

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

ELECTRONIC FRONTIER FOUNDATION)
)
)
Plaintiff,)
)
v.)
)
DEPARTMENT OF DEFENSE)
)
)
Defendant.)
_____)

No. 07-CV00216 (EGS)

ANSWER

Defendant, through his undersigned attorneys, hereby answers and otherwise responds to plaintiff's Complaint.

FIRST AFFIRMATIVE DEFENSE

The Court lacks jurisdiction over plaintiff's First Cause of Action.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

Defendant answers the numbered paragraphs of plaintiff's complaint as follows:

1. This paragraph contains plaintiff's characterization of this lawsuit, not allegations of fact, and thus no response is required. To the extent a response is required, defendant admits that Plaintiff filed this action for injunctive and other relief pursuant to the Freedom of Information Act ("FOIA") but denies the remaining allegations of paragraph 1.
2. This paragraph contains plaintiff's conclusions of law regarding the scope and extent of the Court's jurisdiction and venue, to which no response is required.

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

4. Admit.

5. Admit.

6. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations of this paragraph. Defendant contends that the article referenced in this paragraph is the best evidence of its contents.

7. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations of this paragraph. Defendant contends that the article referenced in this paragraph is the best evidence of its contents.

8. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations of this paragraph. Defendant contends that the article referenced in this paragraph is the best evidence of its contents.

9. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations of this paragraph.

10. Admit.

11. Admit.

12. The first sentence of this paragraph contains plaintiff's legal conclusions to which no response is required. Defendant admits the second sentence, but respectfully refers the Court to the full text of plaintiff's November 2, 2006 request for a full and accurate statement of its content. The underlying statement contained in plaintiff's request is a legal conclusion to which no response is required. To the extent that a response is deemed necessary, defendant denies the plaintiff is entitlement to expedited processing or that the information cited justified the request.

13. This paragraph characterizes plaintiff's November 2, 2006 request, to which the Court is respectfully referred for a full and accurate statement of its content. To the extent that a response is deemed necessary, defendant denies the plaintiff is entitlement to expedited processing or that the information cited justified the request.

14. This paragraph characterizes plaintiff's November 2, 2006 request, to which the Court is respectfully referred for a full and accurate statement of its content. To the extent that a response is deemed necessary, defendant denies the plaintiff is entitlement to expedited processing or that the information cited justified the request.

15. This paragraph characterizes plaintiff's November 2, 2006 request, to which the Court is respectfully referred for a full and accurate statement of its content. To the extent that a response is deemed necessary, defendant denies the plaintiff is entitlement to expedited processing or that the information cited justified the request.

16. This paragraph characterizes plaintiff's November 2, 2006 request, to which the Court is respectfully referred for a full and accurate statement of its content.

17. This paragraph characterizes plaintiff's November 2, 2006 request, to which the Court is respectfully referred for a full and accurate statement of its content.

18. Admit.

19. Admit.

20. Admit.

21. Admit.

22. Admit.

23. Admit, except to the date of the referenced letter. Defendant avers that the letter was dated January 11, 2007.

24. Admit, except to the date of the referenced letter. Defendant avers that the letter was dated January 11, 2007.

25. Admit.

26. This paragraph contains plaintiff's conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

27. This paragraph contains plaintiff's conclusions of law to which no response is required.

28. This paragraph contains plaintiff's conclusions of law to which no response is required.

29. This paragraph contains plaintiff's conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

30. Defendant repeats and re-alleges the responses contained in paragraphs 1-29 inclusive.

31. This paragraph contains plaintiff's conclusion of law and thus no response is required. To the extent a response is required, this paragraph is denied.

32. This paragraph contains plaintiff's conclusions of law to which no response is required.

33. This paragraph contains plaintiff's conclusions of law to which no response is required. To the extent that a response is deemed necessary, this paragraph is denied.

34. Defendant repeats and re-alleges the responses contained in paragraphs 1-29 inclusive.

35. This paragraph contains plaintiff's conclusions of law to which no response is

required. To the extent a response is required, defendant denies it has wrongfully withheld records from the plaintiff.

36. This paragraph contains plaintiff's conclusions of law to which no response is required.

37. This paragraph contains plaintiff's conclusions of law to which no response is required. To the extent that a response is deemed necessary, this paragraph is denied.

The remaining paragraphs of the Complaint contain plaintiff's requested relief, to which no response is required. To the extent a response is deemed necessary, defendant denies the allegations contained in the remaining paragraphs of the Complaint and further avers that plaintiff is not entitled to any relief. Any allegation not specifically addressed is denied.

WHEREFORE, defendant respectfully requests that the Court enter judgment dismissing this action with prejudice and award such other relief as the Court may deem appropriate.

Respectfully submitted,

_____/s_____
JEFFREY A. TAYLOR, D.C. Bar # 498610
United States Attorney

_____/s_____
RUDOLPH CONTRERAS D.C. Bar No. 434122
Assistant United States Attorney

_____/s_____
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