

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR REPRODUCTIVE RIGHTS,

Plaintiff,

v.

DEPARTMENT OF STATE,

Defendant.

Civil Action No. 25-4338 (LLA)

ANSWER

Defendant Department of State (“State Department”), by and through their undersigned counsel, respectfully submit this Answer to the Complaint (“Complaint”) (ECF No. 1) filed in this case by the Center for Reproductive Rights (“Plaintiff”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”).

To the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendant may refer to such materials for their accurate and complete contents in response; however, Defendant’s 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. Defendant expressly denies all allegations in the Complaint, including the relief sought, that are not specifically admitted to or otherwise qualified in this Answer. Defendant responds to the Complaint in like numbered paragraphs as follows:

1. Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in this paragraph.

2. This paragraph 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 brings this case under the FOIA but denies that Plaintiff is entitled to the relief requested or to any relief whatsoever.

JURISDICTION AND VENUE¹

3. Defendant admits that this court has jurisdiction subject to the terms and limitations of the FOIA.

4. Defendant admits that venue lies in this judicial district for a proper claim under FOIA.

5. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith. Defendant admits that Plaintiff has constructively exhausted its administrative remedies with regard to the FOIA request but not as to the fee waiver.

FACTS

The Dismantling of USAID

6. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other

¹ For ease of reference, Defendant replicates the headings contained in the Complaint. Although Defendant believes that no response is required to such headings, to the extent a response is required and to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f). Defendant refers the court to the respective Executive Order as the best evidence of its contents and denies any allegation inconsistent therewith.

7. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

8. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f). Defendant refers the court to the respective USAID Notice as the best evidence of its contents and denies any allegation inconsistent therewith.

9. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other

purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

10. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f). Defendant refers the court to the respective waiver as the best evidence of its contents and denies any allegation inconsistent therewith.

11. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f). Defendant refers the court to the respective legislation as the best evidence of its contents and denies any allegation inconsistent therewith.

12. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other

purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

USAID's Contraception Stockpile

13. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

14. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

15. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

16. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

17. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in these paragraphs are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

The Center's FOIA Request

18. Defendant admits that it received a FOIA request submitted by Plaintiff on August 29, 2025. Defendant respectfully refers the Court to the referenced records as the best evidence of their contents and denies any allegation inconsistent therewith.

19. Defendant admits that it received a FOIA request submitted by Plaintiff on August 29, 2025. Defendant respectfully refers the Court to the referenced records as the best evidence of their contents and denies any allegation inconsistent therewith.

20. Defendant admits that the FOIA request included a request for a fee waiver. Defendant respectfully refers the Court to the referenced records as the best evidence of their contents and denies any allegation inconsistent therewith.

21. Admit.

22. Admit.

23. Defendant admits that by letter dated September 8, 2025, it acknowledged Plaintiff's FOIA request, assigned it request number F-2025-26796, asserted unusual circumstances, and denied Plaintiff's fee waiver request. Defendant respectfully refers the Court to the referenced records as the best evidence of their contents and denies any allegation inconsistent therewith.

Department's Response to the FOIA Request

24. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

25. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

26. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

27. Defendant admits that the request was still being processed as of the date the complaint was filed and no final response had been provided to Plaintiff as of that date.

28. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith. Defendant admits that Plaintiff has constructively exhausted its administrative remedies with regard to the FOIA request but not as to the fee waiver.

COUNT I – FOIA REQUEST

29. Defendant realleges and incorporates by reference all of the preceding paragraphs of this Answer as if fully stated herein.

30. Defendant admits only that State is a federal agency subject to the FOIA and that it is continuing to process the Plaintiff's request.

31. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

32. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

33. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

34. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

35. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

36. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

37. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

38. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the relief requested or to any relief whatsoever.

COUNT II – FEE WAIVER

39. Defendant realleges and incorporates by reference all of the preceding paragraphs of this Answer as if fully stated herein.

40. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

41. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

42. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

43. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant respectfully refers the Court to the FOIA and denies any allegations inconsistent therewith.

PRAYER FOR RELIEF

The remainder of the complaint consists of Plaintiff's prayer for relief, to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

DEFENSES

Defendant reserves the right to amend, alter, and supplement the defenses contained in this Answer as the facts and circumstances that give rise to this Complaint become known to Defendant through the course of this litigation. Defendant does not assume the burden of proving any of these defenses or elements of them where the burden is properly placed on Plaintiff as a matter of law.

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 or the Privacy Act, 5 U.S.C. § 552a.

SECOND DEFENSE

The Court lacks subject matter jurisdiction over any requested relief that exceeds the relief authorized by the FOIA.

THIRD DEFENSE

Defendant conducted an adequate search for documents responsive to Plaintiff's FOIA request and Plaintiff's FOIA request is not enforceable under the FOIA to the extent a reasonable search cannot be undertaken to identify and locate all responsive records.

FOURTH DEFENSE

Defendant has not improperly withheld records requested by Plaintiff under FOIA.

FIFTH DEFENSE

Defendant's actions or inactions did not violate the FOIA or any other statutory or regulatory provision.

SIXTH DEFENSE

Defendant has exercised due diligence in processing Plaintiff's FOIA request and exceptional circumstances exist that necessitate additional time for Defendant to continue its processing of Plaintiff's FOIA request.

SEVENTH DEFENSE

Plaintiff is neither eligible for nor entitled to attorneys' fees or costs.

EIGHTH DEFENSE

FOIA does not provide for declaratory relief against a federal agency.

NINTH DEFENSE

Plaintiff failed to exhaust administrative remedies with regard to Count Two – Fee Waiver.

Dated: February 27, 2026
Washington, DC

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ Zachariah Weston Lindsey
Zachariah (Zack) Weston Lindsey
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
202-252-6612

Attorneys for the United States of America