

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EARTHRIGHTS INTERNATIONAL,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF THE TREASURY,

Defendant.

Civil Action No. 22-cv-1500

ANSWER

Defendant, the United States Department of the Treasury, by undersigned counsel, respectfully submits this answer to the complaint filed by Plaintiff EarthRights International.

Defenses

1. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.
2. Certain information responsive to the FOIA request is not in the possession of the Treasury.
3. Plaintiff has failed to describe the records sought with sufficient specificity.
4. Plaintiff’s FOIA request would impose an unreasonable burden.

Responses to the Numbered Paragraphs

Defendant denies all the allegations in the complaint, including the relief sought, except to the extent specifically admitted herein. Defendant admits, denies, or otherwise responds to the paragraphs in the complaint as follows:

1. Defendant admits that Plaintiff purports to bring a FOIA action against Defendant. Defendant refers to the FOIA request for a complete and accurate statement of its content and denies any allegations inconsistent therewith.

2. Defendant admits that Plaintiff seeks declaratory and injunctive relief. Defendant denies that Plaintiff is entitled to such relief.

Jurisdiction and Venue

3. Defendant admits.
4. Defendant admits.

Parties

5. Defendant lacks knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.
6. Defendant admits.
7. Defendant lacks sufficient information to determine the extent of what responsive records, if any, may be in Treasury's possession and control.
8. The allegations in this paragraph purport to allege facts immaterial to this FOIA action; as such, no response is required.
9. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.
10. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.
11. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.
12. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.
13. Defendant lacks information or knowledge to admit or deny the allegations in this paragraph.

14. The allegations in this paragraph purport to allege facts immaterial to this FOIA action; as such, no response is required.
15. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.
16. Defendant lacks information or knowledge sufficient to admit or deny the allegations in this paragraph.
17. Defendant refers to the FOIA request for a complete and accurate statement of its content and denies any allegations inconsistent therewith.
18. Defendant admits.
19. Defendant denies the first sentence and admits that the quoted sentence is contained in Treasury's response letter.
20. Denied.

The FOIA Request and Response

21. Defendant refers to the FOIA request for a complete and accurate statement of its content and denies any allegations inconsistent therewith.
22. Defendant refers to the FOIA request for a complete and accurate statement of its content and denies any allegations inconsistent therewith.
23. Defendant refers to the FOIA request for a complete and accurate statement of its content and denies any allegations inconsistent therewith.
24. Defendant admits.
25. Defendant admits.
26. This paragraph asserts a conclusion of law to which no response is required.

Statutory Background

27. This paragraph asserts a conclusion of law and Plaintiff's characterization of the FOIA, to which no response is required.
28. Defendant admits the first sentence. Defendant lacks information sufficient to form a belief regarding the second sentence.
29. The allegations in this paragraph purport to allege facts immaterial to this FOIA action; as such, no response is required.
30. The allegations in this paragraph purport to allege facts immaterial to this FOIA action; as such, no response is required.
31. Denied.
32. Denied.
33. This paragraph asserts conclusions of law to which no response is required.
34. This paragraph asserts conclusions of law to which no response is required.
35. This paragraph asserts conclusions of law to which no response is required.

**EARTHRIGHTS CLAIM FOR RELIEF
COUNT I**

**Treasury's Wrongful Withholding of Records Responsive to EarthRights'
FOIA Request**

36. Defendant repeats its responses to paragraphs 1 through 35 above.
37. Denied.
38. Denied.
39. Denied.
40. Denied.
41. This paragraph asserts conclusions of law to which no response is required.
42. Denied.

Requested Relief

The remainder of the complaint contains Plaintiff's request for relief. Defendant denies that Plaintiff is entitled to the requested relief or any relief whatsoever.

Dated: August 10, 2021
Washington, D.C.

Respectfully submitted,

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United States Attorney

BRIAN P. HUDAK
Chief, Civil Division

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