SOUTHERN DISTRICT OF NEW YORK	
THE NEW YORK TIMES CO. & CHARLIE SAVAGE,	
Plaintiffs,	17 Civ. 1946 (PKC)
v. UNITED STATES DEPARTMENT OF JUSTICE,	ANSWER
Defendant.	

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Defendant the United States Department of Justice ("DOJ") answers the complaint as follows:

- 1. Paragraph 1 of the complaint contains plaintiffs' characterization of the nature of this action, to which no response is required.
 - 2. Admits the allegations in paragraph 2 of the complaint.
- 3. Paragraph 3 of the complaint contains plaintiffs' characterization of DOJ regulations, to which no response is required. To the extent a response is required, respectfully refers the Court to those regulations for a true and complete statement of their contents.
- 4. Paragraph 4 of the complaint contains plaintiffs' characterization of DOJ regulations, to which no response is required. To the extent a response is required, respectfully refers the Court to those regulations for a true and complete statement of their contents.
- 5. Paragraph 5 of the complaint contains plaintiffs' characterization of the nature of this action, to which no response is required.
- 6. Paragraph 6 of the complaint asserts conclusions of law, to which no response is required; to the extent a response is required, denies the allegations in paragraph 6 of the

complaint but avers that no records have been disclosed in response to the FOIA Request.

- 7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the complaint.
- 8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the complaint.
- 9. Admits the allegation in paragraph 9 of the complaint that DOJ is an agency of the federal government; otherwise denies the allegations.
- 10. Paragraph 10 of the complaint asserts conclusions of law, to which no response is required.
- 11. Paragraph 11 of the complaint asserts conclusions of law, to which no response is required.
- 12. Paragraph 12 of the complaint asserts conclusions of law, to which no response is required; to the extent a response is required, denies the allegations in paragraph 12 of the complaint.
- 13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the complaint.
 - 14. Admits the allegations in paragraph 14 of the complaint.
 - 15. Admits the allegations in paragraph 15 of the complaint.
 - 16. Admits the allegations in paragraph 16 of the complaint.
 - 17. Admits the allegations in paragraph 17 of the complaint.
- 18. Paragraph 18 of the complaint asserts conclusions of law, to which no response is required; to the extent a response is required, denies the allegations in paragraph 18 of the complaint but avers that no records have been disclosed in response to the FOIA Request.

- 19. Repeats and realleges the responses in the previous paragraphs of this answer.
- 20. Paragraph 20 of the complaint asserts conclusions of law, to which no response is required.
- 21. Paragraph 21 of the complaint asserts conclusions of law, to which no response is required.
- 22. Paragraph 22 of the complaint asserts conclusions of law, to which no response is required; otherwise denies the allegations.
- 23. Paragraph 23 of the complaint asserts conclusions of law, to which no response is required; otherwise denies the allegations.
- 24. Paragraphs 24–27 of the complaint constitute plaintiffs' request for relief, to which no response is required.

Defenses

- 1. The government has exercised due diligence in processing plaintiff's FOIA request and exceptional circumstances exist that necessitate additional time for the government to process the FOIA request. See 5 U.S.C. § 552(a)(6)(C).
- 2. Some or all of the documents requested in the FOIA request are exempt from disclosure, in whole or in part. *See* 5 U.S.C. § 552(b).

WHEREFORE, defendant respectfully requests judgment dismissing the complaint and granting such other and further relief as this Court deems just and proper, including costs and disbursements.

Dated: New York, New York

April 28, 2017

Respectfully submitted,

JOON H. KIM

Acting United States Attorney for the

Southern District of New York

Attorney for Defendant

By: /s/ Benjamin H. Torrance

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