

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

ELECTRONIC PRIVACY INFORMATION CENTER, Plaintiff,	)	
v.	)	Civil Action No. 10-1533 (RJL)
NATIONAL SECURITY AGENCY, Defendant.	)	

**ANSWER TO COMPLAINT FOR INJUNCTIVE RELIEF**

Defendant National Security Agency hereby answers plaintiff’s Complaint for Injunctive Relief (Docket No. 1) in the following numbered paragraphs, which correspond to the Complaint’s numbered paragraphs.

1. This paragraph is a characterization of plaintiff’s lawsuit to which no response is required. To the extent a response may be required, defendant admits that plaintiff’s lawsuit seeks injunctive and other appropriate relief pursuant to the Freedom of Information Act (“FOIA”), but denies that plaintiff is entitled to any such relief.

2. This paragraph sets forth conclusions of law to which no response is required.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

4. Admit.

5-7. These paragraphs contain plaintiff’s characterization of newspaper articles cited in its FOIA request dated February 4, 2010, to which no response is required. Defendant respectfully refers the Court to the cited articles for full and accurate statements of their contents.

8-11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in these paragraphs.

12. Defendant admits that it received plaintiff's FOIA request dated February 4, 2010. Defendant respectfully refers the Court to that request, attached as Ex. 1, for a full and accurate statement of its contents.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

14-15. These paragraphs contain characterizations of the contents of plaintiff's FOIA request, to which no response is required. Defendant respectfully refers the Court to that request, attached as Ex. 1, for a full and accurate statement of its contents.

16. Defendant admits that its response letter was dated March 10, 2010, but is without knowledge or information sufficient to form a belief as to the truth of the allegation concerning the postmark date of that response.

17-20. These paragraphs contain characterizations of defendant's response letter dated March 10, 2010, to which no response is required. Defendant respectfully refers the Court to that response letter, attached as Ex. 2, for a full and accurate statement of its contents.

21. Defendant acknowledges receiving plaintiff's letter of administrative appeal dated May 7, 2010, and respectfully refers the Court to that letter, attached as Ex. 3, for a full and accurate statement of its contents.

22. This paragraph contains a characterization of the contents of plaintiff's letter of administrative appeal dated May 7, 2010, to which no response is required. Defendant

respectfully refers the Court to that letter, attached as Ex. 3, for a full and accurate statement of its contents. To the extent that a response may be required, defendant denies.

23. Defendant admits that it has not responded to plaintiff's letter of administrative appeal. Defendant further avers that plaintiff's filing of this civil action terminated the administrative processing of that appeal.

24. Defendant admits that it has not produced any documents in response to plaintiff's FOIA request. Defendant further avers that, based on Exemption 3 of FOIA, it did not acknowledge the existence or nonexistence of information responsive to plaintiff's FOIA request.

25. Defendant re-alleges its answers to paragraphs 1 through 24.

26-29. These paragraphs contain conclusions of law to which no response is required.

The remaining allegations in the Complaint constitute a prayer for relief to which no response is required. If a response were required, the allegations are denied. Defendant further denies that plaintiff is entitled to any relief demanded in the Complaint, or any relief whatsoever.

Defendant denies all allegations contained in the Complaint that it has not expressly admitted.

### **DEFENSES**

1. The fact of the existence or nonexistence of any records responsive to plaintiff's FOIA request is exempt from disclosure under FOIA.

2. The Court lacks jurisdiction to grant relief to plaintiff because no records have been improperly withheld.

WHEREFORE, defendant prays that the Court dismiss plaintiff's suit with prejudice, render judgment that plaintiff take nothing by this action, and award defendant all other relief to which it is entitled.

Dated: October 27, 2010

Respectfully submitted,

TONY WEST  
Assistant Attorney General

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Deputy Branch Director

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer to Complaint for Injunctive Relief was served on October 27, 2010, by electronic filing to

Marc Rotenberg, Esquire  
Electronic Privacy Information Center  
1718 Connecticut Ave. NW  
Suite 200  
Washington, DC 20009  
Tel. (202) 483-1140

/s/ Judson O. Littleton  
JUDSON O. LITTLETON