

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY)
AND ETHICS IN WASHINGTON,)
1101 K Street, N.W. Suite 201)
Washington, D.C. 20005)

Plaintiff,)

v.)

Civil No. 1:20-cv-02105-CJN

GENERAL SERVICES)
ADMINISTRATION,)
1800 F Street, N.W.)
Washington, DC 20405)

NATIONAL ARCHIVES AND)
RECORDS ADMINISTRATION,)
700 Pennsylvania Avenue, N.W.,)
Washington, D.C. 20408)

OFFICE OF MANAGEMENT AND)
BUDGET,)
725 17th Street, N.W.)
Washington, D.C. 20503)

U.S. OFFICE OF GOVERNMENT)
ETHICS,)
1201 New York Avenue, N.W., Suite 500)
Washington, D.C. 20005)

U.S. OFFICE OF PERSONNEL)
MANAGEMENT,)
1900 E Street, N.W.)
Washington, D.C. 20415)

U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Avenue, N.W.)
Washington, D.C. 20530)

Defendants.)

DEFENDANT'S ANSWER

Defendants, the United States General Services Administration (“GSA”), the United States National Archives and Records Administration (“NARA”), the Office of Management and Budget (“OMB”), the United States Office of Government Ethics (“OGE”), the United States Office of Personnel Management (“OPM”), and the United States Department of Justice (“DOJ”), by and through undersigned counsel, hereby answer the Complaint (ECF No. 1) (“Complaint”) filed by Plaintiff Citizens for Responsibility and Ethics in Washington on August 3, 2020, as follows, in correspondingly numbered paragraphs:

1. This paragraph sets forth Plaintiff’s characterization of this action, to which no response is required.

2. This paragraph sets forth Plaintiff’s characterization of this action, to which no response is required.

3. This paragraph sets forth Plaintiff’s characterization of this action, to which no response is required.

4. This paragraph consists of Plaintiff’s legal conclusions regarding venue and jurisdiction, to which no response is required.

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

6. With regard to the first sentence, Defendants admit that GSA is an agency within the meaning of 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701(b)(1). The remainder of the paragraph consists of Plaintiff’s legal conclusions, to which no response is required.

7. With regard to the first sentence, Defendants admit that NARA is an agency within the meaning of 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701(b)(1). The remainder of the paragraph consists of Plaintiff’s legal conclusions, to which no response is required.

8. With regard to the first sentence, Defendants admit that OMB is an agency within the meaning of 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701(b)(1). The remainder of the paragraph consists of Plaintiff's legal conclusions, to which no response is required.

9. With regard to the first sentence, Defendants admit that OGE is an agency within the meaning of 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701(b)(1). The remainder of the paragraph consists of Plaintiff's legal conclusions, to which no response is required.

10. With regard to the first sentence, Defendants admit that OPM is an agency within the meaning of 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701(b)(1). The remainder of the paragraph consists of Plaintiff's legal conclusions, to which no response is required.

11. With regard to the first sentence, Defendants admit that DOJ is an agency within the meaning of 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701(b)(1). The remainder of the paragraph consists of Plaintiff's legal conclusions, to which no response is required.

12. The allegations in this paragraph consist of legal conclusions, to which no response is required.

13. The allegations in this paragraph consist of legal conclusions, to which no response is required.

14. The allegations in this paragraph consist of legal conclusions, to which no response is required.

15. Defendants admit that Election Day is November 3, 2020. Defendants otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of the paragraph. The allegations in the second sentence of the paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

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.

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.

18. The allegations in this paragraph consist of legal conclusions, to which no response is required.

19. Defendants admit that the government submitted a report to Congress regarding 2020 Presidential Transition Activities on May 13, 2020, and respectfully refer the Court to that report for a full and accurate statement of its contents. The remaining allegations in the first sentence of this paragraph consist of legal conclusions, to which no response is required. To the extent a response is deemed necessary, denied.

20. Defendants admit the allegations in the first sentence of this paragraph. The second and third sentences of this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

21. Denied.

22. Defendants admit that GSA received a FOIA request, dated May 4, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

23. Admitted.

24. Admitted.

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

26. The allegations in this paragraph consist of legal conclusions, to which no response is required.

27. Defendants admit that NARA received a FOIA request, dated May 4, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

28. Admitted.

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

30. The allegations in this paragraph consist of legal conclusions, to which no response is required.

31. Defendants admit that NARA received a FOIA request, dated June 5, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

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

33. The allegations in this paragraph consist of legal conclusions, to which no response is required.

34. Defendants admit that OMB received a FOIA request, dated May 4, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

35. Admitted.

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

37. The allegations in this paragraph consist of legal conclusions, to which no response is required.

38. Defendants admit that OMB received a FOIA request, dated June 5, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

39. Admitted.

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

41. The allegations in this paragraph consist of legal conclusions, to which no response is required.

42. Defendants admit that OGE received a FOIA request, dated May 4, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

43. Admitted.

44. Defendants admit that as of the date of the Complaint, OGE had not produced documents in response to Plaintiff's request and that Plaintiff requested updates on the status of its May 4, 2020, FOIA request more than one time. Defendants aver that on or before September 2, 2020, OGE produced to Plaintiff all responsive, non-exempt records subject to FOIA, other than records sent to GSA for its review. Otherwise denied.

45. The allegations in this paragraph consist of legal conclusions, to which no response is required.

46. Defendants admit that OGE received a FOIA request, dated June 5, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

47. Defendants aver that OGE acknowledged receipt of CREW's June 5, 2020 FOIA request by email dated June 15, 2020. Otherwise denied.

48. Denied.

49. The allegations in this paragraph consist of legal conclusions, to which no response is required.

50. Defendants admit that OPM received a FOIA request, dated May 4, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

51. Admitted.

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

53. The allegations in this paragraph consist of legal conclusions, to which no response is required.

54. Defendants admit that DOJ received a FOIA request, dated May 4, 2020, from CREW and that the request was sent by email. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

55. Admitted.

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

57. The allegations in this paragraph consist of legal conclusions, to which no response is required.

58. Defendants repeat and reallege their responses contained in paragraphs 1 through 57 as set forth herein.

59. The allegations in this paragraph consist of legal conclusions, to which no response is required.

60. The allegations in this paragraph consist of legal conclusions, to which no response is required.

61. The allegations in this paragraph consist of legal conclusions, to which no response is required.

62. Defendants repeat and reallege their responses contained in paragraphs 1 through 61 as set forth herein.

63. The allegations in this paragraph consist of legal conclusions, to which no response is required.

64. The allegations in this paragraph consist of legal conclusions, to which no response is required.

65. The allegations in this paragraph consist of legal conclusions, to which no response is required.

66. Defendants repeat and reallege their responses contained in paragraphs 1 through 65 as set forth herein.

67. The allegations in this paragraph consist of legal conclusions, to which no response is required.

68. The allegations in this paragraph consist of legal conclusions, to which no response is required.

69. The allegations in this paragraph consist of legal conclusions, to which no response is required.

70. Defendants repeat and reallege their responses contained in paragraphs 1 through 69 as set forth herein.

71. The allegations in this paragraph consist of legal conclusions, to which no response is required.

72. The allegations in this paragraph consist of legal conclusions, to which no response is required.

73. The allegations in this paragraph consist of legal conclusions, to which no response is required.

74. Defendants repeat and reallege their responses contained in paragraphs 1 through 73 as set forth herein.

75. The allegations in this paragraph consist of legal conclusions, to which no response is required.

76. The allegations in this paragraph consist of legal conclusions, to which no response is required.

77. The allegations in this paragraph consist of legal conclusions, to which no response is required.

78. Defendants repeat and reallege their responses contained in paragraphs 1 through 77 as set forth herein.

79. The allegations in this paragraph consist of legal conclusions, to which no response is required.

80. The allegations in this paragraph consist of legal conclusions, to which no response is required.

81. The allegations in this paragraph consist of legal conclusions, to which no response is required.

The remaining paragraphs of the Complaint contain Plaintiff's requested relief, to which no response is required. To the extent a response is required, Defendants deny the allegations contained in the remaining paragraphs of the Complaint and further aver that Plaintiff is not entitled to any relief.

Defendants hereby deny all allegations in the Complaint not hereby expressly admitted or denied.

DEFENSES

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

Dated: September 16, 2020

Respectfully submitted,

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Civil Division

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