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8 *Attorney General Kamala D. Harris and*
California Department of Justice
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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14 **EUGENE EVAN BAKER,**
15
16 Plaintiff,
17
18 **v.**
19 **ERIC H. HOLDER, JR., in his official**
capacity as ATTORNEY GENERAL
OF THE UNITED STATES, et al.
20 Defendants.
21

CV 1 03996-SVW(AJWx)

**ANSWER TO FIRST AMENDED
COMPLAINT BY DEFENDANTS
CALIFORNIA ATTORNEY
GENERAL KAMALA D.
HARRIS AND CALIFORNIA
DEPARTMENT OF JUSTICE**

Judge: Hon. Stephen V. Wilson
Trial Date: None
Action Filed: 10/12/2012

22 Defendants California Attorney General Kamala D. Harris and California
23 Department of Justice answer Plaintiffs' First Amended Complaint ("complaint")
24 as follows:

25 **ANSWER TO PLAINTIFFS' PRELIMINARY STATEMENT**

26 1. Answering paragraph 1, Defendants admit that the complaint speaks for
27 itself. Defendants admit that federal law speaks for itself. Except as specifically
28 admitted, Defendants deny the allegations of paragraph 1.

1 2. Defendants lack sufficient knowledge or information to form a belief as to
2 the truth of the allegations of paragraph 2, and on that basis deny the allegations of
3 paragraph 2.

4 3. Answering paragraph 3, Defendants admit that the relevant state and
5 federal laws and court order speak for themselves. Except as specifically admitted,
6 Defendants deny the allegations of paragraph 3.

7 4. Answering paragraph 4, Defendants admit that the California Department
8 of Justice is a “Point of Contact” for the United States Department of Justice.
9 Except as specifically admitted, Defendants deny the allegations of paragraph 4.

10 5. Defendants deny the allegations of paragraph 5.

11 **ANSWER TO PLAINTIFFS’ ALLEGATIONS REGARDING**
12 **JURISDICTION AND VENUE**

13 6. Answering paragraphs 6 through 8, Defendants admit that the relevant state
14 and federal laws speak for themselves. Except as specifically admitted, Defendants
15 deny the allegations of paragraphs 6 through 8.

16 **ANSWER TO PLAINTIFFS’ DESCRIPTION OF PARTIES**

17 7. Defendants lack sufficient knowledge or information to form a belief as to
18 the truth of the allegations of paragraph 9, and on that basis deny the allegations of
19 paragraph 9.

20 8. Answering paragraph 10, Defendants admit that Defendant Holder is the
21 Attorney General of the United States. Except as specifically admitted, Defendants
22 deny the allegations of paragraph 10.

23 9. Answering paragraph 11, Defendants admit that Defendant Harris is the
24 Attorney General of California. Except as specifically admitted, Defendants deny
25 the allegations of paragraph 11.

26 10. Answering paragraph 12, Defendants admit that the California
27 Department of Justice is a political subdivision of the State of California.
28 Defendants admit that the California Department of Justice is a “Point of Contact”

1 for the United States Department of Justice. Except as specifically admitted,
2 Defendants deny the allegations of paragraph 12.

3 11. Defendants lack sufficient knowledge or information to form a belief as to
4 the truth of the allegations of paragraph 13, and on that basis deny the allegations of
5 paragraph 13.

6 **ANSWER TO PLAINTIFFS' DESCRIPTION OF**
7 **FACTS APPLICABLE TO ALL CLAIMS**

8 12. Defendants lack sufficient knowledge or information to form a belief as to
9 the truth of the allegations of paragraphs 14 through 21, and on that basis deny the
10 allegations of paragraphs 14 through 21.

11 **ANSWER TO PLAINTIFFS' DESCRIPTION OF**
12 **RELEVANT CALIFORNIA PENAL STATUTES**

13 13. Answering the first sentence of paragraph 22, Defendants lack sufficient
14 knowledge or information to form a belief as to the truth of the allegations of that
15 sentence, and on that basis deny the allegations of the sentence. Answering the
16 second sentence of paragraph 22, Defendants admit that the relevant state law
17 speaks for itself. Except as specifically admitted, Defendants deny the allegations
18 of the second sentence of paragraph 22.

19 14. Answering paragraphs 23 through 25, Defendants admit that the relevant
20 state laws speak for themselves. Except as specifically admitted, Defendants deny
21 the allegations of paragraphs 23 through 25.

22 **ANSWER TO PLAINTIFFS DESCRIPTION OF RELEVANT**
23 **FEDERAL & STATE FIREARMS LAWS**

24 15. Answering paragraphs 26 through 29, Defendants admit that the relevant
25 state and federal laws speak for themselves. Except as specifically admitted,
26 Defendants deny the allegations of paragraphs 26 through 29.

ANSWER TO PLAINTIFFS' FIRST CLAIM

16. Answering paragraph 30, Defendants incorporate by reference their responses to paragraphs 1 through 29 of the complaint to the same extent Plaintiffs have incorporated the allegations of those paragraphs into the first claim.

17. Defendants deny the allegations of paragraphs 31 through 35.

ANSWER TO PLAINTIFFS' SECOND CLAIM

18. Answering paragraph 36, Defendants incorporate by reference their responses to paragraphs 1 through 29 of the complaint to the same extent Plaintiffs have incorporated the allegations of those paragraphs into the second claim.

19. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 37, and on that basis deny the allegations of paragraph 37.

20. Defendants deny the allegations of paragraphs 38 through 43.

ADDITIONAL DEFENSES

ONE

The complaint, and each claim for relief therein, fails to state facts sufficient to constitute a cause of action.

TWO

The Defendants deny that they have subjected Plaintiffs to the deprivation of any rights, privileges or immunities secured by the Constitution or laws of the United States or the State of California.

THREE

Plaintiffs' claims in this action are barred in that they do not have standing to assert them.

FOUR

There is no case or controversy in this action as required by Article III of the United States Constitution.

FIVE

Defendants affirmatively state that any actions they have taken with respect to Plaintiffs have been in good faith, have been reasonable and prudent, and have been consistent with all applicable legal and constitutional standards.

SIX

Plaintiffs' claims in this action are barred by the equitable doctrines of waiver, laches, unclean hand, and/or estoppel.

SEVEN

Plaintiffs' claims in this action are uncertain, vague, ambiguous, improper, and unintelligible.

EIGHT

The Eleventh Amendment bars part or all of the relief requested by Plaintiffs.

PRAYER FOR RELIEF

Accordingly, Defendants pray as follows:

1. That judgment be entered in favor of the Defendants and against Plaintiffs on the complaint as a whole, and on each claim therein, and that Plaintiffs take nothing by way of the complaint;

2. That the complaint, and each claim of relief therein, be dismissed with prejudice;

3. That the Defendants be awarded the costs, expenses, and attorneys' fees incurred in this action; and

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1 4. That the Court grant the Defendants such additional relief as it deems
2 proper.

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4 Dated: November 9, 2012

Respectfully submitted,

5 KAMALA D. HARRIS
6 Attorney General of California
7 PETER K. SOUTHWORTH
8 Supervising Deputy Attorney General

/s/ ANTHONY R. HAKL

9 ANTHONY R. HAKL
10 Deputy Attorney General
11 *Attorneys for Defendants California*
12 *Attorney General Kamala D. Harris*
13 *and California Department of Justice*

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CERTIFICATE OF SERVICE

Case Name: **Baker, Eugene Evan v. Eric H. Holder** No. **CV 1 03996-SVW(AJWx)**

I hereby certify that on November 9, 2012, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

ANSWER TO FIRST AMENDED COMPLAINT BY DEFENDANTS CALIFORNIA ATTORNEY GENERAL KAMALA D. HARRIS AND CALIFORNIA DEPARTMENT OF JUSTICE

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 9, 2012, at Sacramento, California.

Brenda Apodaca
Declarant

/s/ Brenda Apodaca
Signature