

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

_____)	
CENTER FOR AUTO SAFETY,)	
)	
Plaintiff,)	
)	
v.)	
)	
U.S. DEPARTMENT OF TREASURY,)	
)	Civil Action No. 11-1048 (BAH)
Defendant,)	
)	
and)	
)	
GENERAL MOTORS LLC)	
)	
Intervenor-Defendant.)	
_____)	

**GENERAL MOTORS LLC’S PROPOSED ANSWER IN INTERVENTION
TO PLAINTIFF’S COMPLAINT**

Intervenor-Defendant, General Motors LLC (GM), answers the numbered paragraphs of Plaintiff Center for Auto Safety’s (Plaintiff) Complaint as follows:

1. This paragraph consists of Plaintiff’s characterization of this action, which does not require an answer, but insofar as an answer is deemed required, deny.
2. First and second sentences: Deny, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Third and fourth sentences: These sentences consist of Plaintiff’s characterizations of this action, which do not require answers, but insofar as answers are deemed required, deny.
3. This paragraph consists of Plaintiff’s allegation concerning jurisdiction, which does not require an answer, but insofar as an answer is deemed required, deny.

4. First sentence: Deny, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Second sentence: Admit.

5. Deny, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

6. First sentence: Admit. Second sentence: Deny, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

7-11. The allegations contained in these paragraphs consist of Plaintiff's legal conclusions, to which no answers are required, but insofar as answers are deemed required, deny.

12. This paragraph consists of Plaintiff's characterization of this action, which does not require an answer, but insofar as an answer is deemed required, Intervenor-Defendant admits only that Plaintiff has accurately quoted the cited source.

13. This paragraph consists of Plaintiff's characterization of this action, which does not require an answer, but insofar as an answer is deemed required, deny.

14. This paragraph consists of Plaintiff's characterization of this action, which does not require an answer, but insofar as an answer is deemed required, Intervenor-Defendant admits only that Plaintiff has accurately quoted the first cited source.

15. This paragraph consists of Plaintiff's characterization of this action, which does not require an answer, but insofar as an answer is deemed required, Intervenor-Defendant admits only that Chrysler filed for bankruptcy on April 30, 2009.

16. This paragraph consists of Plaintiff's characterization of this action, which does not require an answer, but insofar as an answer is deemed required, Intervenor-Defendant admits only that GM filed for bankruptcy on June 1, 2009.

17. This paragraph consists of Plaintiff's characterization of this action, which does not require an answer, but insofar as an answer is deemed required, deny.

18. First sentence: Deny, except to aver U.S. Department of Treasury's (Treasury) receipt of a letter from Plaintiff dated June 8, 2009, to which the Court is respectfully referred for a complete and accurate statement of its contents. Second sentence: Deny, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

19. Intervenor-Defendant admits only that Treasury received a Freedom of Information Act (FOIA) request from Plaintiff dated June 8, 2009, to which the Court is respectfully referred for a complete and accurate statement of its contents.

20. First sentence: Deny, except to aver Treasury's receipt of a FOIA request from Plaintiff dated June 8, 2009, to which the Court is respectfully referred for a complete and accurate statement of its contents. Second sentence: Deny, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

21. Deny, except to aver that Plaintiff's FOIA request dated June 8, 2009 included an attachment, to which the Court is respectfully referred for a complete and accurate statement of its contents.

22. First sentence: Deny, except to aver Treasury's transmittal of a letter to Plaintiff dated July 1, 2009, to which the Court is respectfully referred for a complete and accurate statement of its contents. Second sentence: Deny, except to admit Treasury's receipt of a letter from Plaintiff dated August 7, 2009, to which the Court is respectfully referred for a complete and accurate statement of its contents.

23. Deny, except to aver Treasury's transmittal of a letter to Plaintiff dated March 2, 2011, to which the Court is respectfully referred for a complete and accurate statement of its contents.

24-26. Deny, except to aver Treasury's receipt of an undated letter from Plaintiff on April 11, 2011, and of a follow-up letter from Plaintiff dated April 15, 2011, to which the Court is respectfully referred for a complete and accurate statement of their contents.

27. Deny, except to aver Treasury's receipt of a letter from Plaintiff dated April 15, 2011.

28. Deny, except to aver Treasury's receipt of a letter from Plaintiff dated May 16, 2011, to which the Court is respectfully referred for a complete and accurate statement of its contents.

29. First clause: Deny, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Second clause: This statement consists of Plaintiff's legal conclusion, to which no answer is required, but insofar as an answer is deemed required, deny.

30-32. The allegations contained in these paragraphs consist of Plaintiff's legal conclusions, to which no answers are required, but insofar as answers are deemed required, deny.

Each and every allegation not heretofore expressly admitted or denied is denied.

The remainder of the Complaint is a prayer for relief to which no answer is required, but insofar as an answer is deemed required, Intervenor-Defendant denies that Plaintiff is entitled to the requested relief or any relief whatsoever.

AFFIRMATIVE DEFENSES

Intervenor-Defendant GM alleges the following affirmative defenses to Plaintiff's Complaint.

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

The Complaint fails to allege a FOIA claim seeking to compel the production of agency records, as it merely alleges a FOIA claim pertaining to the waiver of the agency's search and production fees.

THIRD DEFENSE

The Complaint is barred because Plaintiff failed to exhaust administrative remedies on its FOIA request.

FOURTH DEFENSE

Plaintiff is not entitled to some or all of the requested records on the basis of applicable exemptions to FOIA, including, without limitation, Exemption 4.

Respectfully submitted,

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General Motors LLC