

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

CITIZENS FOR RESPONSIBILITY
AND ETHICS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

Case No.: 1:22-cv-2563

**DEFENDANT'S ANSWER TO
PLAINTIFF'S AMENDED
COMPLAINT**

Defendant, the United States Department of Justice (DOJ), by and through undersigned counsel, hereby answer the Amended Complaint in the above-captioned action. The following responses correspond to the numbered paragraphs in the Amended Complaint filed by Plaintiff, Citizens for Responsibility and Ethics (CREW). ECF No. 4.

1. Paragraph 1 contains Plaintiff's characterizations of this lawsuit to which no response is required.
2. Paragraph 2 contains Plaintiff's characterizations of this lawsuit to which no response is required.
3. Paragraph 3 contains conclusions of law, not allegations of fact, to which no response is required.
4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4.

5. Defendant admits that DOJ is an agency of the Federal Government within the meaning of 5 U.S.C. § 552(f)(1). The remainder of Paragraph 5 consists of conclusions of law not allegations of fact to which no response is required.

6. Paragraph 6 consists of conclusions of law, not allegations of fact, to which no response is required.

7. Paragraph 7 consists of conclusions of law, not allegations of fact, to which no response is required.

8. Paragraph 8 consists of conclusions of law, not allegations of fact, to which no response is required.

9. Paragraph 9 consists of conclusions of law, not allegations of fact, to which no response is required.

10. Paragraph 10 consists of conclusions of law, not allegations of fact, to which no response is required.

11. Paragraph 11 consists of conclusions of law, not allegations of fact, to which no response is required.

12. Paragraph 12 consists of conclusions of law, not allegations of fact, to which no response is required.

13. Paragraph 13 consists of conclusions of law, not allegations of fact, to which no response is required.

14. Paragraph 14 consists of conclusions of law, not allegations of fact, to which no response is required.

15. Defendant admits that DOJ published a blog post on July 29, 2021 stating that DOJ was launching a task force to combat threats against election workers.

Defendant respectfully refers the Court to that blog post for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

16. Defendant admits that Deputy Attorney General Lisa Monaco issued a memorandum entitled “Guidance Regarding Threats Against Election Workers” to all federal prosecutors and the Director of the FBI on July 25, 2021. Defendant respectfully refers the Court to that memorandum for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

17. Defendant admits that the Washington Post article cited by Plaintiff in Paragraph 17 contains the statement “The Department of Justice has reviewed more than 1,000 hostile threats against election workers over the past year, leading to federal charges in five cases and one conviction....” Defendant admits that the New York Times article cited by Plaintiff in Paragraph 17 contains the statement, “Two other cases are being prosecuted, but Mr. Ford’s guilty plea is the only case the task force has successfully concluded out of more than 1,000 the Justice Department said it has evaluated.” and the quote “The reaction usually is ‘Thank you for reporting that; we’ll look into it,’ and there’s no substantive follow-up to understand what they’re doing....”

18. Defendant admits that the New York Times article cited by the Plaintiff in Paragraph 18 contains the statements “Colorado alone has forwarded at least 500 threats against election workers to the task force, Ms. Griswold said.” and “In Arizona, the office of Secretary of State Katie Hobbs has reported more than 100 threats to the F.B.I. in the last year, said a spokeswoman, C. Murphy Herbert.”

19. Defendant lacks knowledge or information to form a belief about the truth of the allegations in Paragraph 19.

20. Defendant lacks knowledge or information to form a belief about the truth of the allegations in Paragraph 20.

21. The allegations in Paragraph 21 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

22. The allegations in Paragraph 22 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant also lacks knowledge or information to form a belief about the truth of the allegations in Paragraph 22.

23. Defendant admits that Plaintiff submitted a FOIA request to DOJ's Office of Information Policy on July 19, 2022. Defendant respectfully refers the Court to that request for a full and accurate statement of its contents.

23. (Sic – Plaintiff's First Amended Complaint contains two Paragraphs labeled 23) Defendant admits that Plaintiff's July 19, 2022 FOIA request sought a fee waiver. Defendant respectfully refers the Court to that request for a full and accurate statement of its contents.

24. Defendant admits that Plaintiff's July 19, 2022 FOIA request included a request that it not be charged search or review fees. Defendant respectfully refers the Court to that request for a full and accurate statement of its contents.

25. Defendant admits that DOJ sent Plaintiff a letter on August 5, 2022, acknowledging the receipt of Plaintiff's July 19, 2022, FOIA request. Defendant respectfully refers the Court to that acknowledgement letter for a full and accurate statement of its contents.

26. Defendant admits that Plaintiff sent DOJ a letter on August 8, 2022, requesting expedited processing of its July 19, 2022 FOIA request. Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents.

27. Defendant admits that Plaintiff sent DOJ a letter on August 8, 2022, requesting expedited processing of its July 19, 2022 FOIA request. Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents.

28. Defendant admits that Plaintiff sent DOJ a letter on August 8, 2022, requesting expedited processing of its July 19, 2022 FOIA request. Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents.

29. Defendant admits that Plaintiff sent DOJ a letter on August 8, 2022, requesting expedited processing of its July 19, 2022 FOIA request. Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents.

30. Defendant admits that Plaintiff sent DOJ a letter on August 8, 2022, requesting expedited processing of its July 19, 2022 FOIA request. Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents.

31. Defendant admits that Plaintiff sent DOJ a letter on August 8, 2022, requesting expedited processing of its July 19, 2022 FOIA request. Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents.

32. Defendant admits that on August 16, 2022, it issued a supplemental letter to Plaintiff denying Plaintiff's request to expedite the processing of its July 19, 2022, FOIA request. Defendant respectfully refers the Court to that supplemental letter for a full and accurate statement of its contents.

33. Defendant admits that on August 16, 2022, it issued a supplemental letter to Plaintiff denying Plaintiff's request to expedite the processing of its July 19, 2022, FOIA request. Defendant respectfully refers the Court to that supplemental letter for a full and accurate statement of its contents.

34. Defendant admits that on August 16, 2022, it issued a supplemental letter to Plaintiff denying Plaintiff's request to expedite the processing of its July 19, 2022, FOIA request. Defendant respectfully refers the Court to that supplemental letter for a full and accurate statement of its contents.

35. Admitted. Defendant further avers that there is no section entitled 28 C.F.R. § 16.5(e)(i).

36. Admitted.

37. Paragraph 37 consists of conclusions of law not allegations of fact to which no response is required.

38. Defendant incorporates and re-alleges its responses to Paragraphs 1 through 37 as if fully restated herein.

39. Paragraph 39 consists of conclusions of law not allegations of fact for which no response is required.

40. Paragraph 40 consists of conclusions of law not allegations of fact for which no response is required.

41. Paragraph 41 consists of conclusions of law not allegations of fact for which no response is required.

42. Paragraph 42 consists of conclusions of law not allegations of fact for which no response is required.

43. Paragraph 43 consists of conclusions of law not allegations of fact for which no response is required.

44. Defendant incorporates and re-alleges its responses to Paragraphs 1 through 43 as if fully restated herein.

45. Paragraph 45 consists of conclusions of law not allegations of fact for which no response is required.

46. Paragraph 46 consists of conclusions of law, not allegations of fact, for which no response is required.

47. Paragraph 47 consists of conclusions of law not allegations of fact for which no response is required.

The remaining paragraphs of the Amended Complaint contain Plaintiff's prayer for relief, to which no response is required. To the extent that a response is deemed necessary, Defendant denies that Plaintiff is entitled to the relief requested or to any other judgment or relief in its favor.

Defendant denies any and all allegations not expressly admitted herein.

DEFENSES

1. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions to the FOIA.

Dated: October 17, 2022

Respectfully submitted,

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/s/ Keri L. Berman

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record by operation of the court's electronic filing system and can be accessed through that system.

DATED: October 17, 2022

/s/ Keri L. Berman
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