

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY
& ETHICS IN WASHINGTON,

Plaintiff,

v.

GENERAL SERVICES
ADMINISTRATION,

Defendant.

Case 1:17-cv-01336-KBJ

DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT

Defendant, the General Services Administration, by undersigned counsel, respectfully submits this answer to the Freedom of Information Act (“FOIA”) complaint filed by Plaintiff Citizens for Responsibility and Ethics in Washington.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim upon which relief may be granted.
2. The Court lacks subject matter jurisdiction over any requested relief that exceeds the relief authorized by FOIA.

RESPONSES TO THE NUMBERED PARAGRAPHS

All allegations in the complaint, including the relief sought, are denied except when specifically admitted. Defendant admits, denies, or otherwise answers the paragraphs in the complaint as follows.

1. Defendant admits that Plaintiff submitted a FOIA request to Defendant. The remainder of this paragraph contains Plaintiff’s narrative as to the nature of this action and as such contains conclusions of law, and characterizations of Plaintiff’s claims and intentions to which no

response is required; but to the extent that a response is deemed necessary, Defendant denies any allegations in this paragraph not otherwise admitted.

2. Defendant admits that Plaintiff's complaint purports to seek declaratory and injunctive relief. Defendant denies that Plaintiff is entitled to such relief and denies the remaining allegations in this paragraph.

Jurisdiction and Venue¹

3. Defendant admits that this Court has subject matter jurisdiction over the case and personal jurisdiction over the parties. Defendant also admits that venue lies in this district.

Parties

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

5. Defendant admits that it is an agency within the meaning of 5 U.S.C. § 552(f). Defendant denies the remaining allegations in this paragraph.

Factual Background

Plaintiff's February 9, 2017, FOIA Request

6. Admitted.

7. Denied.

8. Admitted.

9. Defendant admits that Plaintiff sought a waiver of fees associated with the processing of its February 9, 2017, FOIA request and respectfully refers the Court to that fee waiver request for a true and complete statement of its contents.

¹ For ease of reference, Defendant refers to Plaintiff's headings and titles, but to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

10. Admitted.

11. Admitted.

12. Admitted.

13. Denied.

14. Defendant admits that Plaintiff constructively exhausted administrative remedies for its February 9, 2017, FOIA request.

March 27, 2017, FOIA Request

15. Defendant admits that Plaintiff submitted a FOIA request on March 27, 2017, and respectfully refers to that request for a true and complete statement of its contents.

16. Defendant admits that Plaintiff sought a waiver of fees associated with the processing of its March, 27, 2017, FOIA request and respectfully refers the Court to that fee waiver request for a true and complete statement of its contents.

17. Admitted.

18. Admitted.

19. Denied.

20. Defendant admits that Plaintiff constructively exhausted administrative remedies for its March 27, 2017, FOIA request.

Plaintiff's Claims for Relief

**Claim One
(Wrongful Withholding of Non-Exempt Records)**

21. Defendant repeats and re-alleges its answers to paragraphs 1 through 20.

20. Admitted. (Plaintiff's complaint contains nonsequential and repetitive numbering. Defendant answers the paragraphs in the order and with the numbering used in the complaint.)

21. Denied.

22. Denied.

23. Denied.

**Claim Two
(Wrongful Withholding of Non-Exempt Records)**

24. Defendant repeats and re-alleges its answers to paragraphs 1 through 23..

25. Admitted.

26. Denied.

27. Denied.

28. Denied.

Requested Relief

Defendant denies that Plaintiff is entitled to any of the requested relief.

WHEREFORE, having fully answered, Defendant respectfully requests that Plaintiff's complaint be dismissed with prejudice and that this Court award Defendant such other and further relief as the Court may deem just and proper.

Dated: August 10, 2017

Respectfully Submitted,

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