

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRACY FORWARD FOUNDATION,

Plaintiff,

v.

U.S. OFFICE OF PERSONNEL
MANAGEMENT, et al.,

Defendants.

Civil Action No. 25-3517 (RBW)

ANSWER

Defendants U.S. Office of Personnel Management (“OPM”), General Services Administration (“GSA”), U.S. Department of Housing and Urban Development (“HUD”), and Office of Management and Budget (“OMB”) (collectively “Defendants”), by and through undersigned counsel, respectfully submit this Answer to the Complaint (ECF No. 1, “Complaint”) filed by Democracy Forward Foundation (“Plaintiff”). This case arises under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

Defendants deny all allegations in the Complaint, including the relief sought, except as specifically admitted in this Answer. 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 contents in response; however, Defendants’ responses 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 respond to the separately numbered paragraphs and prayer for relief in the Complaint as follows:

COMPLAINT

This unnumbered paragraph contains Plaintiff's characterization of this action, to which no response is required. To the extent a response is deemed required, Defendants admit that Plaintiff brings this action under the FOIA.

Jurisdiction and Venue

1. This paragraph contains legal conclusions regarding jurisdiction, to which no response is required. To the extent a response is deemed required, Defendants admit that this Court has jurisdiction subject to the terms and conditions of FOIA and pursuant to 5 U.S.C. § 552(a)(4)(B).

2. This paragraph contains legal conclusions regarding venue, to which no response is required. To the extent a response is deemed required, Defendants admit that venue is proper in this District for a properly pled FOIA action pursuant to 5 U.S.C. § 552(a)(4)(B).

Parties

3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore, deny.

4. Defendant OPM admits that OPM is an agency of the United States government, is headquartered at 1900 E Street NW, Washington, DC 20415, and that it serves as the chief human resources agency and personnel policy manager for the Federal Government. The remainder of this paragraph constitutes a legal conclusion to which no response is required.

5. Defendant GSA admits that GSA is a department of the executive branch of the U.S. government headquartered in Washington, D.C., and is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). The remainder of this paragraph constitutes a legal conclusion to which no response is required.

6. Defendant HUD admits the allegations in Paragraph 6 only to the extent that HUD is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. The remainder of this paragraph constitutes a legal conclusion to which no response is required.

7. This paragraph duplicates paragraph 4, and no additional response is required.

Facts

8. This paragraph contains Plaintiff's characterization of news reports, and Defendants respectfully refer the Court to these reports for complete and accurate statements of their contents, and deny any allegations inconsistent therewith.

9. This paragraph contains Plaintiff's characterization of public records and news reports, and Defendants respectfully refer the Court to these records and reports for complete and accurate statements of their contents, and deny any allegations inconsistent therewith.

10. This paragraph contains Plaintiff's characterization of news reports, and Defendants respectfully refer the Court to these reports for complete and accurate statements of their contents, and deny any allegations inconsistent therewith.

11. This paragraph contains Plaintiff's characterization of news reports, and Defendants respectfully refer the Court to these reports for complete and accurate statements of their contents, and deny any allegations inconsistent therewith.

12. The first sentence of this paragraph contains Plaintiff's motivation for making FOIA requests, and Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in the sentence, and therefore, deny. The second sentence of this paragraph contains Plaintiff's predictions, to which no response is required. To the extent a response is deemed required, Defendants deny.

OPM Guidance and Communications Request (25-HQ-2031-F)

13. Defendant OPM admits that a FOIA request dated June 30, 2025, was submitted on Plaintiff's behalf to OPM. Defendant OPM refers the Court to the request for a complete and accurate statement of its contents and denies the allegations in this paragraph to the extent inconsistent with the content of that request.

14. Defendant OPM refers the Court to the request for a complete and accurate statement of its contents and denies the allegations in this paragraph to the extent inconsistent with the content of that request.

15. Defendant OPM admits that OPM acknowledged this request and assigned it tracking number 25-HQ-2031-F.

16. Defendant OPM admits that, as of the date of the Complaint, it had not communicated further with Plaintiff regarding this request.

OPM Schedule F AI Inputs and Outputs Request (25-HQ-2032-F)

17. Defendant OPM admits that a FOIA request dated June 30, 2025, was submitted on Plaintiff's behalf to OPM. Defendant OPM refers the Court to the request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

18. Defendant OPM refers the Court to the request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

19. Defendant OPM admits that on June 30, 2025, OPM acknowledged this request and assigned it tracking number 25-HQ-2032-F.

20. Defendant OPM admits that, as of the date of the Complaint, it had not

communicated further with Plaintiff regarding this request.

GSA Use of AI in Deregulations Request (2025-FOI-01748)

21. Defendant GSA admits that Plaintiff submitted a FOIA request to GSA on July 11, 2025, and Defendant GSA respectfully refers the Court to the request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

22. Defendant GSA respectfully refers the Court to the request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

23. Defendant GSA admits that Plaintiff's request has been assigned tracking number 2025-FOI-01748.

24. Defendant GSA admits that it sent Plaintiff an acknowledgment letter on September 10, 2025.

25. Defendant GSA admits that, as of the date of the Complaint, it had not communicated further with Plaintiff regarding this request.

HUD AI Communications Request (25-FI-HQ-03675)

26. Defendant HUD admits that Plaintiff sent a FOIA request to HUD on August 15, 2025. Defendant HUD respectfully refers the Court to the FOIA request for a full and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

27. Defendant HUD respectfully refers the Court to the request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

28. Defendant HUD respectfully refers the Court to the request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

29. Defendant HUD admits that it assigned tracking number 25-FI-HQ-0365 to the request. Defendant HUD respectfully refers the Court to HUD's letter to Plaintiff dated August 22, 2025 for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the contents of that letter.

30. Defendant HUD admits the allegations only to the extent that HUD issued a letter to Plaintiff on September 22, 2025, and respectfully refers the Court to that letter for a full and accurate statement of its contents.

31. Defendant HUD admits the allegations in Paragraph 31 and respectfully refers the Court to Plaintiff's email to HUD dated September 30, 2025, for a full and accurate statement of its contents. Defendant HUD denies any allegations inconsistent with the contents of the September 30, 2025, communication.

32. Defendant HUD denies the allegation in Paragraph 32 and respectfully refers the Court to HUD's email to Plaintiff dated November 14, 2025, for a full and accurate statement of its contents.

OMB AI Communications Request (2025-1816)

33. Defendant OMB admits that Plaintiff submitted a FOIA request to OMB on August 15, 2025. Defendant OMB respectfully refers the Court to the request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

34. Defendant OMB respectfully refers the Court to the request for a complete and

accurate statement of its contents and denies any allegations in this paragraph inconsistent with the content of that request.

35. Defendant OMB admits that it sent Plaintiff an email on August 18, 2025 and respectfully refers the Court to this email for a complete and accurate statement of its contents. Defendant OMB denies any allegations in this paragraph inconsistent with the content of that email.

36. Defendant OMB admits that, as of the date of the Complaint, it had not communicated further with Plaintiff regarding this request.

Exhaustion of Administrative Remedies

37. Defendants admit that, as of the date of the Complaint, they had not issued determinations on Plaintiff's requests. This paragraph otherwise contains legal conclusions to which no response is required. To the extent a response is deemed required, Defendants deny.

CLAIM FOR RELIEF

Count 1 (Violation of FOIA, 5 U.S.C. § 552)

38. Defendants reallege their responses to each of the preceding paragraphs.

39. This paragraph contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny.

REQUESTED RELIEF

The remainder of the Complaint contains Plaintiff's requested relief, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the relief that it seeks or to any other relief in this action.

DEFENSES

In further response to the Complaint, Defendants raise the following defenses. In asserting these defenses, Defendants do not assume the burden to establish any fact or proposition where that burden is properly imposed upon Plaintiff. Defendants reserve the right to amend, alter, and supplement the defenses contained in this Answer as facts and circumstances giving rise to this Complaint become known to Defendants through the course of this litigation.

FIRST DEFENSE

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

SECOND DEFENSE

Plaintiff is not entitled to compel the production of records, or portions thereof, exempted from disclosure by one or more of the exemptions to the FOIA, 5 U.S.C. § 552(b).

THIRD DEFENSE

This Court lacks subject matter jurisdiction over any of Plaintiff's requests for relief that exceed the relief authorized by FOIA.

FOURTH DEFENSE

Plaintiff is not entitled to relief beyond what is provided for under the FOIA.

FIFTH DEFENSE

Plaintiff is neither eligible for nor entitled to an award of attorneys' fees or costs in this action.

SIXTH DEFENSE

Defendants have not improperly withheld records requested by Plaintiff under FOIA.

* * *

SEVENTH DEFENSE

To the extent the Complaint alleges background facts unnecessary to the consideration of Defendants' response to the FOIA request at issue, including in paragraphs 12, 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).

EIGHTH DEFENSE

The FOIA request is not a proper request to the extent it would be unduly burdensome to process or fails to reasonably describe the records sought.

Dated: January 30, 2026
Washington, DC

Respectfully submitted,

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