

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

_____	)	
RUDY TAKALA,	)	
	)	
Plaintiff,	)	Civ. No. 17-1715 (BAH)
	)	
v.	)	
	)	
FEDERAL ELECTION COMMISSION,	)	
999 E Street, N.W.	)	
Washington, DC 20463	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT FEDERAL ELECTION COMMISSION’S ANSWER**

Defendant Federal Election Commission (“FEC” or “Commission”) submits this answer to the Complaint filed by plaintiff Rudy Takala.

**AFFIRMATIVE DEFENSES**

**First Defense**

Defendant has conducted or is in the process of conducting adequate searches for records responsive to plaintiff’s FOIA requests.

**Second Defense**

Some or all of the requested records are exempt from disclosure. *See* 5 U.S.C. § 552(b).

**RESPONSES TO THE NUMBERED PARAGRAPHS**

All allegations in plaintiff’s complaint, including the relief sought, are denied except where specifically admitted herein. Defendant admits, denies, or otherwise answers the numbered paragraphs in the complaint as follows:

1. This paragraph summarizes plaintiff's complaint, the allegations of which speak for themselves, and requires no response. To the extent a response is required, ADMIT that this case is an action under the Freedom of Information Act ("FOIA") to compel the production of certain agency records.

2. ADMIT that the plaintiff is the requester of the records at issue in this case. DENY that the Commission has violated FOIA.

### **Jurisdiction and Venue<sup>1</sup>**

3. ADMIT.

4. ADMIT.

### **Parties**

5. ADMIT that the plaintiff is the requester of the records at issue in this case. The Commission is otherwise without knowledge or information sufficient to admit or deny the allegations in this paragraph.

6. ADMIT the first sentence of this paragraph. ADMIT the Commission is in possession of certain records referenced by plaintiff's complaint, but DENY that the Commission has exclusive possession, custody, and control over all of those records at this time.

### **Facts**

7-8. These paragraphs describe the FOIA request at issue in this case, which speaks for itself, and requires no response. To the extent a response is required, ADMIT that plaintiff submitted a FOIA request received by the Commission on October 24, 2016, and that the request contained the language quoted by plaintiff.

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<sup>1</sup> For ease of reference, defendant refers to plaintiff's headings and titles, but to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

9-11. ADMIT.

12. ADMIT that by email dated December 6, 2016, the FEC invoked a second response extension, invited plaintiff to narrow the scope of the FOIA request at issue in this case, and specified that the FEC expected to provide a response by December 23, 2016.

13. ADMIT.

14. ADMIT that plaintiff has received one production of responsive documents. DENY that he has received only one production.

15. ADMIT.

### **Count I**

#### **Violation of the FOIA: Failure to Comply with Statutory Deadlines**

16. The FEC likewise incorporates its responses to paragraphs 1-15.

17. This paragraph contains plaintiff's legal conclusion, to which no response is required. To the extent a response is required, DENY.

18. ADMIT.

19. This paragraph contains plaintiff's legal conclusions, to which no response is required. To the extent a response is required, DENY that plaintiff has an immediate right to all of the requested records.

20. This paragraph contains plaintiff's legal conclusion, to which no response is required. To the extent a response is required, ADMIT that under the circumstances here plaintiff is deemed by statute to have exhausted his administrative remedies.

#### **Relief Requested**

Defendant denies that plaintiff is entitled to the relief it requests.

\* \* \*

WHEREFORE, having fully answered, defendant respectfully requests that plaintiff's Complaint be dismissed with prejudice and that this Court award defendant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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September 27, 2017