

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

ELECTRONIC PRIVACY INFORMATION CENTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cv-121 (RCL)
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
Defendant.)	
)	

ANSWER

Defendant, the Federal Bureau of Investigation (“FBI”), by and through undersigned counsel, hereby answers the numbered paragraphs of Plaintiff’s Complaint as follows:

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

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

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

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

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

6. Defendant denies the allegation set forth in the first sentence of this paragraph and avers that the FBI is a component of the Department of Justice, which is a federal agency within

the meaning of FOIA. Defendant admits the allegation set forth in the second sentence of this paragraph.

7. The allegations in the first three sentences of this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required, and Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents. The fourth sentence contains legal conclusions to which no response is required. To the extent a response is required, Defendant admits that there is public interest in the topic of Russian interference with the 2016 presidential election.

8. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. The paragraph also contains legal conclusions to which no response is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

9. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

10. Defendant admits that it received a FOIA request from Plaintiff on December 22, 2016 and respectfully refers the Court to that request for a complete and accurate statement of its contents.

11. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

12. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

13. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

14. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited document for a complete and accurate statement of its contents.

15. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

16. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

17. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited document for a complete and accurate statement of its contents.

18. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited document for a complete and accurate statement of its contents.

19. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

20. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

21. This paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendant admits that there is public interest in the topic of Russian interference with the 2016 presidential election. Defendant lacks knowledge or information sufficient to form a belief about the remainder of the allegations in this paragraph.

22. Admitted. Defendant respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statement of its contents.

23. This paragraph consists of Plaintiff's characterization of its FOIA request and Defendant respectfully refers the Court to that request for a complete and accurate statement of its contents.

24. Admitted. Defendant respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statement of its contents.

25. Admitted. Defendant respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statement of its contents.

26. Admitted. Defendant respectfully refers the Court to the cited document for a complete and accurate statement of its contents.

27. Admitted.

28. Defendant admits that as of January 18, 2017, the date the Complaint was filed, 27 days had passed since the FBI received Plaintiff's FOIA request.

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

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

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

32. Defendant asserts and incorporates its responses to paragraphs 1 through 31 of the Complaint.

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

34. This paragraph consists of a legal conclusion to which no response is required.

35. Defendant asserts and incorporates its responses to paragraphs 1 through 31 of the Complaint.

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

37. Defendant asserts and incorporates its responses to paragraphs 1 through 31 of the Complaint.

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

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

40. This paragraph consists of a legal conclusion to which no response is required.

The remaining unnumbered paragraph, including subparts (A) through (G), constitutes a prayer for relief to which no response is required. To the extent a response 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.

AFFIRMATIVE DEFENSES

1. The Federal Bureau of Investigation is not an "agency" within the meaning of the Freedom of Information Act, 5 U.S.C. § 552(f)(1), and is, therefore, not a proper party defendant.
2. Plaintiff's failure to exhaust administrative remedies with respect to one or more of its claims precludes judicial review over those claims.
3. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions to the Freedom of Information Act, 5 U.S.C. § 552.

Dated: February 23, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director

/s/ R. Charlie Merritt
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Counsel for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2017, a copy of the foregoing pleading was filed electronically via the Court's ECF system which sent notification of such filing to counsel of record.

/s/ R. Charlie Merritt
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