

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

ARAB AMERICAN INSTITUTE,)	
)	
Plaintiff,)	
)	Civil Action No. 1:18-cv-00871 (ABJ)
v.)	
)	
OFFICE OF MANAGEMENT)	
AND BUDGET,)	
)	
Defendant.)	
_____)	

ANSWER AND DEFENSES

Defendant, the Office of Management and Budget (“OMB”) hereby answers Plaintiff’s Complaint, brought under the Freedom of Information Act (“FOIA”) as follows:

FIRST DEFENSE

Defendant reserves the right to amend this Answer to assert any other matter that constitutes an avoidance or affirmative defense under Federal Rule of Civil Procedure 8(c).

SECOND DEFENSE

Any relief is limited to that provided for in 5 U.S.C. § 552(a)(4)(B).

THIRD DEFENSE

Plaintiff is not entitled to compel the production of responsive records protected from disclosure by one or more of the exemptions or exclusions to FOIA, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

FOURTH DEFENSE

As to some or all of the claims asserted in this action, Plaintiff has failed to state a claim upon which relief may be granted under FOIA.

FIFTH DEFENSE

Plaintiff is not entitled to attorneys' fees or costs.

SIXTH DEFENSE

Defendant has conducted adequate searches in response to the underlying requests under FOIA, 5 U.S.C. § 552, as amended, or otherwise is in the process of completing searches and releases of non-exempt, responsive records, or segregable portions thereof. Defendant further avers that some or all of the requested records may be exempt, in full or in part, from release under FOIA exemptions.

SEVENTH DEFENSE

Defendant denies each and every allegation contained in the Complaint except as may have been expressly admitted herein. To the extent 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 in response; 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.

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF¹

1. The allegations in Paragraph 1 constitute Plaintiff's characterization of its case and the nature of the action to which no response is required. To the extent that a response is required, deny.

2. The allegations in Paragraph 2 constitute Plaintiff's characterization of its case and the nature of the action to which no response is required. To the extent that a response is required, deny.

Jurisdiction and Venue

3. The allegations in Paragraph 3 constitute Plaintiff's legal conclusions regarding jurisdiction and venue to which no response is required. To the extent a response is required, admit that jurisdiction is found under FOIA and that venue is proper in this District but otherwise deny.

Parties

4. Defendant lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 4. To the extent that a response is required, deny.

5. OMB admits the allegations contained in the first two sentences of Paragraph 5. OMB lacks sufficient knowledge to admit or deny the remaining allegations contained in Paragraph 5.

Facts

6. Defendant lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 6. To the extent that a response is required, deny.

¹ Merely for ease of reference, Defendant's Answer replicates the headings contained in the Complaint. Although Defendant believes that no response is required to such headings, to the extent a response is deemed required and to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

7. Defendant lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 7. To the extent that a response is required, deny.

8. Defendant lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 8. To the extent that a response is required, deny.

9. OMB admits that it received a FOIA request from Plaintiff dated February 16, 2018. OMB avers that the request speaks for itself and respectfully refers the Court to the request for a full and accurate statement of its contents.

10. OMB avers that the February 16, 2018, letter speaks for itself and respectfully refers the Court to the letter for a full and accurate statement of its contents.

11. OMB admits that it sent an e-mail to Plaintiff on February 21, 2018. OMB avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents.

12. OMB admits that it has not provided any further response to Plaintiff's FOIA request. The remaining allegations of Paragraph 12 contain conclusions of law to which no response is required.

13. This paragraph contains conclusions of law to which no response is required. To the extent that a response is required, deny.

Plaintiff's Claim for Relief

Claim I

OMB's Failure to Respond to FOIA Request

14. OMB incorporates its responses to Paragraphs 1 through 13.

15. This paragraph contains conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

16. Admit.

17. OMB admits that it has not provided Plaintiff with all responsive, non-exempt documents. OMB denies the remaining allegations contained in Paragraph 17.

18. This paragraph contains conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

19. This paragraph contains conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

Requested Relief

The remainder of Plaintiff's Complaint contains Plaintiff's "Requested Relief," which contains conclusions of law to which no response is required. To the extent that this paragraph may be deemed to contain factual allegations, they are denied.

WHEREFORE, having fully answered, Defendant requests judgment and relief against Plaintiff as follows:

- a) that the claims against Defendant are dismissed with prejudice and that Plaintiff takes nothing and is granted no relief;
- b) that Defendant be awarded its costs and disbursements incurred in defending this matter; and
- c) such other and further relief to which Defendant is entitled.

Dated: May 17, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of May, 2018, that service of the foregoing *Defendant's Answer* has been made on counsel of record through the Court's ECF system.

/s/ Scott Leeson Sroka _____
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