

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

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ELECTRONIC PRIVACY)
INFORMATION CENTER,)
)
Plaintiff,)
)
v.)
)
OFFICE OF THE DIRECTOR)
OF NATIONAL INTELLIGENCE)
Washington, D.C. 20511)
)
Defendant.)
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Case No. 17-cv-0163 RC

DEFENDANT’S ANSWER

Defendant the Office of the Director of National Intelligence (“defendant”), answers plaintiff’s Amended Complaint as follows:

FIRST DEFENSE

The FOIA request that is the subject of this lawsuit implicates information that is protected from disclosure by one or more statutory exemptions. Disclosure of such information is not required. *See* 5 U.S.C. § 552(b).

Using the same numbering system as the Amended Complaint, defendant responds to the numbered paragraphs as follows:

1. The allegations contained in paragraph 1 constitute plaintiff’s characterization of this lawsuit and conclusions of law, to which no response is required.
2. The allegations contained in paragraph 2 constitute plaintiff’s characterization of this lawsuit and conclusions of law, to which no response is required.

3. The allegations contained in paragraph 3 constitute plaintiff's conclusions of law regarding jurisdiction, to which no response is required.

4. The allegations contained in paragraph 4 constitute plaintiff's conclusions of law regarding venue, to which no response is required.

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first four sentences of paragraph 5. The allegations contained in the last sentence of paragraph 5 constitute plaintiff's conclusions of law, to which no response is required.

6. Defendant admits the allegations in this paragraph.

7. Defendant admits that the Intelligence Community made available to the public an Assessment entitled "Assessing Russian Activities and Intentions in Recent US Elections," dated January 6, 2017. The remaining allegations in paragraph 7 constitute plaintiff's characterizations of the Assessment and a published news report, cited in footnotes 1 and 2 of the Amended Complaint. Defendant respectfully refers the Court to those documents for a complete and accurate description of their contents.

8. The allegations in paragraph 8 constitute plaintiff's characterizations of a document and a statement, cited in footnotes 3 and 4 of the Amended Complaint. Defendant respectfully refers the Court to those documents for a complete and accurate description of their contents. Defendant avers that the header of each page of the January 6, 2017 Intelligence Community Assessment states: "This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign."

9. The allegations in paragraph 9 constitute conclusions of law, 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.

10. The allegations in paragraph 10 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

11. The allegations in paragraph 11 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant further avers that the allegations in paragraph 11 constitute plaintiff's characterizations of a document, cited in footnote 1 of the Amended Complaint. Defendant respectfully refers the Court to that document for a complete and accurate description of its contents.

12. The allegations in paragraph 12 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant further avers that the allegations in paragraph 12 constitute plaintiff's characterizations of a document, cited in footnote 1 of the Amended Complaint. Defendant respectfully refers the Court to that document for a complete and accurate description of its contents.

13. The allegations in paragraph 13 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

14. The allegations in paragraph 14 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

15. Defendant admits that plaintiff submitted a FOIA request to defendant on January 9, 2017. Defendant respectfully refers the Court to the FOIA request for a complete and accurate description of its contents.

16. The allegations in paragraph 16 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant further avers that the allegations in paragraph 16 constitute plaintiff's characterizations of a letter and a published news report, cited in footnotes 5 and 7 of the Amended Complaint. Defendant respectfully refers the Court to those documents for a complete and accurate description of their contents.

17. The allegations in paragraph 17 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant further avers that the allegations in paragraph 17 constitute plaintiff's characterizations of a press release, cited in footnote 8 of the Amended Complaint. Defendant respectfully refers the Court to the press release for a complete and accurate description of its contents.

18. The allegations in paragraph 18 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant further avers that the allegations in the last sentence of paragraph 18 constitute plaintiff's characterizations of a published news report, cited in footnote 10 of the Amended Complaint. Defendant respectfully refers the Court to the published news report for a complete and accurate description of its contents.

19. The allegations in the first sentence of paragraph 19 constitute conclusions of law, to which no response is required. The allegations in the second sentence of paragraph 19 do not set forth a claim for relief or aver facts in support of a claim to which an answer 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.

20. Defendant admits that plaintiff submitted a FOIA request to defendant on January 9, 2017.

21. The allegations in paragraph 21 constitute plaintiff's conclusions of law, to which no response is required, and excerpts from its FOIA request. Defendant respectfully refers the Court to the FOIA request for a complete and accurate description of its contents.

22. The allegations in paragraph 22 constitute plaintiff's conclusions of law, to which no response is required, and characterizations of its FOIA request. Defendant respectfully refers the Court to the FOIA request for a complete and accurate description of its contents.

23. The allegations in paragraph 23 constitute plaintiff's conclusions of law, to which no response is required, and characterizations of its FOIA request. Defendant respectfully refers the Court to the FOIA request for a complete and accurate description of its contents.

24. Defendant admits that defendant sent a letter to plaintiff dated January 17, 2017. Defendant is without sufficient knowledge or information to admit or deny when plaintiff received the letter. The remaining allegations in paragraph 24 constitute plaintiff's characterizations of this letter, and defendant respectfully refers the Court to the letter for a complete and accurate description of its contents.

25. Defendant admits that, as of February 10, 2017, it had been 31 calendar days and 21 business days since defendant received plaintiff's FOIA request.

26. The allegations contained in paragraph 26 constitute plaintiff's conclusions of law, to which no response is required.

27. The allegations contained in paragraph 27 constitute plaintiff's conclusions of law, to which no response is required.

28. The allegations contained in paragraph 28 constitute plaintiff's conclusions of law, to which no response is required.

29. Paragraph 29 "asserts and incorporates" plaintiff's allegations of paragraphs 1-28. Defendant incorporates by reference its answers to the relevant paragraphs.

30. The allegations contained in paragraph 30 constitute plaintiff's conclusions of law, to which no response is required.

31. The allegations contained in paragraph 31 constitute plaintiff's conclusions of law, to which no response is required.

32. Paragraph 32 "asserts and incorporates" plaintiff's allegations of paragraphs 1-28. Defendant incorporates by reference its answers to the relevant paragraphs.

33. The allegations contained in paragraph 33 constitute plaintiff's conclusions of law, to which no response is required.

34. Paragraph 34 "asserts and incorporates" plaintiff's allegations of paragraphs 1-28. Defendant incorporates by reference its answers to the relevant paragraphs.

35. The allegations contained in paragraph 35 constitute plaintiff's conclusions of law, to which no response is required.

36. The allegations contained in paragraph 36 constitute plaintiff's conclusions of law, to which no response is required.

37. The allegations contained in paragraph 37 constitute plaintiff's conclusions of law, to which no response is required.

The remainder of the allegations in the Amended Complaint consist of plaintiff's Requested Relief, to which no response is required. To the extent a response is deemed required, defendant denies and avers that plaintiff is not entitled to any relief.

Any allegation not responded to is hereby denied.

WHEREFORE, the Court should deny the requested relief, enter judgment dismissing plaintiff's Amended Complaint and granting such further relief to defendant as this Court deems proper.

Dated: March 17, 2017

Respectfully submitted,

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