

1 XAVIER BECERRA
 Attorney General of California
 2 MARK R. BECKINGTON
 Supervising Deputy Attorney General
 3 P. PATTY LI
 Deputy Attorney General
 4 AMIE L. MEDLEY
 Deputy Attorney General
 5 State Bar No. 266586
 300 South Spring Street, Suite 1702
 6 Los Angeles, CA 90013
 Telephone: (213) 269-6226
 7 Fax: (916) 731-2124
 E-mail: Amie.Medley@doj.ca.gov
 8 *Attorneys for Defendants Xavier Becerra,
 Ricardo Lara, Shelly Rouillard, and Sonia
 9 Angell, in their official capacities*

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 SOUTHERN DIVISION

13 **JANE DOE; STEPHEN ALBRIGHT;
 14 AMERICAN KIDNEY FUND, INC.;**
 15 **and DIALYSIS PATIENT
 CITIZENS, INC.,**

8:19-cv-2105-DOC-(ADSx)

16 Plaintiffs,

17 v.

**ANSWER OF DEFENDANTS
 XAVIER BECERRA, RICARDO
 LARA, SHELLY ROUILLARD,
 AND SONIA ANGELL, IN THEIR
 OFFICIAL CAPACITIES, TO
 COMPLAINT FOR
 DECLARATORY AND
 INJUNCTIVE RELIEF**

18 **XAVIER BECERRA, in his Official
 Capacity as Attorney General of
 19 California; RICARDO LARA in his
 Official Capacity as California
 20 Insurance Commissioner; SHELLY
 ROUILLARD in her official Capacity
 21 as Director of the California
 Department of Managed Health Care;
 22 and SONIA ANGELL, in her Official
 Capacity as Director of the California
 23 Department of Public Health,**
 24 Defendants.

Judge: The Hon. David O. Carter
 Action Filed: 11/1/2019

1 Defendants Xavier Becerra, in his Official Capacity as Attorney General of
2 California, Ricardo Lara in his official capacity as California Insurance
3 Commissioner, Shelly Rouillard in her official capacity as Director of the
4 California Department of Managed Health Care, and Sonia Angell in her official
5 capacity as Director of the California Department of Public Health (collectively,
6 “Defendants”), answer the Complaint for Declaratory and Injunctive Relief
7 (“Complaint”) in paragraphs that correspond to the numbered paragraphs in the
8 Complaint, as follows.

9 To the extent the unnumbered paragraph on page 2 of the Complaint requires
10 a response, Defendants admit that Plaintiffs have filed suit for Declaratory and
11 Injunctive Relief against Assembly Bill 290, Cal. Stats. 2019, ch. 862 (“AB 290”),
12 and named as Defendants Xavier Becerra, in his official capacity as Attorney
13 General of California, Ricardo Lara, in his official capacity as California Insurance
14 Commissioner, Shelley Rouillard, in her official capacity as Director of the
15 California Department of Managed Health Care, and Sonia Angell, in her official
16 capacity as Director of the California Department of Public Health. Defendants
17 deny the remaining allegations in this paragraph of the Complaint for lack of
18 sufficient information or belief.

19 JURISDICTION AND VENUE

20 1. The allegations contained in Paragraph 1 of the Complaint constitute
21 statements of law and legal conclusions that require no response; to the extent a
22 response may be required, Defendants admit that Plaintiffs, by this action, seek
23 relief against Defendants for purported violations of the U.S. Constitution and the
24 laws of the United States. The remaining allegations contained in Paragraph 1 of
25 the Complaint constitute legal conclusions that require no response; to the extent a
26 response may be required, Defendants admit that this Court has jurisdiction to hear
27 this action.

28 2. The allegations contained in Paragraph 2 of the Complaint constitute

1 statements of law and legal conclusions that require no response; to the extent a
2 response may be required, Defendants deny the allegations in Paragraph 2 of the
3 Complaint for lack of sufficient information or belief.

4 3. Defendants deny the allegations contained in Paragraph 3 of the
5 Complaint that AB 290 is preempted by federal law and that it violates Plaintiffs'
6 rights to association, free expression, and petition. The allegations contained in
7 Paragraph 3 of the Complaint constitute statements of law and legal conclusions
8 that require no response; to the extent a response may be required, Defendants deny
9 the allegations in Paragraph 3 of the Complaint for lack of sufficient information or
10 belief.

11 4. The allegations contained in Paragraph 4 of the Complaint constitute
12 statements of law and legal conclusions that require no response; to the extent a
13 response may be required, Defendants deny the allegations in Paragraph 4 of the
14 Complaint for lack of sufficient information or belief.

15 **INTRODUCTION**

16 5. The allegations contained in Paragraph 5 of the Complaint constitute
17 statements of law and legal conclusions that require no response; to the extent a
18 response may be required, Defendants deny the allegations in Paragraph 5 of the
19 Complaint for lack of sufficient information or belief.

20 6. Defendants deny the allegations in Paragraph 6 of the Complaint for
21 lack of sufficient information or belief.

22 7. Defendants deny the allegations in Paragraph 7 of the Complaint for
23 lack of sufficient information or belief.

24 8. Defendants deny the allegations in Paragraph 8 of the Complaint for
25 lack of sufficient information or belief.

26 9. Defendants deny the allegations in Paragraph 9 of the Complaint for
27 lack of sufficient information or belief.

28 10. Defendants deny the allegations in Paragraph 10 of the Complaint for

1 lack of sufficient information or belief.

2 11. Defendants admit that Governor Brown previously vetoed a bill
3 relating to the same subject matter as AB 290. The veto message quoted in
4 Paragraph 11 of the Complaint speaks for itself. Defendants deny the remaining
5 allegations in Paragraph 11 of the Complaint for lack of sufficient information or
6 belief.

7 12. Defendants admit that AB 290 was passed by the California
8 Legislature in the 2019 legislative session and was signed by Governor Gavin
9 Newsom on October 13, 2019. Defendants deny that Sections 3 through 6 of AB
10 290 will take effect on January 1, 2020, with respect to entities covered by
11 Advisory Opinion No. 97-1 issued by the United States Department of Health and
12 Human Services Office of Inspector General. The remaining allegations contained
13 in Paragraph 12 of the Complaint constitute legal conclusions that require no
14 response; to the extent a response may be required, Defendants deny the
15 allegations.

16 13. Defendants deny that Sections 3 through 6 of AB 290 will take effect
17 on January 1, 2020, with respect to entities covered by Advisory Opinion No. 97-1
18 issued by the United States Department of Health and Human Services Office of
19 Inspector General. Defendants further deny that AB 290 requires AKF to cease
20 operations in California. The remaining allegations contained in Paragraph 13 of
21 the Complaint constitute statements of law and legal conclusions that require no
22 response; to the extent a response may be required, Defendants deny the remaining
23 allegations in Paragraph 13 of the Complaint for lack of sufficient information or
24 belief.

25 14. Defendants deny that the State has no compelling interest in AB 290.
26 Defendants further deny that AB 290 is unconstitutional. The remaining allegations
27 contained in Paragraph 14 of the Complaint constitute statements of law and legal
28 conclusions that require no response; to the extent a response may be required,

1 Defendants deny the remaining allegations in Paragraph 14 of the Complaint for
2 lack of sufficient information or belief.

3 15. Defendants deny the allegations contained in Paragraph 15 of the
4 Complaint.

5 **THE PARTIES**

6 16. Defendants deny the allegations in Paragraph 16 of the Complaint for
7 lack of sufficient information or belief.

8 17. Defendants deny the allegations in Paragraph 17 of the Complaint for
9 lack of sufficient information or belief.

10 18. Defendants deny the allegations in Paragraph 18 of the Complaint for
11 lack of sufficient information or belief.

12 19. Defendants deny the allegations in Paragraph 19 of the Complaint for
13 lack of sufficient information or belief.

14 20. Defendants admit that Defendant Xavier Becerra is the Attorney
15 General of the State of California. Defendants admit that the Attorney General
16 enforces California's civil and criminal laws, including AB 290. Defendants admit
17 that the statutes cited in Paragraph 20 of the Complaint speak for themselves.

18 21. Defendants admit that Defendant Ricardo Lara is the California
19 Insurance Commissioner. Defendants admit that Commissioner Lara administers
20 California's Insurance Code. The statute cited in Paragraph 21 of the Complaint
21 speaks for itself. The remaining allegations contained in Paragraph 21 of the
22 Complaint constitute statements of law and legal conclusions that require no
23 response; to the extent a response may be required, Defendants deny the remaining
24 allegations in Paragraph 21 of the Complaint for lack of sufficient information or
25 belief.

26 22. Defendants admit that Defendant Shelley Rouillard is the Director of
27 the California Department of Managed Health Care. Defendants admit that
28 Director Rouillard administers portions of the California Health and Safety Code.

1 The statutes cited in Paragraph 22 of the Complaint speak for themselves. The
2 remaining allegations contained in Paragraph 22 of the Complaint constitute
3 statements of law and legal conclusions that require no response; to the extent a
4 response may be required, Defendants deny the remaining allegations in Paragraph
5 22 of the Complaint for lack of sufficient information or belief.

6 23. Defendants admit that Defendant Sonia Angell is the Director of the
7 California Department of Public Health. Defendants admit that California
8 Department of Public Health administers portions of the California Health and
9 Safety Code. The statutes cited in Paragraph 23 of the Complaint speak for
10 themselves. The remaining allegations contained in Paragraph 23 of the Complaint
11 constitute statements of law and legal conclusions that require no response; to the
12 extent a response may be required, Defendants deny the remaining allegations in
13 Paragraph 23 of the Complaint for lack of sufficient information or belief.

14 **FACTS AND LAW COMMON TO ALL THE CLAIMS**

15 24. To the extent a response is required to the text comprising the Roman
16 numeral II heading on page 8 of the Complaint, Defendants deny the allegations in
17 that heading of the Complaint for lack of sufficient information or belief.
18 Defendants deny the allegations in Paragraph 24 of the Complaint for lack of
19 sufficient information or belief.

20 25. Defendants deny the allegations in Paragraph 25 of the Complaint for
21 lack of sufficient information or belief.

22 26. Defendants deny the allegations in Paragraph 26 of the Complaint for
23 lack of sufficient information or belief.

24 27. The statutory sections cited in Paragraph 27 speak for themselves. The
25 allegations contained in Paragraph 27 of the Complaint constitute statements of law
26 and legal conclusions that require no response; to the extent a response may be
27 required, Defendants deny the allegations in Paragraph 27 of the Complaint for lack
28 of sufficient information or belief.

1 28. The statutory sections cited in Paragraph 28 speak for themselves. The
2 allegations contained in Paragraph 28 of the Complaint constitute statements of law
3 and legal conclusions that require no response; to the extent a response may be
4 required, Defendants deny the allegations in Paragraph 28 of the Complaint for lack
5 of sufficient information or belief.

6 29. The statutory sections cited in Paragraph 29 speak for themselves. The
7 allegations contained in Paragraph 29 of the Complaint constitute statements of law
8 and legal conclusions that require no response; to the extent a response may be
9 required, Defendants deny the allegations in Paragraph 29 of the Complaint for lack
10 of sufficient information or belief.

11 30. The statutory sections cited in Paragraph 30 speak for themselves. The
12 allegations contained in Paragraph 30 of the Complaint constitute statements of law
13 and legal conclusions that require no response; to the extent a response may be
14 required, Defendants deny the allegations in Paragraph 30 of the Complaint for lack
15 of sufficient information or belief.

16 31. The statutory sections cited in Paragraph 31 speak for themselves. The
17 allegations contained in Paragraph 31 of the Complaint constitute statements of law
18 and legal conclusions that require no response; to the extent a response may be
19 required, Defendants deny the allegations in Paragraph 31 of the Complaint for lack
20 of sufficient information or belief.

21 32. Defendants admit that Medi-Cal is California's Medicaid program.
22 The statutory sections cited in Paragraph 32 speak for themselves. The allegations
23 contained in Paragraph 32 of the Complaint constitute statements of law and legal
24 conclusions that require no response; to the extent a response may be required,
25 Defendants deny the allegations in Paragraph 32 of the Complaint for lack of
26 sufficient information or belief.

27 33. The statutory sections cited in Paragraph 33 speak for themselves. The
28 remaining allegations contained in Paragraph 33 of the Complaint constitute

1 statements of law and legal conclusions that require no response; to the extent a
2 response may be required, Defendants deny the allegations in Paragraph 33 of the
3 Complaint for lack of sufficient information or belief.

4 34. Defendants deny the allegations in Paragraph 34 of the Complaint for
5 lack of sufficient information or belief.

6 35. Defendants deny the allegations in Paragraph 35 of the Complaint for
7 lack of sufficient information or belief.

8 36. To the extent a response is required to the text comprising the Roman
9 numeral II heading on page 14 of the Complaint, Defendants deny the allegations in
10 that heading of the Complaint for lack of sufficient information or belief.

11 Defendants deny the allegations in Paragraph 36 of the Complaint for lack of
12 sufficient information or belief.

13 37. Defendants deny the allegations in Paragraph 37 of the Complaint for
14 lack of sufficient information or belief.

15 38. Defendants deny the allegations in Paragraph 38 of the Complaint for
16 lack of sufficient information or belief.

17 39. Defendants deny the allegations in Paragraph 39 of the Complaint for
18 lack of sufficient information or belief.

19 40. The statutory sections cited in Paragraph 40 speak for themselves. The
20 allegations contained in Paragraph 40 of the Complaint constitute statements of law
21 and legal conclusions that require no response; to the extent a response may be
22 required, Defendants deny the allegations in Paragraph 40 of the Complaint for lack
23 of sufficient information or belief.

24 41. Defendants deny that AB 290 forces AKF to cease operations in
25 California. Defendants deny the remaining allegations in Paragraph 41 of the
26 Complaint for lack of sufficient information or belief.

27 42. Defendants deny the allegations in Paragraph 42 of the Complaint for
28 lack of sufficient information or belief.

1 43. Defendants deny the allegations in Paragraph 43 of the Complaint for
2 lack of sufficient information or belief.

3 44. The document cited in Paragraph 44 of the Complaint speaks for itself.
4 Defendants deny the allegations in Paragraph 44 of the Complaint for lack of
5 sufficient information or belief.

6 45. Defendants deny the allegations in Paragraph 45 of the Complaint for
7 lack of sufficient information or belief.

8 46. To the extent a response is required to the text comprising the Roman
9 numeral III heading on page 17 of the Complaint, Defendants deny the allegations
10 in that heading of the Complaint for lack of sufficient information or belief. The
11 statutory sections cited in Paragraph 46 speak for themselves. The allegations
12 contained in Paragraph 46 of the Complaint constitute statements of law and legal
13 conclusions that require no response; to the extent a response may be required,
14 Defendants deny the allegations in Paragraph 46 of the Complaint for lack of
15 sufficient information or belief.

16 47. The statutory sections cited in Paragraph 47 speak for themselves. The
17 allegations contained in Paragraph 47 of the Complaint constitute statements of law
18 and legal conclusions that require no response; to the extent a response may be
19 required, Defendants deny the allegations in Paragraph 47 of the Complaint for lack
20 of sufficient information or belief.

21 48. Defendants admit that the Health and Human Services Office of the
22 Inspector General issued an advisory opinion relating to the American Kidney
23 Fund's ("AKF's") Health Insurance Premium Program. The statutory sections and
24 the advisory opinion cited in Paragraph 48 speak for themselves. The remaining
25 allegations contained in Paragraph 48 of the Complaint constitute statements of law
26 and legal conclusions that require no response; to the extent a response may be
27 required, Defendants deny the remaining allegations in Paragraph 48 of the
28 Complaint for lack of sufficient information or belief.

1 49. The advisory opinion cited in Paragraph 49 speaks for itself. The
2 allegations contained in Paragraph 49 of the Complaint constitute statements of law
3 and legal conclusions that require no response; to the extent a response may be
4 required, Defendants deny the allegations in Paragraph 49 of the Complaint for lack
5 of sufficient information or belief.

6 50. The advisory opinion cited in Paragraph 50 speaks for itself. The
7 allegations contained in Paragraph 50 of the Complaint constitute statements of law
8 and legal conclusions that require no response; to the extent a response may be
9 required, Defendants deny the allegations in Paragraph 50 of the Complaint for lack
10 of sufficient information or belief.

11 51. To the extent a response is required to the text comprising the Roman
12 numeral IV heading on page 19 of the Complaint, Defendants deny the allegations
13 in that heading of the Complaint for lack of sufficient information or belief.
14 Defendants admit that Governor Gavin Newsom signed AB 290 on October 13,
15 2019 and that Governor Brown previously vetoed a bill relating to the same subject
16 matter as AB 290. The cited veto statement speaks for itself. The remaining
17 allegations contained in Paragraph 51 of the Complaint constitute statements of law
18 for which no answer is required; to the extent a response may be required,
19 Defendants deny the remaining allegations in Paragraph 51 of the Complaint for
20 lack of sufficient information or belief.

21 52. The statutory sections cited in Paragraph 52 speak for themselves. The
22 allegations contained in Paragraph 52 of the Complaint constitute statements of law
23 and legal conclusions that require no response; to the extent a response may be
24 required, Defendants deny the allegations in Paragraph 52 of the Complaint not
25 admitted for lack of sufficient information or belief.

26 53. Defendants admit that AB 290 does not expressly require insurance
27 companies to lower insurance premiums but deny that AB 290 does not address
28 insurance premium costs. The statutory sections cited in Paragraph 53 speak for

1 themselves. The remaining allegations contained in Paragraph 53 of the Complaint
2 constitute statements of law and legal conclusions that require no response; to the
3 extent a response may be required, Defendants deny the remaining allegations in
4 Paragraph 53 of the Complaint for lack of sufficient information or belief.

5 54. Defendants deny that AB 290 is preempted by federal law, that it
6 violates AKF's right of association, or that it is unconstitutional on other grounds.
7 The legislative history cited in Paragraph 54 speaks for itself. The remaining
8 allegations contained in Paragraph 54 of the Complaint constitute statements of law
9 and legal conclusions that require no response; to the extent a response may be
10 required, Defendants deny the allegations in Paragraph 54 of the Complaint for lack
11 of sufficient information or belief.

12 55. To the extent a response is required to the text comprising the letter
13 "A" subheading on page 20 of the Complaint, Defendants deny the allegations in
14 that heading of the Complaint for lack of sufficient information or belief. The
15 provisions of AB 290 quoted in Paragraph 55 speak for themselves. The remaining
16 allegations contained in Paragraph 55 constitute statements of law and legal
17 conclusions that require no response; to the extent a response may be required,
18 Defendants deny the allegations in Paragraph 55 of the Complaint for lack of
19 sufficient information or belief.

20 56. Defendants deny that AB 290 is unconstitutional. The provisions of
21 AB 290 quoted in Paragraph 56 speak for themselves. The remaining allegations
22 contained in Paragraph 56 constitute statements of law and legal conclusions that
23 require no response; to the extent a response may be required, Defendants deny the
24 remaining allegations in Paragraph 56 of the Complaint for lack of sufficient
25 information or belief.

26 57. The provisions of AB 290 quoted in Paragraph 57 speak for
27 themselves. The allegations contained in Paragraph 57 constitute statements of law
28 and legal conclusions that require no response; to the extent a response may be

1 required, Defendants deny the remaining allegations in Paragraph 57 of the
2 Complaint for lack of sufficient information or belief.

3 58. The provisions of AB 290 quoted in Paragraph 58 speak for
4 themselves. The allegations contained in Paragraph 58 constitute statements of law
5 and legal conclusions that require no response; to the extent a response may be
6 required, Defendants deny the allegations in Paragraph 58 of the Complaint for lack
7 of sufficient information or belief.

8 59. The advisory opinion cited in Paragraph 59 speaks for itself. The
9 allegations contained in Paragraph 59 constitute statements of law and legal
10 conclusions that require no response; to the extent a response may be required,
11 Defendants deny the allegations in Paragraph 59 of the Complaint for lack of
12 sufficient information or belief.

13 60. The allegations contained in Paragraph 60 of the Complaint constitute
14 statements of law and legal conclusions for which no answer is required; to the
15 extent an answer is required, Defendants deny the allegations for lack of sufficient
16 information or belief.

17 61. Defendants deny the allegations contained in Paragraph 61 that
18 AB 290 frustrates any efforts of Congress. Defendants further deny that AB 290
19 violates the rights of AKF's donors or its patients to speak or associate. The
20 remaining allegations contained in Paragraph 61 of the Complaint constitute
21 statements of law and legal conclusions for which no answer is required; to the
22 extent an answer is required, Defendants deny the remaining allegations for lack of
23 sufficient information or belief.

24 62. The provisions of AB 290 and the advisory opinion cited in
25 Paragraph 62 speak for themselves. The remaining allegations contained in
26 Paragraph 62 constitute statements of law and legal conclusions that require no
27 response; to the extent a response may be required, Defendants deny the allegations
28 in Paragraph 62 of the Complaint for lack of sufficient information or belief.

1 63. Defendants deny the allegations contained in Paragraph 63 that
2 AB 290 is unconstitutionally vague or otherwise violates Plaintiffs' First
3 Amendment rights. The provisions of AB 290 quoted in Paragraph 63 speak for
4 themselves. The remaining allegations contained in Paragraph 63 constitute
5 statements of law and legal conclusions that require no response; to the extent a
6 response may be required, Defendants deny the allegations in Paragraph 63 of the
7 Complaint for lack of sufficient information or belief.

8 64. The allegations contained in Paragraph 64 of the Complaint constitute
9 statements of law and legal conclusions for which no answer is required; to the
10 extent a response may be required, Defendants deny the allegations in Paragraph 64
11 of the Complaint for lack of sufficient information or belief.

12 65. Defendants deny that AB 290 is unconstitutional. The provisions of
13 AB 290 quoted in Paragraph 65 speak for themselves. The remaining allegations
14 contained in Paragraph 65 constitute statements of law and legal conclusions that
15 require no response; to the extent a response may be required, Defendants deny the
16 allegations in Paragraph 65 of the Complaint for lack of sufficient information or
17 belief.

18 66. Defendants deny that Sections 3 through 6 of AB 290 will take effect
19 on January 1, 2020, with respect to entities covered by Advisory Opinion No. 97-1
20 issued by the United States Department of Health and Human Services Office of
21 Inspector General. The provisions of AB 290 cited in Paragraph 66 speak for
22 themselves. The remaining allegations contained in Paragraph 66 of the Complaint
23 constitute statements of law for which no answer is required; to the extent a
24 response may be required, Defendants deny the allegations in Paragraph 65 of the
25 Complaint for lack of sufficient information or belief.

26 67. To the extent a response is required to the text comprising the letter
27 "B" sub heading on page 26 of the Complaint, Defendants deny the allegations in
28 that heading of the Complaint for lack of sufficient information or belief. The

1 allegations contained in Paragraph 67 of the Complaint constitute statements of law
2 and legal conclusions for which no answer is required; to the extent a response may
3 be required, Defendants deny the allegations in Paragraph 65 of the Complaint for
4 lack of sufficient information or belief.

5 68. Defendants deny the allegations contained in Paragraph 68 that
6 AB 290 burdens AKF's associational rights. The remaining allegations contained
7 in Paragraph 68 of the Complaint constitute statements of law and legal conclusions
8 for which no answer is required; to the extent a response may be required,
9 Defendants deny the remaining allegations in Paragraph 68 of the Complaint for
10 lack of sufficient information or belief.

11 69. The allegations contained in Paragraph 69 of the Complaint constitute
12 statements of law and legal conclusions for which no answer is required; to the
13 extent a response may be required, Defendants deny the allegations in Paragraph 69
14 of the Complaint for lack of sufficient information or belief.

15 70. Defendants deny the allegations in Paragraph 70 of the Complaint for
16 lack of sufficient information or belief.

17 71. Defendants deny the allegations in Paragraph 71 of the Complaint for
18 lack of sufficient information or belief.

19 72. Defendants deny that AB 290 forces AKF to cease operations in
20 California. The advisory opinion cited in Paragraph 72 speaks for itself. The
21 remaining allegations contained in Paragraph 72 constitute statements of law and
22 legal conclusions that require no response; to the extent a response may be required,
23 Defendants deny the remaining allegations in Paragraph 72 of the Complaint for
24 lack of sufficient information or belief.

25 73. The advisory opinion cited in Paragraph 73 speaks for itself. The
26 remaining allegations contained in Paragraph 73 constitute statements of law and
27 legal conclusions that require no response; to the extent a response may be required,
28 Defendants deny the allegations in Paragraph 73 of the Complaint for lack of

1 sufficient information or belief.

2 74. Defendants deny that AB 290 is unconstitutional. The provisions of
3 AB 290 quoted in Paragraph 74 speak for themselves. The allegations contained in
4 Paragraph 74 constitute statements of law and legal conclusions that require no
5 response; to the extent a response may be required, Defendants deny the allegations
6 in Paragraph 74 of the Complaint for lack of sufficient information or belief.

7 75. Defendants deny that AB 290 requires AKF to cease operations in
8 California. The provisions of AB 290 and the advisory opinion cited in
9 Paragraph 75 speak for themselves. The remaining allegations contained in
10 Paragraph 75 constitute statements of law and legal conclusions that require no
11 response; to the extent a response may be required, Defendants deny the remaining
12 allegations in Paragraph 75 of the Complaint for lack of sufficient information or
13 belief.

14 76. Defendants deny the allegations contained in Paragraph 76 that
15 AB 290 frustrates any efforts of Congress. The statutory sections cited in
16 Paragraph 76 speak for themselves. The remaining allegations contained in
17 Paragraph 76 of the Complaint constitute statements of law and legal conclusions
18 that require no response; to the extent a response may be required, Defendants deny
19 the allegations in Paragraph 76 of the Complaint for lack of sufficient information
20 or belief.

21 77. The allegations contained in Paragraph 77 of the Complaint constitute
22 statements of law for which no answer is required; to the extent an answer is
23 required, Defendants deny the allegations for lack of sufficient information or
24 belief.

25 78. The allegations contained in Paragraph 78 of the Complaint constitute
26 statements of law for which no answer is required; to the extent an answer is
27 required, Defendants deny the allegations for lack of sufficient information or
28 belief.

1 98. The Constitutional provision quoted in Paragraph 98 of the Complaint
2 speaks for itself. To the extent a response is required, Defendants admit that the
3 paragraph appears to accurately quote the cited text of the First Amendment.

4 99. Defendants deny that AB 290 abridges AKF's freedom of speech. The
5 provisions of AB 290 quoted in Paragraph 99 speak for themselves. The
6 allegations contained in Paragraph 99 constitute statements of law and legal
7 conclusions that require no response; to the extent a response may be required,
8 Defendants deny the allegations in Paragraph 99 of the Complaint.

9 100. The provisions of AB 290 cited in Paragraph 100 speak for
10 themselves. The allegations contained in Paragraph 100 constitute statements of
11 law and legal conclusions that require no response; to the extent a response may be
12 required, Defendants deny the allegations in Paragraph 100 of the Complaint.

13 101. The provisions of AB 290 cited in Paragraph 101 speak for
14 themselves. The allegations contained in Paragraph 101 constitute statements of
15 law and legal conclusions that require no response; to the extent a response may be
16 required, Defendants deny the allegations in Paragraph 101 of the Complaint for
17 lack of sufficient information or belief.

18 102. Defendants deny the allegations contained in Paragraph 102 that
19 AB 290 is vague and overbroad or otherwise violates the First Amendment. The
20 provisions of AB 290 quoted in Paragraph 102 speak for themselves. The
21 remaining allegations contained in Paragraph 102 constitute statements of law and
22 legal conclusions that require no response; to the extent a response may be required,
23 Defendants deny the remaining allegations in Paragraph 102 of the Complaint.

24 103. Defendants deny the allegations contained in Paragraph 103 that
25 AB 290 interferes with AKF's right to association. The remaining allegations
26 contained in Paragraph 103 constitute statements of law and legal conclusions that
27 require no response; to the extent a response may be required, Defendants deny the
28 remaining allegations in Paragraph 103 of the Complaint.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND AFFIRMATIVE DEFENSE

Defendant has not knowingly or intentionally waived any applicable defense or affirmative defense. Defendant 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. Defendant further reserves the right to amend the Answer to delete defenses and/or affirmative defenses that he determines are not applicable after subsequent discovery.

DEFENDANT’S PRAYER FOR RELIEF

WHEREFORE, Defendant prays that:

1. Plaintiffs take nothing by their Complaint and garner no relief in this case;
2. Judgment on the Complaint and Defendant’s Counterclaim be entered in favor of Defendant;
3. The Court award Defendants reasonable costs that Defendants expend in defending this case; and
4. The Court grant such other and further relief that the Court deems just and proper.

Dated: January 10, 2020

Respectfully Submitted,
XAVIER BECERRA
Attorney General of California
MARK R. BECKINGTON
Supervising Deputy Attorney General

/s/ Amie L. Medley

AMIE L. MEDLEY
Deputy Attorney General
*Attorneys for Defendants Xavier
Becerra, Ricardo Lara, Shelly
Rouillard, and Sonia Angell, in their
official capacities*

CERTIFICATE OF SERVICE

Case **Jane Doe, et al v. Xavier**
Name: **Becerra, et al.**

Case **8:19-cv-2105-DOC-**
No. **(ADSx)**

I hereby certify that on January 10, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

ANSWER OF DEFENDANTS XAVIER BECERRA, RICARDO LARA, SHELLY ROUILLARD, AND SONIA ANGELL, IN THEIR OFFICIAL CAPACITIES, TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 10, 2020 at Los Angeles, California.

Beth L. Gratz

Declarant

/s/ Beth L. Gratz

Signature