

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STATE OF ALABAMA, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 2:18-cv-00772-RDP
)	
UNITED STATES DEPARTMENT OF)	
COMMERCE, <i>et al.</i> ,)	
)	
<i>Defendants,</i>)	
)	
and)	
)	
DIANA MARTINEZ, <i>et al.</i> ; COUNTY OF)	
SANTA CLARA, CALIFORNIA, <i>et al.</i> ; and)	
STATE OF NEW YORK, <i>et al.</i> ,)	
)	
<i>Intervenor-Defendants.</i>)	
)	

DEFENDANTS’ ANSWER TO MARTINEZ INTERVENORS’ CROSS-CLAIM

Defendants respond to the allegations in the Martinez Intervenors’ Cross-Claim (ECF No. 119) in the correspondingly numbered paragraphs below.

INTRODUCTION

1. Admitted.
2. This paragraph characterizes the Amended Complaint in this action, to which no response is required. Defendants refer to the Amended Complaint for its complete and accurate contents.

3. This paragraph characterizes the U.S. Constitution, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions to which no response is required.

4. The first sentence of this paragraph characterizes the U.S. Constitution, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions to which no response is required. The second sentence characterizes federal law, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions to which no response is required.

5. This paragraph characterizes the U.S. Constitution, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions to which no response is required.

6. This paragraph characterizes federal law, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions to which no response is required.

7. Denied.

8. Defendants deny the allegations contained in the first sentence. The second sentence sets forth legal conclusions to which no response is required, but to the extent a response is required, denied.

9. This paragraph sets forth legal conclusions to which no response is required, but to the extent a response is required, denied.

JURISDICTION AND VENUE

10. This paragraph sets forth legal conclusions, to which no response is required.

11. This paragraph sets forth legal conclusions, to which no response is required.

PARTIES

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of this paragraph. Defendants deny the allegations contained in the third sentence, except to admit that American Community Survey (ACS) data reflected the demographic information set forth in this sentence as of 2017.

13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of this paragraph. Defendants deny the allegations contained in the third sentence, except to admit that ACS data reflected the demographic information set forth in this sentence as of 2017.

14. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of this paragraph. Defendants deny the allegations contained in the third sentence, except to admit that ACS data reflected the demographic information set forth in this sentence as of 2017.

15. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of this paragraph. Defendants deny the allegations contained in the third sentence, except to admit that ACS data reflected the demographic information set forth in this sentence as of 2017.

16. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of this paragraph. Defendants deny the allegations contained in the third sentence, except to admit that ACS data reflected the demographic information set forth in this sentence as of 2017.

17. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of this paragraph. Defendants deny the

allegations contained in the third sentence, except to admit that ACS data reflected the demographic information set forth in this sentence as of 2017.

18. Defendants admit the allegations in the first sentence. The second sentence sets forth legal conclusions, to which no response is required.

19. This paragraph sets forth legal conclusions, to which no response is required.

20. The first sentence sets forth legal conclusions, to which no response is required. The second sentence sets forth Cross-Claimants' characterization of their claim, to which no response is required.

21. Defendants admit the allegations in the first sentence. The second and third sentences set forth legal conclusions, to which no response is required. The fourth sentence sets forth Cross-Claimants' characterization of their claim, to which no response is required.

22. This paragraph sets forth legal conclusions, to which no response is required.

23. This paragraph sets forth legal conclusions, to which no response is required.

FACTUAL ALLEGATIONS

24. This paragraph contains a citation to, and characterization of, the U.S. Constitution, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

25. This paragraph contains a citation to, and characterization of, the U.S. Constitution, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

26. This paragraph sets forth legal conclusions, to which no response is required.

27. This paragraph contains a citation to, and characterization of, legal authorities, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

28. This paragraph contains a citation to, and characterization of, a statute, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

29. This paragraph contains a citation to, and characterization of, legal authority, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

30. This paragraph contains a citation to, and characterization of, legal authority, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

31. This paragraph sets forth legal conclusions, to which no response is required.

32. This paragraph contains a citation to, and characterization of, legal authority, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

33. This paragraph contains a citation to a federal statute, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

34. This paragraph sets forth legal conclusions, to which no response is required.

35. Defendants deny the allegations contained in the first sentence, except to admit that, in its efforts to enable a person-by-person count, among other actions the Census Bureau

sends out a questionnaire to households in the United States. The second sentence sets forth legal conclusions, to which no response is required.

36. Defendants admit the allegations contained in the first sentence. The second sentence sets forth a legal conclusion, to which no response is required, but to the extent a response is required, deny.

37. Defendants admit the allegations contained in the first and third sentences of this paragraph. The second and fourth sentences set forth legal conclusions, to which no response is required; to the extent a response is required, Defendants deny the allegations.

38. Defendants admit the allegations contained in the first sentence. The second sentence sets forth legal conclusions, to which no response is required.

39. Defendants admit that, on July 11, 2019, President Trump issued Executive Order 13880. The remainder of this paragraph contains a citation to, and characterization of, legal authority, to which Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required.

40. This paragraph contains a citation to, and characterization of, legal authority, to which Defendants refer for its complete and accurate contents.

41. This paragraph sets forth legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

42. This paragraph sets forth legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

43. Part of this paragraph purports to quote President Trump during a press conference announcing the issuance of Executive Order 13880. Defendants refer to the

President's statements during that press conference for their complete and accurate contents. Defendants deny the remaining allegations in this paragraph.

44. This paragraph purports to quote Attorney General Barr during a press conference announcing the issuance of Executive Order 13880. Defendants refer to the Attorney General's statements during that press conference for their complete and accurate contents.

45. Defendants admit the allegations contained in the first sentence. The remainder of this paragraph purports to quote Congressional testimony, to which Defendants refer for its complete and accurate contents.

46. Defendants admit that the Census Bureau responded in writing to Congresswoman Pressley's office. The remainder of this paragraph purports to quote a news article, to which Defendants refer for its complete and accurate contents.

47. This paragraph sets forth legal conclusions, to which no response is required.

48. This paragraph sets forth legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

49. This paragraph sets forth legal conclusions, to which no response is required.

50. Denied.

51. This paragraph sets forth legal conclusions, to which no response is required.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

CAUSE OF ACTION

COUNT I

53. Defendants incorporate by reference the responses in all preceding paragraphs.

54. This paragraph contains citations to legal authority, to which Defendants refer for their complete and accurate contents, or sets forth legal conclusions, to which no response is required.

55. This paragraph sets forth legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

56. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

57. This paragraph sets forth legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

58. This paragraph sets forth legal conclusions, to which no response is required. To the extent a response is required, Defendants deny the allegations.

PRAYER FOR RELIEF

The remainder of the cross-claim constitutes a Prayer for Relief, to which no response is required. To the extent a response is required, Defendants deny that cross-claimants are entitled to any relief.

Each and every allegation of the Martinez Intervenors' Cross-Claim not expressly admitted or denied is hereby denied.

Having fully answered the Martinez Intervenors' Cross-Claim, Defendants respectfully request that the Court enter judgment dismissing the cross-claim and awarding Defendants costs and such other relief as the Court may deem appropriate.

Dated: December 2, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

DIANE KELLEHER
Assistant Branch Director

/s/ Brad P. Rosenberg

BRAD P. ROSENBERG (DC Bar #467513)
Assistant Branch Director

ALEXANDER V. SVERDLOV (NY Bar #4918793)
Trial Attorney

United States Department of Justice
Civil Division, Federal Programs Branch

1100 L Street, NW

Washington, DC 20005

Tel.: (202) 514-3374

Fax: (202) 616-8460

Email: brad.rosenberg@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties in this litigation.

/s/ Alexander V. Sverdlov
Alexander V. Sverdlov