

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

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON,)	
)	
Plaintiff,)	
v.)	No. 1:18-cv-1766-RBW
)	
U.S. DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
)	

ANSWER TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Defendant hereby answers Plaintiff’s Complaint as follows:

1. The first sentence is a characterization of this action to which no response is required.
As to the second sentence, Defendant admits that the Federal Bureau of Investigation (FBI) is a component of the U.S. Department of Justice, but states that the remainder of the sentence is a characterization of this action to which no response is required.
2. This paragraph contains a characterization of this action to which no response is required.
3. This paragraph contains legal conclusions to which no response is required.
4. Defendant lacks information or belief sufficient to admit or deny the allegations in this paragraph.
5. Defendant admits the first and second sentences. The third sentence contains legal conclusions to which no response is required, but Defendant admits that it possesses some records responsive to Plaintiff’s Freedom of Information Act (FOIA) request.
6. This paragraph contains legal conclusions to which no response is required.
7. This paragraph contains legal conclusions to which no response is required.
8. This paragraph contains a legal conclusion to which no response is required.

9. Defendants admit that, on the evening of March 16, 2018 and before his planned retirement, Andrew McCabe was terminated from his position as Deputy Director of the FBI by the Attorney General. The second sentence contains a characterization of a statement issued by the Attorney General to which no response is required; Defendant respectfully directs the Court to that statement for a full and accurate statement of its content.
10. Defendant lacks information or belief sufficient to admit or deny the allegations in this paragraph regarding the content of unspecified public reports.
11. Defendant lacks information or belief sufficient to admit or deny the allegations in this paragraph.
12. As to the first sentence, Defendant admits that the FBI received a FOIA request from CREW on March 19, 2018, but lacks sufficient information or belief to admit or deny the remaining allegations. The second sentence is a characterization of Plaintiff's FOIA request to which no response is required; Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
13. Defendant admits the first sentence. The remainder of the paragraph is a characterization of the FBI's response letter to which no response is required; Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents.
14. This paragraph is a characterization of the FBI's response letter to which no response is required; Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents.
15. Defendant admits the allegations in this paragraph.

16. This paragraph contains a legal conclusion to which no response is required, but to the extent a response is required, Defendant denies the allegation.

17. Defendant incorporates its responses to paragraph 1-16 as if repeated here.

18. This paragraph contains a legal conclusion to which no response is required.

19. This paragraph contains legal conclusions to which no response is required, but to the extent a response is required, Defendant denies the allegations.

20. This paragraph contains a legal conclusion to which no response is required, but to the extent a response is required, Defendant denies the allegation.

The remainder of the complaint contains Plaintiff's request for relief to which no response is required, but to the extent a response is required, Defendant denies the allegations.

Affirmative Defenses

1. Plaintiff failed to exhaust its administrative remedies.

Date: September 6, 2018

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ELIZABETH J. SHAPIRO
Assistant Branch Director

s/Justin M. Sandberg

JUSTIN M. SANDBERG (Ill. Bar. No.
6278377)
Senior Trial Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue N.W.
Washington, D.C. 20530
Tel.: (202) 514-5838
Fax: (202) 616-8202
Email: justin.sandberg@usdoj.gov

Counsel for Defendants