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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

NATURAL GROCERS, *et al.*,

Plaintiffs,

v.

SONNY PERDUE, in his official
capacity as Secretary of the Department of
Agriculture, *et al.*,

Defendants.

CASE NO. 3:20-CV-05151-JD

**DEFENDANTS' ANSWER TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT FOR
DECLARATORY AND
EQUITABLE RELIEF**

Defendants—collectively, Sonny Perdue, Secretary of the U.S. Department of Agriculture; Bruce Summers, Administrator of the Agricultural Marketing Service (“AMS”); and United States Department of Agriculture (“USDA”)—hereby answer

1 Plaintiffs' First Amended Complaint for Declaratory and Equitable Relief ("First
2 Amended Complaint").

3 At the outset, Defendants object to Plaintiffs' First Amended Complaint for
4 failing to set forth a short and plain statement of the claims showing that Plaintiffs are
5 entitled to relief, as required by Rule 8(a)(2) of the Federal Rules of Civil Procedure.
6 Plaintiffs have set forth 401 paragraphs spanning 114 pages, which, to a large extent,
7 do not contain allegations of fact. Rather, they set forth legal argument and rhetoric
8 unnecessary and inappropriate for a complaint. Accordingly, Defendants are unable
9 to admit or deny paragraphs containing such argument and rhetoric. To the extent the
10 Court requires a response to such argument and rhetoric, Defendants respectfully
11 reserve the right to amend this Answer.

12 In addition, Plaintiffs used headings throughout their First Amended
13 Complaint. Defendants frequently used those same headings in the Answer for ease
14 of reference. Defendants' use of Plaintiffs' headings should not be interpreted as an
15 admission of or agreement with any language in Plaintiffs' headings.

16 Subject to the foregoing, in response to the numbered paragraphs of the First
17 Amended Complaint, Defendants respond as follows, using the same paragraph
18 numbering as does the First Amended Complaint:

19 1. This paragraph contains Plaintiffs' characterization of this lawsuit and
20 legal conclusions, to which no response is required. To the extent a response is
21 deemed necessary, Defendants deny the allegations in this paragraph.

22 2. The first sentence in this paragraph contains Plaintiffs' characterization
23 of the topic of genetically engineered organisms, to which no response is required. To
24 the extent a response is deemed necessary, Defendants deny the allegations in the first
25 sentence of this paragraph. Defendants lack knowledge or information sufficient to
26 form a belief as to the truth of the allegations in the second sentence of this
27 paragraph. Defendants admit that in 2016, Congress amended the Agricultural
28

1 Marketing Act of 1946 to establish the National Bioengineered Food Disclosure
2 Standard (collectively, “the Statute”) and otherwise deny the remaining allegations in
3 this paragraph.

4 3. Defendants deny the first sentence of this paragraph and aver that
5 USDA issued the implementing regulations on December 21, 2018. *See* Final Rule, 83
6 Fed. Reg. 65,814 (Dec. 21, 2018) (hereinafter, “Final Rule”). Defendants deny the
7 remaining allegations in this paragraph.

8 4. This paragraph contains Plaintiffs’ characterization of their lawsuit and
9 legal conclusions, to which no response is required. To the extent a response is
10 deemed necessary, Defendants deny the allegations in this paragraph.

11 5. This paragraph contains Plaintiffs’ characterization of their lawsuit and
12 legal conclusions, to which no response is required. To the extent a response is
13 deemed necessary, Defendants deny the allegations in this paragraph.

14 6. This paragraph contains Plaintiffs’ characterization of their lawsuit and
15 legal conclusions, to which no response is required. To the extent a response is
16 deemed necessary, Defendants deny the allegations in this paragraph.

17 7. This paragraph contains Plaintiffs’ characterization of their lawsuit and
18 legal conclusions, to which no response is required. To the extent a response is
19 deemed necessary, Defendants deny the allegations in this paragraph.

20 8. This paragraph contains Plaintiffs’ characterization of their lawsuit and
21 legal conclusions, to which no response is required. To the extent a response is
22 deemed necessary, Defendants deny the allegations in this paragraph.

23 9. This paragraph contains Plaintiffs’ characterization of their lawsuit and
24 legal conclusions, to which no response is required. To the extent a response is
25 deemed necessary, Defendants deny the allegations in this paragraph.
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JURISDICTION AND VENUE

10. This paragraph contains Plaintiffs’ legal conclusions, to which no response is required.

11. This paragraph contains Plaintiffs’ legal conclusions, to which no response is required.

12. This paragraph contains Plaintiffs’ legal conclusions, to which no response is required.

13. This paragraph contains Plaintiffs’ legal conclusions, to which no response is required.

14. This paragraph contains Plaintiffs’ legal conclusions, to which no response is required.

THE PARTIES

Plaintiffs

15. The first and second sentences of this paragraph consist of Plaintiffs’ characterization of themselves and their work about which Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations. The third sentence of this paragraph contains Plaintiffs’ characterization of their lawsuit, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in the third sentence of this paragraph.

16. This paragraph consists of Plaintiffs’ characterization of themselves and their work about which Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

17. This paragraph consists of Plaintiffs’ characterization of themselves and their work about which Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

1 18. This paragraph consists of Plaintiffs' characterization of themselves
2 and their work about which Defendants lack knowledge or information sufficient to
3 form a belief as to the truth of the allegations.

4 19. This paragraph consists of Plaintiffs' characterization of themselves
5 and their work about which Defendants lack knowledge or information sufficient to
6 form a belief as to the truth of the allegations.

7 20. This paragraph consists of Plaintiffs' characterization of themselves
8 and their work about which Defendants lack knowledge or information sufficient to
9 form a belief as to the truth of the allegations.

10 21. This paragraph consists of Plaintiffs' characterization of themselves
11 and their work about which Defendants lack knowledge or information sufficient to
12 form a belief as to the truth of the allegations.

13 22. The first and fourth sentences of this paragraph consist of Plaintiffs'
14 characterization of themselves and their work about which Defendants lack
15 knowledge or information sufficient to form a belief as to the truth of the allegations.
16 The second and third sentences of this paragraph consist of Plaintiffs' characterization
17 of an unidentified Connecticut law, to which no response is required. To the extent a
18 response is deemed necessary, Defendants lack knowledge or information sufficient to
19 form a belief as to the truth of the allegations.

20 23. This paragraph consists of Plaintiffs' characterization of themselves
21 and their work about which Defendants lack knowledge or information sufficient to
22 form a belief as to the truth of the allegations.

23 24. This paragraph contains Plaintiffs' characterization of their lawsuit and
24 legal conclusions, to which no response is required. To the extent a response is
25 deemed necessary, Defendants deny the allegations in this paragraph.

26 25. This paragraph consists of Plaintiffs' characterization of themselves
27 and their work about which Defendants lack knowledge or information sufficient to
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