

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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CITIZENS FOR RESPONSIBILITY AND)		
ETHICS IN WASHINGTON,)		
)		
Plaintiff,)		
)		
v.)	Civil Action No. 21-1246 (CKK)	
)		
U.S. DEPARTMENT OF TREASURY, <i>et al.</i>)		
)		
Defendants.)		
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ANSWER

Defendants, the U.S. Department of the Treasury (“Treasury”) and the U.S. Department of State (“State”) respectfully submit the following answer to Plaintiff Citizens for Responsibility and Ethics in Washington’s (“Plaintiff”) Complaint.

FIRST DEFENSE

Plaintiff is not entitled to information protected from disclosure by one or more exemptions to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

SECOND DEFENSE

The Court lacks subject-matter jurisdiction to award relief that exceeds that authorized by FOIA.

THIRD DEFENSE

The Complaint violates Federal Rule of Civil Procedure (“Rule”) 8(a)(2) by alleging facts and other information that is unnecessary to a “short and plain” statement of the claim. The Court should strike all such immaterial and impertinent mater pursuant to Rule 12(f).

RESPONSES TO NUMBERED PARAGRAPHS

Defendants deny each and every allegation in the Complaint, including the relief sought, except to the extent expressly admitted herein. Defendants admit, deny, or otherwise answer the paragraphs in the Complaint as follows:

1. This paragraph contains a description of the Plaintiff's cause of action, to which no response is required. To the extent a response is deemed required, the Defendants deny that the Plaintiff is entitled to relief.

2. This paragraph contains a description of the Plaintiff's cause of action, to which no response is required. To the extent a response is deemed required, the Defendants deny that the Plaintiff is entitled to relief.

Jurisdiction and Venue¹

3. This paragraph contains Plaintiff's conclusions of law concerning jurisdiction, to which no response is required. To the extent a response is required, Defendants admit that this Court has subject matter jurisdiction over FOIA claims subject to the terms and limitations of the FOIA.

4. This paragraph contains Plaintiff's conclusions of law concerning venue, to which no response is required. To the extent a response is required, Defendants admit that venue over properly asserted FOIA claims lies in this District.

¹ Merely for ease of reference, Defendants replicate the headings contained in the Complaint. Although Defendants believe 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.

Parties

5. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

6. Defendant Treasury admits the allegations in the first and second sentences of this paragraph. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of this paragraph.

7. Defendants admit that State is a federal agency within the meaning of 5 U.S.C. § 552(f) and 5 U.S.C. § 701. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of this paragraph.

Factual Background

8. This paragraph contains Plaintiff's characterization of alleged background information, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required.

9. This paragraph contains Plaintiff's characterization of alleged background information, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required.

10. This paragraph contains Plaintiff's characterization of alleged background information, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required.

11. This paragraph contains Plaintiff's characterization of alleged background information, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required.

12. This paragraph contains Plaintiff's characterization of alleged background information, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required.

13. This paragraph contains Plaintiff's characterization of alleged background information, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required.

14. This paragraph contains Plaintiff's characterization of alleged background information, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required.

15. This paragraph contains Plaintiff's characterization of alleged background information, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required.

March 11, 2021 FOIA Requests to Treasury

16. Defendant Treasury admits receiving from Plaintiff two FOIA requests dated March 11, 2021.

17. Defendant Treasury admits receiving from Plaintiff a FOIA request, dated March 11, 2021. The remainder of this paragraph purports to describe and characterize that FOIA request, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that request for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

18. Defendant Treasury admits receiving from Plaintiff a FOIA request, dated March 11, 2021. The remainder of this paragraph purports to describe and characterize that FOIA request, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to

that request for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

19. This paragraph purports to describe and characterize Plaintiff's FOIA request, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that request for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

20. Defendant Treasury admits acknowledging receipt of Plaintiff's request by letter dated March 12, 2021. The remainder of this paragraph purports to describe and characterize that letter, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that letter for a complete and accurate statement of its contents and deny any allegations inconsistent therewith

21. Defendant Treasury admits acknowledging receipt of Plaintiff's request by letter dated March 18, 2021. The remainder of this paragraph purports to describe and characterize that letter, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that letter for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

22. Defendant Treasury admits to conferring with Plaintiff related to the FOIA requests.

23. Defendant Treasury admits to receiving Plaintiff's email dated April 2, 2021. The remainder of this paragraph purports to describe and characterize that email, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that email for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

24. Defendant Treasury admits to sending Plaintiff an email dated April 2, 2021. The remainder of this paragraph purports to describe and characterize that email, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that email for a complete and accurate statement of its contents and deny any allegations inconsistent therewith

25. Defendant Treasury admits that it did not communicate with Plaintiff about its March 11, 2021 FOIA request between March 16 and May 6, 2021.

March 11, 2021 FOIA Request to State

26. Defendant State admits receiving from Plaintiff a FOIA request, dated March 11, 2021. The remainder of this paragraph purports to describe and characterize that FOIA request, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that request for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

27. This paragraph purports to describe and characterize Plaintiff's FOIA request, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that request for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

28. Defendant State admits acknowledging receipt of Plaintiff's request by email dated March 15, 2021. The remainder of this paragraph purports to describe and characterize that email, which speaks for itself and is the best evidence of its contents. Accordingly, Defendants refer to that email for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

29. Defendant State admits that it did not communicate with Plaintiff about its March 11, 2021 FOIA request between March 16 and May 6, 2021.

Count I

30. Defendants incorporate their responses to paragraphs 1 through 30 as if set forth fully herein.

31. Defendant Treasury admits receiving FOIA requests from Plaintiff, dated March 11, 2021, and respectfully refers the Court to those requests for a complete and accurate statement of their contents and denies any allegations inconsistent therewith. The remaining allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is deemed necessary, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

32. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant Treasury denies the statements in this paragraph.

33. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant Treasury denies the statements in this paragraph.

34. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant Treasury denies the statements in this paragraph.

35. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant Treasury denies the statements in this paragraph.

36. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant Treasury denies the statements in this paragraph.

Count II

37. Defendants incorporate their responses to paragraphs 1 through 36 as if set forth fully herein.

38. Defendant State admits receiving a FOIA request from Plaintiff, dated March 11, 2021, and respectfully refers the Court to that request for a complete and accurate statement of its contents and denies any allegations inconsistent therewith. The remaining allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is deemed necessary, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

39. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant State denies the statements in this paragraph.

40. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant State denies the statements in this paragraph.

41. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant State denies the statements in this paragraph.

42. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant State denies the statements in this paragraph.

43. This paragraph does not contain allegations but rather conclusions of law to which no response is required. To the extent that a response is deemed required, Defendant State denies the statements in this paragraph.

* * *

The remainder of the Complaint consists of Plaintiff's request for relief, which requires no answer. To the extent that a response is required, Defendants deny that Plaintiff is entitled to the relief requested or to any relief whatsoever.

Dated: June 11, 2021

Respectfully submitted,

CHANNING D. PHILLIPS
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Acting United States Attorney

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