

JEFFREY BOSSERT CLARK  
Acting Assistant Attorney General

ERIC WOMACK  
Assistant Branch Director

KRISTINA A. WOLFE  
Senior Trial Counsel, VA Bar No. 71570  
COURTNEY D. ENLOW  
Trial Attorney, NC Bar No. 46578  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW, Room 11506  
Washington, DC 20005  
Telephone: (202) 353-4519  
Email: kristina.wolfe@usdoj.gov

*Counsel for Defendants*

**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.  
26  
27  
28

## 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  
28

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