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 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.



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**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