraska, including but not limited to all Training/Internship Placement Plans (State Dept. Form DS-7002) with sponsor organization Worldwide Farmers Exchange;

(2) From Aug. 25, 2022 to March 1, 2023, any correspondence from and between sponsor organization Worldwide Farmers Exchange and the Bureau's Office of Private Sector Exchange Administration (may have been from worldwidefarmers@gmail.com to/between jvisas@state.gov or interntraineenotify@state.gov); and

(3) For 2022 and 2023, the Annual Reports (form DS-3097) and Program Evaluations for the J-1 Exchange Visitor Program submitted by sponsor organization Worldwide Farmers Exchange to the Bureau of Educational and Cultural Affairs.

#### Records Description

If you decide to invoke a FOIA exemption to withhold or redact records, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes:

1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and
2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material.

Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation.

As mandated in FOIA, we anticipate a reply within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i). We request that you provide the records in electronic format, emailed to kelsey@farmstand.org. Please email me to discuss the scope of this request if the request is unclear or if the responsive records are voluminous.

Date Range for Record Search: From  
Date Range for Record Search: To  
Description Document

01/01/2019

06/27/2024

#### FOIA Visa Add'l Information

Visa Applicant Name  
Aliases  
Date of Birth  
Applicant's Place of Birth  
Case/Receipt #

#### Fee Information

Willing Amount \$25  
Fee Waiver Requested Yes, 2024.06.27 FarmSTAND Fee Waiver Req.pdf  
Fee Waiver Request Reason Please see attached request  
Willing to Pay All Fees No

#### Expedite Information

Check to Request Expedite  
Reason for Expedite Request

No



# **Exhibit B**



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**Ref: F-2024-13746**

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**From** foiastatus@state.gov <foiastatus@state.gov>

**Date** Thu 6/27/2024 9:56 AM

**To** Kelsey Eberly <kelsey@farmstand.org>

Dear Kelsey Eberly:

Thank you for filing your information access request to the U.S. Department of State. Your request number is F-2024-13746.

You will receive a formal acknowledgement to your request in no later than 10 working days. If the Department requires additional information from you, then you will also be notified.

Should you have any questions about your request, you may also contact us at:

FOIAStatus@state.gov

Regards,  
Requesters Communications Branch  
Office of Information Programs and Services  
U.S. Department of State

# Exhibit C

## Sylvia Regan

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**From:** A\_FOIAacknowledgement@groups.state.gov  
**Sent:** Monday, July 15, 2024 8:44 AM  
**To:** Kelsey Eberly  
**Subject:** Ref: F-2024-13746, Freedom of Information Act Acknowledgement  
**Attachments:** PAL Request Form.pdf; 2024.06.27 FarmSTAND Fee Waiver Req.pdf

\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\*

Dear Ms. Eberly:

This email acknowledges receipt of your June 27, 2024, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on June 27, 2024.

You are seeking a copy of This is a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, from FarmSTAND, a non-profit organization that works to dismantle the structures that enable the consolidation of corporate power and extractive practices in our food system in order to build an animal agriculture system that is regenerative, humane, and owned by independent farmers. FarmSTAND requests from the U.S. Department of State (“State Department”) the following: Records from the U.S. Department of State Bureau of Educational and Cultural Affairs concerning the Exchange Visitor Program—specifically, the following records concerning participants in the J-1 visa program (Intern and Trainee category): (1) From Jan. 1, 2019 to the present, all documents, emails, and correspondence mentioning or concerning the host organization “Livingston Enterprises, Inc.” or “Livingston Enterprises” in Fairbury, Nebraska, including but not limited to all Training/Internship Placement Plans (State Dept. Form DS-7002) with sponsor organization Worldwide Farmers Exchange; (2) From Aug. 25, 2022 to March 1, 2023, any correspondence from and between sponsor organization Worldwide Farmers Exchange and the Bureau’s Office of Private Sector Exchange Administration (may have been from worldwidefarmers@gmail.com to/between jvisas@state.gov or interntraineenotify@state.gov); and (3) For 2022 and 2023, the Annual Reports (form DS-3097) and Program Evaluations for the J-1 Exchange Visitor Program submitted by sponsor organization Worldwide Farmers Exchange to the Bureau of Educational and Cultural Affairs. If you decide to invoke a FOIA exemption to withhold or redact records, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes: 1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and 2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation. As mandated in FOIA, we anticipate a reply within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i). We request that you provide the records in electronic format, emailed to kelsey@farmstand.org. Please email me to discuss the scope of this request if the request is unclear or if the responsive records are voluminous. (Date Range for Record Search: From 01/01/2019 To 06/27/2024). Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h).

This Office will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

You will not be charged FOIA processing fees.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at [FOIAstatus@state.gov](mailto:FOIAstatus@state.gov) or telephone at 202-261-8484. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov) ; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***

# Exhibit D



Outlook

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**RE: Status inquiry for FOIA request F-2024-13746**

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**From** FOIA Status <FOIAStatus@state.gov>  
**Date** Wed 3/19/2025 9:23 AM  
**To** Kelsey Eberly <kelsey@farmstand.org>

Ms. Eberly,

This is in reference to your email below regarding your FOIA request control number F-2024-13746.

Please be advised that the Department currently has a backlog of FOIA requests, and there will be a delay in processing requests. As the Department continues to work through its backlog of FOIA requests, it is mindful of its accountability to the public and is processing this request as quickly as possible.

Our electronic records system indicates that your request is being processed. At this time, the updated estimated date of completion (EDC) is September 30, 2026. EDCs are estimates and are subject to change. If your request can be completed prior to the EDC, a response will be sent to you sooner. If you wish to narrow the scope of the request, please send an email to the FOIA Requester Service Center at [foiastatus@state.gov](mailto:foiastatus@state.gov) and we will forward it to the processing team.

We truly appreciate your continued patience and apologize for the delayed response.

Sincerely,

U.S. Department of State  
FOIA Requester Service Center

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**From:** Kelsey Eberly <kelsey@farmstand.org>  
**Sent:** Friday, February 28, 2025 10:29 AM  
**To:** FOIA Status <FOIAStatus@state.gov>  
**Subject:** RE: Status inquiry for FOIA request F-2024-13746

Thank you. Might you be able to connect me with the FOIA officer or responsible individual at the Directorate for Visa Services in the Bureau of Consular Affairs, so that we can start a dialogue about the

scope of the request and the estimated date of completion?

Kind regards,

**Kelsey Eberly** she/her  
**SENIOR STAFF ATTORNEY**

609.744.4359

[kelsey@farmSTAND.org](mailto:kelsey@farmSTAND.org)

[farmSTAND.org](http://farmSTAND.org)

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**From:** FOIA Status <[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)>  
**Sent:** Monday, February 24, 2025 2:54 PM  
**To:** Kelsey Eberly <[kelsey@farmstand.org](mailto:kelsey@farmstand.org)>  
**Subject:** RE: Status inquiry for FOIA request F-2024-13746

Dear Kelsey Eberly,

This is in reference to your email below regarding your FOIA request control number F-2024-13746.

The Information Access Programs Directorate records system indicates that your request has been assigned to the Directorate for Visa Services in the Bureau of Consular Affairs. Please note that we have forwarded your email regarding the possibility of narrowing the scope of your request to that office.

Our records indicate that your request is in process. We will follow-up with you when an estimated date of completion (EDC) has been determined.

Thank you in advance for your patience.

Sincerely,

U.S. Department of State  
FOIA Requester Service Center

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**From:** Kelsey Eberly <[kelsey@farmstand.org](mailto:kelsey@farmstand.org)>  
**Sent:** Thursday, January 2, 2025 3:15 PM  
**To:** FOIA Status <[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)>  
**Cc:** Sylvia Regan <[sylvia@farmstand.org](mailto:sylvia@farmstand.org)>; Amal Bouhabib <[amal@farmstand.org](mailto:amal@farmstand.org)>  
**Subject:** Status inquiry for FOIA request F-2024-13746

Good afternoon FOIA Service Center,



Could you please let me know the status of the FOIA request with the subject reference number **F-2024-13746**, submitted June 27, 2024 and concerning specified participants in the Exchange Visitor Program (J-1 visa)? Please provide an estimated date of completion. If narrowing the request would speed its processing, I would also like to discuss potential narrowing options with the FOIA processing officer. Thank you for your prompt attention.

Kind regards,

Kelsey Eberly



**Kelsey Eberly** she/her  
**SENIOR STAFF ATTORNEY**

609.744.4359

[kelsey@farmSTAND.org](mailto:kelsey@farmSTAND.org)

[farmSTAND.org](http://farmSTAND.org)

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**FIGHTING FOR A FAIR FOOD SYSTEM—  
IN COURTROOMS AND COMMUNITIES**

*Admitted to practice in the District of Columbia, California, and Vermont*