

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

AMERICAN OVERSIGHT,

Plaintiff,

v.

U.S. DEPARTMENT OF THE
TREASURY,

Defendant.

No. 17-cv-01622 (CKK)

DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT

Defendant, the United States Department of the Treasury (“Defendant”), by and through its undersigned counsel, hereby answers the numbered paragraphs of the Complaint of Plaintiff, American Oversight (“Plaintiff”), as follows:

1. This paragraph consists of Plaintiff’s characterization of this action to which no response is required.

2. This paragraph consists of legal conclusions to which no response is required.

3. This paragraph consists of legal conclusions to which no response is required.

4. This paragraph consists of legal conclusions to which no response is required.

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph.

6. Defendant admits the allegations contained in the first sentence of this paragraph.

The second sentence consists of legal conclusions to which no response is required.

7. Defendant admits that Plaintiff submitted a FOIA request to Defendant dated May 5, 2017. Defendant respectfully refers the Court to that request for a complete and accurate statement of its contents.

8. Admitted.

9. Defendant admits that Plaintiff submitted a request for expedited processing of the May 5 FOIA request to Defendant on June 7, 2017.

10. Defendant admits that it advised Plaintiff by letter dated June 8, 2017 that Plaintiff's request for expedited processing of the May 5 FOIA request was granted.

11. Defendant admits that Plaintiff submitted a FOIA request to Defendant dated May 11, 2017. Defendant respectfully refers the Court to that request for a complete and accurate statement of its contents.¹

12. Admitted.

13. This paragraph consists of Plaintiff's characterization of its FOIA requests to which no response is required. Defendant respectfully refers the Court to the requests for a full and accurate statement of their contents.

14. This paragraph consists of Plaintiff's characterization of its FOIA requests to which no response is required. Defendant respectfully refers the Court to the requests for a full and accurate statement of their contents.

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

¹ Defendant admits that Plaintiff withdrew part (1) of the May 11 FOIA request. The remainder of this footnote consists of Plaintiff's characterization of its FOIA requests to which no response is required. Defendant respectfully refers the Court to the requests for a full and accurate statement of their contents.

16. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

17. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

19. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

20. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

22. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

23. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

24. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

25. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in this paragraph. This paragraph also consists of legal conclusions to which no response is required.

26. Defendant admits that as of the date of the filing of Plaintiff's Complaint Defendant has not provided Plaintiff with a final determination on the May 5 and May 11 FOIA requests, produced any responsive records, or asserted any FOIA exemptions. The remaining allegations in this paragraph are denied.

27. This paragraph consists of legal conclusions to which no response is required.

28. Defendant repeats and incorporates the answers to paragraphs 1-27.

29. This paragraph consists of legal conclusions to which no response is required.

30. This paragraph consists of legal conclusions to which no response is required.

31. This paragraph consists of legal conclusions to which no response is required.

32. This paragraph consists of legal conclusions to which no response is required.

33. This paragraph consists of legal conclusions to which no response is required.

34. Defendant repeats and incorporates the answers to paragraphs 1-33.

35. This paragraph consists of legal conclusions to which no response is required.

36. This paragraph consists of legal conclusions to which no response is required.

37. This paragraph consists of legal conclusions to which no response is required.

38. This paragraph consists of legal conclusions to which no response is required.

39. This paragraph consists of legal conclusions to which no response is required.

The remaining numbered paragraphs following the word WHEREFORE set forth Plaintiff's requests for relief to which no response is required. To the extent a response to these paragraphs is deemed required, Defendant denies that Plaintiff is entitled to the relief requested or to any relief at all.

Defendant hereby denies all allegations of the Complaint not otherwise specifically admitted above.

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 non-agency records or records exempt from disclosure by one or more exemptions of the FOIA, 5 U.S.C. § 552.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant respectfully requests that the Court enter judgment dismissing the Complaint with prejudice, and award Defendant all other relief to which it is entitled.

Dated: September 14, 2017

Respectfully submitted,

CHAD A. READLER
Assistant Attorney General

CHANNING D. PHILLIPS
United States Attorney

MARCIA BERMAN
Assistant Branch Director
Federal Programs Branch

/s/ Kathryn C. Davis

KATHRYN C. DAVIS (DC Bar No. 985055)

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Avenue, NW

Room 6130

Washington, DC 20530

Tel: (202) 616-8298

Email: Kathryn.C.Davis@usdoj.gov