

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

CITIZENS FOR RESPONSIBILITY AND ETHICS IN
WASHINGTON,

Plaintiff,

v.

UNITED STATES GENERAL SERVICES
ADMINISTRATION,

Defendant.

Civ. A. No. 18-2071 CKK

ANSWER

Defendant, United States General Services Administration ("Defendant"), by and through counsel, hereby responds to Plaintiffs 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.

Wherefore, Defendant answers as follows to the specifically numbered paragraphs of the Complaint:

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, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies.

JURISDICTION AND VENUE¹

1. 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.

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 duration of the allegation in this paragraph.

FACTUAL BACKGROUND

6.-9. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in these paragraphs.

10.-13. Admitted.

14.-15. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in these paragraphs.

16. Denied. Defendant has provided Plaintiff with a response to its FOIA request.

¹ Where Defendant has included the headings and titles from the Complaint, it has done so for ease of reference; to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

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.-21. These paragraphs contain conclusions of law, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendant denies.

ADDITIONAL DEFENSES

Defendant alleges the following additional defenses to the Complaint. In asserting these defenses, Defendant does not assume the burden to establish any fact or proposition where that burden is properly imposed upon Plaintiff.

1. Plaintiff's Complaint fails to state a claim upon which relief may be granted.
2. 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.

Respectfully submitted,

JESSIE K. LIU, DC Bar #472845
United States Attorney

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

By: _____ /s/
W. MARK NEBEKER, DC Bar #396739
Assistant United States Attorney
555 4th Street, N.W.
Washington, DC 20530
(202) 252-2536
mark.nebeker@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Answer has been made through the Court's electronic transmission facilities on this 17th day of October, 2018.

W. MARK NEBEKER, DC Bar #396739
Assistant United States Attorney
Civil Division
555 4th street, N.W.
Washington, DC 20530
(202) 252-2536