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UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

JOHN LINDSAY-POLAND,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE; and BUREAU OF ALCOHOL,
TOBACCO, FIREARMS AND EXPLOSIVES,

Defendants.

Case No. 3:22-cv-7663-EMC

ANSWER

1 Defendants, the United States Department of Justice and the Bureau of Alcohol, Tobacco,
2 Firearms and Explosives, through their undersigned counsel, answer the complaint filed by John
3 Lindsay-Poland in the above-captioned case as follows:

4 1. This paragraph consists of a description of this action, to which no response is
5 required.

6 2. Admitted that Plaintiff submitted a Freedom of Information Act request (the “FOIA
7 request”) on March 22, 2021. Defendants respectfully refer the Court to that request for a
8 complete and accurate statement of its contents.

1 3. Admitted that Plaintiff submitted a FOIA request on March 22. Defendants
2 respectfully refer the Court to that request for a complete and accurate statement of its contents.

3 4. Admitted only that Defendants denied the FOIA request by letter dated December 14,
4 2021. Defendants respectfully refer the Court to that letter for a complete and accurate statement
5 of its contents. Denied that Plaintiff was legally entitled to the requested records.

6 5. Admitted that Plaintiff filed an administrative appeal by letter dated March 14, 2022.
7 Defendants respectfully refer the Court to that letter for a complete and accurate statement of its
8 contents.

9 6. Admitted only that Defendants denied the appeal by letter dated October 7, 2022.
10 Defendants respectfully refer the Court to that letter for a complete and accurate statement of its
11 contents. Denied that Plaintiff was legally entitled to the records sought in his FOIA request.

12 7. This paragraph consists of a description of Plaintiff's requested relief, to which no
13 response is required. Denied that the records were improperly withheld, or that Plaintiff is
14 entitled to any relief.

15 8. This paragraph asserts legal conclusions regarding jurisdiction, to which no response
16 is required.

17 9. This paragraph asserts legal conclusions regarding venue, to which no response is
18 required.

19 10. This paragraph asserts legal conclusions regarding intradistrict assignment, to which
20 no response is required.

21 11. Defendants lack knowledge or information sufficient to form a belief as to the truth of
22 the allegations in this paragraph.

23 12. Admitted.

1 13. Admitted.

2 14. The allegations in this paragraph do not set forth a claim for relief or assert facts in
3 support of a claim to which an answer is required. Defendants also lack knowledge or
4 information sufficient to form a belief about the truth of the allegations in this paragraph.

5 15. The allegations in this paragraph do not set forth a claim for relief or assert facts in
6 support of a claim to which an answer is required.

7 16. The allegations in this paragraph do not set forth a claim for relief or assert facts in
8 support of a claim to which an answer is required.

9 17. The allegations in this paragraph do not set forth a claim for relief or assert facts in
10 support of a claim to which an answer is required.

11 18. The allegations in this paragraph do not set forth a claim for relief or assert facts in
12 support of a claim to which an answer is required.

13 19. The allegations in this paragraph do not set forth a claim for relief or assert facts in
14 support of a claim to which an answer is required.

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16 support of a claim to which an answer is required.

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18 support of a claim to which an answer is required.

19 22. The allegations in this paragraph do not set forth a claim for relief or assert facts in
20 support of a claim to which an answer is required.

21 23. The allegations in this paragraph do not set forth a claim for relief or assert facts in
22 support of a claim to which an answer is required.

1 24. The allegations in this paragraph do not set forth a claim for relief or assert facts in
2 support of a claim to which an answer is required.

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4 support of a claim to which an answer is required.

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6 support of a claim to which an answer is required.

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8 support of a claim to which an answer is required.

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10 support of a claim to which an answer is required.

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12 support of a claim to which an answer is required.

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14 support of a claim to which an answer is required.

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16 support of a claim to which an answer is required.

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18 support of a claim to which an answer is required.

19 33. The allegations in this paragraph do not set forth a claim for relief or assert facts in
20 support of a claim to which an answer is required.

21 34. The allegations in this paragraph do not set forth a claim for relief or assert facts in
22 support of a claim to which an answer is required.

1 35. The allegations in this paragraph do not set forth a claim for relief or assert facts in
2 support of a claim to which an answer is required.

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4 support of a claim to which an answer is required.

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6 support of a claim to which an answer is required.

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8 support of a claim to which an answer is required.

9 39. The allegations in this paragraph do not set forth a claim for relief or assert facts in
10 support of a claim to which an answer is required.

11 40. The allegations in this paragraph do not set forth a claim for relief or assert facts in
12 support of a claim to which an answer is required.

13 41. The allegations in this paragraph do not set forth a claim for relief or assert facts in
14 support of a claim to which an answer is required.

15 42. The allegations in this paragraph do not set forth a claim for relief or assert facts in
16 support of a claim to which an answer is required.

17 43. The allegations in this paragraph do not set forth a claim for relief or assert facts in
18 support of a claim to which an answer is required.

19 44. The allegations in this paragraph do not set forth a claim for relief or assert facts in
20 support of a claim to which an answer is required.

21 45. The allegations in this paragraph do not set forth a claim for relief or assert facts in
22 support of a claim to which an answer is required.

1 46. The allegations in this paragraph do not set forth a claim for relief or assert facts in
2 support of a claim to which an answer is required.

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4 support of a claim to which an answer is required.

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6 support of a claim to which an answer is required.

7 49. The allegations in this paragraph do not set forth a claim for relief or assert facts in
8 support of a claim to which an answer is required.

9 50. The allegations in this paragraph do not set forth a claim for relief or assert facts in
10 support of a claim to which an answer is required.

11 51. The allegations in this paragraph do not set forth a claim for relief or assert facts in
12 support of a claim to which an answer is required.

13 52. The allegations in this paragraph do not set forth a claim for relief or assert facts in
14 support of a claim to which an answer is required.

15 53. The allegations in this paragraph do not set forth a claim for relief or assert facts in
16 support of a claim to which an answer is required.

17 54. The allegations in this paragraph do not set forth a claim for relief or assert facts in
18 support of a claim to which an answer is required.

19 55. The allegations in this paragraph do not set forth a claim for relief or assert facts in
20 support of a claim to which an answer is required.

21 56. The allegations in this paragraph do not set forth a claim for relief or assert facts in
22 support of a claim to which an answer is required.

1 57. The allegations in this paragraph do not set forth a claim for relief or assert facts in
2 support of a claim to which an answer is required. To the extent a response is required,
3 Defendants lack knowledge or information sufficient to form a belief as to what “U.S. and
4 foreign officials say.” Admitted that Defendants do not disclose all of the data from the Firearms
5 Trace System.

6 58. The allegations in this paragraph do not set forth a claim for relief or assert facts in
7 support of a claim to which an answer is required. To the extent a response is required,
8 Defendants lack knowledge or information sufficient to form a belief as to whether the published
9 data from the Firearms Trace System is of “practical use.” Admitted that Defendants do not
10 routinely publish the data described in this paragraph.

11 59. The first phrase of the first sentence of this paragraph asserts that Defendants possess
12 the data described in paragraph 58. Admitted that Defendants possess at least some of that data.
13 Defendants lack knowledge or information sufficient to form a belief as to the remainder of this
14 paragraph.

15 60. The allegations in this paragraph do not set forth a claim for relief or assert facts in
16 support of a claim to which an answer is required.

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

19 62. The allegations in the first two sentences of this paragraph do not set forth a claim for
20 relief or assert facts in support of a claim to which an answer is required. Admitted that
21 Defendants have withheld certain data potentially responsive to the FOIA request.

1 63. The allegations in this paragraph do not set forth a claim for relief or assert facts in
2 support of a claim to which an answer is required. Defendants lack knowledge or information
3 sufficient to form a belief as to the truth of the allegations in this paragraph.

4 64. The allegations in this paragraph do not set forth a claim for relief or assert facts in
5 support of a claim to which an answer is required.

6 65. The allegations in this paragraph do not set forth a claim for relief or assert facts in
7 support of a claim to which an answer is required.

8 66. Admitted that Plaintiff submitted the FOIA request on March 22, 2021. Defendants
9 respectfully refer the Court to that request for a complete and accurate statement of its contents.

10 67. Admitted that Defendants denied the FOIA request by letter dated December 14,
11 2021. Defendants respectfully refer the Court to that letter for a complete and accurate statement
12 of its contents.

13 68. Admitted only that Defendants denied the FOIA request by letter dated December 14,
14 2021. Defendants respectfully refer the Court to that letter for a complete and accurate statement
15 of its contents.

16 69. Admitted that Plaintiff filed an administrative appeal by letter dated March 14, 2022.
17 Defendants respectfully refer the Court to that letter for a complete and accurate statement of its
18 contents.

19 70. Admitted that Defendants denied the appeal by letter dated October 7, 2022.
20 Defendants respectfully refer the Court to that letter for a complete and accurate statement of its
21 contents.

22 71. This paragraph consists of legal conclusions, to which no response is required.

23 72. Denied.

1 73. This paragraph consists of legal conclusions, to which no response is required.
2 Denied that Plaintiff was legally entitled to the records sought in his FOIA request.

3 74. This paragraph consists of legal conclusions, to which no response is required.
4 Denied that Plaintiff was legally entitled to the records sought in his FOIA request.

5 75. Denied.

6 76. In this paragraph, Plaintiff repeats his previous allegations. Defendants repeat their
7 responses.

8 77. This paragraph consists of legal conclusions, to which no response is required.
9 Denied that Plaintiff is legally entitled to the records sought in his FOIA request.

10 78. Denied.

11 79. Admitted.

12 80. Denied.

13 81. Denied.

14 82. Denied.

15 The remaining paragraph of the Complaint contains Plaintiff's requested relief, to which
16 no response is required. Defendants deny that Plaintiff is entitled to the requested relief, or to
17 any other relief.

18 Defendants deny all allegations of the Complaint not expressly admitted or denied above.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Director, Federal Programs Branch

/s/ James Bickford

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Date: January 27, 2023