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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 ELECTRONIC FRONTIER)	Civil Action No. C 09-5640 SI
14 FOUNDATION,)	
15 Plaintiffs,)	
16 v.)	
17 DEPARTMENT OF DEFENSE,)	DEFENDANTS' ANSWER
18 <i>et al.</i> ,)	
19 Defendants.)	

20 Defendants U.S. Department of Defense (“DOD”), Central Intelligence Agency (“CIA”),
 21 U.S. Department of Homeland Security (“DHS”), U.S. Department of Justice (“DOJ”), U.S.
 22 Department of the Treasury (“Treasury”), and Office of the Director of National Intelligence
 23 (“ODNI”), (collectively, “Defendants”), through undersigned counsel, hereby answer Plaintiff
 24 Electronic Frontier Foundation’s Complaint for Injunctive Relief (“Complaint”) as follows:

25 **INTRODUCTION**

26 1. Paragraph 1 of the Complaint contains Plaintiff’s characterization of the nature of
 27 this action and its claims, to which no response is required. To the extent a response is deemed
 28 required, Defendants deny the allegations contained in the paragraph.

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PARTIES

2. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in paragraph 2 of the Complaint.

3. First and third sentences: DOD admits it is an executive agency of the United States government and that the Air Force, Navy, and Defense Intelligence Agency are components. Second sentence: This sentence contains a conclusion of law, to which no response is required.

4. First sentence: CIA admits that it is an executive agency of the United States government. Second sentence: This sentence contains a conclusion of law, to which no response is required.

5. First and third sentences: DHS admits it is an executive agency of the United States government and that the Secret Service is a component. Second sentence: This sentence contains a conclusion of law, to which no response is required.

6. First and third sentences: DOJ admits it is an executive agency of the United States government and that the Federal Bureau of Investigation (“FBI”), Drug Enforcement Administration (“DEA”), Criminal Division, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and Executive Office for United States Attorneys (“EOUSA”) are components. Second sentence: This sentence contains a conclusion of law, to which no response is required.

7. First and third sentences: Treasury admits it is an executive agency of the United States government and that the Internal Revenue Service is a component. Second sentence: This sentence contains a conclusion of law, to which no response is required.

8. First sentence: ODNI admits that it is an independent agency of the United States government. Second sentence: This sentence contains a conclusion of law, to which no response is required.

JURISDICTION

9. This paragraph contains conclusions of law, to which no response is required.

VENUE AND INTRADISTRICT ASSIGNMENT

10. This paragraph contains conclusions of law, to which no response is required.

11. This paragraph contains conclusions of law, to which no response is required.

FACTUAL ALLEGATIONS

12. This paragraph contains characterizations about the nature of this action, to which no response is required. To the extent a response is deemed required, Defendants are without knowledge or information sufficient to admit or deny the purposes underlying EFF's request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

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

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

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

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

18. Each Defendant admits that EFF sent a FOIA request to it as detailed in the following paragraphs.

19. Each Defendant admits that it received a request under FOIA for the documents listed in paragraph 19.

20. Defendants CIA, DOJ, ODNI, Treasury, and DOD admit the allegations in this paragraph. Defendant DHS is without information or knowledge sufficient to admit or deny the allegations of this paragraph.

21. Defendants DOD, DOJ, and DHS admit the allegations in this paragraph. Defendants CIA, Treasury, and ODNI are without information or knowledge sufficient to admit or deny the allegations of this paragraph.

1 22. Defendant DOD admits the allegations of this paragraph. Defendants CIA, DHS,
2 DOJ, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
3 allegations of this paragraph.

4 23. Defendant DOD admits the allegations of this paragraph. Defendants CIA, DHS,
5 DOJ, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
6 allegations of this paragraph.

7 24. Defendant CIA admits the allegations of this paragraph. Defendants DOD, DHS,
8 DOJ, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
9 allegations of this paragraph.

10 25. Defendant DOJ admits the allegations of this paragraph. Defendants DOD, CIA,
11 DHS, Treasury, and ODNI lack information and knowledge sufficient to admit or deny the
12 allegations of this paragraph.

13 26. Defendant DOD admits the allegations of this paragraph. Defendants CIA, DHS,
14 DOJ, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
15 allegations of this paragraph.

16 27. Defendant DOD admits the allegations of this paragraph. Defendants CIA, DHS,
17 DOJ, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
18 allegations of this paragraph.

19 28. Defendant DHS admits the allegations of this paragraph. Defendants DOD, CIA,
20 DOJ, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
21 allegations of this paragraph.

22 29. Defendant ODNI admits the allegations of this paragraph. Defendants DOD,
23 CIA, DHS, DOJ, and Treasury lack information or knowledge sufficient to admit or deny the
24 allegations of this paragraph.

25 30. Defendant DOJ admits the allegations of this paragraph. Defendants DOD, CIA,
26 DHS, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
27 allegations of this paragraph.

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1 31. Defendant DOD admits the allegations of this paragraph. Defendants CIA, DHS,
2 DOJ, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
3 allegations of this paragraph.

4 32. Defendant Treasury admits the allegations of this paragraph. Defendant DOD,
5 CIA, DHS, DOJ, and ODNI lack information or knowledge sufficient to admit or deny the
6 allegations of this paragraph.

7 33. Defendant DOJ admits the allegations of this paragraph. Defendant DOD, CIA,
8 DHS, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
9 allegations of this paragraph.

10 34. Defendant DOJ admits the allegations of this paragraph. Defendants DOD, CIA,
11 DHS, Treasury, and ODNI lack information or knowledge sufficient to admit or deny the
12 allegations of this paragraph.

13 35. Defendant DOJ denies the allegation that EFF has not received a written response
14 from ATF, and further avers that ATF sent a letter to EFF on November 27, 2009. Defendant
15 DOJ admits that ATF received EFF's FOIA request letter. Defendants DOD, CIA, DHS,
16 Treasury, and ODNI lack information or knowledge sufficient to admit or deny the allegations of
17 this paragraph.

18 36. With regard to the FBI, Defendant DOJ denies that it received the FOIA request
19 on the date it was transmitted, but admits that it received the FOIA request at some point prior to
20 November 10, 2009; Defendant DOJ admits the allegations with regard to EOUSA, ATF,
21 Criminal Division, and DEA. Defendants CIA, DHS, Treasury, ODNI, and DOD admit the
22 allegations in this paragraph.

23 37. Defendant DOJ denies the allegations as those allegations pertain to ATF and
24 EOUSA, and further avers that both ATF and EOUSA sent a letter to EFF on November 27,
25 2009 indicating the conclusion of its search for responsive documents. With regard to the DEA,
26 Defendant DOJ admits that the DEA had not completed processing EFF's FOIA request as of
27 the date EFF filed the Complaint, but further avers that DEA has now completed the processing
28 of EFF's FOIA request and that DEA sent a responsive letter to EFF on February 1, 2010. DOJ

1 admits the allegations as they pertain to the Criminal Division and FBI, but further avers that
2 both components are currently processing EFF's FOIA request. Defendant Treasury admits that
3 it had not completed processing EFF's FOIA request as of the date EFF filed the Complaint, but
4 further avers that Treasury has now completed the processing of EFF's FOIA request and that
5 Treasury sent a responsive letter to EFF on January 11, 2010. Defendants DOD, DHS, and
6 ODNI admit the allegations contained in this paragraph, but further aver that they are currently
7 processing EFF's FOIA request. Defendant CIA admits the allegations.

8 38. This paragraph contains a conclusion of law, to which no response is required.

9 39. First sentence: Defendant Treasury admits the allegations in this sentence;
10 Defendants DOD, CIA, DHS, DOJ, and ODNI lack information and knowledge sufficient to
11 admit or deny the allegations in this sentence. Second sentence: Defendant Treasury denies the
12 allegations in this sentence, and further avers that it sent EFF a letter responsive to its FOIA
13 request on January 11, 2010; Defendants DOD, CIA, DHS, DOJ, and ODNI lack information or
14 knowledge sufficient to admit or deny the allegations contained in this sentence.

15 40. Defendants DOD, CIA, DHS, DOJ, ODNI admit the allegations in this paragraph.
16 Defendant Treasury is without knowledge or information sufficient to admit or deny the
17 allegations contained in this paragraph.

18 41. This paragraph contains a conclusion of law, to which no response is required.
19 To the extent a response is deemed required, Defendants deny the allegations.

20 **CAUSE OF ACTION**

21 42. This paragraph repeats and re-alleges the preceding paragraphs. To the extent a
22 response is deemed required, Defendants respectfully refer the Court to their responses to
23 specific preceding paragraphs.

24 43. This paragraph contains conclusions of law, to which no response is required. To
25 the extent a response is deemed required, Defendants deny the allegations.

26 44. This paragraph contains conclusions of law, to which no response is required. To
27 the extent a response is deemed required, Defendants deny the allegations.

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REQUESTED RELIEF

The balance of the Complaint constitutes a prayer for relief, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

Defendants hereby deny all allegations in Plaintiff's Complaint not expressly admitted or denied.

THEREFORE, having fully answered, Defendants assert that Plaintiff is not entitled to the relief requested, or to any relief whatsoever, and request that this action be dismissed in its entirety with prejudice and that Defendants be given such other relief as this Court deems proper, including costs and disbursements.

Dated: February 8, 2010

Respectfully submitted,

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