

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

ELECTRONIC PRIVACY INFORMATION CENTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 19-cv-810 (RBW)
	)	
UNITED STATES DEPARTMENT OF JUSTICE,	)	
	)	
Defendant.	)	
JASON LEOPOLD, BUZZFEED, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 19-cv-957 (RBW)
	)	
UNITED STATES DEPARTMENT OF JUSTICE, et al.	)	
	)	
Defendants.	)	
	)	

**ANSWER TO PLAINTIFFS JASON LEOPOLD AND BUZZFEED, INC.’S COMPLAINT**

Defendant, the U.S. Department of Justice (“DOJ”),<sup>1</sup> by and through undersigned counsel, hereby answers the Complaint (ECF No. 1) (“Complaint”) filed by Plaintiffs Jason Leopold and Buzzfeed, Inc. (“Plaintiffs”) on April 4, 2019, as follows, in correspondingly numbered paragraphs:

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<sup>1</sup> In their Complaint, Plaintiffs name the following departments, offices, and individuals as defendants: “U.S. Department of Justice,” “DOJ Office of Attorney General,” “DOJ Deputy Attorney General,” and “DOJ Office of Special Counsel.” Compl. at 1, ECF No. 1. Because the Office of the Attorney General, the Deputy Attorney General, and the Office of the Special Counsel are part of the Department of Justice, and because Plaintiff Leopold submitted his FOIA request to the Department of Justice, the Department of Justice is the only proper defendant in this matter.

1. This paragraph sets forth Plaintiffs' characterization of this action, to which no response is required.

2. Admitted that Plaintiffs submitted a Freedom of Information Act ("FOIA") request to the DOJ. This rest of the paragraph consists of Plaintiffs' characterization of themselves and their work about which Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations.

3. Admitted that the DOJ is a federal agency subject to the Freedom of Information Act, and admitted that DOJ's Offices of the Attorney General, the Deputy Attorney General, and the Special Counsel are part of the DOJ; otherwise denied.

4. This paragraph consists of Plaintiffs' legal conclusions regarding jurisdiction, to which no response is required.

5. This paragraph consists of Plaintiffs' legal conclusions regarding venue, to which no response is required.

6. Admitted. Defendant respectfully refers the Court to the FOIA request dated March 21, 2019, for a full and accurate statement of its contents. *See* Compl. Ex. A, No. 19-cv-957, ECF No. 1-1.

7. Admitted. Defendant respectfully refers the Court to the FOIA request dated March 21, 2019, for a full and accurate statement of its contents. *See* Compl. Ex. A, No. 19-cv-957, ECF No. 1-1.

8. Admitted only that OIP granted expedited processing on March 29, 2019. The remainder of this paragraph incorrectly characterizes the letter from the DOJ Office of Information Policy ("OIP") dated March 29, 2019, to which the Court is referred for a full and accurate statement of its contents. *See* Compl. Ex. B, No. 19-cv-957, ECF No. 1-2.

9. This paragraph sets forth Plaintiffs' characterization of OIP's letter, to which no response is required. Defendant respectfully refers the Court to the letter from OIP dated March 29, 2019, for a full and accurate statement of its contents. *See* Compl. Ex. B, No. 19-cv-957, ECF No. 1-2.

10. Admitted that an analyst at OIP spoke with Plaintiff Jason Leopold on April 1, 2019, and that the analyst explained that Plaintiffs' FOIA request falls within "unusual circumstances" because OIP would need to search in another office and/or consult with other offices. The remainder of this paragraph sets forth Plaintiffs' characterization of the phone call, to which no response is required. To the extent that a response is required, the allegations are denied.

11. This paragraph sets forth Plaintiffs' conclusions of law, to which no response is required.

12. This paragraph sets forth Plaintiffs' conclusions of law, to which no response is required.

13. This paragraph sets forth Plaintiffs' characterization of its case, to which no response is required. This paragraph also sets forth Plaintiffs' conclusions of law, to which no response is required.

14. This paragraph sets forth Plaintiffs' characterization of its case, to which no response is required. This paragraph also sets forth Plaintiffs' conclusions of law, to which no response is required.

15. The allegations in this paragraph are Plaintiffs' characterization of a letter from the Attorney General dated March 29, 2019, to which no response is required. Defendant respectfully refers the Court to the letter from Attorney General dated March 29, 2019, for a full and accurate

statement of its contents. *See* Pl.’s Mot. for a Prelim. Inj., Ex. 7, *Elec. Privacy Info. Ctr. v. Dep’t of Justice*, No. 19-810, ECF No. 7-4.

16. This paragraph sets forth Plaintiffs’ characterization of its case, to which no response is required. This paragraph also sets forth Plaintiffs’ conclusions of law, to which no response is required.

17. This paragraph sets forth Plaintiffs’ characterization of its case, to which no response is required. This paragraph also sets forth Plaintiffs’ conclusions of law, to which no response is required.

18. Defendant incorporates by reference its answers to all of the preceding paragraphs.

19. Admitted that the DOJ is a federal agency subject to the Freedom of Information Act, and admitted that DOJ's Offices of the Attorney General, the Deputy Attorney General, and the Special Counsel are part of the DOJ; otherwise denied.

20. Admitted that Plaintiffs submitted a FOIA request to Defendant DOJ. Plaintiffs’ characterization of the request as one for “agency records” is a legal conclusion, to which no response is required.

21. Admitted that DOJ has not yet made a final determination as to Plaintiffs’ FOIA request; otherwise denied.

The remaining paragraphs of the Complaint contain Plaintiffs’ requested relief, to which no response is required. To the extent a response is required, Defendant denies the allegations contained in the remaining paragraphs of the Complaint and further avers that Plaintiffs are not entitled to any relief.

Defendant hereby denies all allegations in the Complaint not expressly admitted or denied.

**DEFENSE**

1. Plaintiffs failed to exhaust administrative remedies.

Dated: April 25, 2019

Respectfully submitted,

HASHIM MOOPAN  
Deputy Assistant Attorney General  
Civil Division

ELIZABETH J. SHAPIRO  
Deputy Director  
Federal Programs Branch

*/s/ Courtney D. Enlow*

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2019, I electronically transmitted the foregoing to the parties and the clerk of court for the United States District Court for the District of Columbia using the CM/ECF filing system.

/s/ Courtney D. Enlow

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