

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

BRENNAN CENTER FOR JUSTICE AT	)	
NEW YORK UNIVERSITY SCHOOL OF LAW	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
U.S. DEPARTMENT OF JUSTICE,	)	
	)	
	)	
Defendant.	)	
_____	)	

Case No. 18-cv-1841 ABJ

**ANSWER**

Defendant, the United States Department of Justice, by and through the undersigned counsel, hereby answers the Complaint in the above-captioned action using the same paragraph numeration.

**FIRST DEFENSE**

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

**SECOND DEFENSE**

Any document withheld in full or in part are subject to the appropriate exemptions in the Freedom of Information Act, 5. U.S.C. Section 552.

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

1. This paragraph contains plaintiff’s characterization of this action, to which no response is required.

**JURISDICITON AND VENUE**

2. Paragraph 2 contains conclusions of law, to which no response is required.

3. Paragraph 3 contains conclusions of law, to which no response is required.

4. Paragraph 4 contains conclusions of law, to which no response is required, except to admit that Plaintiff filed an administrative appeal with Office of Information Policy (OIP), received on June 1, 2018, and that office has not yet issued a final decision.

#### PARTIES

5. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 5.

6. Defendant admits that the Department of Justice is a department in the Executive Branch and that the Civil Rights Division is a subdivision of the U.S. Department of Justice. Defendant denies the remaining allegations as it contains conclusions of law to which no response is required.

#### STATEMENT OF FACTS

7. Defendant admits the Plaintiff submitted a Freedom of Information Act (FOIA) request dated July 20, 2017, to the Civil Rights Division, FOI/PA Branch, and respectfully refers the Court to the letter for a complete and accurate statement of its contents.

8. Defendant admits that it received Plaintiff's July 20, 2017 FOIA request, and respectfully refers the Court to that FOIA request for a complete and accurate statement of its contents.

9. Defendant admits that it received Plaintiff's July 20, 2017 FOIA request, and respectfully refers the Court to that FOIA request for a complete and accurate statement of its contents.

10. Defendant admits that it received Plaintiff's July 20, 2017 FOIA request, and

respectfully refers the Court to that FOIA request for a complete and accurate statement of its contents.

11. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 11. Paragraph 11 also requires conclusions of law to which no response is required.

12. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 12.

13. Defendant admits that it received Plaintiff's July 20, 2017 FOIA request, and respectfully refers the Court to that FOIA request for a complete and accurate statement of its contents.

14. Defendant admits the Civil Rights Division, FOI/PA Branch, received the FOIA request on July 21, 2017, assigned the request FOI/PA No. 17-00362-F, and sent an acknowledgment letter on July 24, 2017. Defendant respectfully refers the Court to the response letter for a complete and accurate statement of its contents.

15. Defendant admits that it did not issue a specific response on Plaintiff's request for expedited processing and a fee waiver but avers that these issues were rendered moot by Defendant's March 20, 2018 response.

16. Defendant admits there were discussions with Plaintiff regarding the status of its FOIA request during the Fall of 2017.

17. Defendant admits there were discussions with Plaintiff regarding the status of its various FOIA requests around March 16, 2018.

18. Defendant admits there were discussions with Plaintiff regarding the status of its

various FOIA requests around mid-March 2018.

19. Defendant admits that on March 19, 2018, Plaintiff sent an email describing its different FOIA requests, and that the Civil Rights Division indicated a response would be sent in a few days.

20. Defendant admits the Civil Rights Division, FOI/PA Branch, forwarded a response letter to Plaintiff, dated March 20, 2018, and respectfully refers the Court to that response letter for a complete and accurate statement of its contents.

21. Defendant admits the Civil Rights Division, FOI/PA Branch, forwarded a response letter to Plaintiff, dated March 20, 2018, and respectfully refers the Court to that response letter for a complete and accurate statement of its contents.

22. Defendant admits the Civil Rights Division, FOI/PA Branch, forwarded a response letter to Plaintiff, dated March 20, 2018, and respectfully refers the Court to that response letter for a complete and accurate statement of its contents.

23. Defendant admits Plaintiff forwarded an appeal to Office of Information Policy (OIP), received on June 1, 2018, and respectfully refers the Court to that appeal letter for a complete and accurate statement of its contents.

24. Defendant admits Plaintiff forwarded an appeal to OIP and that OIP has not issued a final determination letter to date.

25. Paragraph 25 requires conclusions of law to which no response is required.

26. Paragraph 26 requires conclusions of law to which no response is required.

#### COUNT I

27. Defendant realleges its answers to paragraphs 1-26, as if fully stated herein.

28. Paragraph 28 contains conclusions of law to which no response is required.

29. Defendant admits the DOJ is a department in the Executive Branch subject to the FOIA law and denies the remaining allegations, which contain conclusions of law to which no response is required.

30. Defendant admits Plaintiff filed a FOIA request and denies the remaining allegations, which contain conclusions of law to which no response is required.

31. Paragraph 31 contains conclusions of law to which no response is required.

32. Paragraph 32 contains conclusions of law to which no response is required.

#### COUNT II

33. Defendant realleges its answers to paragraphs 1-32, as if fully stated herein.

34. Paragraph 34 contains conclusions of law to which no response is required.

35. Defendant admits DOJ is an executive branch agency subject to the FOIA law and denies the remaining allegations, which contain conclusions of law to which no response is required.

36. Paragraph 36 contains conclusions of law to which no response is required.

37. Paragraph 37 contains conclusions of law to which no response is required.

38. Paragraph 38 contains conclusions of law to which no response is required.

39. Paragraph 39 contains conclusions of law to which no response is required.

#### COUNT III

40. Defendant realleges its answers to paragraphs 1-39, as if fully stated herein.

41. Defendant admits the Civil Rights Division, FOI/PA Branch, received the FOIA request on July 21, 2017, and denies the remaining allegations, which contain conclusions of law

to which no response is required.

42. Defendant admits DOJ is an executive branch agency subject to the FOIA law and denies the remaining allegations, which contain conclusions of law to which no response is required.

43. Paragraph 43 contains conclusions of law to which no response is required.

44. Paragraph 44 contains conclusions of law to which no response is required.

45. Paragraph 45 contains conclusions of law to which no response is required.

46. Paragraph 46 contains conclusions of law to which no response is required.

47. Paragraph 47 contains conclusions of law to which no response is required.

#### REQUESTED RELIEF

The remaining paragraph of the Complaint contains Plaintiff's prayer for relief, to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in that paragraph and further avers that Plaintiff is not entitled to any relief in this action.

Defendant further denies any allegation not expressly answered herein.

Respectfully submitted,

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