

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

ELECTRONIC PRIVACY INFORMATION)	
CENTER,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 14-cv-317 (EGS)
)	
DRUG ENFORCEMENT ADMINISTRATION,)	
)	
Defendant)	

ANSWER

The defendant answers the numbered paragraphs of the plaintiff’s complaint as follows:

1. This paragraph contains the plaintiff’s characterizations of this lawsuit, not allegations of fact, so no response is required.
2. The first and fourth sentences contain the plaintiff’s characterizations of this lawsuit, not allegations of fact, so no response is required. The defendant admits the allegations in the second sentence. The third sentence contains the plaintiff’s conclusions of law, not allegations of fact, so no response is required.
3. This paragraph contains the plaintiff’s conclusions of law, not allegations of fact, so no response is required.
4. The defendant admits the allegations in the first sentence. The defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the second and third sentences. The defendant admits the allegation in the fourth sentence that EPIC maintains an Internet site at <http://epic.org> and has posted documents obtained from federal agencies on that site; the rest of the fourth sentence contains the plaintiff’s characterizations of facts, not allegations of fact, so no response is required. The fifth and sixth sentences contain the

plaintiff's characterizations of facts and conclusions of law, not allegations of fact, so no response is required.

5. The first sentence contains the plaintiff's conclusions of law, not allegations of fact, so no response is required. The defendant admits the allegations in the second sentence.

6–11. These paragraphs and the accompanying footnotes 1 to 8 contain the plaintiff's characterizations of various press reports, not allegations of fact, so no response is required.

12. The defendant restates its responses to paragraphs 1 through 11.

13. The defendant admits the allegation in this paragraph that EPIC sent a letter dated September 25, 2013, addressed to "Katherine L. Myrick, Chief[,] Freedom of Information Operations Unit" seeking records regarding the operations and legal basis of the Hemisphere Program; the defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

14. Admitted.

15. The defendant admits the allegation in this paragraph that EPIC's September 25, 2013, request sought treatment as a "representative of the news media." The rest of this paragraph contains the plaintiff's conclusions of law, not allegations of fact, so no response is required.

16. The defendant admits the allegation in this paragraph that EPIC's September 25, 2013, request sought waiver of duplication fees based on an assertion that disclosure of the requested information would "contribute significantly to public understanding of the operations or activities of the government." The rest of this paragraph contains the plaintiff's conclusions of law, not allegations of fact, so no response is required.

17. The defendant admits the allegation in the first sentence that EPIC's September 25, 2013, request sought expedited processing under 5 U.S.C. § 552(a)(6)(E)(v)(II) based on an assertion that the request was being made by an organization "primarily engaged in disseminating information" and an assertion that there was an "urgency to inform the public" about an "actual government activity." The rest of the first sentence contains the plaintiff's conclusions of law, not allegations of fact, so no response is required. The defendant admits the allegation in the second sentence that EPIC's request asserted that the public should have access to "information about the scope of and legal authority for the program, . . . the adequacy of privacy safeguards, and other privacy implications"; the defendant otherwise denies the allegations in the second sentence.

18. The defendant admits the allegation in the first sentence that the DEA mailed a letter to EPIC signed by Katherine L. Myrick, Chief of the Freedom of Information/Privacy Act Unit; the defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the rest of the first sentence. The defendant admits the allegation in the second sentence that the letter confirmed receipt of the September 25, 2013, request and indicated that it had been assigned case number 14-00009-F; the defendant otherwise denies the allegations in the second sentence.

19. Admitted.

20. The defendant restates its responses to paragraphs 1 through 19.

21. The defendant admits the allegation in the first sentence that the DEA mailed a letter to EPIC signed by Katherine L. Myrick, Chief of the Freedom of Information/Privacy Act Unit; the defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the rest of the first sentence. The defendant admits the allegation in the second

sentence that in a letter dated November 13, 2013, the agency indicated that no further action would be initiated on the September 25, 2013, request until the agency had received a reformulated request and that the request would be administratively closed if the office did not receive a response within 30 days; the defendant otherwise denies the allegations in the second sentence.

22. The defendant admits the allegation in the first sentence that a representative of EPIC contacted Josh DeLo on a date between November 13, 2013, and November 22, 2013; the defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence. The defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the second sentence.

23. The defendant admits the allegation in this paragraph that EPIC agreed to revise its September 25, 2013, request. The defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation in this paragraph that EPIC's purpose in agreeing to revise its request was "to assist the agency in fulfilling its statutory obligations." The rest of this paragraph and footnote 9 accompanying this paragraph contain the plaintiff's characterizations of Department of Justice FOIA regulations and conclusions of law, not allegations of fact, so no response is required.

24. The defendant admits the allegation in this paragraph that EPIC mailed a revised request dated November 15, 2013, specifying that the DEA should search its Headquarters and DEA division offices in Atlanta, Houston, Los Angeles, and Washington, D.C.; the defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the rest of this paragraph.

25. The defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

26. The defendant restates its responses to paragraphs 1 through 25.

27. The defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

28. The defendant admits the allegation in this paragraph that the DEA has not yet completed its response to the November 15, 2013, FOIA request; the rest of this paragraph contains the plaintiff's conclusions of law, not allegations of fact, so no response is required.

29. This paragraph contains the plaintiff's conclusions of law, not allegations of fact, so no response is required.

30. The defendant restates its responses to paragraphs 1 through 29.

31–33. These paragraphs contain the plaintiff's conclusions of law, not allegations of fact, so no response is required.

34. The defendant restates its responses to paragraphs 1 through 33.

35–38. These paragraphs contain the plaintiff's conclusions of law, not allegations of fact, so no response is required.

The remaining paragraphs contain the plaintiff's requests for relief, not allegations of fact, so no response is required. To the extent a response is deemed necessary, the defendant denies the allegations contained in these paragraphs and avers that the plaintiff is not entitled to any relief.

Any allegation not specifically addressed in the numbered paragraphs above is denied. Defendant respectfully requests that the Court enter judgment dismissing this action with prejudice and awarding defendant costs and such other relief as the Court may deem appropriate.

Date: April 7, 2014

Respectfully submitted,

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