

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

ELECTRONIC FRONTIER FOUNDATION)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:08-cv-00327 (JR)
)	
DEPARTMENT OF JUSTICE)	
)	
Defendant.)	
)	

DEFENDANT’S ANSWER

Defendant the United States Department of Justice (“Defendant”), hereby answers the complaint for injunctive relief of Plaintiff Electronic Frontier Foundation.

Affirmative Defense

Defendant objects to the complaint to the extent that it imposes obligations upon Defendant which exceed those imposed by the Freedom of Information Act (“FOIA”).

Defendant’s Responses to Numbered Paragraphs

1. This paragraph contains Plaintiff’s characterization of the nature of Plaintiff’s action, to which no response is required.
2. Defendant admits the allegations made in this paragraph.
3. Defendant admits that Plaintiff uses the FOIA to obtain and disseminate information concerning the activities of federal agencies. Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations made in this paragraph.
4. Defendant admits the allegations made in this paragraph.

- 5-6. Defendant admits the allegations made in these paragraphs.
7. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations made in the first sentence of this paragraph. Defendant admits the allegations made in the second and third sentences of this paragraph.
- 8-9. Defendant admits the allegations made in these paragraphs.
10. Defendant admits that as of the date the complaint was filed, February 26, 2008, it had not disclosed agency records regarding Plaintiff's FOIA request. On March 27, 2008, Defendant provided a final response in which all of the records responsive to Plaintiff's request were disclosed to Plaintiff, with minor excisions made pursuant to Exemption 6 of the FOIA.
11. Defendant admits that it was unable to comply with the twenty-working day time limit in this case, as well as the ten additional days provided by the statute. Defendant denies the remaining allegations made in this paragraph.
12. Defendant admits the allegations made in this paragraph.
13. Defendant denies the allegations made in this paragraph.
14. In response to this paragraph, Defendant repeats and incorporates by reference the answers to paragraphs 1 through 13, above, of Defendant's Answer.
15. Defendant denies the allegations made in this paragraph.
16. Defendant denies the allegation that it has wrongfully withheld the requested records. Defendant admits the remaining allegations made in this paragraph.
17. Defendant denies the allegations made in this paragraph.

The balance of the complaint constitutes a prayer for relief to which no answer is required.

Defendant denies that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

Defendant hereby denies all allegations not expressly admitted or denied.

THEREFORE, having fully answered, Defendant asserts that Plaintiff is not entitled to the relief requested, or to any relief whatsoever, and requests that this action be dismissed with prejudice and that Defendant be given such other relief as the Court deems just and proper.

Dated: March 27, 2008

Respectfully submitted,

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/s/ Kenneth E. Sealls
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