

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
DEMOCRACY FORWARD	)	
FOUNDATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 17-cv-02250 (TSC)
	)	
U.S. DEPARTMENT OF THE	)	
TREASURY,	)	
	)	
Defendant.	)	
_____	)	

**ANSWER AND DEFENSES**

Defendant U.S. Department of the Treasury (“the Department” or “Defendant”), through undersigned counsel, hereby answers the Complaint filed by Plaintiff Democracy Forward Foundation (“Plaintiff”), brought pursuant to the Freedom of Information Act (“FOIA”) as follows:

**FIRST DEFENSE**

As to some or all of the claims asserted in this action, Plaintiff has failed to state a claim upon which relief may be granted under FOIA.

**SECOND DEFENSE**

Plaintiff is not entitled to compel the production of responsive records protected from disclosure by one or more of the exemptions or exclusions to FOIA, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

**THIRD DEFENSE**

The Court lacks jurisdiction over the subject matter of this Complaint for any relief that exceeds the relief authorized by statute under 5 U.S.C. § 552.

FOURTH DEFENSE

Defendant reserves its right to amend this Answer to assert any other matter that constitutes an avoidance or affirmative defense under Federal Rule of Civil Procedure 8(c).

FIFTH DEFENSE

Defendant denies each and every allegation contained in the Complaint except as may have been expressly admitted.

SIXTH DEFENSE

Plaintiff is not entitled to attorneys' fees or costs.

SEVENTH DEFENSE

To the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendant may refer to such materials for their accurate and complete contents in response; however, Defendant's references are not intended to be, and should not be construed to be, an admission that the cited materials: (a) are correctly cited or quoted by Plaintiff; (b) are relevant to this, or any other, action; or (c) are admissible in this, or any other, action.

EIGHTH DEFENSE

Any relief is limited to that provided for in 5 U.S.C. § 552(a)(4)(B).

NINTH DEFENSE

Plaintiff's FOIA request is overbroad and does not reasonably describe the records sought.

**COMPLAINT FOR INJUNCTIVE RELIEF**<sup>1</sup>

The unnumbered introductory paragraphs contain Plaintiff's characterization of the case and requested remedies to which no response is required. Insofar as an answer may be required, the allegations in these paragraphs are denied.

**Jurisdiction and Venue**

1. This Paragraph contains conclusions of law to which no response is required. To the extent that a response is deemed necessary, Defendant admits only that this Court has jurisdiction subject to the limitations of FOIA. Defendant further avers that the statutes cited speak for themselves.
2. This Paragraph contains conclusions of law to which no response is required. To the extent that a response is deemed necessary, Defendant admits only that venue is proper in the judicial district. Defendant further avers that the statutes cited speak for themselves.
3. This Paragraph contains conclusions of law to which no response is required. To the extent that a response is deemed necessary, Defendant denies and avers that the statute cited speaks for itself.

**Parties**

4. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 4.
5. Defendant admits the first sentence of Paragraph 5. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 5.

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<sup>1</sup> Merely for ease of reference, Defendant's Answer replicates the headings contained in the Complaint. Although Defendant believes that no response is required to such headings, to the extent a response is deemed required and to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

**Background**

6. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.
7. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.
8. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.
9. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.
10. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.
11. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.
12. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.

13. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.

14. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.

***Trump Administration Holds Closed Door Listening Sessions***

15. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 15, except avers that the external sources cited speak for themselves.

***Plaintiff's Freedom of Information Act Request Seeking Information Regarding Special Interest Groups Reforming the Tax Code Behind Closed Doors***

16. Defendant admits that it is in receipt of a FOIA request from Plaintiff dated July 25, 2017. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 16.

17. This paragraph contains Plaintiff's characterization of its FOIA request, Defendant avers that the document cited speaks for itself and respectfully refers the Court to that document for a full and accurate statement of its content.

18. Admit.

19. Admit.

20. This paragraph contains Plaintiff's characterizations of an August 8, 2017, letter, Defendant avers that the document cited speaks for itself and respectfully refers the Court to that document for a full and accurate statement of its content.

21. Admit.

22. This paragraph contains Plaintiff's characterizations of an August 8, 2017, letter, Defendant avers that the document cited speaks for itself and respectfully refers the Court to that document for a full and accurate statement of its content.
23. Defendant admits it has not produced documents to date. The remainder of this Paragraph contains conclusions of law to which no response is required. To the extent that a response is deemed necessary, defendant denies.

***The Trump Administration Unveils Another Tax Plan and Continues to Withhold Information from the Public***

24. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.
25. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.
26. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.
27. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.
28. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 28.
29. This Paragraph contains conclusions of law to which no response is required. To the extent that a response is deemed necessary, Defendant denies.
30. Defendant admits it has not produced documents to date. The remainder of this Paragraph contains conclusions of law to which no response is required. To the extent that a response is deemed necessary, Defendant denies.

**Claim for Relief**

**Count One (Violation of FOIA, 5 U.S.C. § 552)**

31. Defendant re-alleges and incorporates by reference all preceding responses.
32. This Paragraph contains conclusions of law to which no response is required. To the extent that a response is deemed necessary, Defendant denies.

The remainder of Plaintiff's Complaint contains Plaintiff's prayer for relief to which no response is required. To the extent that this paragraph may be deemed to contain factual allegations to which a response may be required, they are denied.

Defendant denies all allegations not specifically admitted herein.

WHEREFORE, having fully answered, Defendant requests judgment and relief against Plaintiff as follows:

- (a) That claims against the Defendant be dismissed with prejudice and that the Plaintiff take nothing and is granted no relief;
- (b) That Defendant be awarded its costs and disbursements incurred in defending this matter; and
- (c) Such other and further relief to which it is entitled.

Dated: December 13, 2017

Respectfully submitted,

JESSIE K. LIU, D.C. Bar No. 472845  
United States Attorney

DANIEL F. VAN HORN, D.C. Bar No. 924092  
Chief, Civil Division

By: /s/ Scott Leeson Sroka  
SCOTT LEESON SROKA, Member of New York Bar  
Assistant United States Attorney  
555 Fourth Street, N.W.  
Washington, D.C. 20530  
Telephone: 202-252-7113  
Scott.Sroka@usdoj.gov  
*Attorneys for Defendants*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13th day of December, 2017, that service of the foregoing **Defendant's Answer** has been made on counsel of record through the Court's ECF system.

/s/ Scott Leeson Sroka

SCOTT LEESON SROKA

Assistant United States Attorney

555 Fourth Street, N.W.

Washington, D.C. 20530

Office: (202) 252-7113

Fax: (202) 252-2599

Email: Scott.Sroka@usdoj.gov