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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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 13 **JANE ROE #1, ET AL.,**
 14 Plaintiffs,
 15 v.
 16 **UNITED STATES OF AMERICA, ET AL.,**
 17 Defendants.
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 19

1:19-cv-00270-DAD-BAM

**ANSWER OF DEFENDANT XAVIER
 BECERRA IN HIS OFFICIAL
 CAPACITY AS ATTORNEY GENERAL
 OF CALIFORNIA**

Judge: Hon. Dale A. Drozd
 Action Filed: Feb. 25, 2019

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1 Defendant Xavier Becerra, in his official capacity as Attorney General of California,
2 answers the Complaint for Injunctive Relief, Declaratory Relief, and Damages, ECF No. 1, in
3 paragraphs that correspond to the Complaint's, as follows:

4 1. The allegations contained in Paragraph 1 are Plaintiffs' characterization of their case,
5 to which no answer is required; to the extent they may be deemed allegations of fact, they are
6 denied.

7 2. The allegations contained in Paragraph 2 are Plaintiffs' characterization of their case,
8 to which no answer is required; to the extent they may be deemed allegations of fact, they are
9 denied.

10 3. The California Attorney General lacks information or belief sufficient to answer the
11 allegations contained in Paragraph 3, and basing his denial on this ground, denies each and every
12 allegation thereof.

13 4. The California Attorney General lacks information or belief sufficient to answer the
14 allegations contained in Paragraph 4, and basing his denial on this ground, denies each and every
15 allegation thereof.

16 5. The California Attorney General lacks information or belief sufficient to answer the
17 allegations contained in Paragraph 5, and basing his denial on this ground, denies each and every
18 allegation thereof.

19 6. The California Attorney General lacks information or belief sufficient to answer the
20 allegations contained in Paragraph 6, and basing his denial on this ground, denies each and every
21 allegation thereof.

22 7. The California Attorney General lacks information or belief sufficient to answer the
23 allegations contained in Paragraph 7, and basing his denial on this ground, denies each and every
24 allegation thereof.

25 8. The California Attorney General lacks information or belief sufficient to answer the
26 allegations contained in Paragraph 8, and basing his denial on this ground, denies each and every
27 allegation thereof.

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1 9. The California Attorney General lacks information or belief sufficient to answer the
2 allegations contained in Paragraph 9, and basing his denial on this ground, denies each and every
3 allegation thereof.

4 10. The California Attorney General lacks information or belief sufficient to answer the
5 allegations contained in Paragraph 10, and basing his denial on this ground, denies each and every
6 allegation thereof.

7 11. The California Attorney General lacks information or belief sufficient to answer the
8 allegations contained in sentences one through three of Paragraph 11, and basing his denial on
9 this ground, denies each and every allegation thereof. The allegations contained in sentences four
10 and five of Paragraph 11 are Plaintiffs' characterization of their case, to which no answer is
11 required; to the extent they may be deemed allegations of fact, they are denied.

12 12. The allegations contained in Paragraph 12 constitute conclusions of law to which no
13 answer is required; to the extent they may be deemed allegations of fact, they are denied.

14 13. The allegations contained in Paragraph 13 constitute conclusions of law to which no
15 answer is required; to the extent they may be deemed allegations of fact, they are denied.

16 14. The allegations contained in Paragraph 14 constitute conclusions of law to which no
17 answer is required; to the extent they may be deemed allegations of fact, they are denied.

18 15. The allegations contained in Paragraph 15 constitute conclusions of law to which no
19 answer is required; to the extent they may be deemed allegations of fact, they are denied.

20 16. Admits that William P. Barr is the United States Attorney General; otherwise, the
21 allegations contained in Paragraph 16 constitute conclusions of law to which no answer is
22 required; to the extent they may be deemed allegations of fact, they are denied.

23 17. Admits that Christopher A. Wray is the Director of the Federal Bureau of
24 Investigations; otherwise, the allegations contained in Paragraph 17 constitute conclusions of law
25 to which no answer is required; to the extent they may be deemed allegations of fact, they are
26 denied.

27 18. Admits that Thomas E. Brandon is the Deputy Director, Head of the Bureau of
28 Alcohol, Tobacco, Firearms and Explosives; otherwise, the allegations contained in Paragraph 18

1 constitute conclusions of law to which no answer is required; to the extent they may be deemed
2 allegations of fact, they are denied.

3 19. Admits that Xavier Becerra is the Attorney General of the State of California and has
4 supervisory control over the California Department of Justice, including the Bureau of Firearms;
5 otherwise, the allegations contained in Paragraph 19 constitute conclusions of law to which no
6 answer is required; to the extent they may be deemed allegations of fact, they are denied.

7 20. The allegations contained in Paragraph 20 are Plaintiffs' characterization of their
8 case, to which no answer is required; to the extent they may be deemed allegations of fact, they
9 are denied.

10 21. The allegations contained in Paragraph 21 constitute conclusions of law to which no
11 answer is required; to the extent they may be deemed allegations of fact, they are denied.

12 22. The allegations contained in Paragraph 22 constitute conclusions of law to which no
13 answer is required; to the extent they may be deemed allegations of fact, they are denied.

14 23. The allegations contained in Paragraph 23 constitute conclusions of law to which no
15 answer is required; to the extent they may be deemed allegations of fact, they are denied.

16 24. The allegations contained in Paragraph 24 constitute conclusions of law to which no
17 answer is required; to the extent they may be deemed allegations of fact, they are denied.

18 25. Admits that counsel for Plaintiffs sent correspondence to the California Attorney
19 General containing the identities of, and information about, Jane Roes #1 and #2 and John Does
20 #1 through #5, and identifying a potential additional plaintiff; otherwise, the California Attorney
21 General lacks information or belief sufficient to answer the remaining allegations contained in
22 Paragraph 25, and basing his denial on this ground, denies those allegations.

23 26. Admits.

24 27. The allegations contained in Paragraph 27 constitute conclusions of law to which no
25 answer is required; to the extent they may be deemed allegations of fact, they are denied.

26 28. The allegations contained in Paragraph 28 constitute conclusions of law to which no
27 answer is required; to the extent they may be deemed allegations of fact, they are denied.
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1 29. The California Attorney General lacks information or belief sufficient to answer the
2 allegations contained in Paragraph 29, and basing his denial on this ground, denies each and every
3 allegation thereof.

4 30. Admits the first sentence of Paragraph 30. The remaining allegations contained in
5 Paragraph 30 constitute conclusions of law to which no answer is required; to the extent they may
6 be deemed allegations of fact, they are denied.

7 31. Admits that California administers its own background check process in addition to
8 the NICS background check process; otherwise denies.

9 32. The allegations contained in Paragraph 32 constitute conclusions of law to which no
10 answer is required; to the extent they may be deemed allegations of fact, they are denied.

11 33. The allegations contained in Paragraph 33 constitute conclusions of law to which no
12 answer is required; to the extent they may be deemed allegations of fact, they are denied.

13 34. The allegations contained in Paragraph 34 constitute conclusions of law to which no
14 answer is required; to the extent they may be deemed allegations of fact, they are denied.

15 35. The California Attorney General lacks information or belief sufficient to answer the
16 allegations contained in sentences one through three of Paragraph 35, and basing his denial on
17 this ground, denies each and every allegation thereof. The remaining allegations in Paragraph 35
18 constitute conclusions of law to which no answer is required; to the extent they may be deemed
19 allegations of fact, they are denied.

20 36. The California Attorney General lacks information or belief sufficient to answer the
21 allegations contained in Paragraph 36, and basing his denial on this ground, denies each and every
22 allegation thereof.

23 37. The California Attorney General lacks information or belief sufficient to answer the
24 allegations contained in Paragraph 37, and basing his denial on this ground, denies each and every
25 allegation thereof.

26 38. The California Attorney General lacks information or belief sufficient to answer the
27 allegations contained in Paragraph 38, and basing his denial on this ground, denies each and every
28 allegation thereof.

1 39. The California Attorney General lacks information or belief sufficient to answer the
2 allegations contained in Paragraph 39, and basing his denial on this ground, denies each and every
3 allegation thereof.

4 40. The California Attorney General lacks information or belief sufficient to answer the
5 allegations contained in Paragraph 40, and basing his denial on this ground, denies each and every
6 allegation thereof.

7 41. The allegations contained in Paragraph 41 constitute conclusions of law to which no
8 answer is required; to the extent they may be deemed allegations of fact, they are denied.

9 42. The allegations contained in Paragraph 42 constitute conclusions of law to which no
10 answer is required; to the extent they may be deemed allegations of fact, they are denied.

11 43. The allegations contained in Paragraph 43 constitute conclusions of law to which no
12 answer is required; to the extent they may be deemed allegations of fact, they are denied.

13 44. The California Attorney General incorporates his answers to Paragraphs 1 through 43
14 in answer to Paragraph 44.

15 45. The allegations contained in Paragraph 45 constitute conclusions of law to which no
16 answer is required; to the extent they may be deemed allegations of fact, they are denied.

17 46. The allegations contained in Paragraph 46 constitute conclusions of law to which no
18 answer is required; to the extent they may be deemed allegations of fact, they are denied.

19 47. The California Attorney General incorporates his answers to Paragraphs 1 through 46
20 in answer to Paragraph 47.

21 48. The allegations contained in Paragraph 48 constitute conclusions of law to which no
22 answer is required; to the extent they may be deemed allegations of fact, they are denied.

23 49. The allegations contained in Paragraph 49 constitute conclusions of law to which no
24 answer is required; to the extent they may be deemed allegations of fact, they are denied.

25 50. The California Attorney General incorporates his answers to Paragraphs 1 through 49
26 in answer to Paragraph 50.

27 51. The allegations contained in Paragraph 51 constitute conclusions of law to which no
28 answer is required; to the extent they may be deemed allegations of fact, they are denied.

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SECOND DEFENSE

Plaintiffs' claims in this action are barred in that they do not have standing to bring them. In particular, any Plaintiff who is not prohibited from purchasing a firearm by a California law does not have standing to challenge California laws. In addition, any Plaintiff who is not a resident of California lacks standing to challenge California firearms laws.

THIRD DEFENSE

Plaintiffs' claims for money damages are barred by the doctrine of sovereign immunity.

FOURTH DEFENSE

The California Attorney General has not knowingly or intentionally waived any applicable defense or affirmative defense. The California Attorney General reserves the right to assert and rely upon other such defenses as may become available or apparent during discovery proceedings or as may be raised or asserted by others in this case, and to amend the Answer, defenses, and/or affirmative defenses accordingly. The California Attorney General further reserves the right to amend the Answer to delete defenses and/or affirmative defenses that he determines are not applicable after subsequent discovery.

1 WHEREFORE, the California Attorney General prays that:

2 1. Plaintiffs take nothing by reason of their complaint;

3 2. Judgment be entered in favor of the California Attorney General;

4 3. The California Attorney General be awarded his costs incurred in defending this
5 action; and

6 4. The California Attorney General be awarded such further relief that the Court may
7 deem just and proper.

8 Dated: May 1, 2019

Respectfully Submitted,

9 XAVIER BECERRA
10 Attorney General of California
11 TAMAR PACHTER
12 Supervising Deputy Attorney General

13 /s/ Nelson Richards
14 NELSON R. RICHARDS
15 Deputy Attorney General
16 *Attorneys for the Attorney*
17 *General of California, Xavier Becerra*

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