

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

ELECTRONIC FRONTIER)	
FOUNDATION,)	
)	
)	
Plaintiff,)	
)	Civil Action No. 17-cv-1039
v.)	
)	
DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
)	
)	

ANSWER

Defendant United States Department of Justice (“Defendant”), through its undersigned attorneys, hereby responds to each numbered paragraph of the Complaint (ECF No. 1) as follows:

1. This paragraph contains Plaintiff Electronic Frontier Foundation’s (“Plaintiff”) characterization of this lawsuit, to which no response is required.
2. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.
3. Admit.
4. No answer is required for this paragraph because it contains conclusions of law regarding jurisdiction.
5. No answer is required for this paragraph because it contains conclusions of law regarding venue.

6. This paragraph, and sub-paragraphs, contain Plaintiff's characterization of its FOIA request, to which no response is required. The Court is respectfully referred to Plaintiff's FOIA request for a full and accurate statement of its contents. To the extent Plaintiff's characterization is inconsistent with Plaintiff's FOIA request, the allegations in these paragraphs are denied.

7. This paragraph contains Plaintiff's characterization of its FOIA request, to which no response is required. The Court is respectfully referred to Plaintiff's FOIA request for a full and accurate statement of its contents. To the extent Plaintiff's characterization is inconsistent with Plaintiff's FOIA request, the allegations in these paragraphs are denied.

8. Defendant admits that it acknowledged receipt of Plaintiff's request via an email exchange dated February 3, 2017. The Court is respectfully referred to the email exchange for a full and accurate statement of its contents.

9. Defendant admits that advised Plaintiff by letter dated April 18, 2017 that it would "neither confirm nor deny the existence of any records which would tend to indicate or reveal whether an individual or organization is of investigatory interest to the FBI." The remainder of this paragraph contains Plaintiff's characterization of the letter dated April 18, 2017, to which no response is required. The Court is respectfully referred to the letter for a full and accurate statement of its contents.

10. Defendant admits that Plaintiff appealed Defendant's decision by letter dated April 28, 2017. This paragraph contains Plaintiff's characterization of its appeal, to which no response is required. The Court is respectfully referred to Plaintiff's letter of April 28, 2017 for a full and accurate statement of its contents.

11. Defendant admits that DOJ's Office of Information Policy ("OIP") acknowledged receipt of Plaintiff's administrative appeal via email dated April 28, 2017. The Court is respectfully referred to the email for a full and accurate statement of its contents.

12. Admit.

13. This paragraph contains conclusions of law concerning the exhaustion administrative remedies, to which no response is required.

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

15. This paragraph repeats by reference each previously stated material paragraph; to the extent a response is deemed required, Defendant incorporates by reference and refers the Court to its responses to the preceding paragraphs.

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

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

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

19. This paragraph repeats by reference previously stated material paragraphs 1-14; to the extent a response is deemed required, Defendant incorporates by reference and refers the Court to its responses to preceding paragraphs 1-14.

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.

This unnumbered paragraph, including sub-paragraphs numbered (1) through (6), constitute a prayer for relief to which no response is required, but insofar as an answer is deemed necessary, Defendant denies that Plaintiff is entitled to the relief requested or to any relief whatsoever.

Defendant hereby denies all allegations in Plaintiff's Complaint not expressly admitted or denied.

DEFENSES

1. Defendant's actions did not violate the FOIA or any other statutory or regulatory provision.

2. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions of the FOIA, 5 U.S.C. § 552.

THEREFORE, having fully answered, Defendant asserts that Plaintiff is not entitled to the relief requested, or to any relief whatsoever, and requests that this action be dismissed with prejudice and that Defendant be given such other relief as the Court deems just and proper.

Respectfully submitted this 6th day of July, 2017.

CHAD A. READLER
Acting Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director, Federal Programs
Branch

/s/ Michael L. Drezner
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Attorney for Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Michael L. Drezner

MICHAEL L. DREZNER

Trial Attorney