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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

DENNIS M. BUCKOVETZ,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
THE NAVY,

Defendant.

Case No.: 21cv640-WQH(KSC)

ANSWER TO COMPLAINT

Defendant, the U.S. Department of the Navy, answers the numbered paragraphs of Plaintiff's Complaint as follows:

1. Answering Paragraph 1, Defendant admits that Plaintiff purports to bring this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. As to all remaining allegations, this Paragraph contains Plaintiff's characterization of alleged background information. These are not allegations of fact pertinent to this FOIA action to which response is required. To the extent a response is deemed required, these allegations should

1 be stricken from the Complaint pursuant to Rule 12(f) as immaterial. To the extent not  
2 stricken, Defendant denies generally and specifically each, all, and every allegation  
3 contained therein.

4 2. Answering Paragraph 2, such paragraph contains a statement of the relief sought by  
5 Plaintiff and therefore is one to which no response is required. To the extent an answer is  
6 required, each, all, and every allegation in said paragraph is denied.

### 7 **JURISDICTION AND VENUE**

8 3. Answering Paragraph 3, Defendant alleges the allegations contained in this  
9 Paragraph are assertions of jurisdictional basis which present legal conclusions and  
10 questions of law to be determined solely by the court, to which no answer is required. To  
11 the extent an answer is required, each, all, and every allegation in said paragraph is denied.

12 4. Answering Paragraph 4, Defendant admits venue is proper in this district. Defendant  
13 denies, however, that there is more than one Plaintiff in this case. Former Plaintiff Lynne  
14 Bird has dismissed her claims in this action. *See* ECF No. 11.

### 15 **PARTIES**

16 5. Answering Paragraph 5, Defendant alleges that it is without knowledge or  
17 information sufficient to form a belief as to the truth of the allegations therein contained,  
18 and based thereon, denies generally and specifically each, all, and every allegation  
19 contained therein.

20 6. Answering Paragraph 6, Plaintiff Lynne Bird has dismissed her claims in this case  
21 [see ECF No. 11] such that no response is necessary. To the extent an answer is required,  
22 Defendant alleges that it is without knowledge or information sufficient to form a belief as  
23 to the truth of the allegations therein contained, and based thereon, denies generally and  
24 specifically each, all, and every allegation contained therein.

25 7. Answering Paragraph 7, Defendant alleges that the allegations contained in this  
26 Paragraph are legal conclusions and/or assertions of jurisdictional basis which present legal  
27 conclusions and questions of law to be determined solely by the court, to which no answer  
28 is required. To the extent an answer is required, each, all, and every allegation in said

1 paragraph is denied.

## 2 **FACTUAL BACKGROUND**

3 8. Answering Paragraph 8, Defendant admits the allegations contained therein.

4 9. Answering Paragraph 9, Defendant admits that MCCA is a non-appropriated fund  
5 (“NAF”) government entity within the Department of Defense (“DoD”), and that MCCA’s  
6 purpose is to operate programs that support and enhance the operational readiness, war  
7 fighting capabilities, and quality of life for Marines, their families, and military retirees.  
8 Except as expressly admitted, Defendant denies generally and specifically each, all, and  
9 every allegation contained therein for lack of knowledge or information sufficient to form  
10 a belief as to their truth.

11 10. Answering Paragraph 10, Defendant alleges this Paragraph contains Plaintiff’s  
12 characterization of alleged background information. These are not allegations of fact  
13 pertinent to this FOIA action to which response is required. To the extent a response is  
14 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
15 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
16 each, all, and every allegation contained therein for lack of knowledge or information  
17 sufficient to form a belief as to their truth.

18 11. Answering Paragraph 11, Defendant alleges this Paragraph contains Plaintiff’s  
19 characterization of alleged background information. These are not allegations of fact  
20 pertinent to this FOIA action to which response is required. To the extent a response is  
21 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
22 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
23 each, all, and every allegation contained therein for lack of knowledge or information  
24 sufficient to form a belief as to their truth.

25 12. Answering Paragraph 12, Defendant alleges this Paragraph contains Plaintiff’s  
26 characterization of alleged background information. These are not allegations of fact  
27 pertinent to this FOIA action to which response is required. To the extent a response is  
28 deemed required, these allegations should be stricken from the Complaint pursuant to Rule

1 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
2 each, all, and every allegation contained therein for lack of knowledge or information  
3 sufficient to form a belief as to their truth.

4 13. Answering Paragraph 13, Defendant admits that, at the relevant time, General Amos  
5 was Commandant of the Marine Corps, but denies that he was found guilty of unlawful  
6 command influence. Defendant alleges the remainder of this Paragraph contains Plaintiff's  
7 characterization of alleged background information. These are not allegations of fact  
8 pertinent to this FOIA action to which response is required. To the extent a response is  
9 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
10 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
11 each, all, and every allegation contained therein for lack of knowledge or information  
12 sufficient to form a belief as to their truth.

13 14. Answering Paragraph 14, Defendant alleges this Paragraph contains Plaintiff's  
14 characterization of alleged background information. These are not allegations of fact  
15 pertinent to this FOIA action to which response is required. To the extent a response is  
16 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
17 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
18 each, all, and every allegation contained therein for lack of knowledge or information  
19 sufficient to form a belief as to their truth.

20 15. Answering Paragraph 15, Defendant alleges this Paragraph contains Plaintiff's  
21 characterization of alleged background information. These are not allegations of fact  
22 pertinent to this FOIA action to which response is required. To the extent a response is  
23 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
24 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
25 each, all, and every allegation contained therein for lack of knowledge or information  
26 sufficient to form a belief as to their truth.

27 16. Answering Paragraph 16, Defendant alleges this Paragraph contains Plaintiff's  
28 characterization of alleged background information. These are not allegations of fact

1 pertinent to this FOIA action to which response is required. To the extent a response is  
2 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
3 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
4 each, all, and every allegation contained therein for lack of knowledge or information  
5 sufficient to form a belief as to their truth.

6 17. Answering Paragraph 17, Defendant alleges this Paragraph contains Plaintiff's  
7 characterization of alleged background information. These are not allegations of fact  
8 pertinent to this FOIA action to which response is required. To the extent a response is  
9 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
10 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
11 each, all, and every allegation contained therein for lack of knowledge or information  
12 sufficient to form a belief as to their truth.

13 18. Answering Paragraph 18, Defendant admits that the Recruit Training Regiment  
14 (RTR) is the largest command at the MCRD. Defendant alleges that the remainder of this  
15 Paragraph contains Plaintiff's characterization of alleged background information. These  
16 are not allegations of fact pertinent to this FOIA action to which response is required. To  
17 the extent a response is deemed required, these allegations should be stricken from the  
18 Complaint pursuant to Rule 12(f) as immaterial. To the extent not stricken, Defendant  
19 denies generally and specifically each, all, and every allegation contained therein for lack  
20 of knowledge or information sufficient to form a belief as to their truth.

21 19. Answering Paragraph 19, Defendant alleges this Paragraph contains Plaintiff's  
22 characterization of alleged background information. These are not allegations of fact  
23 pertinent to this FOIA action to which response is required. To the extent a response is  
24 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
25 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
26 each, all, and every allegation contained therein for lack of knowledge or information  
27 sufficient to form a belief as to their truth.

28 20. Answering Paragraph 20, Defendant alleges this Paragraph contains Plaintiff's

1 characterization of alleged background information. These are not allegations of fact  
2 pertinent to this FOIA action to which response is required. To the extent a response is  
3 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
4 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
5 each, all, and every allegation contained therein for lack of knowledge or information  
6 sufficient to form a belief as to their truth.

7 21. Answering Paragraph 21, Defendant alleges this Paragraph contains Plaintiff's  
8 characterization of alleged background information. These are not allegations of fact  
9 pertinent to this FOIA action to which response is required. To the extent a response is  
10 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
11 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
12 each, all, and every allegation contained therein for lack of knowledge or information  
13 sufficient to form a belief as to their truth.

14 22. Answering Paragraph 22, Defendant alleges this Paragraph contains Plaintiff's  
15 characterization of alleged background information. These are not allegations of fact  
16 pertinent to this FOIA action to which response is required. To the extent a response is  
17 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
18 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
19 each, all, and every allegation contained therein for lack of knowledge or information  
20 sufficient to form a belief as to their truth.

21 23. Answering Paragraph 23, Defendant alleges this Paragraph contains Plaintiff's  
22 characterization of alleged background information. These are not allegations of fact  
23 pertinent to this FOIA action to which response is required. To the extent a response is  
24 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
25 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
26 each, all, and every allegation contained therein for lack of knowledge or information  
27 sufficient to form a belief as to their truth.

28 24. Answering Paragraph 24, Defendant admits the allegations contained in paragraph



1 24 to the extent supported by the documents cited, which are the best evidence of their  
2 contents. Otherwise, Defendant denies generally and specifically, each, all, and every  
3 allegation contained therein.

4 25. Answering Paragraph 25, Defendant alleges that the first sentence of Paragraph 25  
5 are Plaintiff's characterization of the facts and conclusions of law to which no response is  
6 required. To the extent a response is required, Defendant denies generally and specifically,  
7 each, all, and every allegation contained therein. Regarding the remainder of Paragraph 25,  
8 Defendant admits the allegations contained therein to the extent supported by the  
9 documents cited, which are the best evidence of their contents. Otherwise, Defendant  
10 denies generally and specifically, each, all, and every allegation contained therein.

11 26. Answering Paragraph 26, Defendant admits that Plaintiff submitted the subject  
12 FOIA request in January 2015, and admits the allegations contained in Paragraph 26 to the  
13 extent supported by the document cited, which is the best evidence of its contents.  
14 Otherwise, Defendant denies generally and specifically, each, all, and every allegation  
15 contained therein.

16 27. Answering Paragraph 27, Defendant admits that the 2015 FOIA Request was  
17 referred in part to MCCS Headquarters in Quantico, VA. Otherwise, Defendant is without  
18 knowledge of information sufficient to form a belief as to the truth of the allegations  
19 contained therein, and based thereon, denies generally and specifically each, all, and every  
20 allegation.

21 28. Answering Paragraph 28, Defendant admits that in March 2015, it provided records  
22 responsive to the 2015 Request by producing 319 pages of records containing 384  
23 individual emails. To the extent Plaintiff cites these documents for the remainder of  
24 Paragraph 28, Defendant admits to the extent supported by the documents cited, which are  
25 the best evidence of their contents. Otherwise, Defendant denies generally and specifically,  
26 each, all, and every allegation contained therein.

27 29. Answering Paragraph 29, Defendant alleges this Paragraph contains Plaintiff's  
28 characterization of alleged background information. These are not allegations of fact

1 pertinent to this FOIA action to which response is required. To the extent a response is  
2 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
3 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
4 each, all, and every allegation contained therein for lack of knowledge or information  
5 sufficient to form a belief as to their truth.

6 30. Answering Paragraph 30, Defendant alleges this Paragraph contains Plaintiff's  
7 characterization of alleged background information. These are not allegations of fact  
8 pertinent to this FOIA action to which response is required. To the extent a response is  
9 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
10 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
11 each, all, and every allegation contained therein for lack of knowledge or information  
12 sufficient to form a belief as to their truth.

13 31. Answering Paragraph 31, Defendant alleges this Paragraph contains Plaintiff's  
14 characterization of alleged background information. These are not allegations of fact  
15 pertinent to this FOIA action to which response is required. To the extent a response is  
16 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
17 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
18 each, all, and every allegation contained therein for lack of knowledge or information  
19 sufficient to form a belief as to their truth.

20 32. Answering Paragraph 32, Defendant alleges this Paragraph contains Plaintiff's  
21 characterization of alleged background information. These are not allegations of fact  
22 pertinent to this FOIA action to which response is required. To the extent a response is  
23 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
24 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
25 each, all, and every allegation contained therein for lack of knowledge or information  
26 sufficient to form a belief as to their truth.

27 33. Answering Paragraph 33, Defendant alleges this Paragraph contains Plaintiff's  
28 characterization of alleged background information. These are not allegations of fact



1 pertinent to this FOIA action to which response is required. To the extent a response is  
2 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
3 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
4 each, all, and every allegation contained therein for lack of knowledge or information  
5 sufficient to form a belief as to their truth.

6 34. Answering Paragraph 34, Defendant alleges this Paragraph contains Plaintiff's  
7 characterization of alleged background information. These are not allegations of fact  
8 pertinent to this FOIA action to which response is required. To the extent a response is  
9 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
10 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
11 each, all, and every allegation contained therein for lack of knowledge or information  
12 sufficient to form a belief as to their truth.

13 35. Answering Paragraph 35, Defendant alleges this Paragraph contains Plaintiff's  
14 characterization of alleged background information. These are not allegations of fact  
15 pertinent to this FOIA action to which response is required. To the extent a response is  
16 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
17 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
18 each, all, and every allegation contained therein for lack of knowledge or information  
19 sufficient to form a belief as to their truth.

20 36. Answering Paragraph 36, Defendant alleges this Paragraph contains Plaintiff's  
21 characterization of alleged background information. These are not allegations of fact  
22 pertinent to this FOIA action to which response is required. To the extent a response is  
23 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
24 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
25 each, all, and every allegation contained therein for lack of knowledge or information  
26 sufficient to form a belief as to their truth.

27 37. Answering Paragraph 37, Defendant asserts that the allegations contained in this  
28 Paragraph are legal conclusions, to which no answer is required. To the extent an answer

1 is required, Defendant denies generally and specifically each, all, and every allegation  
2 contained therein.

3 38. Answering Paragraph 38, Defendant alleges that it is without knowledge or  
4 information sufficient to form a belief as to the truth of the allegations contained therein,  
5 and based thereon, denies generally and specifically each, all, and every allegation.  
6 Additionally, the allegations contained in this Paragraph include legal conclusions, to  
7 which no answer is required. To the extent an answer is required, each, all, and every  
8 allegation in said paragraph is denied.

9 39. Answering Paragraph 39, Defendant alleges this Paragraph contains Plaintiff's  
10 characterization of alleged background information. These are not allegations of fact  
11 pertinent to this FOIA action to which response is required. To the extent a response is  
12 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
13 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
14 each, all, and every allegation contained therein for lack of knowledge or information  
15 sufficient to form a belief as to their truth.

16 40. Answering Paragraph 40, Defendant alleges this Paragraph contains Plaintiff's  
17 characterization of alleged background information. These are not allegations of fact  
18 pertinent to this FOIA action to which response is required. To the extent a response is  
19 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
20 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
21 each, all, and every allegation contained therein for lack of knowledge or information  
22 sufficient to form a belief as to their truth.

23 41. Answering Paragraph 41, Defendant alleges this Paragraph contains Plaintiff's  
24 characterization of alleged background information. These are not allegations of fact  
25 pertinent to this FOIA action to which response is required. To the extent a response is  
26 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
27 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
28 each, all, and every allegation contained therein for lack of knowledge or information

1 sufficient to form a belief as to their truth.

2 42. Answering Paragraph 42, Defendant alleges this Paragraph contains Plaintiff's  
3 characterization of alleged background information. These are not allegations of fact  
4 pertinent to this FOIA action to which response is required. To the extent a response is  
5 deemed required, these allegations should be stricken from the Complaint pursuant to Rule  
6 12(f) as immaterial. To the extent not stricken, Defendant denies generally and specifically  
7 each, all, and every allegation contained therein for lack of knowledge or information  
8 sufficient to form a belief as to their truth.

9 43. Answering Paragraph 43, Defendant admits that in November 2015, MCCS  
10 provided records responsive to the 2015 Request. To the extent Plaintiff cites these  
11 documents for the remainder of Paragraph 43, Defendant admits the allegations to the  
12 extent supported by the documents cited, which are the best evidence of their contents.  
13 Otherwise, Defendant denies generally and specifically, each, all, and every allegation  
14 contained therein.

15 44. Answering Paragraph 44, Defendant admits the allegations to the extent supported  
16 by the documents cited, which are the best evidence of their contents. Otherwise,  
17 Defendant denies generally and specifically, each, all, and every allegation contained  
18 therein.

19 45. Answering Paragraph 45, Defendant admits the allegations to the extent supported  
20 by the documents cited, which are the best evidence of their contents. Otherwise,  
21 Defendant denies generally and specifically, each, all, and every allegation contained  
22 therein.

23 46. Answering Paragraph 46, Defendant admits the allegations to the extent supported  
24 by the documents cited, which are the best evidence of their contents. Otherwise,  
25 Defendant denies generally and specifically, each, all, and every allegation contained  
26 therein.

27 47. Answering Paragraph 47, Defendant denies generally and specifically, each, all and  
28 every allegation contained therein.

1 48. Answering Paragraph 48, Defendant denies generally and specifically, each, all and  
2 every allegation contained therein.

3 49. Answering Paragraph 49, Defendant admits the allegations.

4 50. Answering Paragraph 50, Defendant admits the allegations.

5 51. Answering Paragraph 51, Defendant alleges that it is without knowledge of  
6 information sufficient to form a belief as to the truth of the allegations contained therein,  
7 and based thereon, denies generally and specifically each, all, and every allegation.

8 52. Answering Paragraph 52, Defendant admits the allegations.

9 53. Answering Paragraph 53, Defendant alleges that the allegations contained in this  
10 Paragraph are legal conclusions to be determined by the court, to which no answer is  
11 required. To the extent an answer is required, each, all, and every allegation in said  
12 paragraph is denied.

13 54. Answering Paragraph 54, Plaintiff Lynne Bird has dismissed her claims in this case  
14 [see ECF No. 11] such that no response is necessary.

15 55. Answering Paragraph 55, Plaintiff Lynne Bird has dismissed her claims in this case  
16 [see ECF No. 11] such that no response is necessary.

17 56. Answering Paragraph 56, Plaintiff Lynne Bird has dismissed her claims in this case  
18 [see ECF No. 11] such that no response is necessary.

19 57. Answering Paragraph 57, Plaintiff Lynne Bird has dismissed her claims in this case  
20 [see ECF No. 11] such that no response is necessary.

21 58. Answering Paragraph 58, Plaintiff Lynne Bird has dismissed her claims in this case  
22 [see ECF No. 11] such that no response is necessary.

23 59. Answering Paragraph 59, Plaintiff Lynne Bird has dismissed her claims in this case  
24 [see ECF No. 11] such that no response is necessary.

25 60. Answering Paragraph 60, Plaintiff Lynne Bird has dismissed her claims in this case  
26 [see ECF No. 11] such that no response is necessary.

27 61. Answering Paragraph 61, Plaintiff Lynne Bird has dismissed her claims in this case  
28 [see ECF No. 11] such that no response is necessary.

1       62. Answering Paragraph 62, Plaintiff Lynne Bird has dismissed her claims in this case  
2 [see ECF No. 11] such that no response is necessary.

3       63. Answering Paragraph 63, Defendant admits the allegations.

4       64. Answering Paragraph 64, Defendant admits the allegations.

5       65. Answering Paragraph 64, Defendant admits the allegations.

6       66. Answering Paragraph 66, Defendant realleges Paragraphs 1 – 65 of its Answers to  
7 Paragraphs 1 - 65 of Plaintiffs' Complaint, and by this reference incorporates them herein  
8 as though set forth in full.

9       67. Answering Paragraph 67, Defendant asserts that the allegations contained in this  
10 Paragraph are legal conclusions, to which no answer is required. To the extent an answer  
11 is required, each, all, and every allegation in said paragraph is denied.

12       68. Answering Paragraph 68, Defendant asserts that the allegations contained in this  
13 Paragraph are legal conclusions, to which no answer is required. To the extent an answer  
14 is required, each, all, and every allegation in said paragraph is denied.

15       69. Answering Paragraph 69, Defendant asserts that the allegations contained in this  
16 Paragraph are legal conclusions, to which no answer is required. To the extent an answer  
17 is required, Defendant denies that Plaintiff is entitled to the requested relief. Defendant has  
18 conducted a reasonable search and has produced all responsive records.

19       70. Answering Paragraph 70, Defendant realleges Paragraphs 1 – 69 of its Answers to  
20 Paragraphs 1 - 69 of Plaintiffs' Complaint, and by this reference incorporates them herein  
21 as though set forth in full.

22       71. Answering Paragraph 71, Plaintiff Lynne Bird has dismissed her claims in this case  
23 [see ECF No. 11] such that no response is necessary.

24       72. Answering Paragraph 72, Plaintiff Lynne Bird has dismissed her claims in this case  
25 [see ECF No. 11] such that no response is necessary.

26       73. Answering Paragraph 73, Plaintiff Lynne Bird has dismissed her claims in this case  
27 [see ECF No. 11] such that no response is necessary.

28       74. The remainder of Plaintiffs' Complaint represents a Prayer for Relief to which no

1 response is required. To the extent an answer is required, Defendant denies generally and  
2 specifically, each, all and every allegation contained therein, and Defendant denies that  
3 Plaintiff is entitled to any relief.

4 **AFFIRMATIVE DEFENSES**

5 All allegations not specifically admitted, denied, or modified, are hereby denied.  
6 Defendant also alleges the following as affirmative defenses:

- 7 1. The Court lacks jurisdiction over the subject matter of this action.
- 8 2. Plaintiff's claims are moot and there is no effective relief this Court can provide.
- 9 3. Plaintiff's Complaint fails to state a claim upon which relief may be granted.
- 10 4. Defendant complied with FOIA by conducting searches reasonably calculated to  
11 uncover all relevant documents.
- 12 5. At all times alleged in the Complaint, Defendant acted with good faith, with  
13 justification, with due diligence, and pursuant to authority.

14  
15  
16 WHEREFORE, Defendant prays that Plaintiff take nothing by reason of his suit  
17 herein, that judgment be rendered in favor of Defendant, for costs of suit herein incurred,  
18 and for such other and further relief as this Court may deem proper.

19  
20 DATED: October 21, 2021

Respectfully submitted,

21 RANDY S. GROSSMAN  
22 Acting United States Attorney

23 s/ Janet A. Cabral  
24 Janet A. Cabral  
25 Assistant U.S. Attorney  
26 Attorneys for Defendant  
27  
28



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**Date:** Thursday, October 21, 2021 9:08:58 AM

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**U.S. District Court**

**Southern District of California**

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**Case Name:** Buckovetz et al v. The Department of the Navy  
**Case Number:** [3:21-cv-00640-WQH-KSC](#)  
**Filer:** The Department of the Navy  
**Document Number:** [17](#)

#### **Docket Text:**

**[ANSWER to \[1\] Complaint, by The Department of the Navy.\(Cabral, Janet\)](#)**

#### **3:21-cv-00640-WQH-KSC Notice has been electronically mailed to:**

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98f3ac1761b8b23c97072d80f17a9a95fd501210b195f48ac5c41f9cf62690d]]