

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

)	
DEMOCRACY FORWARD)	
FOUNDATION,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 1:17-CV-1877-EGS
)	
UNITED STATES)	
DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
)	

ANSWER

Defendant, the United States Department of Justice, by and through undersigned counsel, hereby answers the numbered paragraphs of Plaintiff’s Complaint as follows:

The introductory paragraph consists of Plaintiff’s characterization of its complaint, to which no response is required.

1. This paragraph consists of legal conclusions to which no response is required.
2. This paragraph consists of legal conclusions to which no response is required.
3. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.
4. The first sentence is admitted. The second sentence consists of legal conclusions to which no response is required.
5. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

6. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

7. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

8. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

9. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

10. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

11. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

12. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

13. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

14. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

15. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the quoted testimony for a complete and accurate statement of its contents.

16. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the quoted testimony for a complete and accurate statement of its contents.

17. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the quoted testimony for a complete and accurate statement of its contents.

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21. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

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23. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

24. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

25. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

26. Defendant admits that Plaintiff submitted a FOIA request to DOJ-EOUSA and respectfully refers the Court to the request for a complete and accurate statement of its contents. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations concerning Plaintiff's reason for submitting the FOIA request.

27. Defendant admits that it received Plaintiff's FOIA request on June 2, 2017 and respectfully refers the Court to the request for a complete and accurate statement of its contents.

28. Defendant admits that Plaintiff sought a waiver of search and duplicating fees. Defendant respectfully refers the Court to the statute cited by Plaintiff for a complete and accurate statement of its contents.

29. Admitted.

30. Defendant admits that it sent a letter to Plaintiff stating that Plaintiff's request fell within unusual circumstances and that it would extend the time to respond by ten days.

31. This paragraph consists of legal conclusions to which no response is required.

32. This paragraph consists of legal conclusions to which no response is required.

33. Defendants admit that Plaintiff called on July 31, 2017 for a status update, and was told that the request was under review by an attorney. The second sentence is denied. Defendant,

through counsel, released documents to Plaintiff in response to Plaintiff's request on October 13, 2017.

34. Defendant admits that, as of September 13, 2017, it had not notified Plaintiff of a decision whether to comply with the request, advised Plaintiff of the right to appeal an adverse determination, or produce the requested records. The remainder of the paragraph is denied.

Defendant, through counsel, released documents to Plaintiff in response to Plaintiff's request on October 13, 2017.

35. This paragraph consists of legal conclusions to which no response is required.

36. Defendant incorporates by reference its response to the foregoing paragraphs as if fully set forth herein.

37. Denied. Defendant, through counsel, released documents to Plaintiff in response to Plaintiff's request on October 13, 2017.

The remaining paragraphs, numbered 1-6, constitutes a prayer for relief to which no response is required. To the extent a response is deemed necessary, Defendant denies that Plaintiff is entitled to the relief requested or to any relief whatsoever.

Defendant hereby denies all allegations in Plaintiff's Complaint not expressly admitted or denied.

AFFIRMATIVE DEFENSES

1. Plaintiff's failure to exhaust administrative remedies with respect to one or more of its claims precludes judicial review over those claims.

2. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions to the Freedom of Information Act, 5 U.S.C. § 552.

Dated: October 23, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director

/s/ Rachael Westmoreland
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