

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
LUCAS CALIXTO, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 18-1551 (PLF)
)	
DEPARTMENT OF THE ARMY, et al.,)	
)	
Defendants.)	
_____)	

DEFENDANTS’ ANSWER

Defendants the Department of the Army and the Secretary of Army Christine Wormuth (collectively, “Defendants”), by and through counsel, hereby answer the Third Amended Complaint (ECF No. 205) filed by Plaintiffs. Any allegations not specifically admitted, denied, or otherwise responded to below are hereby denied.

AFFIRMATIVE DEFENSES

1. Plaintiffs administratively waived any allegations or claims not presented to the agency in administrative claims.
2. Judicial review in this case is limited to evidence in the administrative record. Any evidence, claims, or allegations that are not reflected in the administrative record are outside the jurisdiction and permissible review of the Court.
3. Defendants reserve the right to raise any affirmative defense including, but not limited to, those expressly found in Federal Rule of Civil Procedure 8(c) that may be supported by the record in this civil action.

Defendants respond to Plaintiffs’ numbered paragraphs in the Complaint as follows:

THIRD AMENDED COMPLAINT¹

1. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

2. Defendants specifically deny aiming summary discharge actions at Plaintiffs due to their status as soldiers who enlisted through the Military Accessions Vital to the National Interest ("MAVNI") program. Defendants admit that the MAVNI program enabled certain non-U.S. citizens to enlist and serve in the U.S. Armed Forces, that in order to qualify for enlistment under the MAVNI program, Plaintiffs had to be lawfully present in the United States at the time of enlistment, that all MAVNI enlistees had to establish that they possessed the requisite health care or language skills deemed vital to the national interest, and that MAVNI enlistees had to score higher on the Armed Forces Qualification Test than some other enlistees. The remaining allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

3. Defendants admit each named Plaintiff enlisted in the U.S. Army in or before 2016. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in sentence one and upon that basis deny the remaining allegations in sentence one. Defendants admit sentence two.

4. Defendants admit that in September 2016, the Department of Defense instituted additional background checks for MAVNIs that ultimately included Counterintelligence reviews

¹ For ease of reference, Defendants refer to Plaintiffs' headings and titles, but to the extent these headings could be construed to contain certain factual allegations, those allegations are denied.

and/or Military Service Suitability Determinations, and that the District Court entered final judgment in two related lawsuits (*Nio v. DHS* and *Kirwa v. Dep't of Def.*) in August and September of 2020. Defendants respectfully refer the Court to the Court's Decision in those cases for a complete and accurate description of their contents and deny any allegation inconsistent therewith. The remaining allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

5. Defendants admit that some MAVNIs were administratively discharged due to unfavorable Military Service Suitability Determinations or for reasons other than unfavorable Military Service Suitability Determinations, including "refusal to enlist," "entry level performance and conduct," and medical/physical bases. The remaining allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

6. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

7. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

8. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

9. Denied.

10. The allegations in this paragraph are a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

11. Defendants admit to issuing an order revoking Specialist Calixto's discharge orders. The remaining allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

12. Defendants admit to suspending and revoking seven discharges on a date after August 3, 2018. The remaining allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

13. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

14. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

15. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

16. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

17. Defendants respectfully refer the Court to its August 13, 2018, Order for a complete and accurate description of its contents and deny any allegation inconsistent therewith. The remaining allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

18. Denied.

19. Defendants respectfully refer the Court to Dkt. Nos. 50, 50-1 for a complete and accurate description of their contents and deny any allegations inconsistent therewith.

20. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

21. Defendants respectfully refer the Court to Army's October 26, 2018, policy memorandum for a complete and accurate description of its contents and deny any allegation inconsistent therewith.

22. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

23. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

24. The allegations in sentence one set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied. Regarding sentence two, Defendants

respectfully refer the Court to Army's October 26, 2018, policy memorandum for a complete and accurate description of its contents and deny any allegation inconsistent therewith.

25. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

26. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

27. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

28. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

29. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

30. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit 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 or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

31. Defendants admit to sending email MSSR Notices to certain soldiers that indicated a substantive response was required within 30 days of receipt of the email. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

32. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

33. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

34. The allegations in this paragraph, and its subparagraphs a through f, set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

Defendants' Misrepresentations About the MSSR/MSSD Process

35. Defendants respectfully refer the Court to the testimony in *Tiwari v. Mattis*, 363 F. Supp. 3d 1154 (W.D. Wash. 2019) for a complete and accurate description of its contents and deny any allegation inconsistent therewith.

36. Defendants respectfully refer the Court to the Court's decision in *Tiwari v. Mattis*, 363 F. Supp. 3d 1154 (W.D. Wash. 2019) for a complete and accurate description of its contents and deny any allegation inconsistent therewith.

37. Admitted.

38. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

39. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

40. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

41. Defendants admit that on July 31, 2019, the Department of Defense issued Directive-type Memorandum 19-008, "Expedited Screening Protocol (ESP)." Defendants respectfully refer the Court to Directive-type Memorandum 19-008 for a complete and accurate description of its contents and deny any allegation inconsistent therewith. The remaining allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

The Army's New "Expedited Screening Protocol"

42. Admitted.

43. Admitted.

44. Admitted.

45. Defendants respectfully refer the Court to the Memo for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

46. Defendants respectfully refer the Court to the May 2021 Memo for a complete and accurate description of its contents and deny any allegation inconsistent therewith.

47. Admitted.

48. Admitted.

49. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

50. Denied.

51. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

52. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

The Affected Soldiers/Veterans

53. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

54. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

55. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

56. The allegations in this paragraph are a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

JURISDICTION

57. The allegations in this paragraph set forth legal characterizations and conclusions regarding jurisdiction to which no response is required. To the extent a response is necessary, denied.

VENUE

58. The allegations in this paragraph set forth legal characterizations and conclusions regarding jurisdiction to which no response is required. To the extent a response is necessary, denied.

PARTIES

59. Defendants deny that discharge actions are proceeding against Wanjing Li. Defendants aver that Wanjing Li is currently assigned to a Troop Providing Unit and her MSSD, completed prior to the new DOD Enhanced Screening Protocol directive, is currently at the Department of Defense Combined Adjudication Facility undergoing a National Security Determination. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and the remaining allegations in sentence two and upon that basis deny the allegations in sentence one and the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

60. Defendants deny that discharge actions are proceeding against Jingquan Qu. Defendants aver that Jingquan Qu received a favorable National Security Determination and is currently assigned to a U.S. Army Reserve Troop Program Unit. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and the remaining allegations in sentence two and upon that basis deny the allegations in sentence one and the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

61. Defendants admit Xiongzhou Zhang enlisted in the Delayed Entry Program. Defendants deny that discharge actions are proceeding against Xiongzhou Zhang. Defendants aver that Xiongzhou Zhang accepted reinstatement, is a member of the Delayed Entry Program, and is awaiting results from the Enhanced Screening Program. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations that sentence. Defendants deny the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

62. Defendants deny that discharge actions are proceeding against Xi Zhang. Defendants admit Xi Zhang enlisted in the Delayed Entry Program. Defendants aver that Xi Zhang is a member of the Delayed Entry Program and is awaiting results from the Enhanced Screening Program. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentence three is a characterization of

Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

63. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Sentence two is admitted. Sentence three sets forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

64. Defendants deny that discharge actions are proceeding against Sansiri Suangchomphan. Defendants admit Sansiri Suangchomphan enlisted in the Delayed Entry Program and is awaiting results from the Enhanced Screening Program. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

65. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Sentence two is admitted. Sentence three sets forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

66. Defendants deny that discharge actions are proceeding against Wen Si. Defendants admit that Wen Si enlisted in the Delayed Entry Program. Defendants aver that Wen Si's MSSD, completed prior to the new Department of Defense Enhanced Screening Protocol directive, is currently at the Department of Defense Combined Adjudication Facility undergoing a National

Security Determination. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

67. Defendants admit in sentence two that Yunzheng He enlisted in the Delayed Entry Program. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentence three sets forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

68. Defendants admit Wendpagnagde Yabre enlisted in the Delayed Entry Program. Defendants aver that Wendpagnagde Yabre's MSSD, completed prior to the new Department of Defense Enhanced Screening Protocol directive, is currently at the Department of Defense Combined Adjudication Facility undergoing a National Security Determination. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

69. Defendants deny that discharge actions are proceeding against Sen Li. Defendants admit Sen Li enlisted in the Delayed Entry Program. Defendants aver that Sen Li is awaiting results from the Enhanced Screening Program. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny

the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

70. Defendants admit Fang Lu enlisted into the Delayed Training Program. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

71. Defendants admit Anton Tate enlisted into the Delayed Training Program. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

72. Defendants admit Yue Yin was separated in 2017. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and the remaining allegations in sentence two and upon that basis deny the allegations those sentences. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

73. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Sentence two is admitted. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

74. Defendants deny that discharge actions are proceeding against Zehua Bian. Defendants admit that Zehua Bian is in the Delayed Training Program and is assigned to the 304th Engineer Company. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Defendants deny the remaining allegations in sentence two. Sentences three and four are a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

75. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Sentence two is admitted. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

76. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Sentence two is admitted. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

77. Defendants aver that Gunay Miriyeva was separated while attending Basic Combat Training for failing to meet medical, physical, and procurement standards. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Sentence two is admitted. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

78. Defendants aver that Sandeep Mahat was separated in 2018 while attending Basic Combat Training for failing to meet medical, physical, and procurement standards. Defendants

lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Sentence two is admitted. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

79. Defendants aver that Shengfan Yang was separated in 2019 while attending Basic Combat Training for failing to meet initial entry performance and conduct standards. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in sentence one. Sentence two is admitted. Sentence three is a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

80. Admitted.

81. Admitted.

82. Admitted.

MAVNI Program Changes

83. Defendants admit that the MAVNI program was a Department of Defense recruiting program under which certain non-U.S. citizens with critical language and/or medical skills that are "vital to the national interest" could enlist and serve in the United States Armed Forces and since its inception, more than 10,400 soldiers have enlisted in the armed services through the MAVNI program. The remaining allegations in this paragraph are denied.

84. Defendants respectfully refer the Court to Department of Defense's September 30, 2016, policy memorandum and the Army's October 26, 2018, policy memorandum for a complete and accurate description of their contents and deny any allegation inconsistent therewith. The

remaining allegations are a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

85. Denied.

86. Denied.

87. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

88. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

89. Defendants admit that some MAVNIs in entry level status at the time of discharge received "uncharacterized" characterizations of service. The remaining allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

90. Denied.

91. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

92. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

The Discharge Actions Against Plaintiffs and Similarly-Situated MAVNI Soldiers

93. Regarding sentences one and two, Defendants respectfully refer the Court to Dkt. Nos. 24-1, 89, 101, and 113, for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith. Sentence three is admitted.

94. Defendants admit Delayed Entry Program recruits are contracted to serve on active duty in the Army at some point in the future, and that in the case of a Delayed Entry Program assigned solely to USAREC, the USAREC discharge order cancels the Delayed Entry Program recruit's enlistment contract, removes them from the Delayed Entry Program, and removes them from USAREC. Defendants respectfully refer the Court to Dkt. Nos. 24-1, 89, 101, and 113, for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith.

95. Defendants admit that in the case of a Delayed Entry Program enlistee assigned solely to USAREC, the USAREC discharge order cancels the Delayed Entry Program recruit's enlistment contract, removes them from the Delayed Entry Program, and removes them from USAREC. Defendants respectfully refer the Court to Dkt. Nos. 24-1, 89, 101, and 113 for a complete and accurate description of Defendants' statements and deny any allegations inconsistent therewith.

96. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

97. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

Category 1 Plaintiffs

98. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

99. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

100. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

101. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

102. The allegations in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no response is required. To the extent a response is deemed necessary, denied.

Wanjing Li

103. Admitted.

104. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

105. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

106. Defendants admit that the Army completed an N-426 for SPC Li in June of 2018. Defendants respectfully refer the Court to the June 2018 N-426 for a complete and accurate description of its contents and deny any allegation inconsistent therewith.

107. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in sentences one and two of this paragraph. Defendants respectfully refer the Court to Plaintiff's Orders for a complete and accurate description of its contents and deny any allegation inconsistent therewith.

108. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

109. Denied. Defendants aver that Wanjing Li is not discharged from the Army as of the date of this filing.

110. Defendants respectfully refer the Court to the record in *Nio v. DHS* for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

111. For sentence one, Defendants respectfully refer the Court to Dkt. No. 21-1 for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith. Regarding sentence two, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

112. Defendants respectfully refer the Court to Dkt. No. 21-1 for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith.

113. Defendants respectfully refer the Court to Dkt. No. 168 for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith.

114. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

115. Defendants respectfully refer the Court to the July 13, 2020, email for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

116. Defendants respectfully refer the Court to the July 13, 2020, email for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

117. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

118. Sentence one is denied. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence two and upon that basis deny the allegations in that sentence.

Jingquan Ou

119. Admitted.

120. Defendants admit to executing a Form N-426 in November 2017 certifying Jingquan Qu's service as "Honorable" to that date. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentences one and two and upon that basis deny the allegations in those sentences.

121. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentences one and two and upon that basis deny the allegations in

those sentences. Regarding sentence three, Defendants respectfully refer the Court to Jingquan Qu's discharge order for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

122. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

123. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

124. Defendants aver that Jingquan Qu is not discharged from the Army. Defendants respectfully refer the Court to Jingquan Qu's records for a complete and accurate description of their contents and deny any allegations inconsistent therewith.

125. Defendants respectfully refer the Court to Dkt. No. 21-1 for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith.

126. Defendants respectfully refer the Court to the record in *Nio v. DHS* for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

127. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the May 27, 2020, report for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

128. Defendants respectfully refer the Court to Dkt. No. 168 for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

129. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

130. Defendants respectfully refer the Court to the July 15, 2020, email for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith.

131. Defendants respectfully refer the Court to the July 15, 2020, email for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith.

132. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

133. Sentence one is denied. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

Xiongzhou Zhang

134. Sentences one and two are admitted. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence three and upon that basis deny the allegations in that sentence.

135. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the email for a complete and accurate description of Defendants statements and deny any allegation inconsistent therewith.

136. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

137. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

138. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

139. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

140. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

141. Defendants admit that Xiongzhou Zhang was offered and accepted reinstatement in the Army. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

142. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

143. Defendants admit that Xiongzhou Zhang is not discharged and is currently awaiting results from the Enhanced Screening Protocols implemented by the Department of Defense. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

144. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

145. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

146. Defendants admit that SPC Zhang is not discharged and is currently awaiting results from the Enhanced Screening Protocols implemented by the Department of Defense. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

Xi Zhang

147. Defendants admit sentences one and two. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence three and upon that basis deny the allegations in that sentence.

148. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

149. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

150. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

151. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

152. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

153. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

154. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the Congressional Response for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

155. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

156. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the Congressional Response for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

157. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the Congressional Response for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

158. Defendants admit that Xi Zhang is not discharged and is currently awaiting results from the Enhanced Screening Protocols implemented by the Department of Defense. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

Chenhao Qian

159. Defendants admit sentences one and two. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence three and upon that basis deny the allegations in that sentence.

160. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

161. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

162. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to Plaintiff's letter for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

163. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph

164. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to Plaintiff's FOIA request for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

165. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

166. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

167. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

168. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

169. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

170. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

171. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

172. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

173. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

174. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

175. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

Sansiri Suangchomphan

176. Defendants admit sentences one and two. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence three and upon that basis deny the allegations in that sentence.

177. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

178. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

179. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

180. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

181. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

182. Defendants respectfully refer the Court to the Response to Senator Merkley for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

183. Defendants admit that Plaintiff Suangchomphan has not shipped to Basic Training. Defendants deny the remaining allegations in this paragraph.

184. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants admit that the MSSD results are at the Department of Defense's Central Adjudication Facility for adjudication and the results are pending. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

Lei Liu

185. Defendants admit sentences one and two. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence three and upon that basis deny the allegations in that sentence.

186. Admitted.

187. Admitted.

188. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the Letter for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

189. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

190. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

191. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

192. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

Wen Si

193. Defendants admit sentences one and two. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence three and upon that basis deny the allegations in that sentence.

194. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

195. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

196. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

197. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

198. Defendants admit they sent a MSSR notification letter on or about April 6, 2020. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

199. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

200. Defendants admit that the MSSD results are at the Department of Defense's Central Adjudication Facility for adjudication and the results are pending. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

Yunzheng He

201. Defendants admit sentences one and two. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence three and upon that basis deny the allegations in that sentence.

202. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the Letter for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

203. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

204. Defendants respectfully refer the Court to email for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

205. Defendants respectfully refer the Court to MSSR notification for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

206. Defendants admit that Yunzheng He responded to supplemental MSSR notification on or about August 14, 2020. Defendants respectfully refer the Court to email for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

207. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

208. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

209. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Wendpagnagde Yabre

210. Defendants admit sentence one. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

211. Defendants respectfully refer the Court to Plaintiff's FOIA request for a complete and accurate description of its contents and deny any allegations inconsistent therewith. Defendants also respectfully refer the Court to the MSSR for a complete and accurate description

of its contents and deny any allegations inconsistent therewith. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence four and upon that basis deny the allegations in that sentence.

212. Defendants admit Wendpagnagde Yabre is not discharged from the Army and is awaiting his results from the Department of Defense Central Adjudication Facility. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

213. Defendants admit Wendpagnagde Yabre's MSSD is at the Department of Defense's Central Adjudication Facility for adjudication. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

214. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

215. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

Sen Li

216. Defendants admit sentences one and two. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence three and upon that basis deny the allegations in that sentence.

217. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

218. Defendants respectfully refer the Court to the notification for a complete and accurate description of its contents and deny any allegations inconsistent therewith. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

219. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

220. Defendants admit Sen Li is not discharged from the Army and is awaiting his results from the Enhanced Screening Protocols. Defendants deny the remaining allegations in this paragraph.

Category 1 and/or 2 Plaintiffs

Fang Lu

221. Admitted.

222. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence.

223. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentences one and two and upon that basis deny the allegations in those sentences. Defendants respectfully refer the Court to the discharge order for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

224. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

225. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

226. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentences one and two and upon that basis deny the allegations in those sentences. For sentence three, Defendants respectfully refer the Court to the record in *Nio v. DHS* for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

227. Defendants respectfully refer the Court to Dkt. Nos. 22-1, 89-2, 168 for a complete and accurate description of their contents and deny any allegations inconsistent therewith.

228. Defendants respectfully refer the Court to Dkt. No. 168 for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

229. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

230. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

231. Defendants respectfully refer the Court to Dkt. No. 166 and Plaintiff's email for a complete and accurate description of their contents and deny any allegations inconsistent therewith.

232. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

233. Defendants respectfully refer the Court to Plaintiff's email for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

234. Defendants respectfully refer the Court to the discharge order for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

235. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

236. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

237. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

238. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

239. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Anton Tate

240. Admitted.

241. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

242. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

243. Denied.

244. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

245. Defendants respectfully refer the Court to the order for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

246. Defendants respectfully refer the Court to the order for a complete and accurate description of its contents and deny any allegations inconsistent therewith. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph.

247. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

248. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

249. Defendants admit that on December 3, 2020, Defendants revoked a November 16, 2020, order discharging Anton Tate from service. The remaining allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Yue Yin

250. Defendants admit sentence one. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentences two and three and upon that basis deny the allegations in those sentences.

251. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

252. Defendants respectfully refer the Court to the order for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

253. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

254. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

255. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

256. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

257. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

258. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Sai Krishna Uppugandla

259. Defendants admit sentence one. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentences two, three, and four and upon that basis deny the allegations in those sentences.

260. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

261. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the Response to Senator Portman for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

262. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

263. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

264. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

265. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

266. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

267. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

268. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

269. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

270. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

271. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

Zehua Bian

272. Admitted.

273. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

274. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

275. Defendants respectfully refer the Court to the Notification for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

276. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

277. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

278. Defendants admit that Zehu Bian is not discharged from service and is currently awaiting results from Enhanced Screening Protocols. Defendants deny the remaining allegations in this paragraph.

279. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Category 2 Plaintiffs

280. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

281. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

282. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Hyunsung Kim

283. Defendants admit sentence one. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentences two and three and upon that basis deny the allegations in those sentences.

284. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

285. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

286. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

287. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

288. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

289. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

290. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Chengping Yuan

291. Defendants admit sentence one. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentences two and three and upon that basis deny the allegations in those sentences.

292. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

293. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

294. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

295. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

296. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

297. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

Category 3 Plaintiffs

298. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

299. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

300. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Gunay Miriyeva

301. Admitted.

302. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

303. Admitted.

304. Admitted.

305. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

306. Defendants admit that they issued a Department of Defense Form 214 to Gunay Miriyeva on December 21, 2018. Defendants respectfully refer the Court to that Form for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

307. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

308. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

309. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

Sandeep Mahat

310. Admitted.

311. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

312. Admitted.

313. Admitted.

314. Admitted.

315. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

316. Defendants admit that they issued a Department of Defense Form 214 to Sandeep Mahat on October 2, 2018. Defendants respectfully refer the Court to that Form for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

317. Defendants admit that Sandeep Mahat signed a voluntary waiver of Trial Defense Counsel consultation on September 12, 2018, and that this signed waiver was executed after he acknowledged he had received a legal briefing and been fully advised of his rights to confidential counsel. The remaining allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

318. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

Shengfan Yang

319. Admitted.

320. Admitted.

321. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

322. Defendants respectfully refer the Court to the Counseling Statement for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

323. Defendants respectfully refer the Court to the Counseling Statement for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

324. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence one and upon that basis deny the allegations in that sentence. Defendants respectfully refer the Court to the Recommendation Form for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

325. Defendants admit that they issued a Department of Defense Form 214 to Shengfan Yang on October 9, 2019. Defendants respectfully refer the Court to that Form for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

326. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

327. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

328. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

329. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

330. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

The Summary Discharges Violate Regulations and the Constitution

331. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Army Regulations Applicable to Involuntary Administrative Discharges

332. Sentence one is denied. The remaining allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

333. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

334. Defendants respectfully refer the Court to the orders and the Memo for a complete and accurate description of their contents and deny any allegations inconsistent therewith.

335. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

336. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

337. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, Defendants respectfully refer the Court to the regulation and the Army's October 2018 memorandum for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

338. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

339. For sentence one, Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith. The allegations contained in sentence two set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

340. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

341. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

342. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

343. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

344. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

345. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

346. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

347. Defendants respectfully refer the Court to the regulation for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

348. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

349. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

350. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

351. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Applicable Department of Defense Regulations

352. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

353. For sentence one, Defendants respectfully refer the Court to the Instruction for a complete and accurate description of its contents and deny any allegations inconsistent therewith. The allegations contained in sentence two set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

354. Defendants respectfully refer the Court to the Manual for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

355. Defendants respectfully refer the Court to the Manual for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

356. Defendants respectfully refer the Court to the Manual for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

357. Defendants respectfully refer the Court to the Manual for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

358. Defendants respectfully refer the Court to the Instruction for a complete and accurate description of its contents and deny any allegations inconsistent therewith.

359. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

360. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Constitutional Rights

361. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

362. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

The Army's Retaliation Against MAVNI Soldiers as a Result of This and Related Lawsuits

363. Defendants respectfully refer the Court to the Dkt. Entries for a complete and accurate description of their contents and deny any allegations inconsistent therewith.

364. For sentence one, Defendants respectfully refer the Court to the email for a complete and accurate description of its contents and deny any allegations inconsistent therewith. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph. To the extent Plaintiffs allege that the email is in any way related to the Plaintiffs or any of Plaintiffs' claims in this case, or is evidence of retaliation, those allegations are denied.

365. For sentence one, Defendants respectfully refer the Court to the email for a complete and accurate description of its contents and deny any allegations inconsistent therewith. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and upon that basis deny the remaining allegations in this paragraph. To the extent Plaintiffs allege that the email is in any way related to the Plaintiffs or any of Plaintiffs' claims in this case, or is evidence of retaliation, those allegations are denied.

366. Sentence one is denied. For sentence two, Defendants respectfully refer the Court to the email for a complete and accurate description of its contents and deny any allegations inconsistent therewith. Sentences three and four are denied. To the extent Plaintiffs allege that the email is in any way related to the Plaintiffs or any of Plaintiffs' claims in this case, or is evidence of retaliation, those allegations are denied.

367. Sentence one is denied. Defendants respectfully refer the Court to the email for a complete and accurate description of its contents and deny any allegations inconsistent therewith. The remaining allegations contained in this paragraph set forth legal characterizations and

conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

368. Sentence one is denied. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in sentence two and upon that basis deny the allegations in that sentence.

369. Defendants admit the instruction to JAG lawyers was withdrawn. Defendants deny the remaining allegations in this paragraph.

370. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

371. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

372. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

373. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

374. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

375. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

376. Denied.

377. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and upon that basis deny the allegations in this paragraph.

378. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

CLASS ACTION ALLEGATIONS

379. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

380. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

381. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

382. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

383. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

384. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

385. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

386. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

387. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

388. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

389. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

390. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

391. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

392. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

393. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

394. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

CLAIMS FOR RELIEF

Count I: Declaratory Judgment

395. The answers in the previous paragraphs are incorporated herein by reference.

396. The allegations contained in this paragraph set forth legal characterizations to which no answer is required. To the extent a response is required, denied.

397. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

398. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Count II: Injunctive Relief

399. The answers in the previous paragraphs are incorporated herein by reference.

400. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

401. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

402. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

403. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

404. This paragraph contains Plaintiffs' requested relief to which no response is required. To the extent a response may be deemed necessary, Defendants deny that Plaintiffs are entitled to the relief requested or to any relief whatsoever.

405. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

406. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

407. This paragraph contains Plaintiffs' requested relief to which no response is required. To the extent a response may be deemed necessary, Defendants deny that Plaintiffs are entitled to the relief requested or to any relief whatsoever.

Count III: Administrative Procedure Act

408. The answers in the previous paragraphs are incorporated herein by reference.

409. The allegations contained in this paragraph set forth legal characterizations to which no answer is required. To the extent a response is required, denied.

410. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

411. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Count IV: Constitutional Violation – Procedural and Substantive Due Process

412. The answers in the previous paragraphs are incorporated herein by reference.

413. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

414. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

415. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

416. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Count V: Constitutional Violation – Equal Protection

417. The answers in the previous paragraphs are incorporated herein by reference.

418. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

419. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

420. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

421. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

422. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

Count VI: Constitutional Violation – First Amendment Retaliation

423. The answers in the previous paragraphs are incorporated herein by reference.

424. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

425. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

426. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

427. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

428. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

429. The allegations contained in this paragraph set forth legal characterizations and conclusions of law or are otherwise a characterization of Plaintiffs' lawsuit to which no answer is required. To the extent a response is required, denied.

PRAYER FOR RELIEF

The “Wherefore” paragraph of the Complaint contains Plaintiffs’ requested relief to which no response is required. To the extent a response may be deemed necessary, Defendants deny that Plaintiffs are entitled to the relief requested or to any relief whatsoever.

Defendants deny each and every allegation in the complaint that has not been previously qualified or admitted above. Wherefore, Defendants having fully answered, request that Plaintiffs’ Complaint be dismissed with prejudice, that costs be assessed against the Plaintiffs, and that Defendants be awarded any other relief deemed just and proper.

* * *

Dated: November 5, 2021
Washington, DC

Respectfully submitted,

MATTHEW M. GRAVES, D.C. Bar. #481052
United States Attorney

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