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11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA
 13 SACRAMENTO DIVISION

15 **THE UNITED STATES OF AMERICA,**

17 Plaintiff,

18 v.

19 **THE STATE OF CALIFORNIA; EDMUND
 20 GERALD BROWN JR., Governor of
 California, in his official capacity; and
 21 XAVIER BECERRA, Attorney General of
 California, in his official capacity,**

22 Defendants.

Case No. 2:18-cv-00490-JAM-KJN

**DEFENDANTS' ANSWER TO
 PLAINTIFF UNITED STATES'
 COMPLAINT**

Judge: Honorable John A. Mendez
 Trial Date: None set
 Action Filed: March 6, 2018

1 Defendants State of California, Edmund G. Brown Jr., Governor of California, in his
2 official capacity, and Xavier Becerra, Attorney General of California, in his official capacity
3 (“California” or “Defendants”), answer and otherwise respond to the Complaint filed by Plaintiff
4 United States of America (“Plaintiff” or “United States”) on March 6, 2018 as follows.
5 California’s responses are made without waiving, and expressly reserving, all rights that
6 California has to file dispositive motions addressed to the Plaintiff’s remaining claims asserted in
7 the Complaint. California also does not respond to, and is not obligated to respond to, allegations
8 pertaining to claims that have been dismissed without leave to amend pursuant to the Court’s July
9 9, 2018 Order, ECF No. 197, namely the portion of Plaintiff’s first cause of action against
10 California Labor Code section 90.2 and Plaintiff’s second and third causes of action in their
11 entirety, as those claims are no longer part of this lawsuit. Except as expressly admitted herein,
12 all allegations in the Complaint are denied.

13 **RESPONSES TO ALLEGATIONS**

14 The allegations contained in the first unnumbered paragraph of the Complaint are
15 introductory and conclusory in nature, and therefore no response is required. To the extent a
16 response is required, California admits that Plaintiff purports to assert certain claims in its
17 Complaint and seeks certain remedies in connection with those claims, and denies that Plaintiff is
18 entitled to any relief. To the extent any of the allegations in this paragraph pertain to Plaintiff’s
19 claim against California Labor Code section 90.2 or Plaintiff’s second and third causes of action,
20 California responds that those claims are no longer part of this lawsuit (*see* ECF No. 197), and
21 accordingly, no response is required as to allegations directed at those causes of action.

22 **PRELIMINARY STATEMENT**

23 1. The allegations contained in the first sentence of Paragraph 1 describe the relief
24 Plaintiff seeks and are conclusory in nature, and therefore no response is required. To the extent a
25 response is required, California admits that Plaintiff purports to assert certain claims in its
26 Complaint and seeks certain remedies in connection with those claims, denies the remaining
27 allegations contained in the first sentence of Paragraph 1, and denies that Plaintiff is entitled to
28 any relief. The allegations contained in the second sentence of Paragraph 1 state legal

1 conclusions, and therefore no response is required. To the extent a response is required,
2 California denies the allegations contained in the second sentence of Paragraph 1. Further
3 responding, to the extent any of the allegations in Paragraph 1 pertain to Plaintiff's claim against
4 California Labor Code section 90.2 or Plaintiff's second and third causes of actions, California
5 responds that those claims are no longer part of this lawsuit (*see* ECF No. 197), and accordingly,
6 no response is required as to allegations directed at those causes of action.

7 2. The allegations contained in Paragraph 2 state legal conclusions, and therefore no
8 response is required. To the extent a response is required, California answers that the United
9 States Constitution and the "numerous acts of Congress" described in the second sentence of
10 Paragraph 2 speak for themselves, denies anything beyond the face of the United States
11 Constitution or acts of Congress described in Paragraph 2, and further denies that California's
12 laws obstruct, conflict with, or discriminate against, federal immigration enforcement efforts.
13 Further responding, to the extent any of the allegations in Paragraph 2 pertain to Plaintiff's claim
14 against California Labor Code section 90.2 or Plaintiff's second and third causes of actions,
15 California responds that those claims are no longer part of this lawsuit (*see* ECF No. 197), and
16 accordingly, no response is required as to allegations directed at those causes of action.

17 3. The allegations contained in Paragraph 3 state legal conclusions, and therefore no
18 response is required. To the extent a response is required, California admits that Plaintiff purports
19 to assert certain claims in its Complaint, and denies the remaining allegations in Paragraph
20 3. Further responding, to the extent any of the allegations in Paragraph 3 pertain to Plaintiff's
21 claim against California Labor Code section 90.2 or Plaintiff's second and third causes of actions,
22 California responds that those claims are no longer part of this lawsuit (*see* ECF No. 197), and
23 accordingly, no response is required as to allegations directed at those causes of action.

24 4. In response to the allegations contained in Paragraph 4, California states that the
25 statute, Assembly Bill (AB) 450, speaks for itself. Further answering, California admits that AB
26 450 regulates private employers' discretion to voluntarily consent to requests from immigration
27 enforcement agents to enter the nonpublic areas of places of labor and to access an employer's
28 employee records, and denies the remaining allegations in Paragraph 4. To the extent any of the

1 allegations in Paragraph 4 pertain to Plaintiff's claim against California Labor Code section 90.2,
2 California responds that this claim is no longer part of this lawsuit (*see* ECF No. 197), and
3 accordingly, no response is required as to allegations directed at this cause of action.

4 5. Paragraph 5 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
5 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
6 paragraph.

7 6. Paragraph 6 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
8 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
9 paragraph.

10 7. The allegations contained in Paragraph 7 state legal conclusions, and therefore no
11 response is required. To the extent a response is required, California answers that the state laws
12 at issue, the Supremacy Clause, and the United States Constitution described in Paragraph 7
13 speak for themselves. California denies anything beyond the face of the state laws at issue, the
14 Supremacy Clause, and the United States Constitution, and further denies that California's laws
15 obstruct the United States' ability to enforce laws that Congress has enacted or to perform its
16 duties under the Constitution. Further responding, to the extent any of the allegations in
17 Paragraph 7 pertain to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's
18 second and third causes of actions, California responds that those claims are no longer part of this
19 lawsuit (*see* ECF No. 197), and accordingly, no response is required as to allegations directed at
20 those causes of action.

21 **JURISDICTION AND VENUE**

22 8. California states that the allegations contained in Paragraph 8 state conclusions of law
23 to which no response is required. To the extent a response is required, California admits only that
24 the Court has jurisdiction over the portions of the first cause of action that have not been
25 dismissed from the Complaint, and to the extent any of the allegations in Paragraph 8 pertain
26 to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and third
27 causes of actions, California responds that those claims are no longer part of this lawsuit (*see* ECF
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1 No. 197), and accordingly, no response is required as to allegations directed at those causes of
2 action.

3 9. California states that the allegations contained in Paragraph 9 state conclusions of law
4 to which no response is required. To the extent a response is required, California admits only that
5 it has offices within the Eastern District of California, and denies the remaining allegations in
6 Paragraph 9. Further responding, to the extent any of the allegations in Paragraph 9 pertain
7 to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and third
8 causes of actions, California responds that those claims are no longer part of this lawsuit (*see* ECF
9 No. 197), and accordingly, no response is required as to allegations directed at those causes of
10 action.

11 10. California states that the allegations contained in Paragraph 10 state conclusions of
12 law to which no response is required. To the extent a response is required, California denies the
13 allegations in Paragraph 10. Further responding, to the extent any of the allegations in Paragraph
14 10 pertain to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and
15 third causes of actions, California responds that those claims are no longer part of this lawsuit
16 (*see* ECF No. 197), and accordingly, no response is required as to allegations directed at those
17 causes of action.

18 **PARTIES**

19 11. California states that the allegations contained in Paragraph 11 state conclusions of
20 law to which no response is required. To the extent a response is required, California admits
21 only, on information and belief, that the United States enforces the immigration laws through its
22 Executive agencies including the Department of Homeland Security and its component agencies,
23 and otherwise denies the allegations in Paragraph 11. Further responding, to the extent any of the
24 allegations in Paragraph 11 pertain to Plaintiff's claim against California Labor Code section 90.2
25 or Plaintiff's second and third causes of actions, California responds that those claims are no
26 longer part of this lawsuit (*see* ECF No. 197), and accordingly, no response is required as to
27 allegations directed at those causes of action.

28 12. California admits the allegations contained in Paragraph 12.

1 17. The allegations contained in Paragraph 17 state legal conclusions, and therefore no
2 response is required. To the extent a response is required, California states that the cases cited in
3 Paragraph 17 speak for themselves, and denies anything beyond the text of the cases described in
4 Paragraph 17. Further responding, to the extent any of the allegations in Paragraph 17 pertain
5 to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and third
6 causes of actions, California responds that those claims are no longer part of this lawsuit (*see* ECF
7 No. 197), and accordingly, no response is required as to allegations directed at those causes of
8 action.

9 18. The allegations contained in Paragraph 18 state legal conclusions, and therefore no
10 response is required. To the extent a response is required, California admits that Congress has
11 enacted various provisions of the Immigration and Nationality Act (INA) and the Immigration
12 Reform and Control Act of 1986 (IRCA), states that the INA and IRCA speak for themselves, and
13 denies anything beyond the face of the INA and IRCA. Further responding, to the extent any of
14 the allegations in Paragraph 18 pertain to Plaintiff's claim against California Labor Code section
15 90.2 or Plaintiff's second and third causes of actions, California responds that those claims are no
16 longer part of this lawsuit (*see* ECF No. 197), and accordingly, no response is required as to
17 allegations directed at those causes of action.

18 19. The allegations contained in Paragraph 19 state legal conclusions, and therefore no
19 response is required. To the extent a response is required, California states that the laws
20 described in Paragraph 19 speak for themselves and denies anything beyond the face of the laws
21 described in Paragraph 19. Further responding, to the extent any of the allegations in Paragraph
22 19 pertain to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and
23 third causes of actions, California responds that those claims are no longer part of this lawsuit
24 (*see* ECF No. 197), and accordingly, no response is required as to allegations directed at those
25 causes of action.

26 20. The allegations contained in Paragraph 20 state legal conclusions, and therefore no
27 response is required. To the extent a response is required, California states that the laws
28 described in Paragraph 20 speak for themselves and denies anything beyond the face of the laws

1 described in Paragraph 20. Further responding, to the extent any of the allegations in Paragraph
2 20 pertain to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and
3 third causes of actions, California responds that those claims are no longer part of this lawsuit
4 (*see* ECF No. 197), and accordingly, no response is required as to allegations directed at those
5 causes of action.

6 21. The allegations contained in Paragraph 21 state legal conclusions, and therefore no
7 response is required. To the extent a response is required, California states that the case quoted in
8 the first sentence of Paragraph 21 and the laws described in the remainder of Paragraph 21 speak
9 for themselves and denies anything beyond the text of the case and the face of the laws described
10 in Paragraph 21. Further responding, to the extent any of the allegations in Paragraph 21 pertain
11 to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and third
12 causes of actions, California responds that those claims are no longer part of this lawsuit (*see* ECF
13 No. 197), and accordingly, no response is required as to allegations directed at those causes of
14 action.

15 22. The allegations contained in Paragraph 22 state legal conclusions, and therefore no
16 response is required. To the extent a response is required, California states that the laws
17 described in Paragraph 22 speak for themselves and denies anything beyond the face of the laws
18 described in Paragraph 22. Further responding, to the extent any of the allegations in Paragraph
19 22 pertain to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and
20 third causes of actions, California responds that those claims are no longer part of this lawsuit
21 (*see* ECF No. 197), and accordingly, no response is required as to allegations directed at those
22 causes of action.

23 23. The allegations contained in Paragraph 23 state legal conclusions, and therefore no
24 response is required. To the extent a response is required, California states that the regulation
25 described in Paragraph 23 speaks for itself and denies anything beyond the face of the regulation
26 described in Paragraph 23. Further responding, to the extent any of the allegations in Paragraph
27 23 pertain to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and
28 third causes of actions, California responds that those claims are no longer part of this lawsuit

1 (see ECF No. 197), and accordingly, no response is required as to allegations directed at those
2 causes of action.

3 24. The allegations contained in Paragraph 24 state legal conclusions, and therefore no
4 response is required. To the extent a response is required, California states that the case quoted in
5 the first sentence of Paragraph 24 and the laws described in the remainder of Paragraph 24 speak
6 for themselves and denies anything beyond the text of the case and the face of the laws described
7 in Paragraph 24. Further responding, to the extent any of the allegations in Paragraph 24 pertain
8 to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and third
9 causes of actions, California responds that those claims are no longer part of this lawsuit (see ECF
10 No. 197), and accordingly, no response is required as to allegations directed at those causes of
11 action.

12 25. The allegations contained in Paragraph 25 state legal conclusions, and therefore no
13 response is required. To the extent a response is required, California states that the laws
14 described in Paragraph 25 speak for themselves and denies anything beyond the face of the laws
15 described in Paragraph 25. Further responding, to the extent any of the allegations in Paragraph
16 25 pertain to Plaintiff's claim against California Labor Code section 90.2 or Plaintiff's second and
17 third causes of actions, California responds that those claims are no longer part of this lawsuit
18 (see ECF No. 197), and accordingly, no response is required as to allegations directed at those
19 causes of action.

20 26. In response to Paragraph 26, California admits, on information and belief, only that
21 Customs Border Protection enforces the immigration laws at ports of entry and near the border in
22 California, and otherwise lacks knowledge and information sufficient to admit or deny the truth of
23 the remaining allegations in Paragraph 26, and so denies them. Further responding, to the extent
24 any of the allegations in Paragraph 26 pertain to Plaintiff's claim against California Labor Code
25 section 90.2 or Plaintiff's second and third causes of actions, California responds that those
26 claims are no longer part of this lawsuit (see ECF No. 197), and accordingly, no response is
27 required as to allegations directed at those causes of action.

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1 **CALIFORNIA PROVISIONS**

2 **Restrictions on Cooperation with Workplace Immigration Enforcement (AB 450)**

3 27. In response to the allegations contained in the first sentence of Paragraph 27,
4 California admits that on October 5, 2017, Governor Brown signed into law AB 450, which
5 became effective on January 1, 2018. In response to the allegations contained in the second
6 sentence of Paragraph 27, California answers that they state legal conclusions, and therefore
7 no response is required, and AB 450 speaks for itself. To the extent a response is required,
8 California admits that AB 450 regulates some private employers' interactions with immigration
9 enforcement agents. Except as specifically admitted herein, California denies all allegations
10 contained in Paragraph 27. Further responding, to the extent any of the allegations in Paragraph
11 27 pertain to Plaintiff's claim against California Labor Code section 90.2, California responds
12 that this claim is no longer part of this lawsuit (*see* ECF No. 197), and accordingly, no response is
13 required as to allegations directed at this cause of action.

14 28. In response to the allegations in Paragraph 28, California answers that they state legal
15 conclusions, and therefore no response is required. To the extent a response is required,
16 California admits that AB 450 added Section 7285.1(a) of the California Government Code,
17 which speaks for itself. Further responding, California admits that Section 7285.1(a)
18 permits private employers to allow immigration enforcement agents access to nonpublic areas of
19 places of labor when agents provide a judicial warrant or when employers are required to allow
20 access under federal law. Except as specifically admitted herein, California denies all allegations
21 contained in Paragraph 28.

22 29. The allegations contained in Paragraph 29 state legal conclusions, and therefore no
23 response is required. To the extent a response is required, California states that Section
24 7285.2(a)(1) of the California Government Code speaks for itself and denies anything beyond the
25 face of Section 7285.2(a)(1).

26 30. In response to the allegations contained in the first sentence of Paragraph 30,
27 California answers that they state legal conclusions, and therefore no response is required. To the
28 extent a response is required, California states that Section 7285.2(a)(2) of the California

1 Government Code speaks for itself. Further responding, California admits that Section
2 7285.2(a)(2) allows private employers to provide immigration enforcement agents access to and
3 the ability to review and obtain an employer's employee records as part of an I-9 Employment
4 Eligibility Verification or as otherwise identified in a Notice of Inspection. Except as specifically
5 admitted herein, California denies all allegations contained in the first sentence of Paragraph
6 30. In response to the remaining allegations of Paragraph 30, California states that they pertain to
7 Plaintiff's claim against California Labor Code section 90.2, which is no longer part of this
8 lawsuit (*see* ECF No. 197), and accordingly, no response is required as to allegations directed at
9 this cause of action.

10 31. The allegations contained in Paragraph 31 state legal conclusions, and therefore no
11 response is required. To the extent a response is required, California states that California
12 Government Code Sections 7285.1(b) and 7285.2(b) speak for themselves and denies anything
13 beyond the face of Sections 7285.1(b) and 7285.2(b). Further responding, to the extent any of the
14 allegations in Paragraph 31 pertain to Plaintiff's claim against California Labor Code section
15 90.2, California responds that this claim is no longer part of this lawsuit (*see* ECF No. 197), and
16 accordingly, no response is required as to allegations directed at this cause of action.

17 32. In response to the allegations in Paragraph 32, California answers that they state legal
18 conclusions, and therefore no response is required. To the extent a response is required,
19 California admits that AB 450 added Section 1019.2(a) of the California Labor Code, which
20 speaks for itself. Further responding, California admits that Section 1019.2(a) permits private
21 employers to re-verify the employment eligibility of a current employee where required to do so
22 under Section 1324a(b) of Title 8 of the United States Code. Except as specifically admitted
23 herein, California denies all allegations contained in Paragraph 32.

24 33. In response to the allegations in Paragraph 33, California answers that they state legal
25 conclusions, and therefore no response is required. To the extent a response is required,
26 California denies the allegations contained in Paragraph 33. Further responding, to the extent any
27 of the allegations in Paragraph 33 pertain to Plaintiff's claim against California Labor Code
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1 section 90.2, California responds that this claim is no longer part of this lawsuit (*see* ECF No.
2 197), and accordingly, no response is required as to allegations directed at this cause of action.

3 34. California states that it lacks knowledge and information sufficient to admit or deny
4 the allegations in Paragraph 34, and so denies them. To the extent any of the allegations in
5 Paragraph 34 pertain to Plaintiff's claim against California Labor Code section 90.2, California
6 responds that this claim is no longer part of this lawsuit (*see* ECF No. 197), and accordingly, no
7 response is required as to allegations directed at this cause of action.

8 35. The allegations contained in Paragraph 35 state legal conclusions, and therefore no
9 response is required. To the extent a response is required, California denies the allegations
10 contained in Paragraph 35, and denies that California's laws protect unauthorized workers or
11 shield employers who have violated federal immigration laws. Further responding, to the extent
12 any of the allegations in Paragraph 35 pertain to Plaintiff's claim against California Labor Code
13 section 90.2, California responds that this claim is no longer part of this lawsuit (*see* ECF No.
14 197), and accordingly, no response is required as to allegations directed at this cause of action.

15 **Inspection and Review of Immigration Detention Facilities (AB 103)**

16 36. Paragraph 36 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
17 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
18 paragraph.

19 37. Paragraph 37 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
20 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
21 paragraph.

22 38. Paragraph 38 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
23 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
24 paragraph.

25 39. Paragraph 39 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
26 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
27 paragraph.

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1 40. Paragraph 40 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
2 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
3 paragraph.

4 41. Paragraph 41 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
5 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
6 paragraph.

7 42. Paragraph 42 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
8 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
9 paragraph.

10 43. Paragraph 43 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
11 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
12 paragraph.

13 44. Paragraph 44 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
14 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
15 paragraph.

16 45. Paragraph 45 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
17 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
18 paragraph.

19 46. Paragraph 46 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
20 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
21 paragraph.

22 47. Paragraph 47 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
23 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
24 paragraph.

25 48. Paragraph 48 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
26 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
27 paragraph.

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1 49. Paragraph 49 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
2 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
3 paragraph.

4 **Restrictions on State and Local Cooperation with Federal Officials (SB 54)**

5 50. Paragraph 50 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
6 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
7 paragraph.

8 51. Paragraph 51 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
9 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
10 paragraph.

11 52. Paragraph 52 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
12 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
13 paragraph.

14 53. Paragraph 53 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
15 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
16 paragraph.

17 54. Paragraph 54 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
18 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
19 paragraph.

20 55. Paragraph 55 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
21 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
22 paragraph.

23 56. Paragraph 56 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
24 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
25 paragraph.

26 57. Paragraph 57 concerns a claim that is no longer a cause of action in this lawsuit. (*See*
27 ECF No. 197.) Accordingly, no response is required to the allegations contained in this
28 paragraph.

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PRAYER FOR RELIEF

California denies that Plaintiff is entitled to any relief, including but not limited to, the relief sought in subparts 1-8 of the “Prayer for Relief.” Further responding, to the extent any of the prayers for relief pertain to Plaintiff’s claim against California Labor Code section 90.2 or Plaintiff’s second and third causes of actions, California responds that those claims are no longer part of this lawsuit (*see* ECF No. 197), and accordingly, no response is required as to allegations directed at those causes of action.

AFFIRMATIVE DEFENSES

California asserts the following affirmative defenses with respect to the claims that have not been dismissed, without admitting that it bears the burden of proof or the burden of persuasion on any of them:

FIRST DEFENSE

California relies on and reasserts all defenses contained in its prior pleadings in this action, including the motion to dismiss it previously filed.

SECOND DEFENSE

Plaintiff’s First Claim for Relief fails to state a claim upon which relief can be granted.

THIRD DEFENSE

California reserves its right to assert any additional or different defenses and affirmative defenses in response to the Complaint based on information and knowledge obtained during future discovery or investigation.

1 Dated: July 23, 2018

Respectfully Submitted,

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