

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
CITIZENS FOR RESPONSIBILITY AND)	
ETHICS IN WASHINGTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-2927 (JDB)
)	
UNITED STATES POSTAL SERVICE,)	
)	
Defendant.)	
)	

ANSWER

Defendant U.S. Postal Service (“Defendant” or “Postal Service”), by and through undersigned counsel, respectfully submits this Answer to Plaintiff’s Complaint. Defendant responds specifically to each numbered paragraph of the Complaint as follows:

DEFENDANT’S RESPONSES TO THE NUMBERED PARAGRAPHS

Defendant denies all allegations in the Complaint, including the relief sought, except when specifically admitted in this Answer. Defendant responds to the specifically enumerated paragraphs as follows.

1. The allegations contained in Paragraph 1 consist of conclusions of law regarding jurisdiction, to which no response is required. To the extent that a response is required, Defendant admits only that this Court has jurisdiction subject to the limitations of the FOIA.

2. The allegations contained in Paragraph 2 consist of conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies.

Jurisdiction and Venue¹

3. The allegations contained in Paragraph 3 consist of conclusions of law regarding jurisdiction, to which no response is required. To the extent that a response is required, Defendant admits that this Court has jurisdiction subject to the limitations of the FOIA.

4. The allegations contained in Paragraph 4 consist of Plaintiff's conclusions of law regarding venue, to which no response is required. To the extent that a response is required, Defendant admits that venue is proper in this judicial district.

Parties

5. The allegations contained in Paragraph 5 consist of Plaintiff's characterization of itself, to which no response is required. To the extent that a response is required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore deny the allegations.

6. Defendant admits that the Postal Service is a federal agency subject to the provisions of the FOIA 5 U.S.C. § 552, *et seq.* The remaining allegations consist of Plaintiff's conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained in Paragraph 6.

Factual Background

7-10. The allegations otherwise contained in Paragraphs 7-10 do not set forth claims of relief or aver facts in support of a claim, to which a response is required. To the extent that a

¹ For ease of reference, Defendant's Answer replicates the headings contained in the Amended 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 may be construed to contain factual allegations, those allegations are denied.

response is required, Defendant denies, or is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in these paragraphs.

11. Defendant admits that it received a FOIA request from Plaintiff dated on August 11, 2020. Defendant respectfully refers the Court to the FOIA request as the best evidence of its contents and denies any allegations inconsistent therewith.

12. Defendant admits that it received a FOIA request from Plaintiff dated on August 11, 2020. Defendant respectfully refers the Court to the FOIA request as the best evidence of its contents and denies any allegations inconsistent therewith.

13. Defendant admits that it sent a letter to Plaintiff acknowledging receipt of the FOIA, respectfully refers the Court to the letter as the best evidence of its contents, and denies any allegations inconsistent therewith.

14. Defendant admits that it sent a final determination letter to Plaintiff, respectfully refers the Court to the letter as the best evidence of its contents, and denies any allegations inconsistent therewith.

15. Defendant admits that it sent a final determination letter to Plaintiff, respectfully refers the Court to the letter as the best evidence of its contents, and denies any allegations inconsistent therewith.

16. Defendant admits that it sent a final determination letter to Plaintiff, respectfully refers the Court to the letter as the best evidence of its contents, and denies any allegations inconsistent therewith.

17. Defendant admits that it sent a final determination letter to Plaintiff, respectfully refers the Court to the letter as the best evidence of its contents, and denies any allegations inconsistent therewith.

18. Defendant admits that it received an administrative appeal from Plaintiff, respectfully refers the Court to the appeal as the best evidence of its contents, and denies any allegations inconsistent therewith.

19. Defendant denies. Defendant affirmed the administrative appeal on October 23, 2020.

CREW's Claim for Relief

20. Defendant incorporates by reference its responses set forth above.

21. The allegations contained in Paragraph 21 are Plaintiff's conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies the allegations.

22. The allegations contained in Paragraph 22 are Plaintiff's conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies the allegations.

23. The allegations contained in Paragraph 23 are Plaintiff's conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies the allegations.

24. The allegations contained in Paragraph 24 are Plaintiff's conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies the allegations.

25. The allegations contained in Paragraph 25 are Plaintiff's conclusions of law, to which no response is required. To the extent that a response is required, Defendant denies the allegations.

PRAYER FOR RELIEF

The remainder of the Complaint consists of Plaintiff's Prayer for Relief, to which no response is required. To the extent that this paragraph is deemed to contain factual allegations, Defendant denies those allegations and denies that Plaintiff is entitled to any relief whatsoever from the Defendant.

DEFENSES

FIRST DEFENSE

Any information that Defendant has withheld, or will withhold, in response to Plaintiff's FOIA request may be exempt in whole or in part from public disclosure under FOIA.

SECOND DEFENSE

Plaintiff has not alleged sufficient factual and/or legal bases for its request for costs and/or attorney's fees.

THIRD DEFENSE

The Complaint violates Rule 8(a)(2) by alleging information that is unnecessary to a "short and plain" statement of the claim. The Court should strike all such immaterial and impertinent matters pursuant to Rule 12(f).

* * *

Dated: November 30, 2020

Respectfully submitted,

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D.C. BAR # 924092
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