

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

CITIZENS FOR RESPONSIBILITY AND ETHICS IN
WASHINGTON,

Plaintiff,

v.

Civil Action No. 18-cv-00377

UNITED STATES GENERAL SERVICES
ADMINISTRATION,

Defendant.

ANSWER

Defendant, United States General Services Administration (“Defendant”), by and through counsel, hereby responds to Plaintiff’s Complaint as follows:

RESPONSES

Defendant responds to the separately numbered paragraphs and prayer for relief contained in the Complaint below. To the extent that any allegation is not admitted herein, it is denied. Moreover, to the extent that the Complaint refers to or quotes from external documents, statutes, or other sources, Defendant may refer to such materials for their accurate and complete contents; however, Defendant’s references are not intended to be, and should not be construed to be, an admission that the cited materials: (a) are correctly cited or quoted by Plaintiff; (b) are relevant to this, or any other, action; or (c) are admissible in this, or any other, action.

Defendant answers as follows:

1. This paragraph contains Plaintiff’s characterization of its action, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies.

2. This paragraph contains Plaintiff's characterization of its action and the relief sought, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies.

JURISDICTION AND VENUE¹

3. This paragraph contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant admits that this Court has subject matter jurisdiction under the Freedom of Information Act ("FOIA"), as limited by the relief available under FOIA, and that venue is proper 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) and 5 U.S.C. § 701. Defendant denies the remainder of the allegations in this paragraph.

FACTUAL BACKGROUND

6. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph.

7. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph.

8. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph.

9. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph.

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. This paragraph contains Plaintiff's characterization of its FOIA request, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant admits only that Plaintiff submitted a FOIA request on or about July 12, 2017, and respectfully refers the Court to that FOIA request for a true and accurate statement of its contents.

11. This paragraph contains Plaintiff's characterization of its FOIA request, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant admits only that Plaintiff submitted a FOIA request on or about July 12, 2017, which included a request for a fee waiver and respectfully refers the Court to that FOIA request for a true and accurate statement of its contents.

12. This paragraph contains Plaintiff's characterization of the referenced email, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant respectfully refers the Court to the referenced email for a true and accurate statement of its contents.

13. This paragraph contains Plaintiff's characterization of the referenced email, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant respectfully refers the Court to the referenced email for a true and accurate statement of its contents.

14. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph.

15. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in this paragraph.

16. Denied. Defendant avers that it provided Plaintiff with a response to its FOIA request on or about March 20, 2018.

PLAINTIFF'S CLAIM FOR RELIEF
(Wrongful Withholding of Non-Exempt Records)

17. Defendant's responses to paragraphs 1–16 above are hereby incorporated by reference as if set forth fully herein.

18. This paragraph contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies.

19. This paragraph contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies.

20. This paragraph contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies.

21. This paragraph contains conclusions of law, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies.

REQUESTED RELIEF

The remainder of the Complaint consists of Plaintiff's prayer for relief, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies that Plaintiff is entitled to any of the relief requested in this section, or to any relief whatsoever.

DEFENSES

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

This Court lacks subject matter jurisdiction over any of Plaintiff's requests for relief that exceed the relief authorized by FOIA, 5 U.S.C. § 552.

WHEREFORE, Defendant respectfully requests that the Court enter judgment dismissing the Complaint with prejudice, affirming the validity of the challenged agency action, and awarding Defendant costs and such other relief as the Court may deem appropriate.

Dated: March 26, 2018

Respectfully submitted,

JESSIE K. LIU, D.C. Bar # 472845
United States Attorney for the District of Columbia

DANIEL F. VAN HORN, D.C. Bar # 924092
Chief, Civil Division

By: /s/ Melanie D. Hendry

Melanie D. Hendry
Assistant United States Attorney
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-2510
melanie.hendry2@usdoj.gov