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10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 ELECTRONIC FRONTIER FOUNDATION,
 Plaintiff,

CASE NO. CV 13-2946 (LB)

14 v.

ANSWER

15
 16 DEPARTMENT OF JUSTICE,
 Defendant.

17
 18 The defendant Department of Justice (“DOJ”), by its undersigned counsel, hereby
 19 answers plaintiff’s Complaint as follows:

20 1. This paragraph sets forth plaintiff’s characterization of the nature of this action, to which
 21 no response is required.

22 PARTIES

23 2. This paragraph describes the organization and activities of plaintiff to which no response
 24 is required; but insofar as an answer may be required, defendant lacks knowledge or information
 25 sufficient to form a belief about the truth of the allegations.

26 3. Defendant admits that it is an agency of the Executive Branch of the U.S. government
 27 under 5 U.S.C. § 552(f)(1). Defendant admits that the Federal Bureau of Investigation (“FBI”) is
 28 a component of the DOJ.

ANSWER

Case No. CV 13-2946

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JURISDICTION

5 4. This paragraph contains plaintiff's allegations concerning jurisdiction, which are legal
6 conclusions that do not require a response.

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VENUE AND INTRADISTRICT ASSIGNMENT

12 5- 6. These paragraphs contains plaintiff's allegations concerning venue and intradistrict
13 assignment, which are legal conclusions that do not require a response.

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FACTUAL ALLEGATIONS

20 7 - 33. These paragraphs fail to allege facts relevant to plaintiff's claim for relief in this case,
21 and accordingly require no response. To the extent that an answer is required, defendant denies
22 the allegations.

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Plaintiff's FOIA Requests

34. Defendant admits that plaintiff submitted three (3) requests under the Freedom of
Information Act ("FOIA") to defendant via e-mail: one on June 25, 2012, and two on July 5,
2012.

35. Defendant admits that plaintiff sought fee waivers with each request. Defendant
respectfully refers the Court to the cited letters for a full and accurate statement of their contents.

36. Defendant admits that the requests sought the items listed in this paragraph. Defendant
respectfully refers the Court to the cited letters for a full and accurate statement of their contents.

37. Defendant admits that the request dated June 25, 2012, sought the items listed in this
paragraph. Defendant respectfully refers the Court to the cited letter for a full and accurate
statement of its contents.

38. Admit. Defendant respectfully refers the Court to the cited letter for a full and accurate
statement of its contents.

39. Admit. Defendant respectfully refers the Court to the cited letter for a full and accurate
statement of its contents.

40. Admit. Defendant respectfully refers the Court to the cited letter for a full and accurate
statement of its contents.

41. Admit.

1 42. Defendant admits that the request dated July 5, 2012, sought the items listed in this
2 paragraph. Defendant respectfully refers the Court to the cited letter for a full and accurate
3 statement of its contents.

4 43. Admit.

5 44. Admit.

6 45. Defendant admits that the request dated July 5, 2012, sought the items listed in this
7 paragraph. Defendant respectfully refers the Court to the cited letter for a full and accurate
8 statement of its contents.

9 46. Admit.

10 47. Admit.

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

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

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

14 CAUSES OF ACTION

15 51. This paragraph repeats and re-alleges the preceding paragraphs. To the extent a response
16 is deemed required, defendant respectfully refers the Court to its responses in the specific
17 preceding paragraphs.

18 52. This paragraph contains conclusions of law, to which no response is required. To the
19 extent a response is required, defendant denies the allegations.

20 53. This paragraph contains conclusions of law, to which no response is required. To the
21 extent a response is required, defendant denies the allegations.

22 54. This paragraph contains conclusions of law, to which no response is required. To the
23 extent a response is required, defendant denies the allegations.

24 REQUESTED RELIEF

25 The remainder of the Complaint contains plaintiff's request for relief, to which no response is
26 required. To the extent a response is deemed required, defendant denies that plaintiff is entitled
27 to the relief requested, or to any relief whatsoever.

28 Defendant denies all allegations not expressly admitted.

1 Therefore, having fully answered, defendant asserts plaintiff is not entitled to the relief
2 requested, or to any relief whatsoever, and request that this action be dismissed in its entirety
3 with prejudice and that defendant be given such other relief as the Court may deem just and
4 proper.

5 Dated: July 26, 2013

Respectfully submitted,

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7 STUART F. DELERY
Acting Assistant Attorney General
8
9 ELIZABETH J. SHAPIRO
Assistant Branch Director

10 /s/ Marcia Sowles
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