

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
JUDICIAL WATCH, INC.,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	1:11-cv-00890-JEB
v.	)	
	)	
U.S. DEPARTMENT OF DEFENSE, and	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS’ ANSWER TO PLAINTIFF’S AMENDED COMPLAINT**

Defendants U.S. Department of Defense (“DoD”) and Central Intelligence Agency (“CIA”), through their undersigned counsel, hereby answer plaintiff’s Amended Complaint as follows.

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff has failed to exhaust its administrative remedies with respect to DoD.

Defendants respond to the numbered paragraphs of plaintiff’s Amended Complaint as set forth below.

1. This paragraph contains plaintiff’s statement of the jurisdictional basis for this action, to which no response is required.
2. This paragraph contains plaintiff’s statement of the venue for this action, to which no response is required.
3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

4. Defendants admit the allegations in the first sentence of this paragraph, except to deny that DoD is headquartered at 1600 Defense Pentagon, Washington, DC 20301-1600. DoD's address is listed on its website as 1400 Defense Pentagon, Washington, DC 20301-1400. The second sentence of this paragraph contains conclusions of law, to which no response is required.

5. Defendants admit the allegations in the first sentence of this paragraph. The second sentence of this paragraph contains conclusions of law, to which no response is required.

6. Defendants admit the allegations in this paragraph.

7. Defendants admit the allegations in this paragraph and further admit that the author of the May 9, 2011 letter stated, *inter alia*, that the letter was an interim response and that due to the complexity of the request, the Office of Freedom of Information for defendant DoD was unable to estimate when the processing of the request would be completed. Defendants respectfully refer the Court to the May 9, 2011 letter for a complete and accurate statement of its contents.

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

9. Defendants admit the allegations in this paragraph.

10. Defendants admit the allegations in this paragraph. Defendants respectfully refer the Court to the May 23, 2011 letter for a complete and accurate statement of its contents.

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

12. Defendants deny the allegations in this paragraph, except to admit that as of the date of this Complaint, defendants have neither produced records responsive to plaintiff's requests nor indicated whether any such records will be produced. Defendants respectfully refer

the Court to the referenced May 9, 2011 and May 23, 2011 letters for a complete and accurate statement of their contents.

13. This paragraph contains conclusions of law, to which no response is required.
14. The answers to all preceding paragraphs are incorporated herein by reference.
15. Defendants deny the allegations in this paragraph.
16. Defendants deny the allegations in this paragraph.

Defendants deny any and all allegations of the Amended Complaint not expressly admitted herein. In addition, defendants deny that plaintiff is entitled to the relief requested in its Prayer for Relief, or to any relief whatsoever.

**WHEREFORE**, defendants respectfully request that this action be dismissed with prejudice and that the Court grant defendants such other relief as may be appropriate.

Respectfully Submitted,

TONY WEST  
Assistant Attorney General

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Deputy Assistant Attorney General

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/s/ Marcia Berman  
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Attorneys for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2011, a true and correct copy of the foregoing Defendants' Answer to Plaintiff's Amended Complaint was served upon plaintiff's counsel of record at the address listed below:

Via ECF:

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/s/ Marcia Berman  
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