

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)
ACCURACY IN MEDIA, INC. et al.,	)
	)
Plaintiffs,	)
	)
v.	)
	)
DEPARTMENT OF DEFENSE et al.,	)
	)
Defendants.	)
_____	)

Case No. 14-1589 (EGS)

**DEFENDANTS’ ANSWER TO SUPPLEMENTAL COMPLAINT**

Defendants United States Department of Defense (“DOD”), United States Department of State (“State”), United States Department of Justice (“DOJ”), and United States Central Intelligence Agency (“CIA”), through undersigned counsel, hereby answer Plaintiffs’ Supplemental Complaint (“Complaint”) as follows:

**First Affirmative Defense**

Plaintiffs have failed to state a claim for which relief may be granted.

**Second Affirmative Defense**

Some or all of the information Plaintiffs seek in their Freedom of Information Act (“FOIA”) requests are exempt from disclosure under FOIA, 5 U.S.C. § 552.

**Defendants’ Responses to the Numbered Paragraphs**

The unnumbered preliminary statement does not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

Plaintiffs' inclusion of seven footnotes in the Complaint does not comply with Federal Rule of Civil Procedure 10(b), which requires that allegations be stated "in numbered paragraphs, each limited as far as practicable to a single set of circumstances." As such, no response is required to these footnotes. To the extent a response is required, each footnote is discussed in the relevant numbered paragraph below.

Defendants respond to the numbered paragraphs of Plaintiffs' Complaint as follows:

1. Paragraph 1 consists of Plaintiffs' legal conclusions regarding jurisdiction and venue, to which no response is required.

2. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 2.

3. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 3.

4. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 4.

5. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 5.

6. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 6.

7. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 7.

8. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 8.

9. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 9.

10. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 10.

11. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 11.

12. Paragraph 12 does not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

13. Defendants admit that DOD is a Department of the Executive Branch of the United States and is an agency within the meaning of 5 U.S.C. § 552(f)(1). Defendant DOD admits that Plaintiffs made FOIA requests to the ten component offices of DOD listed in paragraph 13. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in the second sentence of this paragraph.

14. Defendants admit that State is a Department of the Executive Branch of the United States and is an agency within the meaning of 5 U.S.C. § 552(f)(1).

15. Defendants admit that DOJ is a Department of the Executive Branch of the United States and is an agency within the meaning of 5 U.S.C. § 552(f)(1). Defendants admit that the Federal Bureau of Investigation (“FBI”) is the investigative component of DOJ. Defendants deny the allegation that DOJ is responsible for the FBI’s compliance with FOIA. The remainder of this paragraph does not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

16. Defendants admit that CIA is a Department of the Executive Branch of the United States and is an agency within the meaning of 5 U.S.C. § 552(f)(1).

17. Defendant DOD denies that it received nineteen separate FOIA requests from Plaintiffs. As alleged in the Complaint and admitted below, Plaintiffs submitted fifteen FOIA request letters to DOD. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

18. Paragraph 18 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.<sup>1</sup>

19. Paragraph 19 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

20. Paragraph 20 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

21. Paragraph 21 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

22. Paragraph 22 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

23. Paragraph 23 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

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<sup>1</sup> Plaintiffs did not attach to their Complaint the documents referenced therein. These documents are also referenced in Defendants' Answer. At the Court's request, Defendants can provide the Court with copies of these documents.

24. Paragraph 24 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

25. Paragraph 25 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

26. Paragraph 26 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

27. Paragraph 27 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

28. Paragraph 28 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

29. Paragraph 29 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

30. Paragraph 30 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

31. Paragraph 31 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

32. Paragraph 32 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

33. Paragraph 33 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

34. Paragraph 34 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

35. Paragraph 35 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

36. Paragraph 36 consists of Plaintiffs' characterization of their FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents.

37. Defendant DOD admits that Plaintiffs sent DOD Department of the Army ("Army") a FOIA request dated March 31, 2014. The remaining allegations in paragraph 37 consist of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate

statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

38. The first and last sentences of paragraph 38 consist of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The remainder of this paragraph states legal conclusions to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

39. The first sentence of paragraph 39 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The remainder of this paragraph states legal conclusions to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

40. Defendant DOD admits that the Army sent Plaintiffs a letter dated June 19, 2014. No response is required to Plaintiffs' characterization of this letter, and Defendant DOD respectfully refers the Court to the letter itself for a full and accurate statement of its contents. Defendant DOD denies the remaining allegations in this paragraph; Defendant DOD avers that the Army does not have a record of receiving a letter from Plaintiffs dated June 20, 2014. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

41. Defendant DOD denies the allegations contained in the first sentence of paragraph 41. Defendant DOD avers that the Army sent letters to Plaintiffs dated April 3, 2014

(Attachment 1), and June 19, 2014 (as alleged in Complaint paragraph 40). Defendant DOD admits that, to date, the Army has not produced any responsive records or demonstrated that any records are exempt from disclosure. The remainder of this paragraph states a legal conclusion to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

42. Defendant DOD admits that Plaintiffs sent the Secretary of the Navy Chief of Naval Operations (“Navy”) a FOIA request dated March 31, 2014. The remaining allegations in paragraph 42 consist of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

43. Paragraph 43 consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

44. Paragraph 44 consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

45. Defendant DOD admits that the Navy sent an email to Plaintiffs on April 16, 2014, acknowledging receipt of Plaintiffs’ FOIA request. Defendant DOD admits that the Navy sent an email to Plaintiffs on April 23, 2014. The remaining allegations in this paragraph constitute Plaintiffs’ characterization of the April 23, 2014 email, to which no response is required. Defendant DOD respectfully refers the Court to the email itself for a full and accurate



statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

46. Defendant DOD admits that the Office of the Commander, Naval Forces Europe and Africa/U.S. Sixth Fleet sent Plaintiffs a letter dated May 7, 2014, denying Plaintiffs' requests for expedited processing and statutory fee waivers. Defendant DOD respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

47. Defendant DOD admits that by letter dated June 16, 2014, Plaintiffs administratively appealed the Navy's May 7, 2014 denial of Plaintiffs' requests for expedited processing and news media status. Defendant DOD avers that when the Navy received Plaintiffs' appeal, the exhibits referenced in paragraph 47 of the Complaint were not attached to the June 16, 2014 letter. Defendants further state that the inclusion of the lettered subparts in paragraph 47 of the Complaint does not comply with Federal Rule of Civil Procedure 10(b), which requires that allegations be stated "in numbered paragraphs, each limited as far as practicable to a single set of circumstances." As such, no response is required to these subparts. Moreover, these subparts state legal conclusions, to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

48. Defendant DOD admits that DOD's Defense Freedom of Information Policy Office sent Plaintiffs a letter acknowledging receipt of Plaintiffs' June 16, 2014 appeal, but denies that the letter was dated June 30, 2014. Defendant DOD avers that this letter was dated June 20, 2014. Defendant DOD admits the allegations in the second sentence of paragraph 48.

The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

49. Defendant DOD admits the allegations in the first two sentences of paragraph 49. The third sentence in paragraph 49 states a legal conclusion to which no response is required. To the extent that a response is required, Defendant DOD denies the allegation. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

50. Defendant DOD admits that Plaintiffs sent DOD Department of the Air Force (“Air Force”) a FOIA request dated March 31, 2014. The remainder of this paragraph consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

51. Paragraph 51 consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

52. Paragraph 52 consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

53. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in paragraph 53.

54. Defendant DOD admits the allegations in paragraph 54.

55. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in the first sentence of paragraph 55. Defendant DOD admits the allegations in the second sentence of paragraph 55. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this sentence. The final sentence of paragraph 55 does not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

56. Defendant DOD admits that Plaintiffs sent the Air Force a FOIA request dated April 7, 2014. The remaining allegations in this paragraph consist of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

57. Paragraph 57 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

58. Defendant DOD admits that the Air Force has not yet responded to Plaintiffs' April 7, 2014 FOIA request. Defendant DOD avers that the Air Force has conducted, and is in the process of further conducting, searches for records responsive to Plaintiffs' request. The remainder of this paragraph states legal conclusions, to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

59. Defendant DOD admits that Plaintiffs sent the United States Marine Corps (“Marine Corps”) a FOIA request dated March 31, 2014. The remaining allegations in this paragraph consist of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

60. Paragraph 60 consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

61. Paragraph 61 consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

62. Defendant DOD denies that the Marine Corps sent an email to Plaintiffs on April 8, 2014, acknowledging receipt of Plaintiffs’ FOIA request. The Marine Corps has no record of this email, but Defendant DOD admits that it is possible that the Marine Corps’s computer system generated an automatic acknowledgement receipt. Defendant DOD admits that the Marine Corps sent an email to Plaintiffs on April 23, 2014. The remaining allegations in this paragraph constitute Plaintiffs’ characterization of the April 23, 2014 email, to which no response is required. Defendant DOD respectfully refers the Court to the email itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

63. Defendant DOD admits the allegations in paragraph 63. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

64. Defendants lack knowledge or information sufficient to admit or deny the allegations contained in the first sentence of paragraph 64, but Defendant DOD avers that the letter referenced in the first sentence of paragraph 64 was delivered to Plaintiffs via email on April 21, 2014. Defendant DOD admits the allegations in the second sentence of paragraph 64. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph. The final sentence of paragraph 64 does not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

65. Defendant DOD admits the allegations paragraph 65. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

66. Defendant DOD admits the allegations paragraph 66. Defendant DOD avers that the Marine Corps has conducted, and is in the process of further conducting, searches for records responsive to Plaintiffs' request. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

67. Defendant DOD admits that Plaintiffs sent the United States European Command ("European Command") a FOIA request dated March 31, 2014. The remaining allegations in paragraph 67 consist of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

68. Paragraph 68 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

69. Paragraph 69 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

70. Defendant DOD admits that European Command sent Plaintiffs a letter dated May 22, 2014 (Attachment 2), denying Plaintiffs' request for expedited processing, but avers that in this letter, European Command did not specifically address Plaintiffs' request for news media status. Defendant DOD admits the allegations in the second sentence of paragraph 70. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

71. Defendant DOD denies that European Command received Plaintiffs' administrative appeal dated June 30, 2014. Defendant DOD further avers that Plaintiffs did not submit a copy of their June 16, 2014 appeal – referenced in paragraph 47 of the Complaint – to European Command. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

72. Defendant DOD admits that it sent Plaintiffs an email on July 3, 2014. The remainder of paragraph 72 consists of Plaintiffs' characterization of DOD's email, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

73. Defendant DOD denies the allegations in the first sentence of paragraph 73, and avers that European Command has no record of receiving Plaintiffs' administrative appeal. The remainder of this paragraph states legal conclusions, to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

74. Defendant DOD admits the allegations in paragraph 74, except to deny that the December 4 letter was from European Command. Defendant DOD avers that this letter was sent to Plaintiffs by the DOD Office of the Deputy Chief Management Officer. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

75. Defendant DOD admits that Plaintiffs sent United States Central Command ("Central Command") a FOIA request dated March 31, 2014. The remaining allegations in paragraph 75 consist of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

76. Paragraph 76 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

77. Paragraph 77 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

78. Defendant DOD admits that Central Command sent Plaintiffs a letter dated April 9, 2014. The remainder of the first three sentences of paragraph 78 consists of Plaintiffs' characterization of this letter, to which no response is required. Defendant DOD respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The last sentence of paragraph 78 states a legal conclusion to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

79. Defendant DOD admits the allegations in the first sentence of paragraph 79. Defendant DOD denies the allegations in the second sentence of paragraph 79. The remainder of this paragraph states legal conclusions, to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

80. Defendant DOD admits that Plaintiffs sent United States Africa Command ("Africa Command") a FOIA request dated March 21, 2014. The remaining allegations in paragraph 80 and footnote 1 consist of Plaintiffs' characterization of the March 21, 2014 FOIA request and their related FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

81. Paragraph 81 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.



82. Paragraph 82 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

83. Defendant DOD admits that by letter dated April 14, 2014, Africa Command denied Plaintiffs' request for expedited processing. Defendant DOD avers that although Africa Command did not specifically address Plaintiffs' requests for news media and public interest statutory fee waivers, Africa Command placed Plaintiffs in the "other" category for fee purposes, and informed Plaintiffs that requesters in this category receive two hours of free searching and the first 100 pages of duplication at no cost. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

84. Defendant DOD admits that on June 17, 2014, the Defense Freedom of Information Policy Office received Plaintiffs' appeal dated June 12, 2014. Defendant DOD respectfully refers the Court to the appeal itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

85. Defendant DOD admits the allegations in paragraph 85, and respectfully refers the Court to the June 18, 2014 letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

86. Defendant DOD denies the allegation that Africa Command responded to Plaintiffs' administrative appeal. Defendant DOD avers that DOD's Office of the Deputy Chief Management Officer sent Plaintiffs a letter dated August 25, 2014, denying their request for expedited processing and granting news media status. Defendant DOD respectfully refers the

Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

87. Defendant DOD admits that Plaintiffs sent Africa Command a FOIA request dated October 1, 2014. The remaining allegations in paragraph 87 and footnote 2 consist of Plaintiffs' characterization of their October 1, 2014 FOIA request and their related FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

88. Paragraph 88 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

89. Defendant DOD admits the allegations in the first and second sentences of paragraph 89. The third sentence in this paragraph states a legal conclusion, to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

90. Defendant DOD admits that Plaintiffs sent United States Special Operations Command ("Special Operations") a FOIA request dated March 31, 2014. The remaining allegations in paragraph 90 consist of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a

full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

91. Paragraph 91 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

92. Paragraph 92 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

93. Defendant DOD admits that Special Operations sent Plaintiffs a letter dated August 29, 2014, acknowledging receipt of Plaintiffs' request. The remaining allegations in the second and third sentences of paragraph 93 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The last sentence of this paragraph states a legal conclusion, to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

94. Defendant DOD admits the allegations in the first sentence of paragraph 94. Defendant DOD denies that Special Operations has not responded to Plaintiffs' FOIA request, but admits that Special Operations has not produced documents in response to the request. Defendant DOD avers that Special Operations has conducted, and is in the process of further conducting, searches for records responsive to Plaintiffs' FOIA request. The remainder of this paragraph states legal conclusions, to which no response is required. To the extent that a

response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

95. Defendant DOD admits that Plaintiffs sent the Office of the Secretary of Defense and the Joint Staff (“OSD/JS”) a FOIA request dated March 31, 2014. The remaining allegations in paragraph 95 and footnote 3 consist of Plaintiffs’ characterization of their March 31, 2014 FOIA request and their related FOIA requests, to which no response is required. Defendant DOD respectfully refers the Court to the requests themselves for a full and accurate statement of their contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

96. Paragraph 96 consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

97. Paragraph 97 consists of Plaintiffs’ characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

98. Defendant DOD admits the allegations in paragraph 98. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

99. Defendant DOD admits the allegations in paragraph 99. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

100. Defendant DOD admits the allegations in paragraph 100. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

101. Defendant DOD admits the allegations in paragraph 101. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

102. Defendant DOD admits the allegations in paragraph 102. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

103. Defendant DOD admits the allegations in paragraph 103. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

104. Defendant DOD admits that the Office of the Secretary of Defense did not complete Plaintiffs' September 29 appeal within the statutory time requirement. The remainder of this paragraph states a legal conclusion to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

105. Defendant DOD admits that Plaintiffs sent the Defense Intelligence Agency ("DIA") a FOIA request dated April 7, 2014. The remaining allegations in paragraph 105 consist of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

106. Paragraph 106 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

107. Paragraph 107 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

108. Defendant DOD admits the allegations in paragraph 108. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

109. Defendant DOD admits the allegations contained in the first sentence of paragraph 109. Defendant DOD admits that the DIA has not to date responded to Plaintiffs' April 7, 2014 FOIA request. The remainder of this paragraph states legal conclusions, to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

110. Defendant DOD admits that Plaintiffs sent the DIA a FOIA request dated May 28, 2014. The remaining allegations in paragraph 110 consist of Plaintiffs' characterization of the request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

111. Paragraph 111 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to the request itself for a full and accurate statement of its contents.

112. Defendant DOD admits the allegations in paragraph 112. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

113. Defendant DOD admits the allegations in the first sentence of paragraph 113. The remainder of paragraph 113 consists of Plaintiffs' characterization of their July 7, 2014 appeal letter, to which no response is required. Defendant DOD respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

114. Paragraph 114 consists of Plaintiffs' characterization of their July 7, 2014 letter, to which no response is required. Defendant DOD respectfully refers the Court to the letter itself for a full and accurate statement of its contents.

115. Defendant DOD admits the allegations contained in the first and second sentences of paragraph 115. Defendant DOD admits that the DIA has not to date ruled on Plaintiffs' administrative appeal. The remainder of paragraph 115 states a legal conclusion to which no response is required. To the extent that a response is required, Defendant DOD denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

116. Defendant State admits that Plaintiffs sent it a FOIA request dated February 21, 2014. The remaining allegations in paragraph 116 and footnote 4 consist of Plaintiffs' characterization of their February 21, 2014 FOIA request and their related FOIA requests, to which no response is required. Defendant State respectfully refers the Court to the requests themselves for a full and accurate statement of their contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

117. Defendant State admits that Plaintiffs sent it a letter dated May 5, 2014. The remaining allegations in paragraph 117 consist of Plaintiffs' characterization of this letter, to which no response is required. Defendant State respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

118. Defendant State admits that Plaintiffs sent it a letter dated August 5, 2014. The remaining allegations in paragraph 118 consist of Plaintiffs' characterization of this letter, to which no response is required. Defendant State respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

119. Defendant State admits that it sent a letter to Plaintiffs dated March 21, 2014, granting Plaintiffs a fee waiver and denying their request for expedited processing. The remaining allegations in paragraph 119 consist of Plaintiffs' characterization of this letter, to which no response is required. Defendant State respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

120. Defendant State admits the allegations contained in paragraph 120. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

121. Defendant State admits the allegations contained in the first sentence of paragraph 121. The second sentence of paragraph 121 states a legal conclusion, to which no response is required. To the extent that a response is required, Defendant State denies the allegation. The



other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

122. Defendant State admits that Plaintiffs sent it a FOIA request dated April 7, 2014. The remaining allegations in paragraph 122 and footnote 5 consist of Plaintiffs' characterization of their April 7, 2014 FOIA request and their related FOIA requests, to which no response is required. Defendant State respectfully refers the Court to the requests themselves for a full and accurate statement of their contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

123. Defendant State admits that it sent Plaintiffs a letter dated April 21, 2014, granting Plaintiffs' fee waiver request but denying their request for expedited processing. Defendant State respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

124. Defendant State admits that Plaintiffs sent it a letter dated July 1, 2014. The remaining allegations in paragraph 124 consist of Plaintiffs' characterization of their letter, to which no response is required. Defendant State respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

125. Defendant State admits that it sent Plaintiffs a letter dated August 25, 2014, upholding the decision to deny Plaintiffs' request for expedited processing. The remaining allegations in the first sentence of paragraph 125 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant State respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The second sentence of paragraph 125

states a legal conclusion, to which no response is required. To the extent that a response is required, Defendant State denies the allegation. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

126. Defendant FBI admits that Plaintiffs sent it a FOIA request dated February 21, 2014. The remaining allegations in paragraph 126 consist of Plaintiffs' characterization of their request, to which no response is required. Defendant FBI respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

127. Paragraph 127 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant FBI respectfully refers the Court to the request itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

128. Defendant FBI admits that it sent a letter to Plaintiffs dated March 14, 2014. The remaining allegations in paragraph 128 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant FBI respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

129. Defendant FBI admits that Plaintiffs sent it a letter dated March 31, 2014. The remaining allegations in paragraph 129 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant FBI respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

130. Paragraph 130 consists of Plaintiffs' characterization of their March 31, 2014 letter, to which no response is required. Defendant FBI respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

131. Defendant FBI admits that Plaintiffs sent the FBI a letter dated August 5, 2014. The remaining allegations in paragraph 131 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant FBI respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

132. Defendant FBI denies that it sent a letter to Plaintiffs dated July 8, 2014. The letter to which paragraph 132 of the Complaint refers was sent by DOJ's Office of Information Policy (Attachment 3). The remaining allegations in paragraph 132 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant FBI respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

133. Defendant FBI admits that Plaintiffs sent it a letter dated July 10, 2014. The remaining allegations in paragraph 133 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant FBI respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

134. Defendant FBI admits the allegations in the first, second, and third sentences of paragraph 134. Defendant FBI avers that the FBI has conducted, and is in the process of further

conducting, searches for records responsive to Plaintiffs' FOIA requests. The fourth sentence of paragraph 134 states a legal conclusion to which no response is required. To the extent that a response is required, Defendant FBI denies this allegation. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

135. Defendant FBI admits the allegation in the first sentence of paragraph 135. Defendant FBI further avers that by letter dated September 9, 2014 (Attachment 4), DOJ's Office of Information Policy informed Plaintiffs that because Plaintiffs' "appeal file was a duplicate of Appeal No. AP-2014-02409, which was adjudicated by this Office by letter dated July 8, 2014 . . . [the Office is] administratively closing Appeal No. AP 2014-04211." The remainder of paragraph 135 states legal conclusions, to which no response is required. To the extent that a response is required, Defendant FBI denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

136. Defendant CIA admits that Plaintiffs sent it a FOIA request dated February 24, 2014. The remaining allegations in paragraph 136 and footnote 6 consist of Plaintiffs' characterization of their February 24, 2014 request and their related FOIA requests, to which no response is required. Defendant CIA respectfully refers the Court to the requests themselves for a full and accurate statement of their contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

137. Paragraph 137 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant CIA respectfully refers the Court to the request itself for a full and accurate statement of its contents.

138. Defendant CIA admits that Plaintiffs sent CIA a letter dated August 5, 2014. The remaining allegations in paragraph 138 consist of Plaintiffs' characterization of the letter, to

which no response is required. Defendant CIA respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

139. Defendant CIA admits that it sent a letter to Plaintiffs dated April 14, 2014. The remaining allegations in paragraph 139 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant CIA respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

140. Defendant CIA admits that Plaintiffs sent it a letter dated July 1, 2014. The remaining allegations in paragraph 140 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant CIA respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

141. Defendant CIA admits that it sent a letter to Plaintiffs dated July 17, 2014. The remaining allegations in paragraph 141 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant CIA respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

142. Defendant CIA admits that Plaintiffs sent it a letter dated July 25, 2014. The remaining allegations in paragraph 142 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant CIA respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

143. Defendant CIA admits that it sent a letter to Plaintiffs dated July 31, 2014. The remaining allegations in paragraph 131 consist of Plaintiffs' characterization of the letter, to which no response is required. Defendant CIA respectfully refers the Court to the letter itself for a full and accurate statement of its contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

144. Defendant CIA admits that Plaintiffs sent it a FOIA request dated October 1, 2014. The remaining allegations in paragraph 144 and footnote 7 consist of Plaintiffs' characterization of their October 1, 2014 FOIA request and their related FOIA requests, to which no response is required. Defendant CIA respectfully refers the Court to the requests themselves for a full and accurate statement of their contents. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

145. Paragraph 145 consists of Plaintiffs' characterization of their FOIA request, to which no response is required. Defendant CIA respectfully refers the Court to the request itself for a full and accurate statement of its contents.

146. Defendant CIA admits the allegations in paragraph 146. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

147. Defendant CIA admits the allegations in the first two sentences of paragraph 147. Defendant CIA avers that it has conducted, and is in the process of further conducting, searches for records responsive to Plaintiffs' FOIA request. The remainder of this paragraph states legal conclusions, to which no response is required. To the extent that a response is required, Defendant CIA denies the allegations. The other Defendants lack knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

148. Paragraph 148 “restate[s] paragraphs 1-147.” Defendants incorporate by reference their answers to the relevant paragraphs.

149. Defendants admit the allegations in the first sentence of paragraph 149. They deny the allegations in the second sentence of paragraph 149 and aver that by letter dated September 19, 2014, DOD’s Office of Freedom of Information denied 12 pages of records responsive to Plaintiffs’ request, pursuant to FOIA exemption 1, 5 U.S.C. § 552(b)(1). Defendants aver that they have conducted, and are in the process of further conducting, searches for records responsive to Plaintiffs’ FOIA requests.

150. Paragraph 150 contains conclusions of law, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations.

151. Paragraph 151 “restate[s] paragraphs 1-150.” Defendants incorporate by reference their answers to the relevant paragraphs.

152. Paragraph 152 contains conclusions of law, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations.

153. Paragraph 153 “restate[s] paragraphs 1-152.” Defendants incorporate by reference their answers to the relevant paragraphs.

154. Paragraph 154 contains conclusions of law, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations.

155. Defendants FBI and DOD admit the allegations in paragraph 155.

156. Defendants admit the allegations in paragraph 156.

157. Paragraph 157 “restate[s] paragraphs 1-156.” Defendants incorporate by reference their answers to the relevant paragraphs.

158. Paragraph 158 contains conclusions of law, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations.

159. Defendants admit the allegations in paragraph 159.

160. Defendants admit the allegations in paragraph 160.

161. Defendants admit the allegations in paragraph 161.

The unnumbered paragraph beginning with “WHEREFORE” constitutes Plaintiffs’ request for relief, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiffs are entitled to the requested relief or any other relief from Defendants.

Defendants hereby deny all allegations in Plaintiffs’ Complaint not expressly answered or qualified herein.

Dated: January 23, 2015

Respectfully submitted,

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*Attorneys for Defendants*



**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2015, I filed the attached Defendants' Answer to Supplemental Complaint electronically with the Clerk of the United States District Court for the District of Columbia through the CM/ECF system, which caused the following counsel of record to be served by electronic means:

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