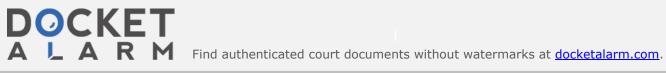
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15	NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION	
16	NATURAL GROCERS, et al.,	
17	Plaintiffs,	
18 19	V.	CASE NO. 3:20-CV-05151-JD
20		DEFENDANTS' ANSWER TO
20	SONNY PERDUE, in his official capacity as Secretary of the Department of	PLAINTIFFS' FIRST AMENDED COMPLAINT FOR
22	Agriculture, et al.,	DECLARATORY AND
23	Defendants.	EQUITABLE RELIEF
24		
25	Defendants—collectively, Sonny Perdue, Secretary of the U.S. Department	
26	of Agriculture; Bruce Summers, Administrator of the Agricultural Marketing Service	
27	("AMS"); and United States Department of Agriculture ("USDA")—hereby answer	



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

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

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

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

- 1. This paragraph contains Plaintiffs' characterization of this lawsuit and legal conclusions, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in this paragraph.
- 2. The first sentence in this paragraph contains Plaintiffs' characterization of the topic of genetically engineered organisms, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in the first sentence of this paragraph. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of this paragraph. Defendants admit that in 2016, Congress amended the Agricultural



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

- 3. Defendants deny the first sentence of this paragraph and aver that USDA issued the implementing regulations on December 21, 2018. *See* Final Rule, 83 Fed. Reg. 65,814 (Dec. 21, 2018) (hereinafter, "Final Rule"). Defendants deny the remaining allegations in this paragraph.
- 4. This paragraph contains Plaintiffs' characterization of their lawsuit and legal conclusions, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in this paragraph.
- 5. This paragraph contains Plaintiffs' characterization of their lawsuit and legal conclusions, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in this paragraph.
- 6. This paragraph contains Plaintiffs' characterization of their lawsuit and legal conclusions, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in this paragraph.
- 7. This paragraph contains Plaintiffs' characterization of their lawsuit and legal conclusions, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in this paragraph.
- 8. This paragraph contains Plaintiffs' characterization of their lawsuit and legal conclusions, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in this paragraph.
- 9. This paragraph contains Plaintiffs' characterization of their lawsuit and legal conclusions, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in this paragraph.

## 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.



- 18. 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.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. The first and fourth 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 second and third sentences of this paragraph consist of Plaintiffs' characterization of an unidentified Connecticut law, to which no response is required. To the extent a response is deemed necessary, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.
- 23. 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.
- 24. This paragraph contains Plaintiffs' characterization of their lawsuit and legal conclusions, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations in this paragraph.
- 25. This paragraph consists of Plaintiffs' characterization of themselves and their work about which Defendants lack knowledge or information sufficient to



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