

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

THEODORE D. KARANTSALIS,

Plaintiff,

v.

DEPARTMENT OF DEFENSE
1155 Defense Pentagon
Washington, D.C. 20301

and

DEPARTMENT OF THE AIR FORCE
1000 Air Force Pentagon
Washington, D.C. 20330

Defendants.

CIV - GOLD

**MAGISTRATE JUDGE
TURNOFF**

2006 JAN 27 PM 12:51
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
JAN 27 2006

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from plaintiff by defendants Department of Defense and Department of the Air Force.

Jurisdiction and Venue

2. This 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). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).
3. Defendants Department of Defense and Department of the Air Force are Departments of the Executive Branch of the United States Government. Department of Defense and Department of the Air Force are agencies within the meaning of 5 U.S.C. § 552(f).

[Handwritten signature]

Introduction

4. On April 14, 1986, President Ronald Reagan gave the order to launch Operation El Dorado Canyon.
5. Captain Paul Lorence ("Lorence") and Captain Fernando L. Ribas-Dominicci ("Ribas") engaged in a preemptive strike designed to deter future acts of international terrorism and both died during one of our country's most courageous military operations.
6. For years, Libya denied the existence of the wreckage and the remains of Lorence and Ribas.
7. In 1989, Pope John Paul II successfully intervened and persuaded Libya to return the remains of Ribas.
8. In 2001, plaintiff contacted Congressman Wally Herger ("Herger") for assistance to retrieve Lorence's remains from Libya. Exhibit A.
9. To date, Herger's attempts to locate Lorence's remains have been unsuccessful.
10. Plaintiff, a lifelong friend of Lorence, assured Lorence's mother that he would use the FOIA process to find Lorence so that he could be laid to rest at Arlington National Cemetery.
11. On Veteran's Day 2005, President Bush promised the citizenry that the country will not stop searching until we have accounted for every soldier and sailor and airman and Marine missing in the line of duty.
12. Accordingly, plaintiff seeks a complete copy of the investigative report and records relating to Air Force Captain Paul Lorence, who died on April 14, 1986 during Operation El Dorado over Libya. In particular, plaintiff seeks to know where Captain Paul Lorence's remains are located.

Plaintiff's FOIA Requests and Defendants' Failure to Respond

13. On March 9, 2005, plaintiff, working as an academic reference librarian, made a Freedom of Information Act ("FOIA") request to the Department of Defense seeking "a complete copy of the investigative report and records relating to Air Force Captain Paul Lorence, who died on April 14, 1986 during Operation El Dorado over Libya."

14. In particular, plaintiff sought "to know where Captain Paul Lorence's remains are located." Exhibit A.

15. Plaintiff received a letter from the Department of Defense dated March 21, 2005 acknowledging receipt of plaintiff's FOIA request and advising plaintiff that his request was referred to the Department of the Air Force. Exhibit B.

16. Plaintiff received a letter from the Department of the Air Force dated November 22, 2005 seeking additional time to process the request¹. Exhibit C.

Defendants Department of Defense and Department of the Air Force's Failure to Timely Comply with Plaintiff's Request

17. To date, defendants Department of Defense and Department of the Air Force have not provided the records requested by plaintiff in its FOIA request, notwithstanding the FOIA's requirement of an agency response within twenty (20) working days.

18. Plaintiff has exhausted the applicable administrative remedies with respect to its FOIA request to defendants Department of Defense and Department of the Air Force.

19. Defendants Department of Defense and Department of the Air Force have wrongfully withheld the requested records from plaintiff.

¹ Plaintiff never received a status letter from defendant Department of the Air Force dated September 28, 2005, as mentioned in defendant's response letter.

20. Defendants Department of Defense and Department of the Air Force's actions were arbitrary and capricious under the Administrative Procedure Act, 5 U.S.C. § 551.

Requested Relief

WHEREFORE, plaintiff prays that this Court:

- A. order defendant to disclose the requested records in their entireties and make copies available to plaintiff;
- B. provide for expeditious proceedings in this action;
- C. award plaintiff its court costs and filing fees incurred in this action; and,
- D. grant such other relief as the Court may deem just and proper.

Dated: January 27, 2006

By: TDK
Theodore D. Karantsalis, Plaintiff
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