

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

NATIONAL STUDENT LEGAL DEFENSE  
NETWORK, *et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
EDUCATION,

*Defendant.*

Civil Action No. 18-1201 (RCL)

**ANSWER**

Defendant United States Department of Education, hereby responds as follows to the numbered and unnumbered paragraphs in the Complaint:

**AFFIRMATIVE DEFENSES**

Plaintiffs fail to state a claim upon which relief may be granted under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

Plaintiffs are not entitled to compel the production of records protected from disclosure by one or more of the exemptions to FOIA.

This Court lacks subject matter jurisdiction over any of Plaintiffs’ requests for relief that exceeds the relief authorized by FOIA.

The Declaratory Judgment Act does not provide the Court with subject matter jurisdiction over Plaintiffs’ claims related to its FOIA request.

1. Paragraph 1 contains Plaintiffs' characterization of the case and requested remedies, to which no response is required. Insofar as an answer may be required, the allegations in the paragraph are denied.

2. The allegations contained in the first sentence of Paragraph 2 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant admits the allegations contained in the remaining sentences of Paragraph 2.

### **JURISDICTION AND VENUE**

3. Paragraph 3 contains conclusions of law, to which no response is required. To the extent that a response is deemed necessary, Defendant admits only that this Court has jurisdiction subject to the limitations of FOIA.

4. Paragraph 4 contains Plaintiffs' statement of venue, to which no response is required. To the extent a response is deemed required, Defendant admits that venue is proper in this judicial district.

### **PARTIES**

5. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 5.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 6.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 7.

8. Defendant admits the first two sentences of Paragraph 8. As to the third sentence, Defendant denies that it has possession, custody, and control of the records that Plaintiffs seek to obtain. The remainder of the third sentence contains conclusions of law, to which no response is required.

### **STATEMENT OF THE FACTS**

9. The allegations contained in the first sentence of Paragraph 9 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. With respect to the website cited in the second sentence in Paragraph 9, Defendant respectfully refers the Court to the website for a true and complete statement of its contents.

10. Paragraph 10 contains characterizations of a federal statute and regulation, and Defendant refers the Court to the cited provisions for a complete and accurate statement of their contents.

11. Paragraph 11 contains characterizations of federal regulations and Defendant refers the Court to the cited provisions for a complete and accurate statement of their contents.

12. Paragraph 12 contains characterizations of federal regulations and Defendant refers the Court to the cited provisions for a complete and accurate statement of their contents.

13. Paragraph 13 contains characterizations of a federal regulation and Defendant refers the Court to the cited provisions for a complete and accurate statement of its contents.

14. Paragraph 14 contains characterizations of a federal regulation, and Defendant refers the Court to the cited provisions for a complete and accurate statement of its contents.

15. Paragraph 15 contains characterizations of federal regulations and Defendant refers the Court to the cited provisions for a complete and accurate statement of their contents.

16. Paragraph 16 contains a citation to a court filing and Defendant refers the Court to the court filing for a complete and accurate statement of its contents.

17. Paragraph 17 contains references to information found at a website and Defendant respectfully refers the Court to the website for a true and complete statement of its contents.

18. Paragraph 18 contains references to information found at a website and Defendant respectfully refers the Court to the website for a true and complete statement of its contents.

19. Paragraph 19 contains references to information found at a website and Defendant respectfully refers the Court to the website for a true and complete statement of its contents.

20. Paragraph 20 contains references to information found at a website and Defendant respectfully refers the Court to the website for a true and complete statement of its contents.

21. Paragraph 21 contains references to information found at a website and Defendant respectfully refers the Court to the website for a true and complete statement of its contents.

22. Paragraph 22 contains references to information found at a website and Defendant respectfully refers the Court to the website for a true and complete statement of its contents.

23. Paragraph 23 contains a citation to a court filing and Defendant refers the Court to the court filing for a complete and accurate statement of its contents.

24. Paragraph 24 contains a citation to a court filing and Defendant refers the Court to the court filing for a complete and accurate statement of its contents.

25. Paragraph 25 contains a citation to a court filing and Defendant refers the Court to the court filing for a complete and accurate statement of its contents.

26. Paragraph 26 characterizes a Department of Education Order that is allegedly found at a website referenced in the paragraph, and Defendant respectfully refers the Court to the website for a true and complete statement of its contents.

27. Paragraph 27 characterizes a Department of Education Order, which speaks for itself and is the best evidence of its contents.

THE PROJECT'S FOIA REQUEST

28. Paragraph 28 contains a characterization of the contents of a FOIA request and Defendant respectfully refers the Court to the FOIA request for a true and complete statement of its contents.

29. Paragraph 29 contains a characterization of correspondence from Defendant to Plaintiffs, and Defendant respectfully refers the Court to the correspondence for a true and complete statement of its contents.

30. Paragraph 30 contains a characterization of correspondence from Defendant to Plaintiffs, and Defendant respectfully refers the Court to the correspondence for a true and complete statement of its contents.

31. Admit.

32. Admit.

33. Paragraph 33 contains legal conclusions to which a response is not required. To the extent a response is deemed required, Defendant denies these allegations.

NSLDN'S FOIA REQUEST

34. Paragraph 34 contains a characterization of the contents of a FOIA request and Defendant respectfully refers the Court to the FOIA request for a true and complete statement of its contents.

35. Paragraph 35 contains a characterization of correspondence from Defendant and Defendant respectfully refers the Court to the correspondence for a true and complete statement of its contents.

36. Paragraph 36 contains a characterization of correspondence from Defendant to Plaintiffs, and Defendant respectfully refers the Court to the correspondence for a true and complete statement of its contents.

37. Admit.

38. Admit.

39. Paragraph 39 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

40. Paragraph 40 contains a characterization of the contents of a FOIA request and Defendant respectfully refers the Court to the FOIA request for a true and complete statement of its contents.

**COUNT I**

41. Defendant specially incorporates by reference their responses to Paragraphs 1-40.

42. Paragraph 42 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

43. Paragraph 43 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

44. Paragraph 44 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

45. Paragraph 45 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

46. Paragraph 46 contains Plaintiffs' prayer for relief, to which no response is required. To the extent a response is deemed necessary, Defendant denies that Plaintiffs are entitled to the relief requested.

## COUNT II

47. Defendant specially incorporates by reference their responses to Paragraphs 1-46.

48. Paragraph 48 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

49. Paragraph 49 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

50. Paragraph 50 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

51. Paragraph 51 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

52. Paragraph 52 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

53. Paragraph 53 contains Plaintiffs' prayer for relief, to which no response is required. To the extent a response is deemed necessary, Defendant denies that Plaintiffs are entitled to the relief requested.

### **COUNT III**

54. Defendant specially incorporates by reference their responses to Paragraphs 1-53.

55. Paragraph 55 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

56. Paragraph 56 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

57. Paragraph 57 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

58. Paragraph 58 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

59. Paragraph 59 contains Plaintiffs' prayer for relief, to which no response is required. To the extent a response is deemed necessary, Defendant denies that Plaintiffs are entitled to the relief requested.

### **COUNT IV**

60. Defendant specially incorporates by reference their responses to Paragraphs 1-59.

61. Paragraph 61 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

62. Paragraph 62 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.



63. Paragraph 63 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

64. Paragraph 64 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

65. Paragraph 65 contains legal conclusions, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

66. Paragraph 66 contains Plaintiffs' prayer for relief, to which no response is required. To the extent a response is deemed necessary, Defendant denies that Plaintiffs' entitled to the relief requested.

#### **REQUESTED RELIEF**

The remaining paragraph constitutes a prayer for relief to which no answer is required. To the extent a response is deemed required, Defendant denies that Plaintiffs are entitled to the relief requested, or to any relief whatsoever.

Each and every allegation not heretofore expressly admitted is denied.

WHEREFORE, having fully answered, Defendant prays that:

1. This Court enter judgment for Defendant and dismiss this action with prejudice; and
2. Defendant be granted such further relief as the Court may deem just and proper.

Dated: June 28, 2018

Respectfully Submitted,

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