

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

CITIZENS FOR RESOPNSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF THE TREASURY,
U.S. POSTAL SERVICE, U.S. POSTAL
SERVICE OFFICE OF INSPECTOR
GENERAL,

Defendants.

Civil Action No. 20-cv-2256-CKK

DEFENDANTS' ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

Defendants United States Department of the Treasury (“Treasury”), United States Postal Service (“USPS”), and United States Postal Service Office of Inspector General (“USPS OIG”) (collectively “Defendants”), by and through their undersigned counsel, hereby answer the numbered paragraphs of the amended complaint of Citizens for Responsibility and Ethics in Washington (“CREW” or “Plaintiff”), filed on September 2, 2020 (ECF No. 6), as follows:

1. Defendants admit that this is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The remaining allegations in this paragraph characterize the contents of CREW’s amended complaint. The amended complaint speaks for itself, and therefore no further response from Defendants is necessary. To the extent the remaining allegations in the paragraph assert conclusions of law, no response is required.

2. This paragraph characterizes the contents of CREW's amended complaint. The amended complaint speaks for itself, and therefore no further response from Defendants is necessary. To the extent this paragraph asserts conclusions of law, no response is required.

3. This paragraph asserts conclusions of law to which no response is required.

4. This paragraph asserts a conclusion of law to which no response is required.

5. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and therefore deny the same.

6. This paragraph asserts conclusions of law to which no response is required.

7. This paragraph asserts conclusions of law to which no response is required.

8. This paragraph asserts conclusions of law to which no response is required.

9. This paragraph does not set forth a claim for relief or plead facts in support of a claim to which an answer is required. Otherwise, admitted.

10. This paragraph does not set forth a claim for relief or plead facts in support of a claim to which an answer is required. Defendants otherwise admit that Louis DeJoy was confirmed as United States Postmaster General by the USPS Board of Governors in May 2020. Defendants lack knowledge and information sufficient to form a belief about the truth of the remaining allegations in this paragraph, and therefore deny the same.

11. This paragraph does not set forth a claim for relief or plead facts in support of a claim to which an answer is required. Defendants otherwise admit that Mr. DeJoy did not previously serve in the USPS, but lack knowledge or information sufficient to form a belief about the truth about the remaining allegations in this paragraph, and therefore deny the same.

12. This paragraph characterizes an August 15, 2020 article from the *Washington Post*. The article speaks for itself, and therefore no further response from Defendants is necessary.

13. This paragraph does not set forth a claim for relief or plead facts in support of a claim to which an answer is required. Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and therefore deny the same.

14. This paragraph does not set forth a claim for relief or plead facts in support of a claim to which an answer is required. Defendants otherwise lack knowledge or information sufficient to form a belief about the truth of the allegation in the first clause of the first sentence in this paragraph, and therefore deny the same. The remaining allegations in this paragraph characterize a July 26, 2010 blog post from the USPS OIG. The blog post speaks for itself, and therefore no further response from Defendants is necessary.

15. This paragraph characterizes an August 26, 2020 article from National Public Radio. The article speaks for itself, and therefore no further response from Defendants is necessary.

16. Defendants admit that Treasury received a FOIA request from CREW dated June 22, 2020. Defendants respectfully refer the Court to CREW's June 22, 2020 FOIA request to Treasury for a complete and accurate statement of the document's contents.

17. Defendants admit that Treasury acknowledged receipt of CREW's FOIA request by letter on June 26, 2020 and assigned the request tracking number 2020-06-174. The remaining allegations in this paragraph characterize the June 26, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is necessary.

18. Defendants admit that Treasury provided CREW a letter response on July 29, 2020. The remaining allegations in this paragraph characterize the July 29, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is necessary.

19. This paragraph characterizes the Treasury's July 29, 2020 letter to CREW. The letter speaks for itself, and therefore no further response from Defendants is necessary.

20. This paragraph characterizes the Treasury's July 29, 2020 letter to CREW. The letter speaks for itself, and therefore no further response from Defendants is necessary.

21. Defendants admit that CREW filed its initial complaint in this action on August 17, 2020. The remaining allegations in this paragraph characterize CREW's initial complaint. The complaint speaks for itself, and therefore no further response from Defendants is necessary. To the extent this paragraph asserts conclusions of law, no response is required.

22. Admitted.

23. Defendants admit that CREW submitted a FOIA request to USPS on June 16, 2020. Defendants respectfully refer the Court to CREW's June 16, 2020 FOIA request to USPS for a complete and accurate statement of the document's contents.

24. Defendants admit that USPS sent a letter acknowledging receipt of CREW's FOIA request and assigning the request tracking number 2020-FPRO-01322. Defendants' records reflect that this acknowledgment letter was transmitted on June 16, 2020, and Defendants therefore deny that the letter was dated July 6, 2020.

25. Defendants admit that USPS sent a July 13, 2020 letter to CREW in response to its FOIA request. The remaining allegations in this paragraph characterize the July 13, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is necessary.

26. Defendants admit that on July 15, 2020 USPS emailed a letter dated July 14, 2020 to CREW. The remaining allegations in this paragraph characterize the July 14, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is required.

27. Defendants admit that USPS received a July 16, 2020 email from CREW. The second sentence of this paragraph characterizes the contents of the July 16, 2020 email. The email speaks for itself, and therefore no response from Defendants is necessary. Defendants admit that CREW has received no response to this email as of September 24, 2020.

28. Defendants admit that USPS Government Relations and Public Policy sent a July 14, 2020 letter to CREW. The remaining allegations in this paragraph characterize the contents of the July 14, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is necessary.

29. Defendants admit that the USPS Board of Governors sent a July 14, 2020 letter to CREW. The remaining allegations in this paragraph characterize the contents of the July 14, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is necessary.

30. Defendants admit that the USPS Board of Governors provided a determination letter to CREW on July 28, 2020. The remaining allegations in this paragraph characterize the contents of the July 28, 2020 letter, or assert conclusions of law, to which no response is necessary.

31. Defendants admit that CREW sent an August 4, 2020 letter to the USPS Board of Governors administratively appealing its determination. The remaining allegations in this paragraph characterize the contents of the August 4, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is necessary.

32. Defendants admit that that the Board of Governors had not ruled on CREW's administrative appeal at the time CREW filed its amended complaint on September 2, 2020. On September 14, 2020, the Office of the General Counsel, Federal Compliance of the USPS affirmed the initial response of the Board of Governor's to CREW's FOIA request, concluding that the searches were adequate, and that the redactions and withholdings were appropriate.

33. Defendants admit that USPS sent a letter to CREW on August 6, 2020. The remaining allegations in this paragraph characterize the August 6, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is necessary. To the extent the final sentence in this paragraph asserts a conclusion of law, no response is required.

34. Defendants deny that CREW has received no further communications from USPS in response to its June 16, 2020 FOIA request.

35. Defendants admit that CREW submitted a FOIA request to USPS OIG on June 16, 2020. Defendants respectfully refer the Court to CREW's June 16, 2020 FOIA request to USPS OIG for a complete and accurate statement of the document's contents.

36. Admitted.

37. This paragraph characterizes the contents of USPS OIG's July 9, 2020 letter. The letter speaks for itself, and therefore no further response from Defendants is required.

38. Denied.

39. Defendants incorporate by reference their responses to the previous paragraphs as if fully repeated here.

40. This paragraph states a conclusion of law to which no response is required.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Defendants incorporate by reference their responses to the previous paragraphs as if fully repeated here.

46. This paragraph states a conclusion of law to which no response is required.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Defendants incorporate by reference their responses to the previous paragraphs as if fully repeated here.

52. This paragraph states a conclusion of law to which no response is required.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

Each and every allegation of the Complaint not heretofore expressly admitted or denied is hereby denied.

The remainder of Plaintiff's amended complaint consists of Plaintiff's requested relief, to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to any relief.

DEFENSES

1. Plaintiff is not entitled to compel the production of records protected from disclosure by one or more of the exemptions to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

2. Plaintiff has failed to exhaust its administrative remedies with respect to the FOIA request assigned tracking number 2020-IGFP-00454.

Dated: September 24, 2020

Respectfully Submitted,

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ELIZABETH J. SHAPIRO
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/s/ Christopher D. Dodge

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