

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

THE PROTECT DEMOCRACY
PROJECT, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 20-cv-172-RC

ANSWER

Defendants U.S. Department of Justice (“DOJ”), U.S. Department of Defense (“DOD”), and U.S. Department of State (“State”) hereby answer the numbered paragraphs of Plaintiff’s Amended Complaint, ECF No. 13, in the above-captioned action.

1. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize news reports and respectfully refer the Court to the cited materials for a full and accurate account of their contents.

2. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize a tweet and respectfully refer the Court to the cited material for a full and accurate account of its contents.

3. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

4. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

5. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendants respectfully refer the Court to the cited statute for a full and accurate account of its contents.

6. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize a news report and respectfully refer the Court to the cited material for a full and accurate account of its contents.

7. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize a news report and respectfully refer the Court to the cited material for a full and accurate account of its contents.

8. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize news reports and respectfully refer the Court to the cited materials for a full and accurate account of their contents.

9. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize news reports

and a tweet and respectfully refer the Court to the cited materials for a full and accurate account of their contents.

10. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is required, Defendants respectfully refer the Court to the “Notice on the Legal and Policy Frameworks Guiding the United States’ Use of Military Force and Related National Security Operations” referenced in the first sentence of this paragraph, and to the statement of Representative Eliot L. Engel referenced in the second sentence of this paragraph, for a full and accurate account of their contents.

11. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

12. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize news reports and respectfully refer the Court to the cited materials for a full and accurate account of their contents.

13. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize tweets and respectfully refer the Court to the cited materials for a full and accurate account of their contents.

14. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize a news

report and respectfully refer the Court to the cited material for a full and accurate account of its contents.

15. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize news reports and a tweet and respectfully refer the Court to the cited materials for a full and accurate account of their contents.

16. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize a news report and respectfully refer the Court to the cited material for a full and accurate account of its contents.

17. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

18. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants aver that the allegations in this paragraph purport to characterize news reports and respectfully refer the Court to the cited materials for a full and accurate account of their contents.

19. The allegations in the first sentence of this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendants lack knowledge or information sufficient to form a belief as to the allegations in the second sentence of this paragraph.

20. The allegations contained in the first clause of this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendants lack knowledge or information sufficient to form a belief as to the allegations in the second clause of this paragraph.

21. The allegations contained in this paragraph consist of Plaintiff's characterization of its FOIA request, which does not require a response, except Defendants admit that Plaintiff submitted a FOIA request to Defendants on January 3, 2020.

22. The allegations contained in this paragraph consist of legal conclusions, to which no response is required.

23. The allegations contains in this paragraph consist of legal conclusions regarding jurisdiction, to which no response is required.

24. The allegations contained in this paragraph consist of legal conclusions regarding venue, to which no response is required.

25. Defendants lack knowledge or information sufficient to form a belief as to the allegations in this paragraph.

26. Defendants lack knowledge or information sufficient to form a belief as to the allegations in this paragraph.

27. Defendants admit the allegations contained in the first two sentences of this paragraph. The allegations in the third sentence of this paragraph consist of legal conclusions, to which no response is required.

28. Defendants admit the allegations contained in the first two sentences of this paragraph. The allegations contained in the third sentence of this paragraph consist of legal conclusions, to which no response is required.

29. Defendants admit the allegations contained in the first sentence of this paragraph. The allegations contained in the second sentence of this paragraph consist of legal conclusions, to which no response is required.

30. Admitted.

31. Defendants admit the allegations contained in the first sentence of this paragraph. The allegations contained in the second and third sentences consist of legal conclusions, to which no response is required.

32. Defendants lack knowledge or information sufficient to form a belief as to the allegations in this paragraph.

33. Defendants lack knowledge or information sufficient to form a belief as to the allegations in this paragraph.

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

35. Defendants lack knowledge or information sufficient to form a belief as to the allegations in this paragraph.

36. Defendants lack knowledge or information sufficient to form a belief as to the allegations in this paragraph.

37. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited congressional records for a full and accurate account of their contents.

38. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

39. Admitted.

40. The allegations contained in this paragraph consist of legal conclusions, to which no response is required.

41. The allegations contained in the first two sentences of this paragraph consist of legal conclusions, to which no response is required. Defendants lack knowledge or information sufficient to form a belief as to the allegations in the third sentence of this paragraph.

42. Defendants lack knowledge or information sufficient to form a belief as to the allegations in this paragraph.

43. Defendants admit that DOJ's Office of Legal Counsel (OLC) sent a letter to Plaintiff on January 10, 2020 acknowledging receipt of Plaintiff's FOIA request on January 3, 2020 and assigning it a tracking number. Defendants respectfully refer the Court to that letter, which speaks for itself, for a full and accurate account of its contents.

44. Defendants admit that OLC's January 10, 2020 letter informed Plaintiff that its request for expedited processing was granted. The remaining allegations in this paragraph consist of Plaintiff's characterization of that letter, to which no response is required. Defendants respectfully refer the Court to that letter, which speaks for itself, for a full and accurate account of its contents.

45. The allegations contained in this paragraph consist of legal conclusions, to which no response is required.

46. Defendants admit that, as of the date of the filing of Plaintiff's Amended Complaint, OLC had not provided Plaintiff with a final determination on its FOIA request or request for a fee waiver. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

47. Defendants admit that DOJ's Office of Information Policy (OIP) sent a letter to Plaintiff on January 14, 2020 acknowledging receipt of Plaintiff's FOIA request on January 3, 2020 and assigning it a tracking number. Defendants respectfully refer the Court to that letter, which speaks for itself, for a full and accurate account of its contents.

48. Defendants admit that OIP's January 14, 2020 letter informed Plaintiff that its request for expedited processing was granted. The remaining allegations in this paragraph consist of Plaintiff's characterization of that letter, to which no response is required. Defendants respectfully refer the Court to that letter, which speaks for itself, for a full and accurate account of its contents.

49. The allegations contained in this paragraph consist of legal conclusions, to which no response is required.

50. Defendants admit that, as of the date of the filing of Plaintiff's Amended Complaint, OIP had not provided Plaintiff with a final determination on its FOIA request or request for a fee waiver. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

51. Admitted.

52. Admitted.

53. Defendants admit that, by letter dated January 31, 2020, DOJ's National Security Division (NSD) granted Plaintiff's request for expedited processing. Defendants respectfully refer the Court to that letter, which speaks for itself, for a full and accurate account of its contents.

54. The allegations contained in this paragraph consist of legal conclusions, to which no response is required.

55. Defendants admit that, as of the date of the filing of Plaintiff's Amended Complaint, NSD had not provided Plaintiff with a final determination on its FOIA request or request for a fee waiver. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

56. Defendants admit that, by letter dated January 9, 2020, DOD acknowledged receipt of Plaintiff's January 3, 2020 FOIA request and denied Plaintiff's request for expedited processing. The remaining allegations in this paragraph consist of Plaintiff's characterization of that letter, to which no response is required. Defendants respectfully refer the Court to that letter, which speaks for itself, for a full and accurate account of its contents.

57. Defendants admit that, by letter dated January 31, 2020, DOD granted Plaintiff's request for expedited processing. Defendants respectfully refer the Court to that letter, which speaks for itself, for a full and accurate account of its contents.

58. The allegations contained in this paragraph consist of legal conclusions, to which no response is required.

59. Defendants admit that, as of the date of the filing of Plaintiff's Amended Complaint, DOD had not provided Plaintiff with a final determination on its FOIA request or request for a fee waiver. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

60. Defendants admit that, by email dated January 6, 2020, State acknowledged receipt of Plaintiff's January 3, 2020 FOIA request and denied Plaintiff's request for expedited processing. The remaining allegations in this paragraph consist of Plaintiff's characterization of that email, to which no response is required. Defendants respectfully refer the Court to that email, which speaks for itself, for a full and accurate account of its contents.

61. Defendants admit that, by letter dated January 31, 2020, State granted Plaintiff's request for expedited processing. Defendants respectfully refer the Court to that letter for a full and accurate account of its contents.

62. The allegations contained in this paragraph consist of legal conclusions, to which no response is required.

63. Defendants admit that, as of the date of the filing of Plaintiff's Amended Complaint, State had not provided Plaintiff with a final determination on its FOIA request or request for a fee waiver. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

64. This paragraph re-alleges the allegations contained in paragraphs 1 through 63 of the Amended Complaint. To the extent a response is deemed required, Defendants refer the Court to their responses to paragraphs 1 through 63.

65. The allegations contained in this paragraph consist of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in this paragraph.

The remaining paragraph in the Amended Complaint contains Plaintiff's requested relief, to which no response is required.

Defendants hereby deny all allegations in the Amended Complaint not otherwise specifically answered above.

Dated: March 4, 2020

Respectfully submitted,

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