

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

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CITIZENS FOR RESPONSIBILITY )  
AND ETHICS IN WASHINGTON, )  
) )  
Plaintiff, )  
) )  
v. )  
) )  
U.S. DEPARTMENT OF JUSTICE, )  
) )  
Defendant. )

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Civil Action No. 18-2888 (RBW)

**DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES**

The United States Department of Justice (“DOJ”), on behalf of the Federal Bureau of Investigations (“FBI”), by and through undersigned counsel, hereby answers the Complaint of Citizens for Responsibility and Ethics in Washington (“Plaintiff”) as follows:

1. This paragraph contains Plaintiff’s characterization of its lawsuit and the relief sought, to which no response is required.
2. This paragraph contains Plaintiff’s characterization of its lawsuit and the relief sought, to which no answer is required.

**Jurisdiction and Venue**

3. This paragraph contains Plaintiff’s conclusions of law concerning jurisdiction and venue, to which no response is required.

**Parties**

4. Defendant is without knowledge or information sufficient to confirm or deny the allegations contained in this paragraph.

5. Defendant admits that DOJ is an agency within the executive branch of the United States, and that the FBI is a component of DOJ. The remainder of the allegations in this paragraph contain conclusions of law, to which no response is required, except to deny that the FBI has records subject to the Freedom of Information Act (“FOIA”) and responsive to the FOIA request at issue in this lawsuit.

**Statutory and Regulatory Background**

6. This paragraph contains Plaintiff’s conclusions of law, to which no response is required.

7. This paragraph contains Plaintiff’s conclusions of law, to which no response is required.

8. This paragraph contains Plaintiff’s conclusions of law, to which no response is required.

**Factual Background**

9. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim under FOIA to which an answer is required.

10. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim under FOIA to which an answer is required.

11. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim under FOIA to which an answer is required.

12. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim under FOIA to which an answer is required.

13. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim under FOIA to which an answer is required.

14. The allegations in the first sentence constitute conclusions of law, to which no response is required. Admit that Plaintiff submitted a FOIA request by facsimile on April 26, 2018, which speaks for itself and is the best evidence of its contents, but Defendant lacks knowledge or information sufficient to form a belief as to the truth of the Plaintiff's alleged intent in making its FOIA request.

15. Defendant admits that Plaintiff submitted a FOIA request and avers that the request speaks for itself and is the best evidence of its contents.

16. Defendant admits that by letter dated May 4, 2018, the FBI sent Plaintiff a letter, and avers that the letter speaks for itself and is the best evidence of its contents. .

17. Admit.

18. The allegations in this paragraph constitute a conclusion of law, to which no response is required. .

**PLAINTIFF'S CLAIM FOR RELIEF**

19. Defendant incorporates by reference its responses to Paragraphs 1 through 18.

20. This paragraph contains conclusions of law, to which no answer is required, except to admit that Plaintiff made a FOIA request to DOJ, but deny that the FBI has records subject to the FOIA and responsive to the FOIA request at issue in this lawsuit.

21. This paragraph contains conclusions of law, to which no answer is required.

22. This paragraph contains conclusions of law, to which no answer is required.

**REQUESTED RELIEF**

The remaining paragraphs set forth Plaintiff's prayer for relief, to which no answer is required, but insofar as an answer is deemed required, Defendant denies that Plaintiff is entitled to the relief requested or to any relief whatsoever.

Defendant hereby denies all allegations in Plaintiff's Complaint not expressly admitted or qualified herein.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim upon which relief may be granted under FOIA.

**SECOND AFFIRMATIVE DEFENSE**

The information that Defendant has withheld, or will withhold, in response to Plaintiff's FOIA request is, or will be, permitted under exemptions to FOIA. See 5 U.S.C. § 552(a)(3)(C).

Respectfully submitted,

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United States Attorney for the District of Columbia

DANIEL F. VAN HORN,  
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Chief, Civil Division

*/s/ Marina Utgoff Braswell*  
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