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23 **UNITED STATES DISTRICT COURT**
24 **CENTRAL DISTRICT OF CALIFORNIA**

25 DO NO HARM; et al.,

26 *Plaintiffs,*

27 and

28 UNITED STATES OF
AMERICA,

Plaintiff-

Intervenor,

v.

Case No. 2:25-cv-04131-JWH-JDE

**DEFENDANT’S ANSWER TO
UNITED STATES OF
AMERICA’S COMPLAINT IN
INTERVENTION FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND
AFFIRMATIVE DEFENSES**

1 REGENTS OF THE UNIVERSITY
2 OF CALIFORNIA, et al.,

3 *Defendants.*
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1 Pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, Defendant
2 The Regents of the University of California (“The Regents” or “Defendant”), by
3 and through its undersigned counsel, hereby answers and asserts affirmative
4 defenses as follows to Plaintiff-Intervenor the United States of America’s
5 (“Plaintiff-Intervenor”) Complaint-in-Intervention.

6 Except as hereinafter expressly admitted, Defendant denies each and every
7 allegation, statement, and matter contained in the Complaint-in-Intervention and,
8 in particular, denies that it has engaged in racial discrimination in violation of the
9 Equal Protection Clause of the Fourteenth Amendment. To the extent the
10 paragraphs in the Complaint-in-Intervention are grouped under headings and sub-
11 headings, Defendant responds generally that such headings and sub-headings
12 (which are not repeated below) state unsupported legal conclusions as to which no
13 response is required. To the extent a response is necessary, Defendant denies each
14 heading and sub-heading in the Complaint-in-Intervention and incorporates by
15 reference this response in each paragraph below as if fully set forth therein. To the
16 extent Defendant responds that a document or source speaks for itself, or refers the
17 Court to a document or source for a complete and accurate description of its
18 contents, such assertion shall not be deemed to be an admission that the contents of
19 any such document or source or truthful, accurate, or complete. Any allegations
20 contained in the Complaint-in-Intervention that state a legal conclusion do not
21 require a response and, to the extent that any response is required, such allegations
22 are denied. Defendant generally denies any averments in the Complaint-in-
23 Intervention’s unnumbered paragraphs, captions, footnotes, and prayer for relief.

24 Defendant reserves the right to amend this answer and to assert other
25 defenses as this action proceeds.

26 Pursuant to the foregoing, Defendant responds to the numbered paragraphs
27 in the Complaint-in-Intervention as follows:

1 8. Paragraph 8 states conclusions of law and Plaintiff-Intervenor’s
2 characterization of its claims, to which no response is necessary. To the extent a
3 response is required, Defendant admits that the David Geffen School of Medicine
4 (“DGSOM”) resides in the Central District of California, it resides in the State of
5 California, and the claims against all other defendants have been dismissed (*see* Dkt.
6 No. 88; Dkt. No. 91). Defendant otherwise denies the remaining allegations of
7 paragraph 8.

8 9. Admitted.

9 10. Defendant lacks knowledge or information sufficient to form a belief
10 as to the truth or falsity of the allegations of paragraph 10, and on that basis denies
11 them.

12 11. Defendant lacks knowledge or information sufficient to form a belief
13 as to the truth or falsity of the allegations of paragraph 11, and on that basis denies
14 them.

15 12. Defendant admits that Plaintiff Kelly Mahoney applied and was denied
16 admission to DGSOM. Defendant lacks knowledge or information sufficient to form
17 a belief as to the truth or falsity of the remaining allegations of paragraph 12, and on
18 that basis denies them.

19 13. To the extent paragraph 13 purports to characterize, quote from, or
20 summarize written documents, those documents speak for themselves. To the extent
21 a response is required, Defendant admits that the Board of Regents is the governing
22 board of the University of California. Defendant otherwise denies the remaining
23 allegations of paragraph 13.

24 14. Paragraph 14 states conclusions of law and Plaintiff-Intervenor’s
25 characterization of its claims, to which no response is necessary. Moreover, the
26 claims against Chancellor Frenk have been dismissed. *See* Dkt. No. 88; Dkt. No.
27 91. To the extent a response is required, Defendant admits that Chancellor Frenk is,
28

1 at the time of this filing, the current Chancellor of UCLA. To the extent paragraph
2 14 purports to characterize, quote from, or summarize written documents, those
3 documents speak for themselves. Defendant otherwise denies the remaining
4 allegations of paragraph 14.

5 15. Paragraph 15 states conclusions of law and Plaintiff-Intervenor’s
6 characterization of its claims, to which no response is necessary. Moreover, the
7 claims against Chancellor Block have been dismissed. *See* Dkt. No. 88; Dkt. No.
8 91. To the extent a response is required, Defendant admits that Chancellor Block
9 was the Chancellor of UCLA from August 2007 to July 2024. To the extent
10 paragraph 15 purports to characterize, quote from, or summarize written documents,
11 those documents speak for themselves. Defendant otherwise denies the remaining
12 allegations of paragraph 15.

13 16. Paragraph 16 states conclusions of law and Plaintiff-Intervenor’s
14 characterization of its claims, to which no response is necessary. Moreover, the
15 claims against Associate Dean Lucero have been dismissed. *See* Dkt. No. 88; Dkt.
16 No. 91. To the extent a response is required, Defendant admits that Associate Dean
17 Lucero has been the Associate Dean of Admissions at DGSOM since 2020 and sits
18 on the Admissions Policy and Oversight Committee as an ex officio member. To
19 the extent paragraph 16 purports to characterize, quote from, or summarize written
20 documents, those documents speak for themselves. Defendant otherwise denies the
21 remaining allegations of paragraph 16.

22 17. The claims against Associate Dean Lucero, Chancellor Frenk, and
23 Chancellor Block have been dismissed. *See* Dkt. No. 88; Dkt. No. 91. Defendant
24 admits that it resides in the State of California, and that DGSOM resides in the
25 Central District of California. Defendant otherwise denies the remaining allegations
26 of paragraph 17.

1 18. Defendant admits that DGSOM typically receives between 11,000 and
2 14,000 applicants and matriculates approximately 175 medical students each year.
3 Defendant further admits that DGSOM is highly selective. Defendant otherwise
4 denies the remaining allegations of paragraph 18.

5 19. To the extent paragraph 19 purports to characterize, quote from, or
6 summarize written documents or videos, those documents speak for themselves.
7 Defendant denies the remaining allegations of paragraph 19.

8 20. Admitted.

9 21. Defendant admits that DGSOM's admissions committee makes
10 admissions decisions. Defendant further admits that DGSOM does not make public
11 who sits on the admissions committee, and that approximately five DGSOM students
12 sit on the committee. Defendant otherwise denies the remaining allegations of
13 paragraph 21.

14 22. Defendant admits that DGSOM's application-review process includes
15 a primary application, secondary application, interview, committee deliberation, and
16 a decision, but denies any implication that paragraph 22 provides a comprehensive
17 description of the application review process. Defendant otherwise denies the
18 remaining allegations of paragraph 22.

19 23. Admitted.

20 24. Admitted.

21 25. To the extent paragraph 25 purports to characterize, quote from, or
22 summarize written documents, those documents speak for themselves. Defendant
23 denies the remaining allegations of paragraph 25.

24 26. Defendant admits the allegations in the first sentence of paragraph 26.
25 Defendant otherwise denies the remaining allegations of paragraph 26.

26 27. Defendant denies the allegations in the first sentence of paragraph 27.
27 To the extent paragraph 27 purports to characterize, quote from, or summarize

1 written documents, those documents speak for themselves. Defendant lacks
2 knowledge or information sufficient to form a belief about the truth or falsity
3 regarding the remaining allegations in paragraph 27, and on that basis denies them.

4 28. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth or falsity regarding the allegations in the first sentence of paragraph
6 28, and on that basis denies them. Defendant denies the remaining allegations of
7 paragraph 28.

8 29. Admitted.

9 30. To the extent paragraph 30 purports to characterize, quote from, or
10 summarize written documents, those documents speak for themselves. Defendant
11 denies the remaining allegations of paragraph 30.

12 31. Admitted.

13 32. Defendant admits that admissions committee members consider
14 applications during admissions committee meetings, but denies any implication that
15 paragraph 32 provides a comprehensive description of the application review
16 process, and otherwise denies the remaining allegations of paragraph 32.

17 33. Defendant admits that the admissions committee ultimately decides to
18 which applicants to offer admission, but denies any implication that paragraph 33
19 provides a comprehensive description of the application review process, and
20 otherwise denies the remaining allegations of paragraph 33.

21 34. Defendant admits that DGSOM application screeners, interviewers,
22 and members of the Admissions Committee review applications holistically. To the
23 extent paragraph 34 purports to characterize, quote from, or summarize written
24 documents, those documents speak for themselves. Defendant lacks knowledge or
25 information sufficient to form a belief about the truth or falsity of the remaining
26 allegations of paragraph 34, and on that basis denies them.

27 35. Denied.

1 36. Denied.

2 37. To the extent paragraph 37 purports to characterize, quote from, or
3 summarize written documents, those documents speak for themselves. Defendant
4 denies the remaining allegations of paragraph 37.

5 38. To the extent paragraph 38 purports to characterize, quote from, or
6 summarize written documents, those documents speak for themselves. Defendant
7 lacks knowledge or information sufficient to form a belief about the truth or falsity
8 of the remaining allegations of paragraph 38, and on that basis denies them.

9 39. To the extent paragraph 39 purports to characterize, quote from, or
10 summarize written documents, those documents speak for themselves. Defendant
11 denies the remaining allegations of paragraph 39.

12 40. To the extent paragraph 40 purports to characterize, quote from, or
13 summarize written documents, those documents speak for themselves. Defendant
14 denies the remaining allegations of paragraph 40.

15 41. To the extent paragraph 41 purports to characterize, quote from, or
16 summarize written documents, those documents speak for themselves. Defendant
17 denies the remaining allegations of paragraph 41.

18 42. To the extent paragraph 42 purports to characterize, quote from, or
19 summarize written documents, those documents speak for themselves. Defendant
20 denies the remaining allegations of paragraph 42.

21 43. To the extent paragraph 43 purports to characterize, quote from, or
22 summarize written documents, those documents speak for themselves. Defendant
23 denies the remaining allegations of paragraph 43.

24 44. To the extent paragraph 44 purports to characterize, quote from, or
25 summarize written documents, those documents speak for themselves. Defendant
26 denies the remaining allegations of paragraph 44.

1 45. To the extent paragraph 45 and its subparts purport to characterize,
2 quote from, or summarize written documents, those documents speak for
3 themselves. Defendant denies the remaining allegations of paragraph 45 and its
4 subparts.

5 46. To the extent paragraph 46 purports to characterize, quote from, or
6 summarize written documents, those documents speak for themselves. Defendant
7 denies the remaining allegations of paragraph 46.

8 47. Defendant admits that Associate Dean Lucero is the Associate Dean for
9 Admissions and the Vice Chair for Inclusive Excellence in Anesthesiology at
10 DGSOM. Defendant denies the remaining allegations of paragraph 47.

11 48. To the extent paragraph 48 purports to characterize, quote from, or
12 summarize written documents, those documents speak for themselves. Defendant
13 denies the remaining allegations of paragraph 48.

14 49. To the extent paragraph 49 purports to characterize, quote from, or
15 summarize written documents, those documents speak for themselves. Defendant
16 denies the remaining allegations of paragraph 49.

17 50. To the extent paragraph 50 purports to characterize, quote from, or
18 summarize written documents, those documents speak for themselves. Defendant
19 denies the remaining allegations of paragraph 50.

20 51. Denied.

21 52. Denied.

22 53. Denied.

23 54. Denied.

24 55. Defendant lacks knowledge or information sufficient to form a belief
25 as to the truth or falsity of the allegations of paragraph 55, and on that basis denies
26 them.

27 56. Denied.

1 57. Denied.

2 58. Denied.

3 59. Defendant lacks knowledge or information sufficient to form a belief
4 as to the truth or falsity of the allegations of paragraph 59, and on that basis denies
5 them.

6 60. Defendant lacks knowledge or information sufficient to form a belief
7 as to the truth or falsity of the allegations of paragraph 60, and on that basis denies
8 them.

9 61. Defendant lacks knowledge or information sufficient to form a belief
10 as to the truth or falsity of the allegations of paragraph 61, and on that basis denies
11 them.

12 62. Defendant lacks knowledge or information sufficient to form a belief
13 as to the truth or falsity of the allegations of paragraph 62, and on that basis denies
14 them.

15 63. Defendant denies the allegations of illegal use of race in admissions.
16 Defendant otherwise lacks knowledge or information sufficient to form a belief
17 about the truth or falsity of the remaining allegations of paragraph 63, and on that
18 basis denies them.

19 64. Denied.

20 65. Defendant lacks knowledge or information sufficient to form a belief
21 as to the truth or falsity of the allegations of the first sentence of paragraph 65, and
22 on that basis denies them. Defendant denies the remaining allegations of paragraph
23 65.

24 66. Paragraph 66 states conclusions of law and Plaintiff-Intervenor's
25 characterization of its claims, to which no response is necessary. To the extent that
26 a response is required, Defendant denies the allegations of paragraph 66.

1 4. That this Court award Defendant such other and further relief as it may
2 deem just and proper.

3
4 **AFFIRMATIVE DEFENSES**

5 **First Affirmative Defense**

6 Plaintiff-Intervenor lacks standing.

7 **Second Affirmative Defense**

8 Plaintiff-Intervenor fails to state a claim upon which relief can be granted.

9 **Third Affirmative Defense**

10 Plaintiff-Intervenor fails to allege irreparable harm or any other basis upon
11 which injunctive relief would be available.

12 **Fourth Affirmative Defense**

13 Plaintiff-Intervenor seeks remedies beyond the allowable scope of recovery.

14
15 **Reservation of Rights**

16 Defendant has not knowingly or intentionally waived any applicable
17 affirmative or other defenses and reserves the right to assert and rely on such other
18 affirmative defenses as may later become available or apparent. Defendant further
19 reserves the right to amend its answer and/or defenses accordingly and/or to
20 withdraw defenses that it determines are not applicable during the course of
21 subsequent discovery.

22
23
24 DATED: March 20, 2026

Respectfully submitted,

25 /s/ Felicia H. Ellsworth
26 FELICIA H. ELLSWORTH
27 (admitted *pro hac vice*)

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