



# Legal Document

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District Of Columbia District Court  
Case No. 1:20-cv-01840-ABJ

**FOOD & WATER WATCH v. FEDERAL RESERVE BOARD  
OF GOVERNORS**

Document 4



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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FOOD AND WATER WATCH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 20cv1840 (ABJ)
	)	
BOARD OF GOVERNORS OF THE	)	
FEDERAL RESERVE SYSTEM,	)	
	)	
Defendant.	)	
_____	)	

**ANSWER**

Defendant Board of Governors of the Federal Reserve System (“Defendant” or “Board”) hereby answers the allegations in the corresponding paragraphs of the Complaint, ECF No. 1, filed by Plaintiff Food and Water Watch (“Plaintiff”), as follows. To the extent any allegations in the Complaint to which a response is required are not specifically admitted below, they are denied.

**Preliminary Statement**

1. Paragraph 1 consists of Plaintiff’s characterization of this action to which no response is required. To the extent a response is required, Defendant admits that Plaintiff is bringing this action pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and that the Complaint seeks to compel production of records in response to Plaintiff’s FOIA request to Defendant. Defendant denies any remaining allegations.

2. Paragraph 2 consists of Plaintiff’s characterization of itself for which Defendant lacks knowledge or information sufficient to admit or deny the allegation.

3. Defendant denies that it received a request from Plaintiff on May 4, 2020, but admits that it received an electronic FOIA request from Plaintiff on May 5, 2020 (the “Request”). The remainder of this paragraph consists of excerpts from the Request and Defendant respectfully refers the Court to the Request for a true and accurate statement of its contents.

4. Paragraph 4 consists of legal conclusions, and select quotations from a Presidential Memorandum, to which no response is required.

5. Paragraph 5 consists of legal conclusions to which no response is required

6. Defendant admits that, by letter to the Plaintiff dated May 5, 2020, Defendant acknowledged receipt of the Request and assigned it internal tracking number F-2020-00205. Defendant admits that, by letter to the Plaintiff dated June 3, 2020, Defendant informed Plaintiff that it was extending its period to respond to the Request to June 17, 2020.

7. Paragraph 7 consists of legal conclusions and Plaintiff’s characterization of a regulation to which no response is required. To the extent that a response is required, Defendant refers the Court to the regulation for a true and accurate statement of its contents.

8. Defendant denies the allegations of Paragraph 8.

9. Defendant denies the allegations of Paragraph 9.

10. Paragraph 10 consists of a legal conclusion and Plaintiffs’ characterization of its intentions to which no response is required.

#### **Jurisdiction and Venue**

11. Paragraph 11 states a legal conclusion to which no response is required. To the extent that a response is required, Defendant admits that the Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), as limited by the relief available under FOIA.

12. Paragraph 12 states a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies.

13. Paragraph 13 states a legal conclusion to which no response is required. To the extent a response is required, the Board admits that it is a U.S. government agency for purposes of FOIA, that it is headquartered in Washington, D.C., and that venue is proper in this District pursuant to FOIA, 5 U.S.C. § 552(a)(4)(B).

14. Paragraph 14 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies that Plaintiff is entitled to any award of attorney's fees.

### **Parties**

15. Paragraph 15 consists of a description of Plaintiff's organizational structure. Defendant lacks knowledge or information sufficient to admit or deny the allegations of this paragraph.

16. Paragraph 16 consists of a description of Plaintiff's organizational activities, goals, and projects. Defendant lacks knowledge or information sufficient to admit or deny the allegations of this paragraph.

17. Defendant admits that it is a U.S. government agency for purposes of FOIA.

18. The first sentence of Paragraph 18 states a legal conclusion to which no response is required. Defendant denies the allegations of the second sentence of Paragraph 18.

### **Statement of Facts**

19. The allegations in Paragraph 19 contain Plaintiff's characterizations of news reports and a letter which are irrelevant to this action and to which no response is required.



20. The allegations in Paragraph 20 contain Plaintiff's characterizations of purported background information which is irrelevant to this action and to which no response is required.

21. The allegations in Paragraph 21 contain Plaintiff's characterizations of purported background information and a letter which are irrelevant to this action and to which no response is required.

22. Defendant admits that it received the Request from the Plaintiff on May 5, 2020. The remainder of Paragraph 22 consists of Plaintiff's characterizations of the Request, quotations from the Request, and Plaintiff's characterizations of its reasons for filing the Request to which no response is required. Defendant respectfully refers the Court to the Request for a true and accurate statement of its contents.

23. Paragraph 23 states a legal conclusion to which no response is required.

24. Defendant avers that, by letter to the Plaintiff dated May 5, 2020, it acknowledged receipt of the Request. Defendant further avers that, by letter to the Plaintiff dated June 3, 2020, it extended its period to respond to the Request until June 17, 2020. The remainder of Paragraph 24 consists of quotations from, and Plaintiff's characterization of the contents of, letters from the Defendant to the Plaintiff to which no response is required. Defendant respectfully refers the Court to those letters for a true and accurate statement of their contents.

25. Defendant denies the allegations of Paragraph 25.

26. Paragraph 26 states a legal conclusion and Plaintiff's characterization of this action to which no response is required.

#### **Cause of Action**

27. Defendant incorporates its responses set forth above.

28. Defendant denies the allegations in this paragraph.

**Relief Requested**

The allegations in unnumbered Paragraphs (i) through (v) contain Plaintiff's prayer for relief to which no response is required. To the extent that a response is required, Defendant denies that Plaintiff is entitled to the relief requested, or to any relief at all.

Defendant denies each and every allegation in the Complaint that has not been expressly admitted in this Answer.

**DEFENSES**

Defendant reserves the right to amend, alter and supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to the Defendant through the course of this litigation. Without waiving, limiting, modifying or amending the foregoing, Defendant asserts the following additional and/or affirmative defenses, in the alternative where appropriate, and to the extent the pleadings and the evidence so indicate.

**FIRST DEFENSE**

Defendant has exercised due diligence in responding to Plaintiff's FOIA Request under the current circumstances, and in fact has responded in full to Plaintiff's Request, providing the Plaintiff with all responsive, non-exempt information uncovered by its reasonable search, rendering Plaintiff's claims for relief moot.

**SECOND DEFENSE**

Because a portion of Plaintiff's Request did not reasonably describe the records sought in a way that would have enabled Board staff to identify and produce records with reasonable effort and without unduly burdening or significantly interfering with the Board's operations, as required by FOIA and the Board's regulations, the Request does not trigger the Board's obligations under FOIA to respond to that portion.

THIRD DEFENSE

Some of the information contained in the records sought by, and provided to Plaintiff is exempt from disclosure under exemptions to FOIA, 5 U.S.C. § 552, subparagraph (b), as identified on the face of the records provided to Plaintiff.

FOURTH DEFENSE

Defendants' actions do not violate FOIA or any other statutory or regulatory provision.

FIFTH DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

SIXTH DEFENSE

To the extent that Plaintiff's FOIA Request seeks matters that are not "agency records," the Court lacks the authority to compel the agency to produce such matters.

Dated: August 24, 2020

Respectfully submitted,

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