

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

<hr/>	CITIZENS FOR RESPONSIBILITY AND	:	
	ETHICS IN WASHINGTON	:	
		:	
	Plaintiff,	:	
v.		:	Civ. No. 1:18-cv-00007-TSC
		:	
	UNITED STATES DEPARTMENT OF	:	
	JUSTICE	:	
		:	
	Defendant.	:	
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**ANSWER AND AFFIRMATIVE DEFENSES**

Defendant United States Department of Justice (“DOJ”, or “Defendant”), through its undersigned counsel, hereby answers the First Amended Complaint (“FAC”), ECF No. 4, filed by Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”, or “Plaintiff”), as follows:

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

Plaintiff is not entitled to information that is exempt from disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

**RESPONSES TO NUMBERED PARAGRAPHS**

Defendants respond to the Complaint as follows:

1. Paragraph 1 consists of Plaintiff’s characterization of this lawsuit, to which no response is required.
2. Paragraph 2 consists of Plaintiff’s characterization of the remedies sought in this lawsuit, to which no response is required.

3. Paragraph 3 consists of Plaintiff's legal conclusions regarding jurisdiction and venue, to which no response is required.
4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.
5. Defendant admits the first sentence in paragraph 5. The second sentence of the paragraph consists of legal conclusions to which no response is required.
6. Paragraph 6 consists of legal conclusions to which no response is required.
7. Paragraph 7 consists of legal conclusions to which no response is required.
8. Paragraph 8 consists of legal conclusions to which no response is required.
9. Paragraph 9 consists of legal conclusions to which no response is required.
10. Paragraph 10 consists of legal conclusions to which no response is required.
11. Paragraph 11 consists of legal conclusions to which no response is required.
12. Paragraph 12 does not set forth a claim for relief or aver facts in support of a claim to which an answer is required.
13. Paragraph 13 does not set forth a claim for relief or aver facts in support of a claim to which an answer is required.
14. Defendant admits that DOJ's Office of Information Policy ("OIP") received a FOIA request from Plaintiff dated December 13, 2017. The remaining allegations in this paragraph consist of Plaintiff's characterization of the referenced FOIA request. Defendant respectfully refers the Court to that request for a full and accurate statement of its contents and denies any allegations inconsistent with that request.
15. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15.

16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 16. Regarding the second sentence of the paragraph, Defendant admits that Plaintiff sent a FOIA expedition request to Sarah Isgur Flores, Director of DOJ's Office of Public Affairs, dated December 13, 2017. The remaining allegations of the second sentence of paragraph 16 consists of legal conclusions to which no response is required.
17. Paragraph 17 consists of Plaintiff's characterization of the referenced FOIA expedition request. Defendant respectfully refers the Court to that request for a full and accurate statement of its contents and denies any allegations inconsistent with that request.
18. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18.
19. Admitted.
20. Admitted that OIG received a FOIA request from Plaintiff dated December 13, 2017 and that Plaintiff sought expedition of the request. The remaining allegations in the paragraph consist of Plaintiff's characterization of the referenced FOIA request and the expedition request. Defendant respectfully refers the Court to that request for a full and accurate statement of its contents and denies any allegations inconsistent with that request.
21. Admitted that OIG provided a partial response to Plaintiff's FOIA request, dated December 15, 2017. The remaining allegations in the paragraph consist of Plaintiff's characterization of the partial response. Defendant respectfully refers the Court to that partial response for a full and accurate statement of its contents and denies any allegations inconsistent with that partial response.
22. Admitted.

23. Admitted. Defendant respectfully refers the Court to the acknowledgement letter for a full and accurate statement of its contents and denies any allegations inconsistent with that letter.
24. Paragraph 24 consists of Plaintiff's characterization of this lawsuit, to which no response is required.
25. Admitted that on January 3, 2018, OIP, on behalf of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Public Affairs, and Legislative Affairs, informed Plaintiff that its request for expedited processing had been granted. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegation in paragraph 25, regarding the timing of Plaintiff's receipt of Defendant's response.
26. Admitted that, to date, OIP has not made a final determination on Plaintiff's FOIA request.
27. Denied that OIG has yet to make a determination on Plaintiff's request. Admitted that, to date, OIG's production of responsive records consists of the documents in its December 15, 2017 partial response. Further, OIG provided a partial response to CREW on February 5, 2018, indicating that it had referred two pages of documents generated by OIG to OIP for consultation, that it continues to search for records responsive to CREW's request, and that it will process the request as expeditiously as possible.
28. Paragraph 28 consists of legal conclusions to which no response is required.
29. Defendant incorporates by reference its answers to paragraphs 1 through 28 of the FAC.
30. Paragraph 30 consists of legal conclusions to which no response is required.
31. Paragraph 31 consists of legal conclusions to which no response is required.
32. Paragraph 32 consists of legal conclusions to which no response is required.

The remaining paragraphs of the FAC contain Plaintiff's requested relief, to which no response is required. To the extent a response is required, Defendant denies the allegations contained in the remaining paragraphs of the FAC and further avers that Plaintiff is not entitled to any relief.

Defendant hereby denies all allegations in the FAC not expressly admitted or denied.

WHEREFORE, having fully answered the FAC, Defendant asserts that Plaintiff is not entitled to the relief requested and respectfully requests that the Court enter judgment dismissing this action with prejudice and awarding Defendant costs and such other relief as the Court may deem appropriate.

Dated: February 8, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General

JESSIE K. LIU,  
United States Attorney

MARCIA BERMAN  
Assistant Director  
Civil Division, Federal Programs Branch

/s/ Vinita B. Andrapalliyal  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 8, 2018, service of the foregoing *Answer* has been made on counsel of record through the Court's ECF system.

/s/ Vinita B. Andrapalliyal  
Vinita B. Andrapalliyal  
Trial Attorney  
United States Department of Justice