

Answers to Complaints

3:13-cv-00992-HZ Lewis v. Federal Aviation Administration et al

*RCVD 11-15-13
(post-trip)*

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered by Danielson, Kevin on 10/31/2013 at 9:27 AM PDT and filed on 10/31/2013

Case Name: Lewis v. Federal Aviation Administration et al

Case Number: 3:13-cv-00992-HZ

Filer: Federal Aviation Administration
Michael Huerta

Document Number: 13

Docket Text:

Answer to [1] Complaint . Filed by Federal Aviation Administration, Michael Huerta. (Danielson, Kevin)

3:13-cv-00992-HZ Notice has been electronically mailed to:

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Dorothy. Worden@faa.gov

3:13-cv-00992-HZ Notice will not be electronically mailed to:

Jeffrey Nathan Lewis
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The following document(s) are associated with this transaction:

Document description:Main Document

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a07e88526125cb3e24553ddb5779f46f94141058006b815d7788089367e]]

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

JEFFREY NATHAN LEWIS,

Case No. 3:13-cv-0992-HZ

Plaintiff,

v.

DEFENDANTS' ANSWER

**FEDERAL AVIATION
ADMINISTRATION, and FAA
Administrator Michael Huerta,**

Defendants.

Defendants Federal Aviation Administration and Michael Huerta ("Defendants"),
by S. Amanda Marshall, United States Attorney for the District of Oregon, through
Assistant U.S. Attorney Kevin Danielson, answer Plaintiff's complaint (Dkt. 1) as follows:

I. PARTIES

1. Defendants admit that Jeffrey Lewis is the Plaintiff.
2. Defendants admit that Michel Huerta is the Administrator of the Federal Aviation Administration. However, in a case brought under the Freedom of Information Act, the agency is the only proper party and Defendants deny that Mr. Huerta is a proper party.

II. JURISDICTION

3. Defendants admit that jurisdiction is proper.

III. STATEMENT OF CLAIMS

Claim I

4. In the first paragraph under Claim I, Defendants admit that Plaintiff has filed numerous FOIA requests and deny the remaining allegations.
5. In the second paragraph under Claim I, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.
6. In the third paragraph under Claim I, Defendants deny the allegations.

Claim II

7. In the first and third paragraphs under Claim II, Defendants admit the FAA has not always timely responded during the appeal process. Defendants state that FOIA Appeal #2011-7535 is being processed; FOIA Appeal #2012-6826 was final on July 12, 2013; and FOIA Appeal #2012-7031 was final on May 10, 2013. Defendants admit that Plaintiff is deemed to have exhausted his administrative remedies on these requests. Defendants deny the remaining allegations.

8. In the second paragraph under Claim II, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

Claim III

9. In the first paragraph under Claim III, Defendants admit that the FAA has not always timely responded to Plaintiff's FOIA requests within 20 days. Defendants state they responded to FOIA Request #2012-6967 on July 31, 2013. Defendants admit that it has been delayed responding to FOIA Request #2012-2082 because of complications related to confidential information in the documents. Defendants deny the remaining allegations.

10. In the second paragraph under Claim III, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

IV. RELIEF

11. Plaintiff's prayer for relief should be denied.

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AFFIRMATIVE DEFENSES

1. Michael Huerta is not a proper party and should be dismissed.
2. Some or all of the documents requested by Plaintiff, in full or in part, may be exempt from release under FOIA.

Dated this 31st day of October 2013.

Respectfully submitted,

S. AMANDA MARSHALL
United States Attorney
District of Oregon

/s/Kevin Danielson
KEVIN DANIELSON
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I CERTIFY that a copy of **DEFENDANTS' ANSWER** was sent by first-class postage and deposited in the United States mail in Portland, Oregon, on October 31, 2013, and addressed as follows:

Jeffrey Lewis
28242 S. Salo Rd.
Mulino, OR 97042

Plaintiff, pro se

/s/Deanne Bateson
DEANNE BATESON
Legal Assistant

CERTIFICATE OF SERVICE