

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

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT
COMMERCE,

Defendant.

Civ. A. No. 19-2363 (APM)

ANSWER

Defendant United States Department of Commerce (“DOC”), by and through undersigned counsel, hereby answers the Complaint of Plaintiff Citizens for Responsibility and Ethics in Washington as follows:

First Defense

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

Second Defense

Plaintiff is not entitled to information protected from disclosure by exemptions under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

Third Defense

The Court lacks subject-matter jurisdiction to award relief that exceeds that which is authorized by FOIA.

Fourth Defense

The Complaint violates Federal Rule of Civil Procedure (“Rule”) 8(a)(2) by alleging information that is unnecessary to a “short and plain” statement of the claim. The Court should strike all such immaterial and impertinent matters pursuant to Rule 12(f).

Defendant’s Responses to the Numbered Paragraphs

Defendant denies each and every allegation contained in the Complaint not expressly admitted in this Answer. Defendant respectfully requests and reserves the right to amend, alter, and supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to Defendant through the course of the litigation.

In response to the specifically enumerated paragraphs as set forth in the Complaint Defendant admits, denies, and otherwise avers as follows:

1. This paragraph contains Plaintiff’s characterization of its lawsuit to which no response is required. To the extent a response is required, Defendant admits that Plaintiff brings this action under FOIA. Defendant further admits that Plaintiff submitted a FOIA request seeking access to the information identified in this paragraph. Defendant respectfully refers the Court to Plaintiff’s FOIA request for a complete and accurate statements of its content.

2. This paragraph contains Plaintiff’s characterization of its lawsuit and the relief sought to which no response 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 DOC is an agency within the executive branch of the United States. The remainder of the allegations in this paragraph contain conclusions of law, to which no response is required, except to admit that DOC has certain records responsive to the FOIA request at issue in this lawsuit.

Factual Background

6.-12. The allegations in Paragraphs 6 to 12 are immaterial and impertinent to this FOIA action and, therefore, no response is required. The allegations should be stricken from the Complaint pursuant to Rule 12(f).

13. Defendant is without knowledge of information sufficient to confirm or deny why Plaintiff submitted a FOIA request to DOC. Defendant admits the remaining allegations contained in this paragraph. Defendant respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statements of its content.

14. Defendant admits that Plaintiff requested a waiver of fees associated with its request under FOIA. Defendant respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statements of its content.

15. Defendant admits the allegations contained in this paragraph. Defendant respectfully refers the Court to the email identified for a complete and accurate statements of its contents.

16. Defendant admits that as of the time the Complaint was filed, DOC had not provided a final determination of Plaintiff's FOIA request.

17. This paragraph contains conclusions of law to which no response is required.

PLAINTIFF'S CLAIM FOR RELIEF

18. Defendant incorporates by reference its responses to Paragraphs 1 through 17.

19. Defendant admits that Plaintiff submitted the subject FOIA request to DOC and that DOC has certain records responsive to the FOIA request. The remaining allegations in this paragraph contain conclusions of law to which no response is required.

20. This paragraph contains conclusions of law to which no response is required.

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

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

Requested Relief

The remainder of the Complaint consists of Plaintiff's requested relief to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the requested relief or to any relief whatsoever.

September 11, 2019

Respectfully submitted,

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