

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
CITIZENS FOR RESPONSIBILITY,)	
& ETHICS IN WASHINGTON)	
)	
Plaintiff)	
)	Civil Action No. 17-2516 (ABJ)
v.)	(ECF)
)	
DEP'T OF INTERIOR,)	
)	
Defendant.)	
_____)	

ANSWER

The United States Department of Interior (“Defendant”), by and through the undersigned counsel, hereby Answers the complaint filed under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* (“FOIA”), by Citizens for Responsibility & Ethics in Washington (“Plaintiff”) as follows:

1. This paragraph consists of Plaintiff’s characterization of this action, to which no response is deemed required. To the extent a response is required, Defendant denies.
2. This paragraph consists of legal conclusions to which no response is deemed required. To the extent a response is required, Defendant denies.
3. This paragraph consists of Plaintiff’s allegation as to jurisdiction and venue, to which no response is required. To the extent a response is required, Defendant denies.
4. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.
5. Defendant admits.

6. This paragraph consists of Plaintiff's characterization of FOIA to which no response is required. The FOIA statute speaks for itself and is the best evidence of its contents.

7. This paragraph consists of Plaintiff's characterization of FOIA to which no response is required. The FOIA statute speaks for itself and is the best evidence of its contents.

8. This paragraph consists of Plaintiff's characterization of the FOIA, to which no response is required. The statute speaks for itself and is the best evidence of its contents.

9. This paragraph consists of Plaintiff's characterization of the FOIA, to which no response is required. The statute speaks for itself and is the best evidence of its contents.

10. This paragraph consists of Plaintiffs' characterization of the underlying purpose animating their litigation against Defendants, to which no response is deemed required. To the extent a response is required, Defendant denies.

11. This paragraph consists of Plaintiffs' characterization of the underlying purpose animating their litigation against Defendants, to which no response is deemed required. To the extent a response is required, Defendant denies.

12. This paragraph consists of Plaintiffs' characterization of the underlying purpose animating their litigation against Defendants, to which no response is deemed required. To the extent a response is required, Defendant denies.

13. This paragraph consists of Plaintiffs' characterization of the underlying purpose animating their litigation against Defendants, to which no response is deemed required. To the extent a response is required, Defendant denies.

14. Defendant admits only that DOI's Office of the Secretary FOIA Office (OS FOIA) received a FOIA request from Plaintiff on or about September 21, 2017. The FOIA request of September 21, 2017, speaks for itself and is the best evidence of its contents.

15. Defendant admits only that OS FOIA received a FOIA request from Plaintiff on or about September 21, 2017. The FOIA request of September 21, 2017, speaks for itself and is the best evidence of its contents.

16. Defendant admits only that on September 27, 2017, OS FOIA sent a letter to Plaintiff acknowledging their request. The letter of September 27, 2017, speaks for itself and is the best evidence of its contents.

17. Defendant admits only that on September 27, 2017, OS FOIA sent a letter to Plaintiff acknowledging their request. The letter of September 27, 2017, speaks for itself and is the best evidence of its contents.

18. Defendant admits only that on September 28, 2017, OS FOIA sent an interim response to Plaintiff consisting of a letter and one file containing one page of responsive material. The letter and file of September 28, 2017, speak for themselves and are the best evidence of their contents.

19. On January 9, 2018, OS FOIA provided a second interim response to Plaintiff, directing Plaintiff to material responsive to Part 1 of their request at https://www.doi.gov/sites/doi.gov/files/uploads/secretary_ryan_zinke_travel.pdf and https://www.doi.gov/sites/doi.gov/files/uploads/2017_secretary_zinke_travel_0.pdf. The second interim response includes 668 pages in total, with 312 pages released in full and 356 pages withheld in part. Partial withholdings are made under Exemptions 5, 6, and 7(c). Material

withheld includes attorney-client discussions, conference call numbers, personal email addresses, personal home addresses, personal phone numbers, and the names and contact information of law enforcement personnel. Defendant is currently searching for material responsive to Part 2 of Plaintiff's request, and anticipates completing the search and processing any responsive material by February 5, 2018.

20. Defendant hereby incorporates its responses to all the allegations in the preceding paragraphs.

21. This paragraph consists of legal conclusions to which no response is deemed required. To the extent a response is required, Defendant denies.

22. This paragraph consists of legal conclusions to which no response is deemed required. To the extent a response is required, Defendant denies.

23. This paragraph consists of legal conclusions to which no response is deemed required. To the extent a response is required, Defendant denies.

The balance of Plaintiff's Complaint consists of a prayer for relief to which no response is required. Defendant denies that Plaintiff is entitled to the relief requested or to any relief whatsoever. Defendant hereby denies all allegations not expressly admitted or denied.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state claim upon which relief may be granted.
2. Defendant is currently processing Plaintiff's FOIA request, and cannot release responsive documents until it has made determinations about responsiveness and potential redactions under 5 U.S.C. §552 (b)(1-9).

Wherefore, for the foregoing reasons, Defendant prays that this Court dismiss Plaintiff's Complaint with prejudice, enter a judgement for costs against Plaintiff, and for such other relief as the Court deems proper.

January 23, 2018

Respectfully submitted,

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Civil Chief

By: _____/s/
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CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing Defendant's Answer to be served upon Plaintiff's Counsel via ECF today.

/s/
KENNETH ADEBONOJO
Assistant United States Attorney