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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 JUSTIN HART,

15 Plaintiff,

16 v.

17 FACEBOOK, INC., *et al.*,

18 Defendants.
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No. 3:22-cv-00737-CRB

**ANSWER TO FREEDOM OF
INFORMATION ACT CLAIM**

ANSWER

1
2 Defendants the U.S. Department of Health and Human Services and the Office of Management
3 and Budget (collectively, “Defendants”) hereby answer the numbered paragraphs of Plaintiff Justin
4 Hart’s Complaint (ECF No. 1) concerning his Freedom of Information Act (“FOIA”) claim in the
5 above-captioned matter.

6 **Introduction, Parties, and Jurisdiction and Venue**

7 1-5. These paragraphs relate to claims that have been dismissed and thus no response is
8 required

9 6. Defendants deny that they have refused to produce responsive records to Plaintiff in response
10 to the FOIA requests he submitted on July 22, 2021, and separately aver that, after the Complaint was
11 filed, they made productions in response to those requests. The remainder of this paragraph consists
12 of a request for relief, to which no response is required.

13 7-10. These paragraphs relate to claims that have been dismissed and thus no response is
14 required.

15 11. This paragraph characterizes Plaintiff’s motivation for filing this lawsuit, to which no
16 response is required.

17 12. Defendants lack sufficient knowledge or information to form a belief about the truth of the
18 allegations in this paragraph.

19 13-16. These paragraphs relate to claims that have been dismissed and thus no response is
20 required

21 17. Defendant HHS admits the allegations in this paragraph.

22 18. Defendant OMB admits that it is an office within the Executive Office of the President, but
23 denies the remaining allegations in this paragraph.

24 19. This paragraph consists of a legal conclusion to which no response is required.

25 20-21. These paragraphs relate to claims that have been dismissed and thus no response is
26 required

27 22. This paragraph consists of a legal conclusion to which no response is required.

28 23. This paragraph relates to a claim that has been dismissed and thus no response is required.

1 24. This paragraph consists of a legal conclusion to which no response is required.

2 25. This paragraph relates to a claim that has been dismissed and thus no response is required.

3 26. Defendants lack sufficient knowledge or information to form a belief about the truth of the
4 allegation concerning where Plaintiff resides. The remainder of this paragraph consists of legal
5 conclusions to which no response is required.

6 **Facts**

7 1-65. These paragraphs relate to claims that have been dismissed and thus no response is
8 required.

9 66. Defendants restate and incorporate by reference the responses contained in all preceding
10 paragraphs.

11 67. Admitted.

12 68. This paragraph consists of conclusions of law, not allegations of fact, and thus no response
13 is required. To the extent a response is deemed necessary, Defendants deny any characterization of the
14 cited statutory provision, which speaks for itself, and respectfully refer the Court to that statute for a
15 full and accurate statement of its contents.

16 69. Defendants admit that the Complaint was filed on August 31, 2021, twenty-eight (28)
17 business days after Plaintiff's FOIA requests dated July 22, 2021. Defendants deny that they have not
18 produced responsive records, and separately aver that, after the Complaint was filed, they made
19 productions in response to the July 22, 2021 FOIA requests.

20 70. Denied.

21 71. This paragraph consists of conclusions of law, not allegations of fact, and thus no response
22 is required. To the extent a response is deemed necessary, Defendants deny any characterization of the
23 quoted statutory provision, which speaks for itself, and respectfully refer the Court to that statute for
24 a full and accurate statement of its contents.

25 72. This paragraph consists of a legal conclusion, to which no response is required.

26 73. This paragraph consists of a legal conclusion, to which no response is required. To the
27 extent a response is deemed necessary, denied.

28 74. This paragraph consists of a legal conclusion, to which no response is required. To the

1 extent a response is deemed necessary, denied.

2 75-110. These paragraphs relate to claims that have been dismissed and thus no response is
3 required

4 The remainder of the Complaint consists of Plaintiff's prayer for relief, to which no response
5 is required. To the extent a response is deemed necessary, Defendants deny any allegations contained
6 in the prayer for relief and further deny that Plaintiff is entitled to the requested relief or to any relief
7 whatsoever.

8 Defendants hereby deny all allegations of the Complaint concerning the FOIA claim that are
9 not expressly admitted or denied above.

10 **DEFENSES**

11 **FIRST DEFENSE**

12 Plaintiff is not entitled to compel production of information that is not subject to or that is
13 exempt from disclosure under the FOIA.
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1 Dated: August 9, 2022

Respectfully submitted,

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