

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REPORTERS COMMITTEE
FOR FREEDOM OF THE PRESS,

Plaintiff,

v.

FEDERAL BUREAU
OF INVESTIGATION, *et al.*,

Defendants.

Case 1:17-cv-01701-RC

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

Defendants, the Federal Bureau of Investigation and the United States Department of Justice, by undersigned counsel, respectfully submit this answer to the complaint filed by Plaintiff the Reporters Committee for Freedom of the Press.

AFFIRMATIVE DEFENSES

First Defense

Plaintiff does not present a valid request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, because it did not reasonably describe the records sought. *See* 5 U.S.C. § 552(a)(3)(A)(i).

Second Defense

Defendants have conducted or are in the process of conducting adequate searches for records responsive to Plaintiff's FOIA requests.

Third Defense

Some or all of the requested records are exempt from disclosure. *See* 5 U.S.C. § 552(b).

Fourth Defense

The complaint should be dismissed in whole or in part to the extent that Plaintiff failed to exhaust administrative remedies with respect to some or all of the FOIA requests at issue.

RESPONSES TO THE NUMBERED PARAGRAPHS

All allegations in Plaintiff's complaint, including the relief sought, are denied except where specifically admitted herein. Defendants admit, deny, or otherwise answer the numbered paragraphs in the complaint as follows:

1. Defendants admit that Plaintiff purports to bring this action under the Freedom of Information Act. Defendants deny that Plaintiff is entitled to the requested relief.
2. Denied.

Jurisdiction and Venue¹

3. Defendants admit that this Court has personal jurisdiction over Defendants. Defendants deny that this Court has subject-matter jurisdiction.
4. Defendants admit that venue lies in this district.

Parties

5. Defendants lack knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations in this paragraph.
6. Defendants admit that the Department of Justice is an agency of the federal government. Defendants deny the remaining allegations in this paragraph.
7. Defendants admit that the Federal Bureau of Investigation is an agency of the federal government. Defendants deny the remaining allegations in this paragraph.

¹ For ease of reference, Defendants refer to Plaintiff's headings and titles, but to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

Factual Allegations

Background

8. Defendants lack knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations in this paragraph.

9. Defendants refer to the cited testimony for a complete and accurate statement of its contents.

10. Defendants refer to the cited court records for a complete and accurate statement of their contents.

11. Defendants refer to the cited filings for a complete and accurate statement of their contents.

12. Defendants refer to the cited report by the Office of Inspector General for a complete and accurate statement of its contents.

13. Defendants refer to the cited report by the Office of Inspector General for a complete and accurate statement of its contents.

14. Defendants refer to the cited report by the Office of Inspector General for a complete and accurate statement of its contents.

15. Defendants refer to the cited report by the Office of Inspector General for a complete and accurate statement of its contents.

16. Defendants refer to the cited report by the Office of Inspector General for a complete and accurate statement of its contents.

17. Defendants refer to the cited report by the Office of Inspector General for a complete and accurate statement of its contents.

Plaintiff's FOIA Request

18. Defendants admit that Plaintiff made a FOIA request to the FBI dated April 12, 2017, and refer to the request for a complete and accurate statement of its contents.

19. Defendants admit that Plaintiff made a FOIA request to the FBI dated April 12, 2017, and refer to the request for a complete and accurate statement of its contents.

20. Defendants admit that Plaintiff made a FOIA request to the FBI dated April 12, 2017, and refer to the request for a complete and accurate statement of its contents.

21. Defendants admit that Plaintiff made a FOIA request to the FBI dated April 12, 2017, and refer to the request for a complete and accurate statement of its contents.

22. Denied.

Defendants' Treatment of Plaintiff's FOIA Request

23. Defendants admit that the FBI sent six letters (five dated April 27, 2017, and one dated May 18, 2017) to Plaintiff and refer to those letters for a complete and accurate statement of their contents.

24. Defendants refer to the referenced letter dated April 27, 2017, a complete and accurate statement of its contents.

25. Defendants refer to the referenced letter dated April 27, 2017, a complete and accurate statement of its contents.

26. Defendants refer to the referenced letter dated May 18, 2017, a complete and accurate statement of its contents.

27. Defendants refer to the referenced letter dated April 27, 2017, a complete and accurate statement of its contents.

28. Defendants admit that Plaintiff filed an appeal with the Office of Information Policy by letter dated June 5, 2017, and refer to that letter for a complete and accurate statement of its contents.

29. Defendants refer to the cited letter dated June 5, 2017, for a complete and accurate statement of its contents.

30. Defendants refer to the cited letter dated June 5, 2017, for a complete and accurate statement of its contents.

31. Defendants refer to the cited letter dated June 5, 2017, for a complete and accurate statement of its contents.

32. Defendants refer to the cited letter dated June 5, 2017, for a complete and accurate statement of its contents.

33. Defendants admit that the Office of Information Policy sent Plaintiff a letter dated July 5, 2017, and refer to that letter for a complete and accurate statement of its contents.

34. Defendants lack knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations in this paragraph.

35. Admitted.

36. Admitted.

Causes of Action

Count I

37. Defendants incorporate their answers to the foregoing paragraphs.

38. Admitted.

39. Denied.

40. Denied.

41. Admitted.

42. This paragraph contains a legal argument rather than an allegation. To the extent a response is required, it is denied.

Count II

43. Defendants incorporate their answers to the foregoing paragraphs.

44. Admitted.

45. Denied.

46. Admitted.

47. Denied.

48. Denied.

49. This paragraph contains a legal argument rather than an allegation. To the extent a response is required, it is denied.

Count III

50. Defendants incorporate their answers to the foregoing paragraphs.

51. Admitted.

52. Denied.

53. Denied.

54. Denied.

55. This paragraph contains a legal argument rather than an allegation. To the extent a response is required, it is denied.

Count IV

56. Defendants incorporate their answers to the foregoing paragraphs.

57. Admitted.

58. Denied.

59. Denied.

60. Denied.

61. This paragraph contains a legal argument rather than an allegation. To the extent a response is required, it is denied.

Count V

62. Defendants incorporate their answers to the foregoing paragraphs.

63. Admitted.

64. Admitted.

65. Denied.

Prayer for Relief

Defendants deny the Plaintiff is entitled to the requested relief.

WHEREFORE, having fully answered, Defendants respectfully request that Plaintiffs' Complaint be dismissed with prejudice and that this Court award Defendants such other and further relief as the Court may deem just and proper.

Dated: September 25, 2017

Respectfully Submitted,

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