

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

)	
GRANT F. SMITH, ProSe)	
)	
Plaintiff,)	
vs.)	Civil Action No. 17-1796 (TSC)
)	
UNITED STATES)	
DEPARTMENT OF TREASURY)	
)	
UNITED STATES OFFICE OF)	
PERSONNEL MANAGEMENT)	
)	
Defendants.)	
)	

ANSWER

Defendants, United States Office of Personnel Management (“OPM”), and the United States Department of Treasury (“Treasury”), by and through undersigned counsel, respectfully submits this Answer to Plaintiff’s Complaint. Defendants respond specifically to each numbered paragraph of the Complaint by admitting, denying and averring as follows:

First Defense

Plaintiff Grant Smith’s Complaint fails to state a claim against Defendants upon which relief can be granted.

Second Defense

The requested documents, or portions thereof, are exempt from disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(b).

Defendants deny each and every allegation contained in Plaintiff’s Complaint, except as hereinafter expressly admitted, qualified or otherwise answered:

1. The first paragraph consists of Plaintiff's narrative as to the nature of this action and as such contain conclusions of law and characterizations of Plaintiff's actions and intentions to which no response is required; to the extent a response is deemed necessary, denied.
2. Defendants admit that this Court has jurisdiction over this FOIA action administratively.
 3. Defendants admit only that venue is proper in this judicial district and deny the remaining allegations in paragraph 3.
 4. Defendants admit only that venue is proper in this judicial district and deny the remaining allegations in paragraph 4.
 5. Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 5.
 6. Defendant OPM admits the first sentence paragraph 6. The second sentence consists of legal conclusions to which no response is required. To the extent a response is required, Defendant denies the remaining allegations contained therein.
 7. Defendant Treasury admits the first sentence of paragraph 7. The second sentence consists of legal conclusions to which no response is required. To the extent a response is required, Defendant denies the remaining allegations contained herein.
 8. Defendant lacks knowledge or information sufficient to determine when the FOIA request was sent. Defendant refers the Court to the FOIA request in Exhibit A of the Complaint for the true nature of its content.
 9. Treasury's response speaks for itself and Defendant refers the Court to Exhibit B of the Plaintiff's Complaint for the true nature of its content.

10. Defendant Treasury admits that it received Plaintiff's appeal that was dated May 9, 2012 on May 15, 2012. Defendant refers the Court to Exhibit C of Plaintiff's Complaint for the true nature of its content.

11. Defendant Treasury admits that it denied Plaintiff's appeal and refers the Court to Exhibit D of Plaintiff's Complaint for the true nature of its content.

12. Defendant OPM admits the allegations contained in paragraph 12 and refers the Court to Exhibit E of Plaintiff's Complaint for the true nature of its content.

13. Defendant Treasury admits the first sentence of paragraph 13; denies the remaining allegations and refers the Court to Exhibit G of Plaintiff's Complaint for the true nature of its content.

14. Defendants deny the allegations in paragraph 14 and refers the Court to the document for the true nature of its content.

15. Deny.

16. Deny.

17. This paragraph consists of legal conclusions to which no response is required. To the extent that a response is required, day and state that the Plaintiff's FOIA requests and Defendants' responses speak for themselves.

18. Defendant refers the Court to the statute for the meaning and nature of its content. Plaintiff denies the second sentence.

19. This paragraph consists of legal conclusions to which no response is required. To the extent that a response is required, deny.

20. Defendants lack knowledge or sufficient information to determine the truth of the allegations contained in this paragraph.

21. Defendants lack knowledge or sufficient information to determine the truth of the allegations contained in this paragraph.

22. Defendants lack knowledge or sufficient information to determine the truth of the allegations contained in this paragraph.

Requests for Relief

The remaining requests are Plaintiff's requests for relief to which no response is required. Defendants deny that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

Except to the extent expressly admitted or qualified above, Defendants deny each and every allegation in the Complaint.

WHEREFORE, having fully answered, Defendants respectfully request that the Court dismiss the complaint with prejudice, enter judgment in favor of Defendants, grant Plaintiff no relief, and grant Defendants such further relief as the Court deems just and proper.

Respectfully submitted,

JESSIE K. LIU
UNITED STATES ATTORNEY
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Chief, Civil Division

/s/

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Counsel for United States

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on this 16th of November, 2017, that the foregoing Answer on was served upon Plaintiff, by electronic filing, and by first-class mail, postage prepaid, addressed to:

Grant F. Smith
P.O. Box 32041
Washington, D.C. 20007

Pro se Plaintiff

_____/s/
Rhonda L. Campbell
Assistant United States Attorney