

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

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 17-00135 APM
)	
DEPARTMENT OF COMMERCE,)	
)	
Defendant.)	
)	

ANSWER

Defendant, the United States Department of Commerce, by and through its undersigned counsel, answers the numbered paragraphs of Plaintiff’s Complaint as follows.

1. This paragraph contains Plaintiff’s characterization of this action, to which no response is required. To the extent a response to this paragraph is deemed required, the allegations are denied.

2. This paragraph contains Plaintiff’s characterization of the requested relief that Plaintiff seeks, to which no response is required. To the extent a response to this paragraph is deemed required, the allegations are denied.

3. This paragraph contains Plaintiff’s statement of jurisdictional basis and venue for this action, to which no response is required.

4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph.

5. This paragraph contains conclusions of law, to which no response is required, but insofar as one is deemed required, denied, except to admit that the Department of Commerce is an agency of the federal government, and that NOAA is a component of the Department of Commerce.

6. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant respectfully refers the Court to the cited article in this paragraph for a full and accurate statement of its contents.

7. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant respectfully refers the Court to the cited articles in this paragraph for a full and accurate statement of their contents.

8. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

9. Defendant admits that Plaintiff submitted a FOIA request to the Department of Commerce via the FOIAonline system on December 16, 2016. Defendant respectfully refers the Court to that request for a full and accurate statement of its contents.

10. Defendant admits that the FOIAonline system sent a message to Plaintiff on December 16, 2016 confirming Plaintiff's request submission.

11. Admit.

12. Admit.

13. This paragraph contains conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant admits that as of the date of the filing of Plaintiff's Complaint, Defendant has not provided Plaintiff with a determination on Plaintiff's request.

14. This paragraph contains conclusions of law to which no response is required.

15. This paragraph repeats and re-alleges paragraphs 1-15. Defendant respectfully refers the Court to Defendant's previous answers to those paragraphs.

16. This paragraph contains conclusions of law, to which no response is required.

17. This paragraph contains conclusions of law, to which no response is required, but insofar as one is deemed required, denied.

18. This paragraph contains conclusions of law, to which no response is required, but insofar as one is deemed required, denied.

19. This paragraph contains conclusions of law, to which no response is required, but insofar as one is deemed required, denied.

The remaining numbered paragraphs following the word WHEREFORE set forth Plaintiff's requested relief to which no answer is required, but insofar as an answer is required, Defendant denies that Plaintiff is entitled to the relief requested or to any relief at all.

Defendant hereby denies all allegations of the Complaint not otherwise specifically admitted above.

Wherefore, having fully answered, Defendant respectfully requests that the Court enter judgment dismissing the Complaint with prejudice, and such other relief as the Court deems just and proper.

Dated: March 1, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General, Civil Division

MARCIA BERMAN
Assistant Director, Federal Programs Branch

/s/ Dena M. Roth

DENA M. ROTH (DC Bar # 1001184)

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