

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

AMERICAN CIVIL LIBERTIES UNION  
and AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Case No. 1:18-cv-2784-CKK

**ANSWER**

Defendant, the Central Intelligence Agency (“CIA”), by and through undersigned counsel, hereby answer the numbered paragraphs of Plaintiffs’ Complaint as follows:

1. This paragraph consists of Plaintiffs’ characterization of this lawsuit to which no response is required.

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

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

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

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

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

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

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

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

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

11. Defendant admits that Plaintiffs submitted a FOIA request on May 4, 2018 and that Plaintiffs sought expedited processing of their request and a waiver of fees. Defendant respectfully refers the Court to Plaintiffs' request, attached hereto as Exhibit A, for a complete and accurate statement of its contents.

12. Defendant admits the allegations contained in this paragraph.

13. Defendant admits the allegations contained in this paragraph..

14. This paragraph consists of Plaintiffs' characterization of this lawsuit to which no response is required.

15. This paragraph consists of legal conclusions to which no response is required.

16. This paragraph consists of legal conclusions to which no response is required.

17. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

19. Defendant admits the allegations contained in this paragraph.

20. Defendant admits the allegations contained in this paragraph. Defendant respectfully refers the Court to Exhibit A for a complete and accurate statement of its contents.

21. Defendant admits the allegations contained in this paragraph, except to deny that Plaintiffs cited 28 C.F.R. § 16.5(e)(1)(ii) or 28 C.F.R. § 16.5(e)(1)(iv) in its May 4, 2018 request to Defendant.

22. Defendant admits the allegations contained in this paragraph, except to deny that Plaintiffs cited 28 C.F.R. § 16.10(k)(1), 32 C.F.R. § 286.28(d), or 32 C.F.R. § 1900.13(b)(2) in its May 4, 2018 request to Defendant.

23. Defendant admits the allegations contained in this paragraph.

24. Defendant denies the allegations contained in this paragraph.

25. Defendant admits the allegations contained in this paragraph.

26. This paragraph consists of legal conclusions to which no response is required.

27. This paragraph consists of legal conclusions to which no response is required.

28. This paragraph consists of legal conclusions to which no response is required.

29. This paragraph consists of legal conclusions to which no response is required.

30. This paragraph consists of legal conclusions to which no response is required.

The remaining subparagraphs, lettered A-D, constitute a prayer for relief to which no response is required. To the extent a response is deemed necessary, Defendant denies that Plaintiffs are entitled to the relief requested or to any relief whatsoever.

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

**DEFENSES**

1. Plaintiff's failure to exhaust administrative remedies with respect to one or more of its claims precludes judicial review over those claims.
2. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions to the Freedom of Information Act, 5 U.S.C. § 552.

Dated: March 4, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Director

/s/ Rachael Westmoreland  
RACHAEL WESTMORELAND (GA Bar #539498)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Tel.: (202) 514-1280  
Fax: (202) 616-8470  
Email: rachael.westmoreland@usdoj.gov

*Counsel for Defendant*