

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

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Case No. 1:19-cv-1552 (ABJ)

**ANSWER TO COMPLAINT**

Defendant, the United States Department of Justice (“DOJ”), by and through undersigned counsel, respectfully submits the following answer to plaintiff Citizens for Responsibility and Ethics in Washington’s Complaint for Injunctive and Declaratory Relief (“Complaint”), filed on May 28, 2019, as follows:

**FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff’s request, as written, does not constitute a proper request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff has failed to exhaust administrative remedies.

**FOURTH AFFIRMATIVE DEFENSE**

The FOIA request that is the subject of this lawsuit may implicate certain information that is protected from disclosure by one or more statutory exemptions. Disclosure of such information is not required or permitted. *See* 5 U.S.C. § 552(b).

Defendant responds to the numbered paragraphs of plaintiff's Complaint as set forth below.

**DEFENDANT'S RESPONSES TO THE NUMBERED PARAGRAPHS**

1-2. Paragraphs 1-2 consist of plaintiff's characterization of this lawsuit, to which no response is required.

3. Paragraph 3 consists of plaintiff's legal conclusions, to which no response is required.

4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 4.

5. As to the first sentence in paragraph 5, defendant admits only that DOJ is an agency of the United States. The remainder of paragraph 5 consists of plaintiff's legal conclusions, to which no response is required.

6-12. Paragraphs 6-12 consist of plaintiff's legal conclusions, to which no response is required.

13. The allegations in paragraph 13 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. To the extent an answer is required, paragraph 13 characterizes an April 18, 2019 press conference to which the Court is referred for a full and accurate statement of its contents.

14-15. Defendant admits that it received from plaintiff a FOIA request dated April 18, 2019. Defendant respectfully refers the Court to that request for a full and accurate statement of its contents.

16. Defendant admits that it received from plaintiff a letter dated April 18, 2019, with the subject “Re: Request for Expedition of Freedom of Information Act Request.” Defendant respectfully refers the Court to that request for a full and accurate statement of its contents.

17-18. Defendant admits that on April 26, 2019, the DOJ Office of Legal Counsel sent a letter to plaintiff, and respectfully refers the Court to that email for a full and accurate statement of its contents.

19. Defendant admits that as of the date of plaintiff’s complaint, plaintiff had not received any further response from DOJ regarding the FOIA request that the DOJ Office of Legal Counsel received from plaintiff dated April 18, 2019.

20. Paragraph 20 consists of plaintiff’s legal conclusions, to which no response is required.

21. Defendant repeats and realleges its responses contained in paragraphs 1 through 20 as set forth herein.

22-24. Paragraphs 22-24 consist of plaintiff’s legal conclusions, to which no response is required. To the extent a response is required, denied.

Second set of paragraphs numbered 19, 20, 23, and 24. The second set of paragraphs numbered 19, 20, 23, and 24 consist of plaintiff’s legal conclusions, to which no response is required. To the extent a response is required, denied.

The remainder of the Complaint sets forth 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 portions of the Complaint, and avers that plaintiff is not entitled to any relief. Defendant denies any and all allegations not expressly admitted herein.

WHEREFORE, having fully answered, defendant respectfully requests that the Court enter an order dismissing this action with prejudice and awarding defendant costs and other such relief as the Court may deem appropriate.

Dated: February 14, 2020

Respectfully submitted,

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