

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

ROBYN KRAVITZ, *et al.*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
COMMERCE, *et al.*

Defendants.

**Case No. 18-cv-01041**

**DEFENDANTS' ANSWER TO SECOND AMENDED COMPLAINT**

Defendants United States Department of Commerce, United States Census Bureau, Wilbur L. Ross, Jr., in his official capacity as Secretary of Commerce, Karen Dunn Kelley, in her official capacity as the Under Secretary for Economic Affairs, performing the nonexclusive duties of the Deputy Secretary of Commerce, Ron S. Jarmin, in his official capacity as an employee of the U.S. Census Bureau performing the non-exclusive functions and duties of the Director of the U.S. Census Bureau, and Enrique Lamas, in his official capacity as an employee of the U.S. Census Bureau performing the non-exclusive duties and functions of the Deputy Director and Chief Operating Officer of the U.S. Census Bureau, answer Plaintiffs' Second Amended Complaint (ECF No. 55-1) ("SAC") as follows:

1. Deny the first and third sentences of paragraph 1, except to admit that on March 26, 2018, Secretary Ross directed the Census Bureau to reinstate a citizenship question on the 2020 census short-form questionnaire and that on March 29, 2018, Defendants transmitted to Congress the questions that will be asked on the 2020 census. Deny the second sentence of this paragraph.

2. The allegations of paragraph 2 consist of Plaintiffs' conclusions of law, to which no response is required but, to the extent a response is required, deny.

3. The allegations of paragraph 3 consist of Plaintiffs' characterization of this lawsuit, to which no response is required but, to the extent a response is required, deny.

4. The allegations of the first sentence of paragraph 4 consist of Plaintiffs' legal conclusions, to which no response is required. Admit the second and third sentences. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence, except to admit that federal funding for a wide array of programs is allocated to individual states and localities every year based upon decennial census data.

5. Deny.

6. Defendants deny the first sentence of paragraph 6, except to admit that the Census Bureau is a federal statistical agency within the Commerce Department. Defendants deny the second sentence, except to admit that the Census Bureau has been preparing for the 2020 Census for many years and has already completed numerous tests to inform the final content, design, and operation of the 2020 Census.

7. Defendants deny the first sentence of paragraph 7. Defendants deny the second sentence, except to admit that the questionnaire used for the 2018 End-to-End Test, which is currently underway, did not include a citizenship question.

8. The first sentence of paragraph 8 contains Plaintiffs' characterizations of the Secretary's March 26, 2018, decision memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to that memorandum (Exhibit 1 to the SAC) for a full and accurate statement of its contents and deny any allegations inconsistent with the memorandum. Defendants deny the second and third sentences of this paragraph.

9. The first and second sentences of paragraph 9 consist of Plaintiffs' characterizations of the Secretary's decision, as reflected in his decision memorandum, to which no response is required but, to the extent a response is required, deny. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the third and fourth sentences, for which Plaintiffs cite no source, but, to the extent a response is required, deny.

10. Defendants deny the first two sentences of paragraph 10. The last sentence of this paragraph consists of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is required, deny.

11. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 11, because Plaintiffs do not define what they mean by "highest," "statistical reliability," "accuracy," or "completeness," but, to the extent a response is required, deny. The second sentence of this paragraph consists of Plaintiffs' characterization of this action and of their motivation for this action, to which no response is required.

12. Paragraph 12 consists of Plaintiffs' allegations regarding jurisdiction, to which no response is required but, to the extent a response is required, Defendants deny that this Court has subject matter jurisdiction.

13. Paragraph 13 consists of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is required, deny.

14. The first sentence of paragraph 14 consists of Plaintiffs' allegations regarding venue, to which no response is required. Defendants admit the second sentence of this paragraph as to the United States Census Bureau and admit that Ron Jarmin and Enrique Lamas are employed in their official capacity in Prince George's County. Defendants deny the third sentence. Defendants are

without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

15.-36. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 15-36.

37. Admit.

38. Admit.

39. Defendants admit the first two sentences of paragraph 39. The last sentence of this paragraph consists of Plaintiffs' characterization of this action, to which no response is required.

40. Defendants admit the first two sentences of paragraph 40. The last sentence of this paragraph consists of Plaintiffs' characterization of this action, to which no response is required.

41. Defendants admit the first two sentences of paragraph 41. The last sentence of this paragraph consists of Plaintiffs' characterization of this action, to which no response is required.

42. Defendants admit the first two sentences of paragraph 42. The last sentence of this paragraph consists of Plaintiffs' characterization of this action, to which no response is required.

43. The allegations in paragraph 43 consist of Plaintiffs' characterizations of the U.S. Constitution and Plaintiffs' legal conclusions, to which no response is required.

44. The allegations in paragraph 44 consist of Plaintiffs' characterizations of the U.S. Constitution and case law and Plaintiffs' legal conclusions, to which no response is required.

45. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45, except to admit that states use data from the decennial census, including population data, to draw congressional and state legislative districts.

46. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46, except to admit that federal government agencies utilize data from

the decennial census, including population data, to allocate federal funds for a variety of different federal programs, including some or all of the programs listed in this paragraph.

47. The allegations in paragraph 47 consist of Plaintiffs' characterizations of the U.S. Constitution and cited statutory provisions, and Plaintiffs' legal conclusions, to which no response is required.

48. The allegations in paragraph 48 consist of Plaintiffs' characterizations of the cited statutory provisions, and Plaintiffs' legal conclusions, to which no response is required.

49. The allegations in the first sentence of paragraph 49 consist of Plaintiffs' characterizations of the cited statutory provision, to which no response is required. Admit the second sentence.

50. The allegations in the first sentence of paragraph 50 consist of Plaintiffs' characterizations of the cited statutory provision, to which no response is required. Admit the second sentence.

51. The allegations in paragraph 51 consist of Plaintiffs' characterizations of the cited statutory provisions, to which no response is required.

52. The allegations in paragraph 52 consist of Plaintiffs' conclusions of law, to which no response is required but, to the extent a response is required, deny.

53. The allegations in paragraph 53 consist of Plaintiffs' characterizations of the cited statutory provisions and Plaintiffs' conclusions of law, to which no response is required.

54. The allegations in paragraph 54 consist of Plaintiffs' characterizations of the cited statutory provision and regulation, and Plaintiffs' conclusions of law, to which no response is required.

55. The allegations in paragraph 55 consist of Plaintiffs' characterizations of the cited enactment and Plaintiffs' conclusions of law, to which no response is required.

56. Admit the first sentence of paragraph 56. The remaining allegations of this paragraph consist of Plaintiffs' characterizations of the cited OMB Statistical Policy Directive and Plaintiffs' conclusions of law, to which no response is required.

57. The allegations of paragraph 57 consist of Plaintiffs' characterizations of the cited OMB Statistical Policy Directive and Plaintiffs' conclusions of law, to which no response is required.

58. The allegations of paragraph 58 consist of Plaintiffs' characterizations of the cited Census Bureau Statistical Quality Standards and Plaintiffs' conclusions of law, to which no response is required.

59. The allegations of paragraph 59 consist of Plaintiffs' characterizations of the cited Census Bureau Information Quality Guidelines and Plaintiffs' conclusions of law, to which no response is required.

60. The allegations of paragraph 60 consist of Plaintiffs' characterizations of the cited statutory provisions and Plaintiffs' conclusions of law, to which no response is required.

61. Defendants deny the first sentence of paragraph 61, except to admit that pretesting of questions and questionnaires is generally a component of the Census Bureau's preparations for any census or survey activity. The remaining allegations of paragraph 61 consist of Plaintiffs' characterizations of the cited OMB Statistical Policy Directive and Census Bureau Statistical Quality Standards and Plaintiffs' conclusions of law, to which no response is required.

62. Deny the first sentence, noting that pretesting of a specific question previously used on another survey is not required. The second sentence of paragraph 62 consists of Plaintiffs' characterization of, and quoted excerpts from, the cited Program Management Review transcript, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to that transcript for a full and accurate statement of its contents and deny any allegations inconsistent with the transcript.

63. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 63 because Plaintiffs do not specify what they mean by “this,” “many,” or “complete.” Defendants deny the allegations in the second and third sentences except to admit that the Census Bureau spent at least nine years preparing for the next decennial census operation and that that preparation included many activities relating to development of a race and ethnicity question. The last sentence of this paragraph consists of Plaintiffs’ quoted excerpt from the cited Census Bureau memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the cited memorandum for a full and accurate statement of its contents and deny any allegations inconsistent with the memorandum.

64. Deny the first and third sentences except to admit that the Census Bureau will provide language support for the 2020 Census in multiple foreign languages and that both questionnaires and non-questionnaire materials must be prepared in multiple languages. The second sentence consists of Plaintiffs’ characterizations of, and quoted excerpts from, the cited Census Bureau Statistical Quality Standards, which speak for themselves and to which no response is required.

65. Deny the first sentence. Admit the second sentence. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the third sentence because Plaintiffs do not specify what they mean by “test,” “impact,” or “response rates,” but, to the extent a response is required, deny.

66. Deny the fifth sentence. Admit the remaining sentences.

67. The allegations of paragraph 67 consists of Plaintiffs’ quoted excerpt from the cited Census Bureau memorandum and Plaintiffs’ conclusions therefrom. The cited memorandum speaks for itself and no response is required. Defendants respectfully refer the Court to the cited

memorandum for a full and accurate statement of its contents and deny any allegations inconsistent with the memorandum.

68. Deny.

69. Defendants admit that the Census Bureau conducted a National Content Test in 2015. The remaining allegations in paragraph 69 and accompanying footnote 18 consist of Plaintiffs' characterization of, and quoted excerpts from, the cited publications, which speak for themselves and to which no response is required. The Court is respectfully referred to the cited publications for a complete and accurate statement of their contents, and Defendants deny any allegations of this paragraph inconsistent with those publications.

70. Deny the first sentence, except to admit that the Census Bureau has conducted cognitive testing of potential questionnaire content for the 2020 Census. Defendants deny the second sentence.

71. Paragraph 71 consists of Plaintiffs' characterization of, and quoted excerpt from, the cited publication, which speak for itself and to which no response is required. The Court is respectfully referred to the cited publication for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with that publication, including Plaintiffs' characterization of the referenced testing as "extensive," which Plaintiffs do not define.

72. Admit the first sentence. Deny the first part of the second sentence, up to the semicolon. The remaining part of this sentence and the third sentence consist of Plaintiffs' characterization of, and quoted excerpts from, the cited webpages, which speak for themselves and to which no response is required. The Court is respectfully referred to the cited webpages for a complete and accurate statement of their contents, and Defendants deny any allegations of this paragraph inconsistent with those webpages.



73. Defendants deny the first sentence of paragraph 73. The second sentence of this paragraph consists of Plaintiffs' characterization of, and quoted excerpt from, the cited publication, which speaks for itself and to which no response is required. The Court is respectfully referred to the cited publication for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with that publication.

74. Admit.

75. The allegations in the first sentence of paragraph 75 consist of Plaintiffs' characterizations of the cited statutory provision and Plaintiffs' conclusions of law, to which no response is required. Admit the second sentence.

76. Admit.

77. Deny.

78. Deny the first and third sentences of paragraph 78. Admit the second sentence.

79. The allegations of paragraph 79 consist of Plaintiffs' characterizations of the report mentioned in the affidavit cited in footnote 25, which both speak for themselves and to which no response is required. To the extent a response is required, Defendants admit that the cited affidavit was submitted in the referenced litigation and respectfully refer the Court to the affidavit and report discussed therein for a full and accurate statement of their contents.

80. Deny except to admit that Census Bureau officials testified before Congress in 1985 and 1988 regarding proposed legislation about counting immigrants in the census and made the quoted statements, and respectfully refer the Court to the congressional testimony cited in footnotes 26 and 27 for a full and accurate statement of the contents.

81. Deny except to admit that former Census Bureau Director Robert Groves made the quoted statements, and respectfully refer the Court to the C-SPAN video cited in footnote 28 for a full and accurate recording of his remarks.

82. Deny except to admit that former Census Bureau Director Kenneth Prewitt testified before Congress in 2005 about counting non-citizens in the census, and respectfully refer the Court to the testimony cited in footnote 29 for a full and accurate statement of its contents.

83. Deny except to admit that eight former Census Bureau Directors issued the referenced statement, and respectfully refer the Court to the statement cited in footnote 30 for a full and accurate statement of its contents.

84. Deny except to admit that four former Census Bureau Directors filed a brief containing the quoted statements and respectfully refer the Court to the brief cited in footnotes 31 and 32 for a full and accurate statement of its contents.

85. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 85, for which Plaintiffs cite no source, but to the extent a response is required, deny.

86. Deny, except to admit that, as set forth in the *Washington Post* article and webpage cited in footnote 33, the *Washington Post* reported obtaining a draft Executive Order proposing census questions to determine immigration and citizenship status, accompanied by a memorandum, and further aver that the authenticity of these documents has not been confirmed by the White House.

87. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 87, for which Plaintiffs cite no source.

88. Defendants admit that on December 12, 2017, the United States Department of Justice sent the letter cited in footnote 36 (“the DOJ Letter”) to the U.S. Census Bureau requesting that a citizenship question be included on the 2020 decennial census questionnaire. The remaining allegations of paragraph 88 consist of Plaintiffs’ characterization of this letter, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the cited letter

itself for a complete and accurate statement of its contents and deny any allegations of this paragraph not consistent with the letter.

89. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89, for which Plaintiffs cite no source.

90. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 90, except to admit that the news article cited in footnote 38 reports the existence of an email from President Trump's campaign committee addressing the 2020 census and contains a purported copy of the email.

91. Defendants admit Secretary Ross sent the memorandum referenced in the first sentence of paragraph 91 to Karen Dunn Kelley directing reinstatement of a citizenship question on the 2020 decennial census questionnaire. The remaining allegations of the first sentence consist of Plaintiffs' characterization of this memorandum, which speaks for itself and to which no response is required. The Court is respectfully referred to the cited memorandum, Exhibit 1 to the SAC (the "Ross Memorandum"), for a complete and accurate statement of its contents. The allegations in the second sentence consist of Plaintiffs' characterizations to which no response is required, but Defendants admit that the news articles cited in footnote 39 report on purported positions of the Census Bureau and members of the Census Scientific Advisory Committee.

92. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 92, except to admit that the news article cited in footnote 40 reports the existence of an email from President Trump's campaign committee addressing the 2020 census and purports to quote from that email.

93. The allegations of paragraph 93 consist of Plaintiffs' characterization of the Ross Memorandum, which speaks for itself and to which no response is required. Defendants

respectfully refer the Court to the Ross Memorandum itself for a complete and accurate statement of its contents and deny any allegations of this paragraph not consistent with the Memorandum.

94. The allegations of the first sentence of paragraph 94 consist of Plaintiffs' characterization of the Ross Memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the Ross Memorandum itself for a complete and accurate statement of its contents and deny any allegations of this sentence not consistent with the Memorandum. Deny the second sentence. The allegations in the third sentence consist of Plaintiffs' characterization of the cited case law, which speaks for itself and to which no response is required.

95. Deny the first sentence. The remaining allegations of this paragraph consist of Plaintiffs' characterization of the Ross Memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the Ross Memorandum itself for a complete and accurate statement of its contents and deny any allegations of this sentence not consistent with the Memorandum.

96. This paragraph consists of Plaintiffs' characterization of the Ross Memorandum and the cited statutory provisions, which speak for themselves and to which no response is required. Defendants respectfully refer the Court to the Ross Memorandum and the statute themselves for a complete and accurate statement of their contents and deny any allegations of this paragraph not consistent with the Memorandum and the statute.

97. Paragraph 97 consists of Plaintiffs' characterization of the Ross Memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the Ross Memorandum itself for a complete and accurate statement of its contents and deny any allegations of this sentence not consistent with the Memorandum.

98. Deny the first sentence of paragraph 98. The second sentence of this paragraph consists of Plaintiffs' characterization of the Census Bureau's Statistical Quality Standards, which speak for themselves and to which no response is required. The remaining sentences of the paragraph consists of Plaintiffs' characterization of statistical methodology and their conclusions drawn therefrom and from the article cited in footnote 43, to which no response is required, but, to the extent a response is required, deny insofar as the Census Bureau's view is that the citizenship question has been sufficiently tested in the context of the ACS.

99. The first sentence of paragraph 99 consists of Plaintiffs' characterization of the Ross Memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the Ross Memorandum itself for a complete and accurate statement of its contents and deny any allegations of this sentence not consistent with the Memorandum. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, except to admit that the news article cited in footnote 44 reports that Dr. Habermann provided the quoted statement.

100. The first two sentences of paragraph 100 consists of Plaintiffs' characterization of the Ross Memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the Ross Memorandum itself for a complete and accurate statement of its contents and deny any allegations of these sentences not consistent with the Memorandum. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the third sentence of this paragraph. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the fourth sentence of this paragraph except to admit that the news article cited in footnotes 44 and 45 reports that a Nielsen company spokesperson issued the quoted statement.

101. Paragraph 101 consists of Plaintiffs' characterization of the Ross Memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the Ross Memorandum itself for a complete and accurate statement of its contents and deny any allegations of this paragraph not consistent with the Memorandum.

102. Deny except to admit that the decision to add a citizenship question was made after receipt of the DOJ Letter in mid-December 2017.

103. Deny.

104. Paragraph 104 consists of Plaintiffs' characterization of the Ross Memorandum, which speaks for itself and to which no response is required. Defendants respectfully refer the Court to the Ross Memorandum itself for a complete and accurate statement of its contents and deny any allegations of this paragraph not consistent with the Memorandum.

105. Admit the first and second sentences. The remaining allegations in this paragraph consist of Plaintiffs' characterization of, and quoted excerpt from, the cited March 2018 Report, which speaks for itself and to which no response is required. The Court is respectfully referred to the cited report for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with that report.

106. Admit the first and second sentences. The allegations in the third sentence consist of Plaintiffs' characterization of, and quoted excerpt from, the cited March 2018 Report, which speaks for itself and to which no response is required. The Court is respectfully referred to the cited report for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with that report. Defendants deny the last sentence of this paragraph.

107. The first sentence of paragraph 107 consists of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is deemed necessary, deny. Defendants deny the remaining sentences of this paragraph.

108. The allegations in the first sentence of paragraph 108 consist of Plaintiffs' characterization of, and quoted excerpt from, the Ross Memorandum, which speaks for itself and to which no response is required. The Court is respectfully referred to the Ross Memorandum for a complete and accurate statement of its contents, and Defendants deny any allegations of this sentence inconsistent with the Memorandum. Defendants deny the second sentence of this paragraph.

109. Defendants are without knowledge of information sufficient to form a belief as to the truth of the allegations in the first and second sentences of paragraph 109, for which Plaintiffs cite no source and which contain many vague and undefined terms. The third sentence consists of Plaintiffs' characterization of the document cited in footnote 46, which speaks for itself and to which no response is required. The Court is respectfully referred to the cited document for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with that document. Defendants deny the last sentence.

110. The allegations in paragraph 110 consist of Plaintiffs' characterizations of the Ross Memorandum, which speaks for itself and to which no response is required. The Court is respectfully referred to the Ross Memorandum for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with the Memorandum.

111. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 111, but, to the extent a response is required, deny.

112-114. The allegations in paragraphs 112-114 consist of Plaintiffs' characterizations of the memorandum from the Center for Survey Measurement cited in footnotes 47-50, which speaks for itself and to which no response is required. The Court is respectfully referred to the cited

memorandum for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with the memorandum.

115. Paragraph 115 consists of Plaintiffs' characterizations of the presentation cited in footnotes 51 and 52, which speaks for itself and to which no response is required. The Court is respectfully referred to the cited presentation for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with the presentation.

116. The first sentence of paragraph 116 consists of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is deemed necessary, deny. The second sentence of this paragraph consists of Plaintiffs' characterizations of the Ross Memorandum, which speaks for itself and to which no response is required. The Court is respectfully referred to the Ross Memorandum for a complete and accurate statement of its contents, and Defendants deny any allegations of this sentence inconsistent with the Memorandum.

117. Paragraph 117 consists of Plaintiffs' characterization of, and quoted excerpts from, the congressional testimony cited in footnotes 53 and 54, which speaks for itself and to which no response is required. The Court is respectfully referred to the cited testimony for a complete and accurate statement of its contents, and Defendants deny any allegations of this paragraph inconsistent with that testimony.

118. The allegations in paragraph 118 consist of Plaintiffs' characterizations and legal conclusions to which no response is required but, to the extent a response is required, deny.

119. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 119, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.



120. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 120, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

121. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 121, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

122. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 122, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

123. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 123, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

124. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 124, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

125. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 125, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

126. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 126, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

127. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 127, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

128. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 128, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

129. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 129, for which Plaintiffs cite no source. Defendants deny the allegations in the second sentence of this paragraph.

130. Admit the first sentence of paragraph 130. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of paragraph 130. Defendants deny the remaining sentences in this paragraph.

131. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of paragraph 131. Defendants deny the allegations in the third sentence of this paragraph.

132. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 132, except to admit that federal government agencies utilize data from the decennial census, including population data, to allocate federal funds for a variety of different federal programs.

133. Deny.

134. The first and last sentences in paragraph 134 consist of plaintiffs' legal conclusions as to the cited law, to which no response is required. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of this paragraph.

135. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first, second and third sentences of paragraph 135. Defendants deny the allegations in the last sentence of this paragraph.

136. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 136. Defendants deny the allegations in the second sentence of this paragraph.

137. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of paragraph 137. Defendants deny the allegations in the last sentence of this paragraph.

138. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of paragraph 138. Defendants deny the allegations in the last sentence of this paragraph.

139. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of paragraph 139. Defendants deny the allegations in the last sentence of this paragraph.

140. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of paragraph 140. Defendants deny the allegations in the last sentence of this paragraph.

141. The allegations in paragraph 141 consist of Plaintiffs' legal conclusions as to the cited programs established by federal statute, to which no response is required.

142. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 142. Defendants deny the allegations in the second and third sentences of this paragraph.

143. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 143. Defendants deny the allegations in the second sentence of this paragraph.

144. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 144. Defendants deny the allegations in the second and third sentences of this paragraph.

145. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 145. Defendants deny the allegations in the second and third sentences of this paragraph.

146. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 146. Defendants deny the allegations in the second and third sentences of this paragraph.

147. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of paragraph 147. Defendants deny the allegations in the third and fourth sentences of this paragraph.

148. The first, second, third, and fourth sentences of paragraph 148 consist of Plaintiffs' legal conclusions as to the Medicaid program as established by federal statute, to which no response is required. Deny the last sentence of this paragraph.

149. The first, second, third, fourth, and fifth sentences of paragraph 149 consist of Plaintiffs' legal conclusions as to the Federal Foster Care Program as established by federal statute, to which no response is required. Deny the last sentence of this paragraph.

150. Defendants incorporate by reference their responses to the preceding paragraphs.

151. Paragraph 151 consists of Plaintiffs' characterization of the Constitution and Plaintiffs' legal conclusions, to which no response is required.

152. The first and third sentences of paragraph 152 consist of Plaintiffs' characterizations of the cited decisions and Plaintiffs' legal conclusions, to which no response is required. Defendants admit the second sentence of this paragraph.

153. Paragraph 153 consists of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is required, deny.

154-161. The allegations in paragraphs 154-161 consist of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is required, denied.

162. Defendants incorporate by reference their responses to the preceding paragraphs.

163. Paragraph 163 consists of Plaintiffs' characterizations of the cited statutory provisions and Plaintiffs' legal conclusions, to which no response is required.

164. Admit.

165. Paragraph 165 consists of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is required, deny.

166. Paragraph 166 consists of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is required, deny.

167-174. The allegations in these paragraphs consist of Plaintiffs' legal conclusions, to which no response is required but, to the extent a response is required, denied.

175. Paragraph 175 consists of Plaintiffs' prayer for relief, which contains no statements of fact to which a response is required. To the extent a response is required, Defendants deny the allegations and deny that Plaintiffs are entitled to any of the relief requested or to any relief whatsoever.

Defendants deny all allegations not specifically admitted or denied above.

Dated: October 25, 2018

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