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18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 AIDEN STOCKMAN; NICOLAS
21 TALBOTT; TAMASYN REEVES;
22 JAQUICE TATE; JOHN DOES 1-2;
23 JANE DOE; and EQUALITY
24 CALIFORNIA,

25 Plaintiffs,

26 v.

27 DONALD J. TRUMP, et al.

28 Defendants.

CASE NO. 5:17-CV-01799-JGB-KK

**DEFENDANTS' ANSWER TO
PLAINTIFFS' AMENDED
COMPLAINT**

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STATE OF CALIFORNIA,
Plaintiff-Intervenor,

v.

DONALD J. TRUMP, et al.
Defendants.

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INTRODUCTION

1. This paragraph contains Plaintiffs’ characterization of this action, to which no answer is required. To the extent an answer is deemed required, denied.
2. The first sentence of this paragraph appears to characterize Directive-Type Memorandum (“DTM”) 16-005, “Military Service of Transgender Service Members” (June 30, 2016). Defendants respectfully refer the Court to DTM 16-005 for a complete and accurate statement of its content. To the extent the first sentence of this paragraph is inconsistent with DTM 16-005 or constitutes legal conclusions, denied. With respect to the second sentence of this paragraph, Defendants do not track whether servicemembers are “transgender” and thus lack sufficient information to form a belief as to the truth of the allegations in the second sentence. Moreover, the allegations that service members “followed protocol” and “relied” on DTM 16-005 are legal conclusions, to which no response is required. As to the third sentence, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations. The allegation of “unlawful exclusion” is also a legal conclusion, to which no response is required.
3. This paragraph purports to characterize tweets posted by President Trump on July 26, 2017. Defendants respectfully refer the Court to the July 26 tweets for a complete and accurate statement of their contents. To the extent Plaintiffs’ characterizations constitute legal conclusions or are inconsistent with the July 26, 2017 tweets, Defendants deny the allegations.
4. This paragraph appears to characterize the Executive Memorandum entitled “Military Service by Transgender Individuals,” which was issued on August 25, 2017 (the “2017 Presidential Memorandum”). Defendants respectfully refer the Court to the 2017 Presidential Memorandum itself for a complete and accurate statement of its contents. To the extent Plaintiffs’ characterizations

1 constitute legal conclusions or are inconsistent with the Presidential
2 Memorandum, Defendants deny the allegations.

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- 4 5. This paragraph appears to characterize the Memorandum for the President by
5 Secretary James N. Mattis entitled “Military Service by Transgender
6 Individuals,” which was issued on February 22, 2018 (the “Mattis
7 Memorandum”), as well as the document entitled Department of Defense
8 Report and Recommendations on Military Service by Transgender Persons,
9 issued February 2018 (the “DoD Report”). Defendants respectfully refer the
10 Court to the Mattis Memorandum and DoD Report themselves for a complete
11 and accurate statement of their contents. To the extent Plaintiffs’
12 characterizations constitute legal conclusions or are inconsistent with these
13 materials, Defendants deny the allegations. Defendants further deny that these
14 materials constituted “a plan to implement,” insofar as this means that it was
15 not the product of independent military judgment.
- 16 6. This paragraph appears to characterize tweets posted by President Trump on
17 July 26, 2017, the 2017 Presidential Memorandum, and the Mattis
18 Memorandum. Defendants respectfully refer the Court to these materials
19 themselves for a complete and accurate statement of their contents. To the
20 extent Plaintiffs’ characterizations constitute legal conclusions or are
21 inconsistent with these materials, Defendants deny the allegations. Defendants
22 further deny that the Mattis Memorandum “implemented” the Presidential
23 Memorandum, insofar as this means that it was not the product of independent
24 military judgment.
- 25 7. This paragraph appears to characterize the Executive Memorandum entitled
26 “Presidential Memorandum for the Secretary of Defense and Secretary of
27 Homeland Security Regarding Military Service by Transgender Individuals,”
28 which was issued on March 23, 2018 (the “2018 Presidential Memorandum”).
Defendants respectfully refer the Court to the 2018 Presidential Memorandum

1 itself for a complete and accurate statement of its contents. To the extent
2 Plaintiffs' characterizations constitute legal conclusions or are inconsistent with
3 the 2018 Presidential Memorandum, Defendants deny the allegations.

4 8. The allegations of this paragraph appear to characterize Directive-Type
5 Memorandum ("DTM") 19-004, "Military Service by Transgender Persons and
6 Persons with Gender Dysphoria" (March 12, 2019). Defendants respectfully
7 refer the Court to DTM 19-004 for a complete and accurate statement of its
8 content. To the extent this paragraph is inconsistent with DTM 19-004 or
9 constitutes legal conclusions, denied. Moreover, denied that DTM 19-004
10 implemented a "Transgender Military Ban."

11 9. As to the first sentence of this paragraph, admitted that DTM 19-004 went into
12 effect in April 2019, after injunctions were stayed or dissolved in this case and
13 related cases. Denied that DTM 19-004 implemented a "Transgender Military
14 Ban." With respect to the second sentence of this paragraph, Defendants do
15 not track whether servicemembers are "transgender" and thus lack sufficient
16 information to form a belief as to the truth of the allegations in that sentence.
17 The third and fourth sentences of this paragraph appear to characterize DTM
18 19-004. Defendants respectfully refer the Court to DTM 19-004 itself for a
19 complete and accurate statement of its contents. To the extent Plaintiffs'
20 characterizations constitute legal conclusions or are inconsistent with the DTM
21 19-004, Defendants deny the allegations.

22 10. Admitted that Aiden Stockman, Nicolas Talbott, Tamasyn Reeves, Jaquice
23 Tate, several anonymous individuals, and Equality California are plaintiffs in
24 this case. Denied that any plaintiffs will be impacted by DTM 19-004. To the
25 extent this paragraph characterizes Plaintiffs in any way, Defendants lack
26 knowledge or information sufficient to form a belief as to the truth of those
27 allegations.

1 11. This paragraph appears to characterize DTM 19-004. Defendants respectfully
2 refer the Court to DTM 19-004 itself for a complete and accurate statement of
3 its contents. To the extent Plaintiffs' characterizations constitute legal
4 conclusions or are inconsistent with the DTM 19-004, Defendants deny the
5 allegations.

6 12. The first sentence of this paragraph is a legal conclusion, to which no response
7 is required. To the extent a response may be deemed required, denied. The
8 second sentence of this paragraph consists of Plaintiffs' requested relief, to
9 which no response is required. To the extent a response may be deemed
10 required, denied that Plaintiffs are entitled to any relief.

11 JURISDICTION AND VENUE

12 13. This paragraph consists of legal conclusions, to which no response is required.
13 To the extent a response may be deemed required, denied.

14 14. This paragraph consists of legal conclusions, to which no response is required.
15 To the extent a response may be deemed required, denied.

16 PARTIES

17 15. Defendants lack knowledge or information sufficient to form a belief as to the
18 truth of the allegations in this paragraph. Moreover, the allegation that Mr.
19 Stockman is unable to accede into the Air Force is a legal conclusion, to which
20 no response is required.

21 16. Defendants lack knowledge or information sufficient to form a belief as to the
22 truth of the allegations in this paragraph, except with respect to the following
23 specific admissions and denials. First, admitted that Mr. Talbott is known to
24 have met with recruiters for the Ohio Air National Guard (OHANG) in the
25 relevant time frame. The OHANG ultimately did not process Mr. Talbott for
26 accession for several reasons, including multiple medical issues which triggered
27 a disqualification. Second, admitted that Nicolas Talbott enrolled at Kent State
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1 University; he participated in Kent State University's Reserve Officer Training
2 Program ("ROTC") program until on or about May 5, 2019; and he provided
3 an Ohio address as his local and permanent address in his ROTC Cadet
4 Enrollment Record. Third, denied that "[b]ecause of the military ban, he could
5 not continue further in ROTC, is not currently eligible for the military's loan
6 forgiveness program, and cannot access the healthcare benefits that he would
7 have ultimately received after being commissioned to the United States Army."

8 17. Defendants lack knowledge or information sufficient to form a belief as to the
9 truth of the allegations in this paragraph. Moreover, the allegation that Ms.
10 Reeves is unable to accede into the military is a legal conclusion, to which no
11 response is required.

12 18. Admitted that Plaintiff Jaquice Tate is a transgender man currently serving in
13 the Army; admitted he enlisted in 2008; admitted that he has served
14 domestically and internationally, including a deployment to Iraq; admitted that
15 he is a Military Police Officer and has served on a drug suppression team;
16 admitted that he has received numerous Army Achievement Medals; admitted
17 that he was selected for drill sergeant training; denied that he was "unable to
18 participate in that training because he would have been required to participate
19 as a female." For all other allegations in this paragraph, Defendants lack
20 knowledge or information sufficient to form a belief as to their truth. Further,
21 whether Mr. Tate "relied" on any particular policy is a legal conclusion, to
22 which no response is required.

23 19. Defendants do not know the identities of the pseudonym plaintiffs, and thus
24 lack knowledge or information sufficient to form a belief as to the truth of the
25 allegations in this paragraph.

26 20. Defendants do not know the identities of the pseudonym plaintiffs, and thus
27 lack knowledge or information sufficient to form a belief as to the truth of the
28 allegations in this paragraph.

1 21. Defendants do not know the identities of the pseudonym plaintiffs, and thus
2 lack knowledge or information sufficient to form a belief as to the truth of the
3 allegations in this paragraph.

4 22. Defendants do not know the identities of the pseudonym plaintiffs, and thus
5 lack knowledge or information sufficient to form a belief as to the truth of the
6 allegations in this paragraph.

7 23. Defendants lack knowledge or information sufficient to form a belief as to the
8 truth of the allegations in this paragraph.

9 24. Defendants admit that Mark T. Esper is the United States Secretary of
10 Defense. The duties and responsibilities of the Secretary of Defense are
11 specified at 10 U.S.C. § 113. Denied that current policy relating to transgender
12 military service constitutes a “ban” on such service or that it is an
13 “implementation” of a policy announced by the President, insofar as this
14 means that it is not the product of independent military judgment.

15 25. Defendants admit that Mark A. Milley serves as the current Chairman of the
16 Joint Chiefs of Staff but deny that he is a United States Marine Corps General
17 and aver that he is a United States Army General. The duties and
18 responsibilities of the Chairman of the Joint Chiefs of Staff are specified at 10
19 U.S.C. §§ 152-153. Denied that current policy relating to transgender military
20 service constitutes a “ban” on such service or that it is an “implementation” of
21 a prior policy, insofar as this means that it is not the product of independent
22 military judgment.

23 26. Defendants admit that Richard V. Spencer is the United States Secretary of the
24 Navy. The duties and responsibilities of the Secretary of the Navy are specified
25 at 10 U.S.C. § 5013. Denied that current policy relating to transgender military
26 service constitutes a “ban” on such service or that it is an “implementation” of
27 a prior policy, insofar as this means that it is not the product of independent
28 military judgment.

1 27. Defendants admit that Ryan D. McCarthy is the United States Secretary of the
2 Army. The duties and responsibilities of the Secretary of the Army are specified
3 at 10 U.S.C. § 301. Denied that current policy relating to transgender military
4 service constitutes a “ban” on such service or that it is an “implementation” of
5 a prior policy, insofar as this means that it is not the product of independent
6 military judgment.

7 28. Defendants deny the first sentence of this paragraph and aver that Barbara M.
8 Barrett is the United States Secretary of the Air Force. The duties and
9 responsibilities of the Secretary of the Air Force are specified at 10 U.S.C. §
10 8013. Denied that current policy relating to transgender military service
11 constitutes a “ban” on such service or that it is an “implementation” of a prior
12 policy, insofar as this means that it is not the product of independent military
13 judgment.

14 29. Defendants admit that Kevin McAleenan is the Acting United States Secretary
15 of Homeland Security. The duties and responsibilities of the Secretary of
16 Homeland Security are specified at 6 U.S.C. § 112. Denied that current policy
17 relating to transgender military service constitutes a “ban” on such service or
18 that it is an “implementation” of a prior policy, insofar as this means that it is
19 not the product of independent military judgment.

20 **FACTUAL BACKGROUND**

21 30. This paragraph purports to characterize statements made by Former Secretary
22 of Defense Chuck Hagel, which speak for themselves and are the best evidence
23 of their content. To the extent Plaintiffs’ allegations are legal conclusions or
24 are inconsistent with the statements, this paragraph is denied.

25 31. This paragraph consists of legal conclusions, to which no response is required.

26 32. This paragraph purports to characterize statements made by Former Secretary
27 of Defense Chuck Hagel, which speak for themselves and are the best evidence
28

1 of their content. To the extent Plaintiffs' allegations are legal conclusions or
2 are inconsistent with the statements, this paragraph is denied.

3 33. The first sentence of this paragraph is admitted. The second sentence of this
4 paragraph purports to characterize a statement of Former Secretary of Defense
5 Ashton Carter, which speaks for itself and is the best evidence of its content.
6 To the extent Plaintiffs' allegations are inconsistent with the statement, this
7 sentence is denied. The third sentence purports to characterize a written
8 directive issued by Former Secretary of Defense Ashton Carter, which speaks
9 for itself and is the best evidence of its content. To the extent Plaintiffs'
10 allegations are inconsistent with the statement, this sentence is denied. With
11 respect to the fourth sentence of this paragraph, Defendants admit that the
12 Carter working group examined data, including studies and research, and
13 received input from transgender service members and their commanders,
14 outside groups, and medical professionals. The remainder of the fourth
15 sentence contains Plaintiffs' subjective characterization and argument about the
16 scope of the examination, to which no answer is required. To the extent an
17 answer is deemed required, denied. With respect to the fifth sentence of this
18 paragraph, Defendants admit that the Carter working group reviewed the
19 experiences of other countries that permit military service by openly
20 transgender people. The remainder of the fifth sentence contains Plaintiffs'
21 subjective characterization and argument about the scope of the review, to
22 which no answer is required. To the extent an answer is deemed required,
23 denied. The sixth sentence of this paragraph is admitted.

24 34. The first sentence of this paragraph is admitted, except that Defendants lack
25 knowledge or information sufficient to form a belief as to the truth of the
26 allegation that the RAND Corporation was formed "to connect military
27 planning with research and development decisions." The second and third
28 sentences of this paragraph appear to characterize Agnes, Gereben, Shaefer et

1 al., *Assessing the Implications of Allowing Transgender Personnel to Serve Openly*, RAND
2 Corporation (2016) (hereinafter the “RAND Report”). Defendants respectfully
3 refer the Court to the RAND Report itself for a complete and accurate
4 statement of its contents. To the extent Plaintiffs’ characterizations are
5 inconsistent with the RAND Report, Defendants deny the allegations. In
6 addition, Defendants deny that the RAND Corporation’s research related to
7 transgender military service constituted a “study” of the issue.

8 35. This paragraph purports to characterize statements made by Former Secretary
9 of Defense Ashton Carter, which speak for themselves and are the best
10 evidence of their content. To the extent Plaintiffs’ allegations are inconsistent
11 with Mr. Carter’s statements, this paragraph is denied.

12 36. The first sentence of this paragraph purports to characterize statements made
13 by Former Secretary of Defense Ashton Carter, which speak for themselves
14 and are the best evidence of their content. To the extent Plaintiffs’ allegations
15 are inconsistent with Mr. Carter’s statements, this paragraph is denied. The
16 second and third sentences of this paragraph appear to characterize DTM 16-
17 005. Defendants respectfully refer the Court to DTM 16-005 itself for a
18 complete and accurate statement of its contents. To the extent Plaintiffs’
19 characterizations are inconsistent with DTM 16-005, Defendants deny the
20 allegations. As to the fourth sentence, Defendants admit that the accessions
21 policy set forth in DTM 16-005 was set to begin on July 1, 2017. The
22 allegations in the fourth sentence of this paragraph are otherwise denied.

23 37. The allegations in this paragraph appear to characterize various DoD materials
24 and instructions, including the implementation handbook *Transgender Service in*
25 *the United States Military*; DOD Instruction (“DODI”) 1300.28; the
26 memorandum *Guidance for Treatment of Gender Dysphoria for Active and Reserve*
27 *Component Service Members*; and DODI 1020.02E. Defendants respectfully refer
28 the Court to those materials and instructions themselves for complete and

1 accurate statements of their contents. To the extent Plaintiffs' characterizations
2 are inconsistent with the materials and instructions noted, Defendants deny the
3 allegations.

4 38. Admitted that the Coast Guard adopted similar policies and procedures with
5 respect to transgender servicemembers and servicemembers with gender
6 dysphoria as the other service branches.

7 39. This paragraph purports to characterize tweets posted by President Trump on
8 July 26, 2017. Defendants respectfully refer the Court to the July 26 tweets for
9 a complete and accurate statement of their contents. To the extent Plaintiffs'
10 characterizations are inconsistent with the July 26, 2017 tweets, Defendants
11 deny the allegations.

12 40. This paragraph purports to characterize tweets posted by President Trump on
13 July 26, 2017. Defendants respectfully refer the Court to the July 26 tweets for
14 a complete and accurate statement of their contents. To the extent Plaintiffs'
15 characterizations are inconsistent with the July 26, 2017 tweets, Defendants
16 deny the allegations.

17 41. The allegation that the announcement "was rendered without any significant
18 study or analysis" is denied. The allegation that the announcement lacked a
19 rational basis is a legal conclusion to which no response is required. To the
20 extent a response may be deemed required, denied.

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

23 43. This paragraph appears to characterize the 2017 Presidential Memorandum.
24 Defendants respectfully refer the Court to the 2017 Presidential Memorandum
25 itself for a complete and accurate statement of its contents. To the extent
26 Plaintiffs' characterizations constitute legal conclusions or are inconsistent with
27 the Presidential Memorandum, Defendants deny the allegations.

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1 44. The allegation that the announcement “was rendered without any significant
2 study or analysis” is denied. The allegation that 2017 Presidential Memorandum
3 lacked a rational basis is a legal conclusion to which no response is required.

4 To the extent a response may be deemed required, denied.

5 45. The first sentence of this paragraph is a legal conclusion to which no response
6 is required. To the extent a response may be deemed required, denied. The
7 second sentence characterizes DTM 16-005. Defendants respectfully refer the
8 Court to DTM 16-005 itself for a complete and accurate statement of its
9 contents. To the extent Plaintiffs’ characterizations are inconsistent with DTM
10 16-005, Defendants deny the allegations in the second sentence. The third
11 sentence of this paragraph is denied.

12 46. The allegations in this paragraph purport to characterize the RAND Report.
13 Defendants respectfully refer the Court to the RAND Report itself for a
14 complete and accurate statement of its contents. To the extent Plaintiffs’
15 characterizations are inconsistent with the RAND Report, Defendants deny the
16 allegations.

17 47. This paragraph appears to characterize a 2017 report issued by the think tank
18 the Palm Center. Defendants respectfully refer the Court to the report itself for
19 a complete and accurate statement of its contents. To the extent Plaintiffs’
20 characterizations constitute legal conclusions or are inconsistent with the
21 report, Defendants deny the allegations.

22 48. The allegations in this paragraph purport to characterize the 2017 Presidential
23 Memorandum. Defendants respectfully refer the Court to the 2017 Presidential
24 Memorandum itself for a complete and accurate statement of its contents. To
25 the extent Plaintiffs’ characterizations are inconsistent with the 2017
26 Presidential Memorandum, Defendants deny the allegations.

27 49. This paragraph appears to characterize the Statement by Secretary of Defense
28 Jim Mattis on Military Service by Transgender Individuals, News Release No.

1 NR-312-17, issued on August 29, 2017. Defendants respectfully refer the Court
2 to this document itself for a complete and accurate statement of its contents.
3 To the extent Plaintiffs' characterizations constitute legal conclusions or are
4 inconsistent with this document, Defendants deny the allegations.

5 50. This paragraph appears to characterize two memoranda issued by former
6 Secretary Mattis on September 14, 2017: "Terms of Reference—
7 Implementation of Presidential Memorandum on Military Service by
8 Transgender Individuals" and "Military Service by Transgender Individuals –
9 Interim Guidance." Defendants respectfully refer the Court to these
10 memoranda themselves for a complete and accurate statement of their
11 contents. To the extent Plaintiffs' characterizations constitute legal conclusions
12 or are inconsistent with these memoranda, Defendants deny the allegations.

13 51. Admitted, except that Defendants deny that these documents constituted an
14 "implementation plan," insofar as this means that they were not the product of
15 independent military judgment.

16 52. The allegations in this paragraph constitute legal conclusions, to which no
17 response is required. To the extent a response may be deemed required,
18 denied.

19 53. The allegations in this paragraph constitute legal conclusions, to which no
20 response is required. To the extent a response may be deemed required,
21 denied.

22 54. Denied.

23 55. The first three sentences of this paragraph appear to characterize DTM 19-004,
24 the 2017 Presidential Memorandum, and the DoD Report. Defendants
25 respectfully refer the Court to those materials for complete and accurate
26 statements of their contents. To the extent the allegations in the first three
27 sentences of this paragraph are inconsistent with those materials or constitute
28 legal conclusions, the allegations are denied. The fourth sentence of this

1 paragraph constitutes legal conclusions, to which no response is required. To
2 the extent a response may be deemed required, denied.

3 56. The allegations in this paragraph purport to characterize the 2018 Presidential
4 Memorandum. Defendants respectfully refer the Court to the 2018 Presidential
5 Memorandum itself for a complete and accurate statement of its contents. To
6 the extent Plaintiffs' characterizations are inconsistent with the 2018
7 Presidential Memorandum or constitute legal conclusions, Defendants deny the
8 allegations. Further, denied that the policy set forth in the Mattis Memorandum
9 constituted an "implementation plan," insofar as this means that it was not the
10 product of independent military judgment, and denied that that policy
11 constituted a "Ban" on transgender military service.

12 57. The allegations of this paragraph appear to characterize DTM 19-004.
13 Defendants respectfully refer the Court to DTM 19-004 for a complete and
14 accurate statement of its content. To the extent this paragraph is inconsistent
15 with DTM 19-004 or constitutes legal conclusions, denied. Further, Denied
16 that the policy set forth in DTM 19-004 constitutes a "Ban" on transgender
17 military service.

18 58. Admitted that the current policy with respect to transgender servicemembers
19 and servicemembers with gender dysphoria went into effect on April 12, 2019.
20 Denied that the policy constitutes a "Ban" on transgender military service.

21 **FIRST CLAIM FOR RELIEF**
22 **Fifth Amendment – Equal Protection**
23 **(against All Defendants)**

24 59. The answers to all preceding paragraphs are incorporated herein by reference.

25 60. Admitted.

26 61. This paragraph consists of legal conclusions, to which no response is
27 required. To the extent a response may be deemed required, denied.
28

- 1 62. This paragraph consists of legal conclusions, to which no response is
2 required. To the extent a response may be deemed required, denied.
3 63. This paragraph consists of legal conclusions, to which no response is
4 required. To the extent a response may be deemed required, denied.
5 64. This paragraph consists of legal conclusions, to which no response is
6 required. To the extent a response may be deemed required, denied.
7 65. This paragraph consists of legal conclusions, to which no response is
8 required. To the extent a response may be deemed required, denied.
9 66. This paragraph consists of legal conclusions, to which no response is
10 required. To the extent a response may be deemed required, denied.
11 67. This paragraph consists of legal conclusions, to which no response is
12 required. To the extent a response may be deemed required, denied.
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14 **SECOND CLAIM FOR RELIEF**
15 **Fifth Amendment – Due Process**
16 **(against All Defendants)**

- 17 68. The answers to all preceding paragraphs are incorporated herein by reference.
18 69. Admitted.
19 70. Admitted.
20 71. This paragraph consists of legal conclusions, to which no response is
21 required. To the extent a response may be deemed required, denied.
22 72. This paragraph consists of legal conclusions, to which no response is
23 required. To the extent a response may be deemed required, denied.
24 73. This paragraph consists of legal conclusions, to which no response is
25 required. To the extent a response may be deemed required, denied.
26 74. This paragraph consists of legal conclusions, to which no response is
27 required. To the extent a response may be deemed required, denied.
28

1 75. This paragraph consists of legal conclusions, to which no response is
2 required. To the extent a response may be deemed required, denied.
3

4 **THIRD CLAIM FOR RELIEF**
5 **Fifth Amendment – Right to Privacy**
6 **(against All Defendants)**

7 76. The answers to all preceding paragraphs are incorporated herein by reference.

8 77. This paragraph consists of legal conclusions, to which no response is
9 required. To the extent a response may be deemed required, denied.

10 78. Admitted.

11 79. This paragraph consists of legal conclusions, to which no response is
12 required. To the extent a response may be deemed required, denied.

13 80. This paragraph consists of legal conclusions, to which no response is
14 required. To the extent a response may be deemed required, denied.

15 81. This paragraph consists of legal conclusions, to which no response is
16 required. To the extent a response may be deemed required, denied.

17 82. This paragraph consists of legal conclusions, to which no response is
18 required. To the extent a response may be deemed required, denied.

19 **FOURTH CLAIM FOR RELIEF**
20 **First Amendment – Retaliation for Free Speech & Expression**
21 **(against All Defendants)**

22 83. The answers to all preceding paragraphs are incorporated herein by reference.

23 84. Admitted.

24 85. This paragraph consists of legal conclusions, to which no response is
25 required. To the extent a response may be deemed required, denied.

26 86. This paragraph consists of legal conclusions, to which no response is
27 required. To the extent a response may be deemed required, denied.
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1 87. This paragraph consists of legal conclusions, to which no response is
2 required. To the extent a response may be deemed required, denied.

3 **PRAYER FOR RELIEF**

4 1–4. Defendants deny that Plaintiffs are entitled to the relief requested in their
5 Prayer for Relief or to any relief whatsoever.

6
7 Defendants hereby specifically deny each and every allegation in the Amended
8 Complaint not expressly admitted or denied in this Answer, or to which it has
9 responded that it has insufficient information to admit or deny.
10

11 Dated: November 12, 2019

12 Respectfully submitted,
13 JOSEPH H. HUNT
14 Assistant Attorney General
15 Civil Division

16 JAMES BURNHAM
17 Deputy Assistant Attorney General

18 ANTHONY J. COPPOLINO
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20 /s/ Robert M. Norway
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