

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,

Plaintiff,

v.

DEPARTMENT OF STATE, et al.,

Defendants.

Civil Action No. 25-3669 (TSC)

ANSWER

Defendants the Department of State (“State”), the Department of Defense (“DoD”), the Central Intelligence Agency (“CIA”), the Office of the Director of National Intelligence (“ODNI”), the Department of the Treasury (“Treasury”), the Office of Management and Budget, (“OMB”), the Department of Justice,¹ the Department of Health and Human Services, the Department of Education, and the Department of Transportation (collectively “Defendants”), respectfully submit the following Answer to Plaintiff’s Complaint filed on October 15, 2025 (ECF No. 1) in this Freedom of Information Act, 5 U.S.C. § 552, (“FOIA”) action. Defendants reserve their right to amend, alter, or supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to Defendants through the course of the litigation.

Defendants respond to the separately numbered paragraphs and requested relief contained in the Complaint. To the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendants may refer to such materials for their accurate and complete

¹ Together with its component, the Office of Information Policy (“OIP”).

contents in response; however, Defendants' references are not intended to be, and should not be construed to be, an admission that the cited materials are: (a) correctly cited or quoted by Plaintiff; (b) relevant to this, or any other, action; or (c) admissible in this, or any other, action. Defendants expressly deny all allegations in the Complaint, including the relief sought, that are not specifically admitted or otherwise qualified in this Answer. Defendants respond to the Complaint in like numbered paragraphs as follows:

COMPLAINT²

Introduction

1. This paragraph consists of Plaintiff's characterization of the present action to which no response is required. To the extent an answer is required, Defendants admit that Plaintiff brings this action under the FOIA.

2. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

3. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

4. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

² Merely for ease of reference, Defendants replicate the headings contained in the Complaint. No response is required to such headings. Fed. R. Civ. P. 10(b). To the extent a response is deemed required and to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

5. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

6. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

7. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

8. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

9. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

10. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

11. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

12. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as

immaterial and impertinent matters pursuant to Rule 12(f).

13. All Defendants, except the CIA, admit to receiving Plaintiff's FOIA requests. Defendants respectfully refer the Court to each FOIA request for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. The CIA denies receiving Plaintiff's alleged FOIA request.

14. This paragraph consists of Plaintiff's characterization of the present action to which no response is required. To the extent a response is required, Defendants admit that Plaintiff brings this lawsuit pursuant to the FOIA.

JURISDICTION AND VENUE

15. This paragraph consists of conclusions of law to which no response is required. To the extent a response is required, Defendants admit that the Court has jurisdiction over this matter subject to the terms and limitations of the FOIA.

16. This paragraph consists of conclusions of law to which no response is required. To the extent a response is required, Defendants admit that venue is proper in this judicial district.

17. This paragraph consists of conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

18. This paragraph consists of conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

PARTIES

19. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.

20. Department of State admits that it is a department of the executive branch of the

U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). Defendant Department of State lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

21. The DoD admits that it is a department of the executive branch of the U.S. government within the meaning of 5 U.S.C. § 552(f)(1), and an agency of the federal government within the meaning of the FOIA. The DoD lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

22. The CIA admits that it is an agency of the federal government within the meaning of the FOIA. The CIA lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

23. ODNI admits that it an agency of the federal government within the meaning of the FOIA. ODNI lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

24. Treasury admits that it is a federal agency within the meaning of the FOIA. Treasury lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

25. OMB admits that OMB is headquartered in Washington, D.C. OMB lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

26. The Department of Justice admits that it is a federal agency within the meaning of the FOIA and that OIP is a component of the Department of Justice that processes FOIA requests on its own behalf and on behalf of certain other Department of Justice components. The Department of Justice lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

27. The Department of Health and Human Services admits that it an agency of the federal government within the meaning of the FOIA. The Department of Health and Human Services lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

28. The Department of Education admits that it an agency of the federal government within the meaning of the FOIA. The Department of Education lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

29. The Department of Transportation admits that it an agency of the federal government within the meaning of the FOIA. The Department of Transportation lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

STATEMENT OF FACTS

30. All Defendants, except the CIA, admit to receiving Plaintiff's FOIA requests. Defendants respectfully refer the Court to each FOIA request for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. The CIA denies receiving Plaintiff's alleged FOIA request.

State Request

31. Admitted. The Department of State respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

32. Admitted. The Department of State respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

33. Admitted. The Department of State respectfully refers the Court to cited material

for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

34. Admitted. The Department of State respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

35. Admitted.

36. Admitted.

37. Admitted.

DOD Request

38. The DoD admits that on March 25, 2025, Plaintiff submitted a FOIA Request to the DoD. The DoD respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

39. The DoD admits that Exhibit B is a true and correct copy of the FOIA request to the DoD. The remainder of the allegations in this paragraph consist of Plaintiff's legal conclusions to which no response is required.

40. Admitted. The DoD respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

41. Admitted. The DoD respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

42. Admitted.

43. Admitted.

44. The DoD admits that as of the date of the Complaint the DoD had not released any records in response to Plaintiff's FOIA request.

CIA Request

45. Denied. The CIA avers that it has not received the alleged FOIA request.
46. Denied. The CIA avers that it has not received the alleged FOIA request.
47. Admitted. The CIA avers that it has not received the alleged FOIA request.
48. Admitted. The CIA avers that it has not received the alleged FOIA request.
49. Admitted. The CIA avers that it has not received the alleged FOIA request.

ODNI Request

50. ODNI admits that Plaintiff submitted a FOIA request on March 25, 2025. ODNI respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

51. Admitted. ODNI respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

52. Admitted. ODNI respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

53. Admitted. ODNI respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

54. Admitted.

55. Admitted.

56. Admitted.

Treasury Request

57. Treasury admits that Plaintiff submitted a FOIA request on March 25, 2025. Treasury respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

58. Admitted. Treasury respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

59. Treasury admits that it sent an automatic courtesy response to Plaintiff and respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

60. Admitted. Treasury avers that on November 21, 2025, it sent Plaintiff a letter confirming receipt of the FOIA request.

61. Admitted.

62. Admitted.

OMB Request

63. OMB admits that Plaintiff submitted a FOIA request to OMB on April 1, 2025. OMB respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

64. OMB admit that Exhibit F contains a true and correct copy of the FOIA request Plaintiff submitted to OMB. OMB respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

65. OMB admits that it acknowledged receipt of the request on April 1, 2025, and assigned it tracking number 2025-1170. OMB respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

66. Admitted.

67. Admitted.

68. Admitted.

DOJ Request

69. The Department of Justice admits that OIP received a FOIA request from Plaintiff dated April 1, 2025. The Department of Justice respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

70. Admitted. The Department of Justice respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith

71. The Department of Justice admits that OIP sent Plaintiff an acknowledgement letter dated April 10, 2025, in which OIP denied expedited processing under 28 C.F.R. § 16.5(e)(1)(ii) and invoked unusual circumstances. The Department of Justice respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

72. The Department of Justice admits that OIP sent Plaintiff a supplemental acknowledgement letter dated May 5, 2025, in which OIP conveyed the determination of the Director of Public Affairs to deny expedited processing under 28 C.F.R. § 16.5(d)(iv), and invoked unusual circumstances. The Department of Justice respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

73. Admitted.

74. Admitted.

75. Admitted.

HHS Request

76. The Department of Health and Human Services admits that it received Plaintiff's request dated April 1, 2025. The Department of Health and Human Services respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

77. Admitted. The Department of Health and Human Services respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

78. The Department of Health and Human Services admits that it sent an automated email to Plaintiff dated April 1, 2025. The Department of Health and Human Services respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

79. The Department of Health and Human Services admits that it acknowledged Plaintiff's request via letter dated August 26, 2025. The Department of Health and Human Services respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

80. Admitted.

81. Admitted.

82. Admitted

Education Request

83. Admitted. The Department of Education respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

84. Admitted. The Department of Education respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

85. Admitted. The Department of Education respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

86. Admitted. The Department of Education respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

87. Admitted. The Department of Education respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

88. Admitted.

89. Admitted.

90. Admitted.

DOT Request

91. Admitted. The Department of Transportation respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

92. Admitted. The Department of Transportation respectfully refers the Court to cited material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

93. Admitted. The Department of Transportation respectfully refers the Court to cited

material for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

94. Admitted.

95. Admitted.

96. Admitted.

Exhaustion of Administrative Remedies

97. This paragraph consists of conclusions of law to which no response is required. To the extent a response is deemed required, Defendants (except the CIA) admit that as of the date of the Complaint, Defendants had not made a final determination regarding Plaintiff's FOIA request. To the extent a response is required, the CIA denies that Plaintiff has exhausted administrative remedies because the CIA did not receive Plaintiff's alleged FOIA request.

98. This paragraph consists of conclusions of law to which no response is required.

COUNT I

Violation of FOIA, 5 U.S.C. § 552

Failure to Conduct Adequate Searches for Responsive Records

99. Defendants incorporate by reference all responses to all proceeding paragraphs as if fully set forth herein.

100. This paragraph consists of conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

101. Defendants admit to being federal agencies within the meaning of the FOIA. The remaining allegations in this paragraph consist of legal argument and conclusions to which no response is required.

102. This paragraph consists of conclusions of law to which no response is required.

To the extent a response is required, Defendants deny the allegations in the paragraph.

103. This paragraph consists of conclusions of law to which no response is required.

To the extent a response is required, Defendants deny the allegations in the paragraph.

104. This paragraph consists of conclusions of law to which no response is required.

To the extent a response is required, Defendants deny the allegations in the paragraph.

COUNT II

Violation of FOIA, 5 U.S.C. § 552

Wrongful Withholding of Non-Exempt Responsive Records

105. Defendants incorporate by reference all responses to all proceeding paragraphs as if fully set forth herein.

106. This paragraph consists of conclusions of law to which no response is required.

To the extent a response is required, Defendants deny the allegations in this paragraph.

107. Defendants admit to being federal agencies within the meaning of the FOIA. The remaining allegations in this paragraph consist of legal argument and conclusions to which no response is required.

108. This paragraph consists of conclusions of law to which no response is required.

To the extent a response is required, Defendants deny the allegations in the paragraph.

109. This paragraph consists of conclusions of law to which no response is required.

To the extent a response is required, Defendants deny the allegations in the paragraph.

110. This paragraph consists of conclusions of law to which no response is required.

To the extent a response is required, Defendants deny the allegations in the paragraph.

REQUESTED RELIEF

The unnumbered WHEREFORE paragraph following Paragraph 110 of the Complaint

consists of Plaintiff's request for relief to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the requested relief or to any relief whatsoever. Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendants assert a general denial as to those allegations contained in the Complaint that are not specifically admitted herein.

DEFENSES

In further response to the Complaint, Defendants assert the following defenses. Defendants reserve the right to amend, alter, or supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to Defendants throughout the course of this litigation, including any defenses available pursuant to Federal Rules of Civil Procedure 8 and 12.

FIRST DEFENSE

Plaintiff is not entitled to compel the production of any record or portion of any record protected from disclosure by one or more of the exclusions or exemptions to the FOIA, 5 U.S.C. § 552(b), or the Privacy Act, 5 U.S.C. § 552a.

SECOND DEFENSE

Defendants have not improperly withheld records requested by Plaintiff under the FOIA. 5 U.S.C. § 552(b).

THIRD DEFENSE

Plaintiffs' FOIA requests are not valid requests to the extent they do not reasonably describe the records sought or would be unduly burdensome to process.

FOURTH DEFENSE

The Court lacks subject matter jurisdiction over Plaintiff's requests for relief that exceed the relief authorized under the FOIA, 5 U.S.C. § 552.

FIFTH DEFENSE

Plaintiff is neither eligible nor entitled to attorney's fees or costs in this matter.

SIXTH DEFENSE

Plaintiff failed to exhaust administrative remedies.

SEVENTH DEFENSE

To the extent the Complaint alleges background facts unnecessary to the consideration of Defendants' response to the FOIA requests at issue, the Complaint violates Rule 8(a)(2) by alleging information that is unnecessary to a "short and plain" statement of the claim. The Court should strike all such immaterial and impertinent matters pursuant to Rule 12(f). *See Mich. Immigr. Rts. Ctr. v. Dep't of Homeland Sec.*, Civ. A. No. 16-14192, 2017 WL 2471277, at *3 (E.D. Mich. June 8, 2017) (deeming stricken under Rule 12(f) background facts alleged in a FOIA complaint: "In this unique context, requiring Defendants to answer allegations in Plaintiffs' complaint that they would not otherwise be required to answer, and that are not material to Plaintiffs' FOIA claim, would prejudice Defendants."); *Robert v. Dep't of Just.*, Civ. A. No. 05-2543, 2005 WL 3371480, at *11 (E.D.N.Y. Dec. 12, 2005) (striking allegations of background facts; concluding that plaintiff's "allegations are irrelevant to the validity of [his] FOIA claims").

Dated: December 19, 2025

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

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